

ARTICLE II: LEGISLATIVE BRANCH

Case Annotations: *Sablan v. Tenorio*, 4 N.M.I. 351--360.

Related Commonwealth Code Sections: See [1 CMC 1101](#) et seq. (legislative branch).

Section 1: Legislative Power.

The legislative power of the Commonwealth shall extend to all rightful subjects of legislation and shall be vested in a Northern Marianas Commonwealth legislature composed of a senate and a house of representatives.

Source: Original provision, unaltered (ratified 1977, effective 1978).

Related Commonwealth Code Sections: See generally [1 CMC 1101](#) et seq. (1 CMC, Div. 1, legislative branch).

Case Annotations: *Bolalin v. Guam Publications, Inc.*, 4 N.M.I. 176--181; *Sablan v. Tenorio*, 4 N.M.I. 351--364.

Section 2: Composition of the Senate.

a) The senate shall consist of nine members with three members elected at large from each of three senatorial districts. The first senatorial district shall consist of Rota, the second senatorial district shall consist of Tinian and Aguiguan, and the third senatorial district shall consist of Saipan and the islands north of it. The senate shall be increased to twelve members and three members shall be elected at large from a fourth senatorial district consisting of the islands north of Saipan at the first regular general election after the population of these islands exceeds one thousand persons.

Case Annotations: *Sablan v. Tenorio*, 4 N.M.I. 351--356, 365, 368, 377.

b) The term of office for senator shall be four years except that the candidate receiving the third highest number of votes in the first election in each senatorial district shall serve a term of two years.

c) A senator shall be qualified to vote in the Commonwealth, at least twenty-five years of age, and a resident and domiciliary of the Commonwealth for at least five years immediately preceding the date on which the senator takes office. A longer residency and domicile requirement may be provided by law.

Case Annotations: *Mafnas v. Inos*, 1 N.M.I. 101--108; *Sablan v. Tenorio*, 4 N.M.I. 351--368.

d) A candidate for the senate shall be a registered voter in the senatorial district where he or she is a candidate.

Source: Original provision (ratified 1977, effective 1978); amended by Second Const. Conv. Amend. 4 (1985).

Related Commonwealth Code Sections: See generally [1 CMC 1102](#); see also [1 CMC 6332](#) and [6334](#) (nomination of candidates), [1 CMC 6341](#) (campaign financing disclosure), and [1 CMC 6421](#) et seq. (election contests).

Section 3: Composition of the House of Representatives.

a) The house of representatives shall consist of fourteen members with twelve members elected from Saipan and the islands north of it, one member elected from Rota and one member elected from Tinian and Aguiguan. The number of representatives may be increased by law to not more than twenty. The term of office for representative shall be two years.

b) For purposes of electing representatives Rota shall constitute one district, Tinian and Aguiguan shall constitute one district, and Saipan and the islands north of it shall constitute six districts. The legislature

may change the number and boundaries of these districts only pursuant to its duties under section 4 of this article. When the population of the islands north of Saipan equals or exceeds the number of persons represented by any member of the house of representatives these islands shall constitute a separate district electing one representative.

c) A representative shall be qualified to vote in the Commonwealth, at least twenty-one years of age, and a resident and domiciliary of the Commonwealth for at least three years immediately preceding the date on which the representative takes office. A longer residency and domicile requirement may be provided by law.

d) A candidate for the house of representatives shall be a registered voter of the election precinct where he or she is a candidate.

Source: Original provision (ratified 1977, effective 1978); amended by Second Const. Conv. Amend. 4 (1985).

Related Commonwealth Code Sections: See generally [1 CMC 1103](#); see also [1 CMC 1501](#) et seq. (Reapportionment Act of 1991), [1 CMC 6332-6334](#) (nomination of candidates), [1 CMC 6341](#) (campaign financing disclosure) and [1 CMC 6421](#) et seq. (election contests).

Section 4: Reapportionment and Redistricting.

a) At least every ten years and within one hundred twenty days following publication of the results of a decennial census, the legislature shall reapportion the seats in the house of representatives or revise the districts for electing representatives as required by changes in Commonwealth population or by law. A reapportionment or redistricting plan shall provide for contiguous and compact districts and for representation by each member of the house of representatives of approximately the same number of residents to the extent permitted by the separate islands and the distribution of population in the Commonwealth.

Case Annotations: *Sablan v. Tenorio*, 4 N.M.I. 351--360.

b) If the legislature fails to act pursuant to section 4(a), the governor shall promulgate a reapportionment or redistricting plan within one hundred twenty days after the expiration of the time for the legislature to act. The governor's plan shall be published in the same manner as an act of the legislature and upon publication shall have the force of law. Upon the petition of any person qualified to vote, the Commonwealth appeals court or the United States District Court if no Commonwealth appeals court has been created under section 3 of article IV has original and exclusive jurisdiction to review a plan and to amend it to comply with the requirements of this Constitution or to establish a plan if the governor has failed to act within the time provided.

