

Seventeenth Northern Marianas Commonwealth Legislature

IN THE HOUSE OF REPRESENTATIVES

Regular Session, 2010

H. L. I.

17-3

A HOUSE LEGISLATIVE INITIATIVE

To amend Article XII, Sections 1, 4, and 5 of the Northern Mariana Islands Constitution; and for other purposes.

**BE IT ENACTED BY THE SEVENTEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose:** The Seventeenth Northern Marianas
2 Commonwealth Legislature (Legislature) finds that Article VIII, Section 805(a) of
3 the Covenant provides that “the Government of the Northern Mariana Islands, in
4 view of the importance of the ownership of land for the culture and tradition of
5 the people of the Northern Mariana Islands, and in order to protect them against
6 exploitation and to promote their economic advancement and self-sufficiency: (a)
7 will until twenty-five years after the termination of the Trusteeship Agreement,
8 and may thereafter, regulate the alienation of permanent and long-term interests in
9 real property so as to restrict the acquisition of such interests to persons of
10 Northern Marianas descent.” For the very same reasons and concerns stated
11 above, the Legislature strongly believes that the Alienation of Land pursuant to
12 Article XII, Section 1, of the Northern Mariana Islands Constitution shall be
13 perpetual; hence, the said Section 1 shall be amended accordingly.

1 The Legislature further finds that for a person to be considered a person of
2 Northern Marianas descent, Article XII, Section 4 of the Northern Mariana Islands
3 Constitution provides that he or she possess at least one-quarter Northern
4 Marianas Chamorro or Northern Mariana Carolinian blood or a combination
5 thereof. The Legislature believes that a person who is a citizen or a national of the
6 United States, and who has at least a certain degree of blood quantum of Northern
7 Marianas Chamorro blood or Northern Marianas Carolinian blood or a
8 combination thereof shall be considered a person of Northern Marianas descent;
9 therefore, the Legislature finds it necessary and proper to amend Section 4 of
10 Article XII of the Northern Mariana Islands Constitution in order to legally
11 provide that a person who has less than one-quarter Northern Marianas descent
12 blood and who is a citizen or national of the United States shall be deemed a bona
13 fide person of Northern Marianas descent for all purposes under Article XII, upon
14 providing evidence to the Superior Court. Furthermore, if the court, based on
15 such evidence finds and agrees that the person in fact possess at least a certain
16 degree of blood quantum, to wit, at least one percent (1%), of Northern Marianas
17 Chamorro or Northern Marianas Carolinian blood or a combination thereof, that
18 said person shall be qualified and considered a person of Northern Marianas
19 descent.

20 The Legislature further finds that Article XII, Section 5 provides that for
21 corporation to be considered a person of Northern Marianas descent, amongst its
22 others requirements, one hundred percent of its voting shares (i.e. common or

1 preferred) are actually owned by person of Northern Marianas descent. The
2 Legislature believes that a Northern Marianas descent corporation may be allowed
3 to offer and issue non-voting shares (i.e. preferred stock) to person not of
4 Northern Marianas descent without losing its right as a person of Northern
5 Marianas descent. Therefore, it is necessary that the said Section 5 be amended to
6 allow the issuance of such share to a person of not a Northern Marianas descent.

7 **Section 2. Legislative Initiative.**

8 The Seventeenth Northern Marianas Commonwealth Legislature, by the
9 affirmative vote of three-fourths of the members of each house present and voting,
10 hereby proposes the following amendment to Section 1, 4 and 5 of Article XII of
11 the Northern Mariana Islands Constitution to be placed before the people for
12 ratification at the next general election.

13 **“A PROPOSED CONSTITUTIONAL AMENDMENT:** Section 1, 4
14 and adding to it a new sub section (a), and 5 of Article XII of the Northern
15 Mariana Islands Constitution are hereby amended as follows:

16 **Section 1: Alienation of Land:** The acquisition of permanent and long-
17 term interests in real property within the Commonwealth shall be restricted to
18 persons of Northern Marianas descent. This restriction shall be perpetual.

19 **Section 4: Person of Northern Marianas Descent:** A person of
20 Northern Marianas descent is a person who is a citizen or national of the United
21 States and who ~~is of~~ has at least a degree of blood quantum that amounts to
22 not less than one percent (1%) ~~one-quarter~~ of Northern Marianas Chamorro or

1 Northern Marianas Carolinian blood or a combination thereof or an adopted child
2 of a **one hundred percent** person of Northern Marianas descent if adopted while
3 under the age of eighteen years. For purposes of determining Northern Marians
4 descent, a person shall be considered to be full-blooded Northern Marianas
5 Chamorro or Northern Marianas Carolinian if that person was born or domiciled
6 in the Northern Mariana Islands by 1950 and was a citizen of the Trust Territory
7 of the Pacific Islands before the termination of the Trusteeship with respect to the
8 Commonwealth.

