



## List state of affairs draft national ordinances June 1, 2020

| NO. | TITLE   | DOCUMENTS EXCHANGED  | PHASE                                     | ON INITIATIVE OF  | DESCRIPTION  | REMARKS |
|-----|---|--|---|---|--|---------|
| 003 | Initiative National Ordinance amending Book 7A of the Civil Code (National Ordinance elimination improper use of employment contracts) (Parliamentary Year 2010-2011-003)   | 1. Presentation dated 06/06/11<br>2. Draft dated 06/06/11<br>3. Elucidation dated 06/06/11<br>4a. Advice Council of Advice dated 15/09/11<br>4b. Further report dated 03/04/12<br>4c. Advice SER dated 18/09/12                          | Parliament must bring out a report        | <ul style="list-style-type: none"> <li>- William V. Marlin</li> <li>- George C. Pantophlet</li> <li>- Lloyd J. Richardson</li> <li>- Frans G. Richardson</li> <li>- Hyacinth L. Richardson</li> <li>- Louie E. Laveist</li> </ul> | This draft aims to adopt rules to reduce or eliminate the improper use of employment contracts for short-term positions which essentially have a lasting and / or permanent nature.  |         |
| 024 | Initiative National Ordinance establishing rules and amending the Island Ordinance of July 26, 2010 laying down rules on the granting of a concession for the generation and supply of electricity (Ordinance electricity concession) AB 2010 no. 27, for the promotion of the efficient use and control of the cost of energy (Parliamentary Year 2011-2012-024) | 1. Presentation dated 21/03/12<br>2. Draft dated 21/03/12<br>3. Elucidation dated 21/03/12<br>4a. Advice Council of Advice dated 07/09/12  | Initiative takers must bring out reaction | <ul style="list-style-type: none"> <li>- Roy R. Marlin</li> <li>- Petrus L. de Weever</li> <li>- Patrick G. Illidge</li> </ul>  | This draft national ordinance intends to introduce rules and to change the Island ordinance of July 26, 2010 (AB 2010, no. 27) comprising rules about the issuing of concession for the generation and supply of electricity (Ordinance electricity concession) to promote an effective use of energy and management of costs. |         |
| 027 | Initiative National Ordinance amending the Room Tax Ordinance Sint Maarten (Parliamentary Year 2011-2012-   | 1. Presentation dated 03/07/12<br>2. Draft dated 03/07/12<br>3. Elucidation dated 03/07/12<br>4a. Advice Council of Advice dated 28/09/12<br>4b. Advice SER dated 05/04/13<br>4c. Reaction dated 24/10/13<br>5. Letter from MinFin of no | Parliament must bring out a report        | <ul style="list-style-type: none"> <li>- Silvia V. Meyers-Olivacce</li> <li>- Johan E. Leonard</li> <li>- Ruth A.G. Douglas</li> </ul>  | This draft intends to modify the tariff structure for the levying of room tax on the availability of premises in a property or a part thereof by   |         |

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|     | 027)   | objection against draft dated 15/10/13   |  | s<br>- Jules C. James                        | means of a time-sharing for the purpose of changing the staying of persons and to supplement the provisions on monitoring of implementation of the Room tax Ordinance of Sint Maarten.  |   |
| 033 | Initiative National Ordinance amending the ordinance of protection of nature St. Maarten of September 1, 2003 (AB 2003, no. 25) (Parliamentary Year 2012-2103-033) | 1. Presentation dated 11/04/13<br>2. Draft dated 11/04/13<br>3. Elucidation dated 11/04/13<br>4. Letter Council of Advice dated 06/06/13<br>5. New presentation dated 06/03/14<br>6. Draft dated 06/03/14<br>7. Elucidation dated 06/03/14<br>8. Advice Council of Advice dated 25/04/14 | Initiative takers have to bring out reaction | - Frans G. Richards on<br>- Johan E. Leonard | This draft intends to impose a ban on importing, producing, providing, selling and distributing plastic disposable bags as well as amending some terms in the national ordinance.   |   |
| 037 | Initiative Ordinance establishing a Timeshare Authority (Sint Maarten Timeshare Authority Ordinance) (Parliamentary Year 2013-2104-037)                            | 1. Presentation dated 08/01/14<br>2. Draft dated 08/01/14<br>3. Elucidation dated 08/01/14<br>4a. Advice Council of Advice dated 03/07/14<br>4b. Reaction dated 21/06/16<br>5. Final report dated 31/08/16<br>6. Memorandum in response of report dated 14/02/17                         | Currently in Public Meeting                  | - Petrus L. de Weever                        | This draft aims to ensure the maintenance of consumer protection in timeshare and to ensure the effective settlement of conflicts between stakeholders, to entrust these tasks to a public body to be set up by a national ordinance.   | This draft has been taken over by Sarah A. Wescot-Williams. |
| 064 | National Ordinance establishing rules on media policy (Media National Ordinance) (Parliamentary Year 2014-2015-064)**  | 1. Presentation dated 02/04/15<br>2. Draft dated 02/04/15<br>3. Elucidation dated 02/04/15<br>Attachment. Advice Council of Advice dated 02/04/15<br>4. Preliminary report dated 02/04/15  | Parliament must bring out a report           | Government                                   | Parliament NA number 3222<br><br>This draft intends to secure the separation of regulations in the area of media and telecommunication policies, laying down detailed rules for media policy on the basis of sobriety and flexibility, setting up a Media Council and laying down detailed rules on the |   |

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|     |   |  |  |                         | administrative enforcement of the media policy obligations.   |  |
| 072 | Initiative National Ordinance amending the National Ordinance on Admission and Expulsion (Parliamentary Year 2014-2015-072)                         | 1. Presentation dated 05/06/15<br>2. Draft dated 05/06/15<br>3. Elucidation dated 05/06/15<br>4a. Advice Council of Advice dated 28/07/15<br>4b. Reaction dated 08/02/16 | Parliament must bring out a report       | - Maurice A. Lake       | This draft intends to charge for the processing of applications for permits for temporary residence or stay and any other statements.   |  |
| 073 | Initiative National Ordinance altering the National Ordinance restriction tobacco use (Parliamentary Year 2014-2015-073)                            | 1. Presentation dated 08/06/15<br>2. Draft dated 08/06/15<br>3. Elucidation dated 08/06/15<br>4a. Advice Council of Advice dated 31/08/15                                | Initiative taker must bring out reaction | - Van Hugh C. de Weever | This draft aims to expand the National Ordinance to restrict the use of tobacco with the prohibition of using tobacco products in publicly accessible rooms, work spaces and public transport as well as to impose a fine in this national ordinance.                                   |  |
| 076 | Initiative National Ordinance amending the Electoral Ordinance and the National Ordinance basic personal records (Parliamentary Year 2014-2015-076) | 1. Presentation dated 12/08/15<br>2. Draft dated 12/08/15<br>3. Elucidation dated 12/08/15<br>4a. Advice Council of Advice dated 26/11/15                                | Initiative taker must bring out reaction | - Leona M. Marlin-Romeo | This draft intends to amend the Electoral Ordinance and the National Ordinance basic personal records, in order to extend the right to vote with certain groups of non-residents and to tighten up the procedures regarding voting rights and the basic administration of Sint Maarten. |  |
| 078 | Initiative National Ordinance for setting up the Small Claims Court Sint Maarten (Parliamentary Year 2014-2015-078)                                 | 1. Presentation dated 19/08/15<br>2. Draft dated 19/08/15<br>3. Elucidation dated 19/08/15<br>4a. Advice Council of Advice dated 26/11/15                                | Initiative taker must bring out reaction | - Leona M. Marlin-Romeo | This draft intends to lay down detailed rules regarding the setting and manner of proceedings in cases with claims representing a value of Naf 5.000, - or less, interest and costs not included.   |  |

