

PR 5116

SECOND NORTHERN MARIANAS
CONSTITUTIONAL CONVENTION, 1985

DELEGATE PROPOSAL No. 59-85

PROPOSAL REGARDING: Article XIII, Section 2.

Private property shall not be taken without just compensation. Private land shall be taken only if no available public land is available for the accomplishment of the public

Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes, or ditches on or across the lands of others for agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, which compensation shall be ascertained by a jury, unless a jury be waived, as in cases of eminent domain in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such, without regard to any legislative assertion that the use is public.

Date: 6/20/85

PROPOSED BY: Juan T. Lizama

COMMITTEE: _____