



Eighteenth Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

Second Day, First Regular Session

January 22, 2013

Representative Felicidad T. Ogomoro, of Saipan, Precinct 3 (*for herself*), in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. L. I. 18-1

A HOUSE LEGISLATIVE INITIATIVE

To amend Article XII, Section 4 of the Northern Mariana Islands Constitution; and for other purposes.

The Legislative Initiative was referred to the House Committee on Natural Resources, which submitted Standing Committee Report 18-5, adopted March 22, 2013.

THE LEGISLATIVE INITIATIVE WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON FIRST AND FINAL READING, ON MARCH 27, 2013;

[with amendments, in the form of House Draft 1] and transmitted to the
THE SENATE

The Legislative Initiative was not referred to a Senate Committee.

THE LEGISLATIVE INITIATIVE WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, ON AUGUST 29, 2013;

[with amendments, in the form of House Draft 1, Senate Draft 1],
and returned to

THE HOUSE OF REPRESENTATIVES ON SEPTEMBER 6, 2013.

The House of Representatives accepted the Senate amendments.

THE LEGISLATIVE INITIATIVE WAS FINALLY PASSED BY THE HOUSE DURING ITS 4TH DAY, SECOND REGULAR SESSION ON SEPTEMBER 16, 2013.

A handwritten signature in blue ink, appearing to be "L. Muña".

Linda B. Muña, House Clerk



*Eighteenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

4TH DAY, SECOND REGULAR SESSION

SEPTEMBER 16, 2013

H. L. I. 18-1, HD1, SD1

A HOUSE LEGISLATIVE INITIATIVE

To amend Article XII, Section 4 of the Northern Mariana Islands Constitution; and for other purposes.

Be it enacted by the Eighteenth Northern Marianas Commonwealth Legislature:

1 **SECTION 1. FINDINGS AND PURPOSE.**

2 The Eighteenth Northern Marianas Commonwealth Legislature (Legislature) finds
3 that Article VIII, Section 805(a) of the Covenant provides that “the Government of the
4 Northern Mariana Islands, in view of the importance of the ownership of land for the culture
5 and tradition of the people of the Northern Mariana Islands, and in order to protect them
6 against exploitation and to promote their economic advancement and self-sufficiency: (a) will
7 until twenty-five years after the termination of the Trusteeship Agreement, and may

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1 thereafter, regulate the alienation of permanent and long-term interests in real property so as
2 to restrict the acquisition of such interests to persons of Northern Marianas descent.”

3 The Legislature further finds that for a person to be considered a person of Northern
4 Marianas descent, Article XII, Section 4 of the Northern Mariana Islands Constitution
5 provides that he or she must possess at least one-quarter Northern Marianas Chamorro or
6 Northern Marianas Carolinian blood or a combination thereof. The Legislature believes that
7 a person who is a citizen or a national of the United States, and who has at least some degree
8 of Northern Marianas Chamorro or Northern Marianas Carolinian blood or a combination
9 thereof shall be considered a person of Northern Marianas descent; therefore, the Legislature
10 finds it necessary and proper to amend Section 4 of Article XII of the Northern Mariana
11 Islands Constitution in order to legally provide that a person who has at least some degree of
12 Northern Marianas Chamorro or Northern Marianas Carolinian blood and who is a citizen or
13 national of the United States shall be deemed a bona fide person of Northern Marianas
14 descent for all purposes under Article XII, upon providing evidence to the Superior Court.
15 Furthermore, if the court, based on such evidence finds and agrees that the person in fact
16 possess at least some degree of blood quantum of Northern Marianas Chamorro or Northern
17 Marianas Carolinian blood or a combination thereof, that said person shall be qualified and
18 considered a person of Northern Marianas descent.