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| 079 | Initiative National Ordinance amending the cinema Regulation in connection with the amendment of the duties, composition, tenure and other changes to the vetting (Parliamentary Year 2014-2015-079)   | 1. Presentation dated 19/08/15<br>2. Draft dated 19/08/15<br>3. Elucidation dated 19/08/15<br>4a. Advice Council of Advice dated 04/11/15  | Initiative taker must bring out reaction | - Tamara E. Leonard        | This draft aims to modernize the Cinema Ordinance by altering the rights and composition and duration of the selection committee and placing the ultimate responsibility for bringing children under the age of 18 to a film found by the committee as being inadmissible for children by the parents or guardians of these children. |
| 084 | National Ordinance amending the National Ordinance Spatial Development Plan in connection with the reintroduction of article 28a (Parliamentary Year 2015-2016-084)  | 1. Presentation dated 14/01/16<br>2. Draft dated 14/01/16<br>3. Elucidation dated 14/01/16<br>4a. Advice Council of Advice dated 14/01/16<br>4b. Further report dated 14/01/16<br>5. Final report dated 18/04/16<br>6. Memorandum in response of the report dated 17/05/16 | Currently in Public meeting              | Government                 | This draft intends to reaffirm article 28a of the National Ordinance Spatial Development Planning in the interests of proper spatial planning and the protection of future destinations.  |
| 085 | Initiative National Ordinance containing rules regarding the integrity of the (candidate) Ministers (National Ordinance integrity (candidate) Ministers) (Parliamentary Year 2015-2016-085)  | 1. Presentation dated 20/01/16<br>2. Draft dated 20/01/16<br>3. Elucidation dated 20/01/16<br>4. Advice Council of Advice dated 20/01/16   | Initiative taker must bring out reaction | - Van Hugh C. de Weever    | This draft aims to provide transparency regarding the procedures followed in the assessment of candidate ministers before making a nomination.  |
| 088 | Initiative National Ordinance amending the Constitution (AB 2010 no. GT 1) to expand the tasks of the Constitutional Court and adaptation to the National Ordinance Constitutional Court (AB 2010 GT no. 29) and the National Ordinance Ombudsman (AB 2010 GT no. 20) in | 1. Presentation dated 18/07/16<br>2. Draft dated 18/07/16<br>3. Elucidation dated 18/07/16<br>4a. Advice Council of Advice dated 26/10/16  | Initiative taker must bring out reaction | - Sarah A. Wescot-Williams | This draft intends to expand the tasks of the Constitutional Court and to implement some legislative improvements in the Constitution and the National Ordinance Ombudsman.   |

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|     | connection with the amendment of the Constitution (Parliamentary Year 2015-2016-088)  |  |  |                            |  |  |
| 110 | Initiative National Ordinance amending the Electoral Ordinance (AB 2010, No. GT 10) (Parliamentary Year 2017-2018-110)  | 1. Presentation dated 12/06/18<br>2. Draft dated 12/06/18<br>3. Elucidation dated 12/06/18<br>4. Advice Council of Advice dated 23/10/18   | Initiative taker must submit reaction                            | - Sarah A. Wescot-Williams | This draft intends to regulate that elected Members of Parliament, at the same time as credentials, are obliged to report all public relations and that in accordance with the Constitution it can be determined that other relations do not coincide with the office of Member of Parliament.   |  |
| 111 | Initiative National Ordinance amending the National Ordinance registration and finances political parties (AB 2010, No. GT 11) and the Electoral Ordinance (AB 2010, No. GT 11) (Parliamentary Year 2017-2018-111)      | 1. Presentation dated 12/06/18<br>2. Draft dated 12/06/18<br>3. Elucidation dated 12/06/18<br>4. Advice Council of Advice dated 20/12/18   | Initiative taker must submit reaction                            | - Sarah A. Wescot-Williams | This draft aims to amend the National Ordinance registration and finances political parties in order to make the requirement in respect of the audit statement less stringent.   |  |
| 113 | National Ordinance amending the National Ordinance structure and organization of national government in connection with the embedding of the Cabinet of the Minister Plenipotentiary (Parliamentary Year 2017-2018-113) | 1. Presentation dated 21/08/18<br>2. Draft dated 21/08/18<br>3. Elucidation dated 21/08/18<br>4a. Advice Council of Advice dated 21/08/18<br>4b. Further report dated 21/08/18<br>5. Final report dated 11/10/18 | Government must bring out a memorandum in response to the report | Government                 | This draft aims to embed the Cabinet of the Minister Plenipotentiary into the governmental structure of Sint Maarten. The cabinet is responsible for supporting the Minister Plenipotentiary. The goal of the Cabinet is to support the Minister Plenipotentiary in looking after and representing the interest of the Country within the Kingdom of the Netherlands and outside insofar as these has been assigned to them under the Charter of |  |

