

Amendment No. 86

November 26, 1976

PROPOSED AMENDMENT TO ARTICLE XI

It is proposed that article XI of the draft Constitution be amended as follows:

"To delete in its entirety section 2 and 3 and substitute with new section to read as follows:

~~Section 2. -- Submerged Lands. -- The management and disposition of submerged lands off the coast of any part of the Commonwealth shall be as provided by law.~~

~~Section 3. -- Surface Lands. -- The management and disposition of all public lands except those provided for by section 2 shall be the responsibility of the Marianas Public Land Corporation which shall be the legal entity designated pursuant to Secretarial Order 2969.~~

~~Section 4. -- Marianas Public Land Corporation. -- There is hereby established the Marianas Public Land Corporation.~~

~~a) -- The Corporation shall have nine directors appointed by the governor with the advice and consent of the Senate who shall direct the affairs of the Corporation for the benefit of the people of the Commonwealth who are of Northern Marianas descent.~~

~~b) -- Two directors shall be residents of Saipan, two shall be residents of Rota, two shall be residents of Tinian, one shall be a Carolinian or person of Carolinian~~

descent, and one shall be a resident of the Northern Islands; each director shall be a United States citizen or national, a resident of the Commonwealth for at least five (5) years preceding his appointment, a person who has not been convicted of any crime carrying a maximum sentence of imprisonment of more than six months, a person who is able to speak Chamorro or Carolinian and a person of Northern Marianas descent.

c) -- The directors shall serve six-year terms provided, however, that three of the first nine directors appointed shall serve a two-year term, three shall serve a four-year term and three shall serve a six-year term. -- No person may serve more than one term as director.

d) -- The Corporation shall act by majority vote of the total number of directors and shall have all of the powers available to a corporation under Commonwealth law.

e) -- The directors shall prepare and publish once each year a report to the people of the Commonwealth describing the management of the public lands and the nature and effect of any transfers of interests in public land during the preceding year and disclosing the interests of each of the directors in any land in the Commonwealth.

f) -- At any time ten years after the effective date of this Constitution, by an affirmative vote of two thirds of the members of each house of the legislature, the Corporation may be dissolved and its functions may be transferred to the executive branch of government.

Section 2: Public Land Corporation. The management and desposition of public lands as defined by Section 1 shall be the responsibility of a Public Land Corporation created by law. The corporation shall have certain fundamental policies in the performance of its responsibilities as provided by law."

"To delete in its entirety section 4 and section 5 with new section to read as follows:

~~Section 5:--Fundamental Policies.--The Marianas Public Land Corporation shall follow certain fundamental policies in the performance of its responsibilities.~~

~~a)--The Corporation shall make available some portion of the public lands for a homestead program.--No person shall be eligible for more than one agricultural and one village homestead.--No person shall receive title to a homestead for five years after the grant of a homestead or shall be able to transfer title to a homestead within ten years of receipt thereof provided, however, that these requirements shall be waived for persons who have established a continuous residence on public lands for at least 20 years as of the effective date of this Constitution.--Other requirements for eligibility for the homestead program and the nature of the interest in land to be transferred by the Corporation shall be as provided by law.~~

~~b)--The Corporation shall not transfer title to any public lands for a period of ten years from the effective date of this Constitution, except with respect to homesteads as provided under Section 5(a).~~

~~c) -- The Corporation shall not transfer any leasehold interest in any public lands for a period exceeding twenty-five (25) years including all renewal rights.~~

~~d) -- The Corporation shall not transfer to any person or legal entity any interest in more than five hectares of public land for use for commercial purposes unless the proposed transfer has been approved by a majority vote of the members of the Senate.~~

~~e) -- The Corporation shall not transfer any interest in any public lands that are located within 150 feet of the high water mark of any sandy beach within the Commonwealth.~~

~~f) -- The Corporation shall adopt a comprehensive land use plan with respect to the public lands including priority of uses and such plan may be amended from time to time as the Corporation shall provide.~~

~~g) -- The Corporation shall transfer promptly all moneys received from the public lands to the Marianas Public Land Trust provided however that the Corporation shall retain the portion of such moneys necessary to meet reasonable expenses of administration.~~

Section 3: Public Land Trust. There is hereby established a Public Land Trust responsible to make reasonable, careful and prudent investments as provided by law."

Offered by,



David Q. Maratita