

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

Telephone

6517/6572

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Herman T. Guerrero, President  
Vicente M. Calvo, 1st Vice President  
David M. Cing, 2nd Vice President  
Maria T. Pangelinan, 3rd Vice President  
William B. Nabors, Convention Secretary  
Juan T. Lizama, Floor Leader

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Lorenzo I. Deleon Guerrero  
Alonzo Igisomar  
David L. Igitol  
Rita H. Inos  
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Estevan M. King  
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Jesus P. Mafnas  
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Karl T. Reyes  
Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

REPORT TO THE CONVENTION BY THE  
JOINT COMMITTEE REPORT FROM THE  
COMMITTEE ON PERSONAL RIGHTS & NATURAL RESOURCES  
AND THE  
COMMITTEE ON GOVERNMENTAL INSTITUTIONS

Subject: Committee Recommendation No. 60

Your Committees find a compelling need to retain the Constitutional provisions for the Marianas Public Land Corporation. While a public hearing brought out a myriad of complaints with MPLC's operations, its basic intents and purposes demand the retention of the public corporation as the primary institution for managing public land.

Article XI, Section 4(f) already provides for the possible dissolution of the Corporation by the Legislature in a couple of years. At this time, your Committee would prefer to see, instead of abolishment, a better public understanding of how MPLC functions. This would include more systematic reporting, review and approval of its budget by the legislature, a smaller Board of Directors, and clearer statements of its fundamental policies.

Delegate Proposals:

Your Committee synthesized the concerns of Delegate Proposals Nos. 3-85, 56-85, 64-85, 129-85, 156-85, 169-85, 258-85, and 306-85 which address the MPLC into the attached draft Joint Committee amendment for the Convention as a Whole to adopt. The draft amendment attempts to streamline the Board of Directors, while increasing public scrutiny of MPLC by adding more controls through the budget process.

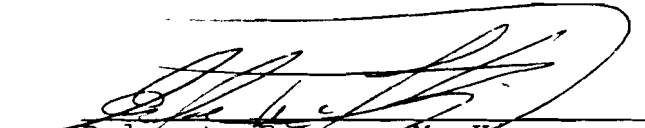
Your Committee would reduce the number of members from its current nine(9) to five(5). The five(5) would have one(1) member each representing Senatorial Districts I, II, and III, one of Carolinian descent and one a women.

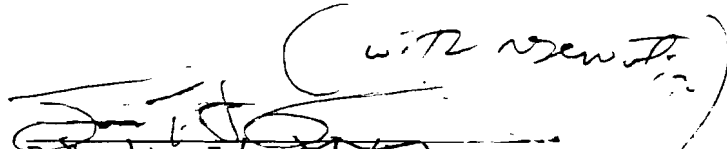
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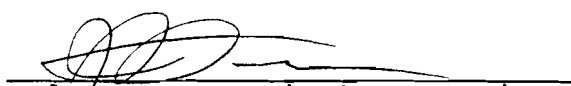
The draft proposal would transfer the Land and Survey Division from the Department of Natural Resources to MPLC.

Under the Committees' recommendation, the Legislature would review and concur MPLC's annual budget, but could not modify it during the fiscal year it is in effect.

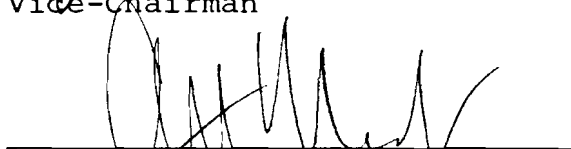
Respectfully submitted,

  
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Chairman

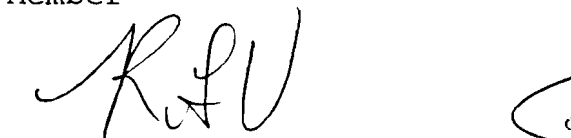
*(with new title)*  
  
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Delegate Juan M. Lizama  
Chairman