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|     |  |  |                                  |                          | the Kingdom of the Netherlands.   |  |
| 117 | Initiative National Ordinance amending the General Police Law (AB 2013, GT No. 42) in connection with the introduction of the ban on the use of plastic bags (Parliamentary Year 2017-2018-117)  | 1. Presentation dated 30/08/18<br>2. Draft dated 30/08/18<br>3. Elucidation dated 30/08/18<br>4. Advice Council of Advice dated 29/01/19<br>5. Reaction dated 09/07/19   | Parliament must bring out report | Sarah A. Wescot-Williams | This draft aims to amend the General Police Law (AB 2013, GT No. 42) in order to prohibit the use of plastic bags intended for single use.  |  |
| 121 | National ordinance amending the National Ordinance on Pension for civil servants, amending the National Ordinance age limit civil servants, and repealing the Long-term Allowance regulation pensioners 1943 (National Ordinance revision pension civil servants) (Parliamentary Year 2018-2019-121) | 1. Presentation dated 16/10/18<br>2. Draft dated 16/10/18<br>3. Elucidation dated 16/10/18<br>4a. Advice Council of Advice dated 16/10/18<br>4b. Further report dated 16/10/18<br>5. Memorandum of modification dated 12/12/18<br>6. Final report dated 13/12/18<br>7. Memorandum in response to the report dated 05/03/19<br>8. Memorandum of modification dated 06/03/19<br>9. Further final report dated 08/11/19<br>10. Second memorandum in response to the report dated 22/01/20 | Currently in Public Meeting      | Government               | This draft aims to increase the retirement age to 65 years and to change the unconditional indexation obligation into a conditional indexation obligation as it is necessary to secure the progress of the structure and payment of the pension of civil servants for the future and to reduce the premium pressure for the government. This draft also aims to amend the National Ordinance age limit civil servants and the Redundancy pay regulation for government officials, and the retraction of the Long-term Allowance regulation for Pensioners 1943. |  |
| 129 | National ordinance establishing a new Code of Criminal Procedure (Code of Criminal Procedure) (Parliamentary Year 2018-2019-129)   | 1. Presentation dated 19/06/19<br>2. Draft dated 19/06/19<br>3. Elucidation dated 19/06/19<br>4a. Advice Council of Advice dated 19/06/19<br>4b. Further report dated 19/06/19<br>4c. Old version of the draft and the elucidation and advice from legal affairs department dated 20/06/19<br>5. Final report dated 12/09/19<br>6. Memorandum in response to the report dated 9/10/19<br>7. Amendment Member R. Brison dated 10/10/19<br>8. Amendment Member S.A.                      | Currently in Public meeting      | Government               | This draft aims to establish a new Code of Criminal Procedure in connection with legal and technical developments, such as the right of the suspect to consult a counsel before the interrogation (Salduz case law of the European Court of Human Rights), the revision of DNA legislation and the possibility of tele-hearing. The draft also  |  |