19 **SECTION 2. LEGISLATIVE INITIATIVE.**

20 The Eighteenth Northern Marianas Commonwealth Legislature, by the affirmative
21 vote of three-fourths of the members of each house present and voting, hereby proposes the

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1 following amendment to Section 4 of Article XII of the Constitution of the Northern Mariana
2 Islands to be placed before the people for ratification at the next general election:

3 **“A PROPOSED CONSTITUTIONAL AMENDMENT**

4 Section 4 of Article XII of the Northern Mariana Islands Constitution is
5 hereby amended as follows:

6 **Section 4: Person of Northern Marianas Descent: A person of Northern**
7 **Marianas descent is a person who is a citizen or national of the United States and**
8 **who ~~is of~~ has at least ~~one-quarter~~ some degree of Northern Marianas Chamorro**
9 **or Northern Marianas Carolinian blood or a combination thereof ~~or an adopted~~**
10 **~~child a person of Northern Marianas descent if adopted while under the age of~~**
11 **~~eighteen years.~~ For purposes of determining Northern Marianas descent by**
12 **adoption, a child without any degree of Northern Marianas descent when**
13 **adopted while under the age of eighteen by a person of Northern Marianas**
14 **descent shall not acquire any degree of Northern Marianas descent. For**
15 **purposes of determining Northern Marianas descent, a person shall be**
16 **considered to be a full-blooded Northern Marianas Chamorro or Northern**
17 **Marianas Carolinian if that person was born or domiciled in the Northern**
18 **Mariana Islands by 1950 and was a citizen of the Trust Territory of the Pacific**
19 **Islands before the termination of the Trusteeship with respect to the**
20 **Commonwealth.**

21 **(a) Any person who has less than one quarter Northern Marianas**
22 **Chamorro or Northern Marianas Carolinian blood or a combination thereof,**

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1 claiming to be a person of Northern Marianas descent shall provide evidence to
2 support that he/she possess some degree of Northern Marianas Chamorro or
3 Northern Marianas Carolinian blood or a combination thereof to the Superior
4 Court. Based on the evidentiary standard of “preponderance of the evidence”,
5 the Superior Court may grant or deny such claim, and the decision of the
6 Superior Court on such claim shall be subject to a “de novo” judicial review.
7 However, if the Superior Court finds and agrees that the person in fact possesses
8 at least some degree of Northern Marianas Chamorro or Northern Marianas
9 Carolinian blood or a combination thereof, the Superior Court shall certify that
10 the person is a person of Northern Marianas descent.”

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1 **SECTION 3. ADOPTION AND TRANSMITTAL.**

2 The Speaker of the House and the President of the Senate shall certify, and the Clerks
3 of the House and Senate shall attest to the passage of this Legislative Initiative. The House
4 Clerk shall then cause the Initiative to be transmitted to the Governor and the Board of
5 Elections. Pursuant to Article XVIII, Section 5 of the Commonwealth Constitution, the
6 Board shall place this Legislative Initiative, with the Findings and Purpose section herein,
7 before the people of the Commonwealth for ratification vote in the next regular general
8 election.

**PASSED BY THE HOUSE OF REPRESENTATIVES ON SEPTEMBER 16, 2013 BY THE
AFFIRMATIVE VOTE OF THREE-FOURTHS OF THE MEMBERS PRESENT AND VOTING**

Attested to by:



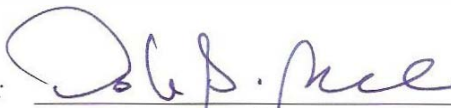
Linda B. Muña, House Clerk

Certified by:


JOSEPH P. DELEON GUERRERO
Speaker of the House

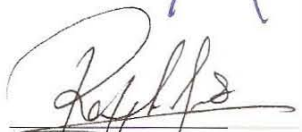
**PASSED BY THE SENATE ON AUGUST 29, 2013 BY THE AFFIRMATIVE VOTE OF THREE-
FOURTHS OF THE MEMBERS PRESENT AND VOTING**

Attested to by:



Dolores S. Bermudes, Senate Clerk

Certified by:


RALPH DLG. TORRES
President of the Senate