

TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

THIRD REGULAR SESSION, 2001

**SENATE BILL
NO. 12-96**

A BILL FOR AN ACT

To authorize elected members of the Commonwealth of the Northern Mariana's legislature to issue marriage licenses and to perform marriage ceremonies, to amend Title 8 of the Commonwealth Code, and for other purposes.

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

1 Section 1. Short Title. This Act may be cited as "The commonwealth marriage Law
2 Amendment Act".

3 Section 2. Findings and Purpose. The purpose of this Act is to permit elected
4 members of the CNMI legislature to perform marriages in the Commonwealth. It is the
5 finding of the legislature that the marriage rite should continue to be performed by ordained
6 ministers, the Governor, judges or any other person authorized by law to perform marriages
7 as currently stated in the statute. The legislature finds however, that it would be beneficial
8 to the community as a whole to also permit elected members of the Commonwealth
9 legislature to perform and solemnize the marriage rite as a civil ceremony.

10 Section 3. Public Policy. Support of an encouragement of couples to marry is an
11 inherent public policy in the CNMI and one that is supported by this legislature. Permitting
12 legislators to perform the marriage rite will increase public access to legally authorized
13 persons permitted to perform the right in the CNMI.

14 Section 4. Definitions.

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1 (1) “Civil Ceremony”, means a marriage ceremony conducted by an
2 official.

3 (2) “License”, means the document issued by the Mayor or Governor’s
4 office as the public authority granting couples permission to marry.

5 (3) “Legislators”, means currently elected members of the legislative
6 branch of the Commonwealth of the Northern Mariana Islands government and
7 includes both the House of Representatives and the Senate.

8 (4) “Marriage”, refers to the legal union formed between a man and a
9 woman to become husband and wife.

10 Section 5. Marriage License Amendment. Section 1202 of Title 8 of the
11 Commonwealth Code is amended to read:

12 “(a) The Governor or a mayor or a current member of the CNMI legislature
13 is authorized herein to grant a license for marriage between two non-citizens of the
14 Commonwealth of the Northern Mariana Islands or between a noncitizen and a
15 citizen of the Commonwealth. Upon the filing of an application for a license, the
16 Governor, mayor or legislator shall collect from the parties making the application
17 the sum of thirty (\$30) dollars to be remitted to the Commonwealth Treasurer.

18 (i) His or her full name, (ii) date of birth, (iii) citizenship, (iv) residence, (v)
19 occupation, (vi) whether previously married, manner of dissolution of any prior
20 marriage, or marriages, (vii) proof of complete physical (including blood tests to test
21 for communicable diseases and a TB test) performed on both parties and performed
22 by a licensed physician conducted within the past three (3) months.

23 If the statements in the application are satisfactory and it appears that the parties are
24 free to marry, the Governor, Mayor or legislature shall issue the parties a license to
25 marry. Nothing in this section may be construed to prevent the issuance of a license
26 to marry two citizens in the Commonwealth.”

27 Section 6. Performance of marriage Ceremonies – Amendment. §1203 of Title 8
28 of the Commonwealth code is amended to read:

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1 “§1203. Two Noncitizens or Noncitizen and Citizen; Requisites of Marriage
2 Contract; Ceremony.

3 The presence of two witnesses, at least, is required for the celebration of a
4 marriage between two noncitizens or between a noncitizen and a citizen of the
5 Commonwealth. The marriage ceremony shall be performed in the Commonwealth.
6 The marriage rite may be performed and solemnized by an ordained minister or
7 priest, a judge, the Governor, any elected member of the House of Representatives or
8 of the Senate of the CNMI Legislature, or any other individual authorized by law to
9 perform marriages, upon presentation to that person of a license to marry as
10 prescribed in the above amendment to §1202. The fee for the performance of a civil
11 ceremony is a set of fifty (\$50). The fee for the performance of a civil ceremony
12 shall be set at fifty dollars (\$50) which sum shall be remitted to the Commonwealth
13 Treasurer.”

14 Section . Severability. If any provision of this Act or the application of any such
15 provision to any person or circumstances should be held invalid by a court of competent
16 jurisdiction, the remainder of this Act or the application of its provisions to persons or
17 circumstances other than those to which it is held invalid shall not be affected thereby.

18 Section . Savings Clause. This Act and any repealer contained herein shall not be
19 construed as affecting any existing right acquired under contract or acquired under statutes
20 repealed or under any rule, regulation or order adopted under the statutes. Repealers
21 contained in this Act shall not affect any proceeding instituted under or pursuant to prior
22 law. The enactment of this Act shall not have the effect of terminating, or in any way
23 modifying, any liability, civil or criminal, which shall already be in existence at the date this
24 Act becomes effective.

25 Section. Effective Date. This Act shall take effect upon approval by the Governor,
26 or upon its becoming law without such approval.

Date: 01/25/01

Introduced by: /s/ Edward U. Maratita