  
\_\_\_\_\_  
Delegate Joaquin A. Tenorio  
Vice-Chairman

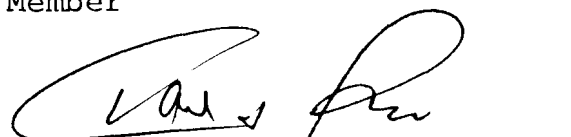
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Delegate Jesus P. Mafnas  
Vice-Chairman


  
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Delegate Aniceto H. Mundo  
Member


  
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Delegate Felicidad T. Ogumoro  
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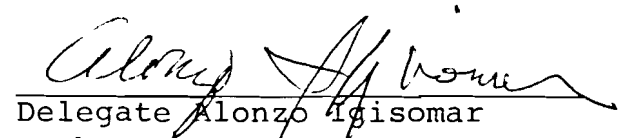
  
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Member

  
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Delegate Benusto R. Kaipat  
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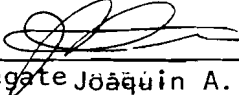
  
\_\_\_\_\_  
Delegate Alonzo Agisomar  
Member

PROPOSED FLOOR AMENDMENT TO CR NO. 60 -- MARIANAS PUBLIC LAND CORPORATION

1. On page 5, line 4, delete the words "review and concurrence" and insert the words "information purpose only" in lieu thereof.
  
2. Page 5, lines 4 thru 15, delete the rest of the text of the proposal beginning with the words "Failure of the legislature . . . is in effect."

Date: 7/18/85

Offered by:

  
\_\_\_\_\_  
Delegate Joaquín A. Tenorio

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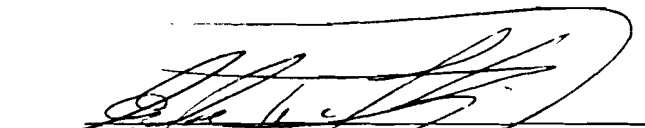
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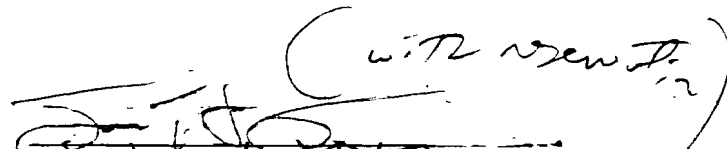
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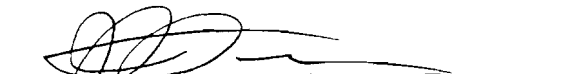
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Chairman


*(with revision)*  
  
\_\_\_\_\_  
Delegate Juan Lizama  
Chairman


  
\_\_\_\_\_  
Delegate Joaquin A. Tenorio  
Vice-Chairman

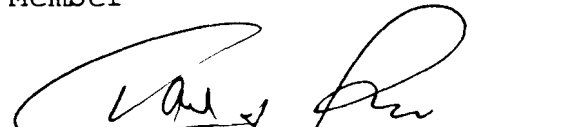
\_\_\_\_\_  
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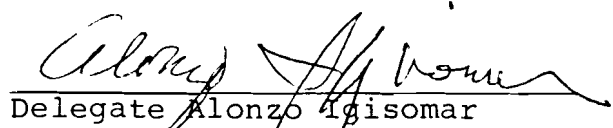
  
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Date: 7/18/85

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Delegate Joaquín A. Tenorio

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A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Article XI, Sections 4 and 5 relatives to the Marianas Public Land Corporation.

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 I. Effective upon ratification, Section 4 of Article XI is amended to read:

2 "Section 4. Marianas Public Land Corporation. There  
3 is hereby established the Marianas Public Land Corporation.

4 a) The corporation shall have five directors,  
5 appointed by the governor with the advice and consent of  
6 the Senate, who shall direct the affairs of the corporation  
7 for the benefit of the people of the Commonwealth who are  
8 of Northern Marianas descent.

