

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

Telephone

6517/6572

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REPORT TO THE CONVENTION BY THE
COMMITTEE ON PERSONAL RIGHTS & NATURAL RESOURCES

Subject: Committee Recommendation No. 19

The Committee on Personal Rights and Natural Resources recommends amending Section 3 of Article XII. The Committee supports retaining the restrictions of freehold interest in a 40 year leasehold interests with some amendments.

The Committee endorses and supports the significance of retaining the freehold and forty year restriction. Space above the first floor, however, was never considered. The intent of the original restriction would not be violated in the event floors above the first were sold or leased for longer period than forty years.

The Committee also recognizes that some landowners are taken advantage by others and they sell their land at prices far below their real value. Some protection could be given to them through a Constitutional provision.

Your Committee approved proposal No. 199-85 to amend Section 3 of Article XII, to allow the sale and long-term lease of building above the first floor. The Committee notes that the intent of the land alienation restriction of the Constitution would be held intact because of the first floor and the land it sits on would still be covered by Article XII. The proposed amendment would enable those of Northern Marianas descent to retain ownership of the land, while profiting from the sale of a structure above the first floor only.

The Committee also approved incorporating Delegate Proposal No. 203-85 with 199-85. The Committee agreed with the intent of requiring property assessment to protect landowners from unscrupulous and high-pressure real estate brokers.

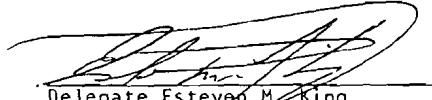
Your Committee did not approve Delegate Proposal No. 111-85 because of its conflict with Article VIII, Section 805(a) of the Covenant.

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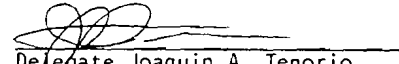
Committee on Personal Rights and
Natural Resources

Therefore, your Committee strongly urges all delegates to support
the attached committee recommendation.

Respectfully submitted,

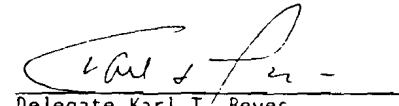


Delegate Esteven M. King
Chairman

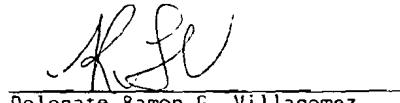


Delegate Joaquin A. Tenorio
Vice-Chairman

Delegate Aniceto H. Mundo
Member



Delegate Karl T. Reyes
Member



Delegate Ramon G. Villagomez
Member

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Committee on Personal Rights and
Natural Resources

SECOND NORTHERN MARIANAS
CONSTITUTIONAL CONVENTION, 1985

COMMITTEE RECOMMENDATION NO. 19

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article XII, Section 3 to allow the sale and long-term lease of building above the first floor.

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

1 Effective upon ratification, Section 3 of Article XII is amended to
2 read:
3 "Section 3: Permanent and Long-Term Interests in Real Property. The
4 term permanent and long-term interests in real property used in Section 1
5 includes freehold interests except for a freehold interest in the air space
6 above the first floor of a structure and leasehold interests of more than
7 forty years including renewal rights. The appraisal value of freehold
8 interests and leasehold interests in real property in the Commonwealth
9 shall be assessed by a professional and/or government-sanctioned appraiser(s)
10 before any business transaction is effectuated."

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Committee on Personal Rights and
Natural Resources

PROPOSED FLOOR AMENDMENT TO COMMITTEE RECOMMENDATION NO. 19

"Section 3: Permanent and Long-Term Interests in Real Property. The term permanent and long-term interests in real property use in Section 1 includes freehold interests and leasehold interests of more than fifty-five (55) years including renewal rights, ~~except for a freehold interest in the air space above the second floor of a permanent structure.~~ The appraisal value of permanent or long-term interest, in real property in the Commonwealth shall be assessed by a professional and/or government sanctioned appraiser(s) ^{the appraiser(s) shall} and provide a copy to the landowner before any business transaction is effectuated. Any transaction in permanent or long-term interests in real property in the Commonwealth in violation of this provision shall be void ab initio and the real property shall be forfeited to the government.

Date: _____

Offered by: COMMITTEE ON LOCAL GOVERNMENT

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The term permanent and long-term interests in real property used in Section 1 includes freehold interests and leasehold interests of more than 55 years including renewal rights except an interest acquired above the first floor of a condominium building. The market value of land in the Commonwealth shall be professionally appraised and a copy provided to the ^{land}owner before any ~~sale~~ sale or long term lease is executed regarding that land. Any land transaction in violation of this provision shall be void.

Adopted as amended
by the Com. of the whole
on 7/10/85