Source: Original provision, unaltered (ratified 1977, effective 1978).

Related Commonwealth Code Sections: See [1 CMC 1501](#) et seq. (Reapportionment Act of 1991); see also [1 CMC 2484](#) (censuses).

Case Annotations: *Sablan v. Tenorio*, 4 N.M.I. 351--360, 366.

Section 5: Enactment of Legislation.

a) Appropriation and revenue bills may be introduced only in the house of representatives. Other bills may be introduced in either house of the legislature.

b) A bill shall be confined to one subject except bills for appropriations or bills for the codification, revision or rearrangement of existing laws. Appropriation bills shall be limited to the subject of appropriations. Legislative compliance with this subsection is a constitutional responsibility not subject to judicial review.

c) The legislature may not enact a law except by bill and no bill may be enacted without the approval of at least a majority of the votes cast in each house of legislature.

d) The legislature shall enact no law which increases the class of nonaliens, except as to those persons defined in Covenant Section 506(c).

Source: Original provision (ratified 1977, effective 1978); amended by Second Const. Conv. Amend. 5 (1985).

Related Commonwealth Code Sections: See [1 CMC 7201](#) et seq. (legislative review and approval of annual operating budget).

Case Annotations: *Sonada v. Cabrera*, 1997 MP 5, 5 N.M.I. 57.

Section 6: Local Laws.

Laws that relate exclusively to local matters within one senatorial district may be enacted by the legislature or by the affirmative vote of a majority of the members representing that district. The legislature shall define the local matters that may be the subject of laws enacted by the members from the respective senatorial districts, laws enacted through initiative by the voters of a senatorial district under article IX, section 1, regulations promulgated by a mayor under article VI, section 3(e), or local ordinances adopted by agencies of local government established under article VI, section 6(b).

Source: Original provision, unaltered (ratified 1977, effective 1978).

Related Commonwealth Code Sections: See generally [1 CMC 1401](#) et seq. (Local Law Act of 1983, defining matters that may be the subject of local laws); see also [6 CMC 2227](#) (permitting local firearm control laws). Local laws are codified in title 10.

Case Annotations: *Commonwealth v. Tinian Casino Gaming Control Commn*, 3 N.M.I. 134--145.

Section 7: Action on Legislation by the Governor.

a) Every bill enacted shall be signed by the presiding officer of the house in which the bill originated and transmitted to the governor. If the governor signs the bill, it shall become law. If the governor vetoes the bill, it shall be returned to the presiding officer of each house of the legislature with a statement of the reasons for the veto. The governor may veto an item, section, or part in an appropriation bill and sign the remainder of the bill; provided that the governor may not veto an item, section, or part governing the manner in which an appropriation may be expended if any appropriation affected by the item, section, or part is approved.

Case Annotations: *In re Tenth Legislature Bills*, 1998 MP 3, 5 N.M.I. 155.

b) The governor shall have twenty days in which to consider appropriation bills and forty days in which to consider other bills. If the governor fails either to sign or veto a bill within the applicable period, it shall become law.

c) A bill or an item, section, or part of a bill vetoed by the governor may be reconsidered by the legislature. The legislature shall have sixty days from the receipt of the governor's veto message in the house of origin of the vetoed bill, item, section or part of a bill to reconsider the vetoed legislation. If two-thirds of the members in each house vote upon reconsideration to pass the bill, item, section or part, it shall become law.

d) Any appropriation bill, or any bill affecting spending authority, government financial management, or organization of the government, enacted in the period between a regular general election and the second Monday of January of the following year shall be void unless enacted by the affirmative vote of three-fourths of the members of each house of the legislature.

Source: Original provision (ratified 1977, effective 1978); amended by Second Const. Conv. Amend. 6 (1985); Senate Legislative Initiative 7-1 (1993).

Related Commonwealth Code Sections: See [1 CMC 7101](#) et seq., as amended by Executive Order 94-3 (Planning and Budget Act of 1983).

Case Annotations: *Sablan v. Tenorio*, 4 N.M.I. 351--364.

Section 8: Impeachment.

The legislature may impeach those executive and judicial officers of the Commonwealth subject to impeachment under this Constitution. The house of representatives may initiate impeachment proceedings by the affirmative vote of two-thirds of its members and the senate may convict after hearing by the affirmative vote of two-thirds of its members.

Source: Original provision, unaltered (ratified 1977, effective 1978).

Section 9: Vacancy.

A vacancy in the legislature shall be filled by special election if one-half or more of the term remains. If less than one-half of the term remains, the governor shall fill the vacancy by appointing the unsuccessful candidate for the office in the last election who received the largest number of votes and is willing to serve or, if no candidate is available, a person qualified for the office from the district represented.

Source: Original provision, unaltered (ratified 1977, effective 1978).

Related Commonwealth Code Sections: See [1 CMC 6432](#) (special elections set by legislature).

Section 10: Compensation.

The members of the legislature shall receive an annual salary of eight thousand dollars and reasonable allowances for expenses provided by law. The salary of members may be changed no more than once every four years and only upon the recommendation of an advisory commission established by law to make recommendations concerning the compensation of Commonwealth executive, legislative and judicial officers. No change in the salary may be made that exceeds the percentage change in an accepted composite price index for the period since the last change. An increase in salary may not apply to the legislature that enacted it.

Source: Original provision, unaltered (ratified 1977, effective 1978).

Related Commonwealth Code Sections: See [1 CMC 1251](#) (per diem compensation), [1 CMC 1271](#) (setting salary of \$39,300) and [1 CMC 8221](#) (government housing for president of senate and speaker of house).

Section 11: Other Government Employment.

A member of the legislature may not serve in any other Commonwealth government position including other elective office or an independent board, agency, authority or commission established by this Constitution or by Commonwealth law. A person, having been a member of the legislature, may not serve in any elective or appointive Commonwealth Government position created by statute during the term for which he or she was elected, for a period of one year following the expiration of the term during which the position was created.

Source: Original provision (ratified 1977, effective 1978); amended by Second Const. Conv. Amend. 7 (1985).

Section 12: Immunity.

A member of the legislature may not be questioned in any other place for any written or oral statement in the legislature and a member of the legislature may not be subject to arrest while going to or coming from a meeting of the legislature except for commission of treason, a felony or breach of the peace.

Source: Original provision, unaltered (ratified 1977, effective 1978).

Section 13: Sessions.

The legislature shall meet for organizational purposes on the second Monday of January in the year following the regular general election at which members of the legislature are elected and shall be a continuous body for the two years between these organizational meetings. Each house shall meet in regular sessions for no more than ninety days each year, sixty days before April 1 and thirty days after July 31 of each calendar year, and may be convened at other times for not more than ten consecutive days upon request by its presiding officer or by the governor. When meeting pursuant to a call by the governor, the legislature shall consider only those subjects described in the call.

Source: Original provision (ratified 1977, effective 1978); amended by Second Const. Conv. Amend.8 (1985).

Related Commonwealth Code Sections: See [1 CMC 1104](#) (organization and procedure).

Case Annotations: *Mafnas v. Inos*, 1 N.M.I. 101--106, 108; *In re Tenth Legislature Bills*, 1998 MP 3, 5 N.M.I. 155.

Section 14: Organization and Procedures.

(a) Each house of the legislature shall be the final judge of the election and qualifications of its members and the legislature may vest in the courts the jurisdiction to determine contested elections of members. Each house may compel the attendance of absent members, discipline its members and, by the affirmative vote of three-fourths of its members, expel a member for commission of treason, a felony, breach of the peace, or violation of the rules of that house.

Case Annotations: *Mafnas v. Inos*, 1 N.M.I. 101--105; *Borja v. Tenorio*, 1998 MP 2, 5 N.M.I. 152.

Related Commonwealth Code Sections: See [1 CMC 6601](#) et seq. (election contests).

Absolute authority of the legislature to decide upon the seating of its members, and to determine whether courts shall play any role in that process, is expressly set forth in [N.M.I. Const. art. II, 14\(a\)](#). While the legislature may authorize courts to review legislative elections and determine their outcomes, nothing requires it to grant courts such jurisdiction.

Nabors v. Manglona, 829 F.2d 902 (9th Cir. 1987).

Under [N.M.I. Const. art. II, 14\(a\)](#) only the legislature has the power to seat its members, and only if the legislature delegates some or all of its power to the courts do courts obtain jurisdiction to determine contested legislative elections. In repealing judicial review provisions in the Northern Mariana Islands Election Act pursuant to PL 5-7, the legislature made it clear that it did not want judicial review of legislative elections. [1 CMC 6421](#) et seq.

Manglona v. Benavente, 829 F.2d 899 (9th Cir. 1987).

b) Each house of the legislature shall choose its presiding officer from among its members, establish the committees necessary for the conduct of its business, and promulgate rules of procedure. Each house may compel the attendance and testimony of witnesses and the production of books and papers before the house or its committees. The legislature shall keep a journal of its proceedings that shall be published from day to day.