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|     |   | Wescot-Williams dated 11/10/19<br>9. Retraction amendment under no. 7 dated 06/03/20<br>10. Amendment Members R. Brison and C.A. Buncamper dated 20/03/20<br>11. Amendment Members R. Brison and C.A. Buncamper and retraction amendment under no. 10 dated 03/04/20 |   |                   | ensures that, pursuant to Article 39, first paragraph, of the Charter for the Kingdom, criminal proceedings in the Netherlands, Aruba Curacao and Sint Maarten are regulated in a similar manner as far as possible.   |  |
| 131 | National ordinance establishing the annual accounts for Sint Maarten for the financial year 2015 (National ordinance establishing accounts 2015) (Parliamentary Year 2018-2019-131)   | 1. Presentation dated 25/06/19<br>2. Draft dated 25/06/19<br>3. Elucidation dated 25/06/19<br>4a. Advice Council of Advice dated 25/06/19<br>4b. Further report dated 25/06/19<br>4c. Old version of the draft and the elucidation dated 25/06/19                    | Ready for Public meeting                  | Government        | This draft intends to implement article 100, paragraph four of the Constitution and articles 52 up to and including 55 of the Compatibility Ordinance by establishing the annual accounts of the country by National Ordinance in order to relieve the ministers of the financial policy and management pursued by them. |  |
| 132 | National Ordinance rectifying a technical omission in the National Ordinance of June 26, 2017 amending the Sanctions National Ordinance to implement recommendation 6 of the Financial Action Task Force without delay to implement the restrictive measures and some technical legal adjustments | 1. Presentation dated 20/09/19<br>2. Draft dated 20/09/19<br>3. Elucidation dated 20/09/19<br>4a. Advice Council of Advice dated 20/09/19<br>4b. Further report dated 20/09/19<br>4c. Old version of the draft and the elucidation dated 20/09/19                    | Parliament must bring out report          | Government        | This draft proposes to correct a legal technical omission in the National Ordinance amending the Sanctions National Ordinance implementing recommendation 6 of the Financial Action Task Force without delay to implement the restrictive measures and some legislative adjustments.                                     |  |
| 133 | National ordinance amending the Penal Code in connection with the increase of the maximum sentence for rape, the introduction of a sex offender register and the introduction of the  | 1. Presentation dated 07/11/19<br>2. Draft dated 07/11/19<br>3. Elucidation dated 07/11/19<br>4. Advice Council of Advice dated 20/12/19   | Initiative takers must bring out reaction | - T.E.<br>Leoanrd | This draft aims to increase the maximum term of imprisonment for rape in connection with the impact that the offense has on the victim on the one hand and the deterrent effect that a high  |  |

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|     | possibility of terminating pregnancy as a result of rape  |  |   |               | sentence can have on the other, to introduce a register in which personal data of convicted offenders for sexual offenses are listed so that everyone can take note of this and to introduce the possibility of termination of pregnancy as a result of rape or for other serious medical reasons under controlled circumstances.  |  |
| 134 | National ordinance amending the National ordinance establishing the budget of Sint Maarten for the service year 2019 in connection with increasing the budgets of certain youth and social programs (First Supplementary budget 2019) | 1. Presentation dated 18/11/19<br>2. Draft dated 18/11/19<br>3. Elucidation dated 18/11/19<br>4. Advice Council of Advice dated 20/12/19 | Initiative takers must bring out reaction | - S.E. Jacobs | This draft aims to change the budget for the 2019 financial year. This draft proposes to increase funding for the implementation of youth and social programs in the regular service expenditure, which falls under different departments and expenditure items of the Ministry of Education, Culture, Youth and Sport and the Ministry of Justice by transferring funds reserved under the Ministry of Finance to the above-mentioned Ministries. |  |

\*From these drafts (certain) documents are missing in the archives.

\*\*These drafts of Dutch-Antillean origin were taken over based on additional Article IV of the Constitution by the Parliament of Sint Maarten.