9 (a) Any person who has less than one quarter Northern Marianas
10 Chamorro or Northern Marianas Carolinian blood or a combination
11 thereof, claiming to be a person of Northern Marianas descent shall
12 provide evidence to support that he/she possess a certain degree of
13 blood quantum, to wit, not less than one percent, of Northern Marianas
14 Chamorro or Northern Marianas Carolinian blood or a combination
15 thereof to the Superior Court. Based on the evidentiary standard of
16 “preponderance of the evidence”, the Superior Court may grant or deny
17 such claim, and the decision of the Superior Court on such claim shall
18 be subject to a “de novo” judicial review. However, if the Superior
19 Court finds and agreed that the person in fact possess at least a one
20 percent (1%) degree of blood quantum of Northern Marianas
21 Chamorro or Northern Marianas Carolinian blood or a combination

1 thereof, the Superior Court shall certify that the person is a Northern
2 Marianas descent.”

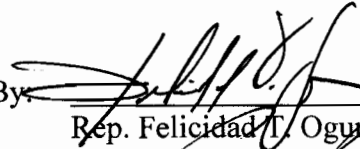
3 **Section 5. Corporation:** A corporation shall be considered to be a
4 person of Northern Mariana descent so long as it is incorporated in the
5 Commonwealth, has its principal place of business in the
6 Commonwealth, has directors one hundred percent of whom are
7 person of Northern Marianas descent and has voting shares (i.e.
8 common ~~or preferred~~) one hundred percent of which are actually
9 owned by persons of Northern Marianas descent as defined in Section
10 4. A Northern Marianas Descent Corporation may issue a non-voting
11 shares (i.e. preferred stock) to persons not of Northern Marianas
12 descent, which shall not exceed what is allowed and authorized to be
13 issued to persons of Northern Marianas descent. And unless such
14 corporation violates the provisions of this section, it shall remain a
15 person of Northern Marianas descent. Minors, as defined by
16 applicable laws of the Commonwealth, may not be eligible to become
17 directors of a corporation. No trusts or voting by proxy by person not
18 of Northern Marianas descent may be permitted. Beneficial title shall
19 not be severed from legal title.

20

1 **Section 3. Adoption and Transmittal.**

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

Prefiled: _____

Date: 6/9/10 Introduced By:  _____
Rep. Felicidad T. Ogunoro

Rep. Ramon S. Basa

Rep. George N. Camacho




Rep. Diego T. Benavente

Rep. Eliceo D. Cabrera

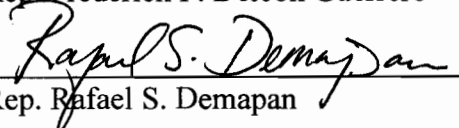
Rep. Trenton Conner

Rep. Francisco S. Dela Cruz

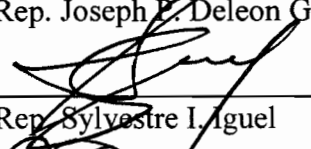


Rep. Frederick P. Deleon Guerrero

Rep. Joseph E. Deleon Guerrero

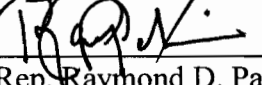


Rep. Rafael S. Demapan



Rep. Sylvestre I. Aguel

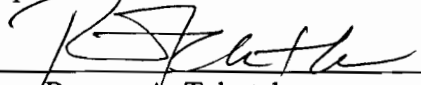
Rep. Joseph M. Palacios



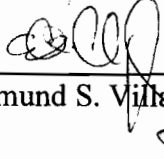
Rep. Raymond D. Palacios

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Rep. Antonio P. Sablan

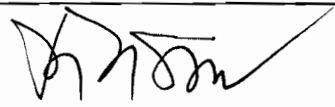


Rep. Ramon A. Tebuteb



Rep. Edmund S. Villagomez

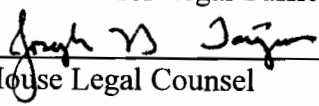
Rep. Teresita A. Santos



Rep. Stanley T. Torres

Rep. Ray N. Yumul

Reviewed for Legal Sufficiency by:



House Legal Counsel