Case Annotations: *Mafnas v. Inos*, 1 N.M.I. 101--106, 107, 108; *Sablan v. Tenorio*, 4 N.M.I. 351--363.

c) The meetings of the legislature and its committees shall be public except that each house of the legislature or a legislative committee may meet in executive session if authorized by the affirmative vote of two-thirds of the members of the house. Final action on any legislative matter may not be taken in executive session.

Source: Original provision (ratified 1977, effective 1978); amended by Second Const. Conv. Amend. 7 (1985).

Related Commonwealth Code Sections: See [1 CMC 1104](#) (organization and procedure), [1 CMC 1105](#) (election of officers), [1 CMC 1301](#) et seq. (investigative authority, including subpoena powers), and [1 CMC 6601](#) et seq. (election contests).

Section 15: Conduct of Members.

A member of the legislature who has a financial or personal interest in a bill before the legislature shall disclose that interest and may not debate on or vote on the bill.

Source: Original provision (ratified 1977, effective 1978); amended by Second Const. Conv. Amend.40 (1985).

Section 16: Budget Ceiling.

There shall be a ceiling on the budget of the legislature.

a) Appropriations, or obligations and expenditures, for the operations and activities of the legislature and legislative bureau, other than the salaries of members of the legislature, any payments required by law to be made as an employer contribution to any Commonwealth government retirement fund, and major equipment or capital improvement projects, may not exceed in any fiscal year the budget ceiling provided in this section.

b) Each member of each house shall receive an equal amount within this ceiling not to exceed one hundred fifty-five thousand dollars annually for office and related expenses including all expenses for travel. Members may voluntarily pool all or any part of these funds.

c) The presiding officer in each house shall receive within this ceiling an additional amount not to exceed four hundred thousand dollars a year to support the operations and activities of that house, to be expended according to the rules of that house. A portion of such amount shall be equally distributed to the standing committees of that house for their operations and activities.

d) The legislative bureau shall have a budget of not more than two million dollars, for the purposes specified in section 17. The Bureau may not purchase, rent, or lease vehicles for the use of individual members of the legislature or their offices. The Bureau may not defray travel expenses of individual members of the legislature or their personal staff except as approved by joint resolution of the legislature. The term major equipment or capital improvement projects in subsection (a) does not include the purchase, rental, or lease of vehicles for the use of individual members of the legislature or their offices.

e) Beginning the second Monday of January 1998, the amount of the ceiling and all other dollar amounts stated in this section shall be adjusted every two years by the same percentage as the percentage change in the United States Department of Commerce composite price index during the two preceding fiscal years using the beginning of fiscal year 1996 as the base.

f) No part of the appropriations for the legislature or the legislative bureau, other than a members salary, may be used for personal or political activities.

g) Obligations and expenditures for the operations and activities of the legislature for the period October 1 through the second Monday in January of a fiscal year in which there is a regular general election may not exceed twenty five percent of the annual spending authority provided by law consistent with this section. This ceiling shall apply to the various offices and activities in the same proportions as the annual spending authority provided by law consistent with this section.

Source: Second Const. Conv. Amend. 7 (1985); amended by Legislative Initiative 2 (House Legislative Initiative 6-2) (1989); House Legislative Initiative 10-8, SS1 (1997).

Commission Comment:Section 16 was last amended by the provisions of Section 1 of House Legislative Initiative 10-8, SS1 (1997) and is set forth as amended by House Legislative Initiative 10-8, SS1 (1997).

Section 17: Legislative Bureau.

There is hereby established a legislative bureau in the Northern Marianas Commonwealth Legislature.

a) The bureau shall be headed by a director to be appointed by the joint leadership of the legislature consisting of the presiding officers, vice presiding officers, floor leaders, and the chairmen of the standing committees.

b) The director shall employ all necessary staff, other than personal staff of the members of the legislature, pursuant to budgetary allocations. The staff members shall include legal counsel and other administrative staff.

c) The bureau shall provide all required services to the legislature in connection with duties and responsibilities during sessions and committee meetings. It shall maintain all records, files, library and other documents of the legislature.

d) The director may be removed by a majority of the members of each house of the legislature with or without cause.

e) The bureau shall be free from any political harassment or pressure.

f) [Repealed.]

Source: Second Const. Conv. Amend. 10 (1985); amended by Legislative Initiative 2 (House Legislative Initiative 6-2) (1989); House Legislative Initiative 10-8, SS1 (1997).

Commission Comment:Subsection (f) above, which was added by Legislative Initiative 2, was repealed by the provisions of Section 1 of House Legislative Initiative 10-8, SS1 (1997). This section is set forth as amended by House Legislative Initiative 10-8, SS1 (1997).