9 b) One director shall be a resident of the first  
10 senatorial district, one shall be a resident of the second  
11 senatorial district, and three shall be residents of the  
12 third senatorial district; Provided, that of the five  
13 directors, at least one shall be a woman and at least one  
14 shall be a person of Carolinian descent. Each director  
15 shall be a citizen or national of the United States, a  
16 resident of the Commonwealth for at least five years  
17 immediately preceding the date on which the director takes  
18 office, a person with at least two (2) years management  
19 experience, <sup>a person</sup> who has not been convicted of a crime carrying  
20 a maximum sentence of imprisonment of more than six months,  
21 a person who is able to speak Chamorro or Carolinian and

1 a person of Northern Marianas descent.

2 c) The directors shall serve a term of four  
3 years except that two of the first five directors appointed  
4 shall serve a term of two years and three shall serve a  
5 term of four years. A director may not hold a full-time  
6 paid position in the corporation. The directors shall be  
7 held to strict standards of fiduciary care.

8 d) The corporation shall have the powers  
9 available to a corporation under Commonwealth law and  
10 shall act only by the affirmative vote of the majority  
11 of the five directors.

12 e) The directors shall make an annual written  
13 report to the people of the Commonwealth describing the  
14 management of the public lands and the nature and effect  
15 of transfers of interests in public land made during the  
16 preceding year and disclosing the interests of the  
17 directors in Commonwealth land.

18 f) After this Constitution has been in effect  
19 for at least ten years, the corporation may be dissolved  
20 and its functions may be transferred to the executive  
21 branch of government by the affirmative vote of a majority  
22 of the members of each house of the legislature."

23 II. Effective upon ratification, Section 5 of Article XI is  
24 amended to read:

25 "Section 5. Fundamental Policies. The Marianas Public



1 Land Corporation shall follow certain fundamental  
2 policies in the performance of its responsibilities.

3 a) The corporation shall make available some  
4 portion of the public lands for a homestead program. A  
5 person is not eligible for more than one agricultural and  
6 one village homestead. A person may not receive a free-  
7 hold interest in a homestead for three years after the  
8 grant of a homestead and may not transfer a freehold  
9 interest in a homestead for ten years after receipt except  
10 that these requirements are waived for persons who have  
11 established a continuous use of public lands for at least  
12 fifteen years as of the effective date of this Constitution.  
13 At any time after receiving the freehold interest, the  
14 grantee may mortgage the land provided that all funds  
15 received from the mortgagee be devoted to the improvement  
16 of the land. Other requirements relating to the homestead  
17 program shall be provided by law.

18 b) The corporation may not transfer a freehold  
19 interest in public lands for twenty years after the  
20 effective date of this constitution, except for homesteads  
21 as provided under section 5(a), or to another agency of  
22 government for use for a public purpose, or for land  
23 exchanges to accomplish a public purpose as authorized  
24 by law.

25 c) The corporation may not transfer a leasehold

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1 interest in public lands that exceeds twenty-five years  
2 including renewal rights. An extension of not more than  
3 fifteen years may be given upon approval by three-fourths  
4 of the members of the legislature.

5 d) The corporation may not transfer an interest  
6 in more than five hectares of public land for use for  
7 commercial purposes without the unanimous approval of the  
8 five directors.

9 e) The corporation may not transfer an interest,  
10 and may prohibit the erection of permanent structure, in  
11 public lands located within one hundred fifty feet of the  
12 high water mark of a sandy beach, except that the corpora-  
13 tion may authorize construction of facilities for public  
14 purposes.

15 f) The corporation shall adopt a comprehensive  
16 land use plan with respect to public lands including  
17 priority of uses and may amend the plan as appropriate.

18 g) The corporation shall receive all moneys  
19 from the public lands except those from lands in which  
20 freehold interest has been transferred to another agency of  
21 government pursuant to subsection 5(b), and shall transfer  
22 these moneys after the end of fiscal year to the Marianas  
23 Public Land Trust except that the corporation shall retain  
24 the amount necessary to meet reasonable expenses of  
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Committee on Personal Rights and Committee on Governmental  
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