



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

PUBLIC LAW NO. 16-5

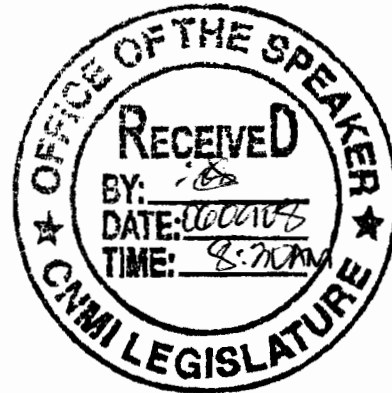
Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

JUN 05 2008

The Honorable Arnold I. Palacios
Speaker, House of Representatives
Sixteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

The Honorable Pete P. Reyes
Senate President, The Senate
Sixteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950



Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 16-44, HD1, entitled, "To amend the definition of "alien" under Titles 3 and 4 of the Commonwealth Code; and for other purposes." The bill was passed by the House of Representatives and the Senate of the Sixteenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 16-5**. Copies bearing my signature are forwarded for your reference.

Sincerely,

Benigno R. Fitial
BENIGNO R. FITIAL

- cc: Lt. Governor
- Attorney General
- Secretary, Department of Labor
- Secretary, Department of Commerce
- Chief Justice, Supreme Court
- Presiding Judge, Superior Court
- Chief Public Defender
- Executive Director, Commonwealth's Law Revision Commission
- Special Assistant for Programs and Legislative Review

RECEIVED
6/5/08 11:42am
[Signature]



The House of Representatives
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. BOX 500586
SAIPAN, MP 96950

May 4, 2008

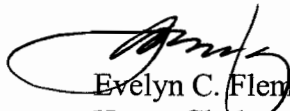
PUBLIC LAW NO. 16-5

The Honorable Benigno R. Fitial
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Fitial:

I have the honor of transmitting herewith for your action **House Bill No. 16-44, HD1**, entitled: "To amend the definition of 'alien' under Titles 3 and 4 of the Commonwealth Code; and for other purposes.", which was passed by the House of Representatives and the Senate of the Sixteenth Northern Marianas Commonwealth Legislature.

Sincerely yours,


Evelyn C. Fleming
House Clerk

Attachment



HOUSE OF REPRESENTATIVES
SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
THIRD DAY, SECOND SPECIAL SESSION, 2008

PUBLIC LAW NO. 16-5
House Bill No. 16-44, HD1

AN ACT

To amend the definition of "alien" under Titles 3 and 4 of the Commonwealth Code; and for other purposes.

In the HOUSE OF REPRESENTATIVES

Offered by Representatives: Oscar M. Babauta, Edwin P. Aldan, Raymond D. Palacios
and Justo S. Quitugua

Date: February 29, 2008

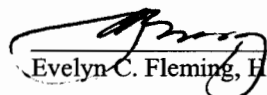
Referred to: Committee on Judiciary and Governmental Operations
Public Hearing: None
Standing Committee Report No. 16-13

Passed First and Final Reading on April 25, 2008

In the SENATE

Referred to: None
Public Hearing: None
Standing Committee Report: None

Passed Final Reading on April 30, 2008


Evelyn C. Fleming, House Clerk



HOUSE OF REPRESENTATIVES
SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FIRST REGULAR SESSION, 2008

PUBLIC LAW NO. 16-5
H. B. NO. 16-44, HD1

AN ACT

To amend the definition of "alien" under Titles 3 and 4 of the Commonwealth Code; and for other purposes.

BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **Section 1. Findings and purpose.** The Commonwealth Legislature finds that the
2 definition of "alien" has not been updated to consider the dissolution of the Trust
3 Territory of the Pacific. The Legislature further finds that the current definition of the
4 term is ambiguous because of references to the Trust Territory, and has resulted in time-
5 consuming litigation. *See, e.g., Office of the Attorney General v. Phillip*, 2008 MP 1. The
6 Legislature further finds that the statutory definition of the term "alien" in both the
7 Commonwealth Entry and Deportation Act (CEDA) and in Title 4, Division 5, Chapter 9,
8 Regulation of Foreign Investment, should be brought in line with the law of the United
9 States, Article III of the Covenant, and the current state of political affairs.

10 **Section 2. Amendment.** Section 4303(a) of Article 1 of Chapter 1 of Part 2 of
11 Division 4 of Title 3 of the Commonwealth Code, as recodified by Section 3 of Public
12 Law 15-108, (the Commonwealth Entry and Deportation Act) is repealed and reenacted
13 as follows:

14 “(a) “Alien” means any person who is not a citizen or national of the
15 United States, or not a permanent resident of the Commonwealth of the Northern
16 Mariana Islands pursuant to 3 CMC § 4202.”

17 **Section 3. Amendment.** Section 5901(a) of Chapter 9 of Division 5 of Title 4 of the
18 Commonwealth Code is repealed and reenacted as follows:

1 “(a) “Alien” means any person who is not a citizen or national of the United
2 States, or not a permanent resident of the Commonwealth of the Northern Mariana
3 Islands pursuant to 3 CMC § 4202.”

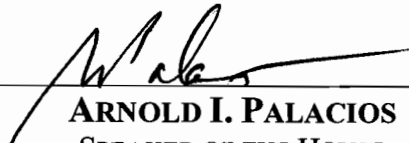
4 **Section 4. Severability.** If any provision of this Act or the application of any such
5 provision to any person or circumstance should be held invalid by a court of competent
6 jurisdiction, the remainder of this Act or the application of its provisions to persons or
7 circumstances other than those to which it is held invalid shall not be affected thereby.

8 **Section 5. Savings Clause.** This Act and any repealer contained herein shall not be
9 construed as affecting any existing right acquired under contract or acquired under statutes
10 repealed or under any rule, regulation or order adopted under the statutes. Repealers
11 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
12 The enactment of the Act shall not have the effect of terminating, or in any way modifying,
13 any liability, civil or criminal, which shall already be in existence on the date this Act
14 becomes effective.

15 **Section 6. Effective Date.** This Act shall take effect upon its approval by the
16 Governor or becoming law without such approval.

CERTIFIED BY:

ATTESTED TO BY:

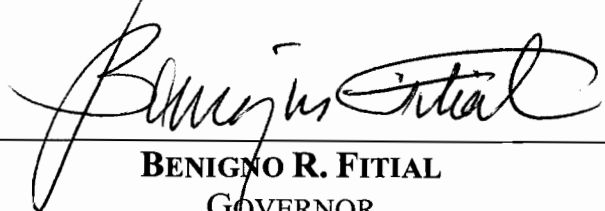


ARNOLD I. PALACIOS
SPEAKER OF THE HOUSE



EVELYN C. FLEMING
HOUSE CLERK

APPROVED on this 5th day of JUNE, 2008



BENIGNO R. FITIAL
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS