

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

Telephone

6517/6572

Officers

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

Members

Lorenzo I. Deleon Guerrero
Alonzo Iglisomar
David L. Igitol
Rita H. Inos
Benusto R. Kaipat
Estevan M. King
Luis M. Limes
Jesus P. Mafnas
Paul A. Manglona
James M. Mendiola
Aniceto H. Mundo
Felicidad T. Ogunoro
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.

16 resident of the Commonwealth for at least five years

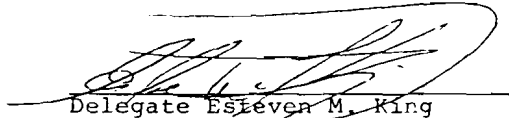
17 immediately preceding the date on which the director takes

The members would serve staggered terms, two (2) for two-year (2) terms, and three (3) for four-year (4) terms. No members of the Board of Directors should be paid full-time.

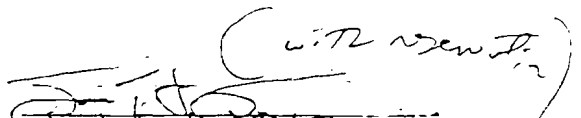
The draft proposal would transfer the Land and Survey Division from the Department of Natural Resources to MPLC.

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.

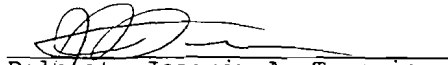
Respectfully submitted,



Delegate Esteven M. King
Chairman

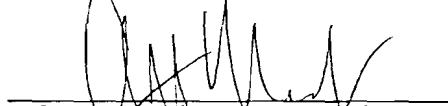
with new title


Delegate Juan A. Szama
Chairman

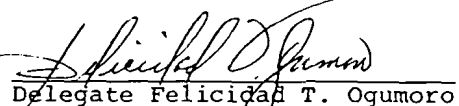


Delegate Joaquin A. Tenorio
Vice-Chairman

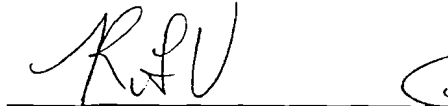
Delegate Jesus P. Mafnas
Vice-Chairman




Delegate Aniceto H. Mundo
Member



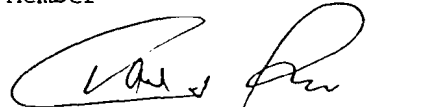
Delegate Felicidad T. Ogumoro
Member




Delegate Ramon G. Villagomez
Member



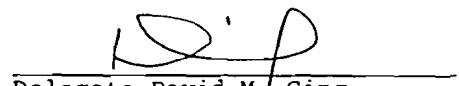
Delegate Benusto R. Kaipat
Member




Delegate Karl T. Reyes
Member



Delegate Vicente M. Calvo
Member



Delegate David M. Cing
Member



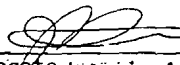
Delegate Alonzo Agisomar
Member

- 16 resident of the Commonwealth for at least one year
- 17 immediately preceding the date on which the director takes

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: 7/18/35

Offered by: 
Delegate Joaquín A. Tenorio

of members
(5) would
Districts
a women.

16 resident of the Commonwealth
17 immediately preceding the date on which the director takes
18

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 1. 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, ^{a person} 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

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
25 administration and management, land surveying, homestead

1 development, and any other expenses reasonably necessary
2 for the accomplishment of its functions. The annual
3 budget of the corporation shall be submitted to the
4 legislature for review and concurrence. Failure of the
5 legislature to act on the submitted budget within sixty
6 days after receipt shall constitute concurrence. The
7 corporation may submit a multi-year budget for the
8 purpose of reserving receipts of one year for expenditure
9 in a later year, but the corporation may not obligate or
10 expend funds except pursuant to the annual budget concurred
11 by the legislature. An act to concur the budget of the
12 corporation may originate in either house of the legisla-
13 ture and may not be vetoed by the governor. The legislature
14 may not modify the budget of the corporation during the
15 fiscal year it is in effect."

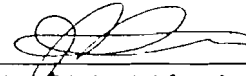
16
17
18
19 Committee on Personal Rights and Committee on Governmental
20 & Natural Resources Institution
21
22
23
24
25

AMEND ART. XI, SEC. 4+5

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."
3. Page 2, line 19 delete ten and insert twelve.
4. Page 2, line 21, put a period after the word government and strike out the remainder of the sentence.
5. Page 2, line 5, delete "fulltime".

Date: 7/18/85

Offered by: 
Delegate Joaquin A. Tenorio

7/19/85

A	—	0
N	—	0
Y	—	19
Absent	—	5

Adopted on
7/19/85

Changes were made to page 5 for line 19 + 20
inf. page 5, line 5, delete "fulltime".

Amendment

CR # 60

1. Page 4, LINE 7 + 8

Delete "UNANIMOUS APPROVAL of the
five DIRECTORS".

adopted
ok 7/19/88

AND INSERT

"Approval of the legislature"

in a joint session.

James Mendoza

SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

Telephone

6517/6572

Officers

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

Members

Lorenzo I. Deleon Guerrero
Alonzo Iglisomar
David L. Igitol
Rita H. Inos
Benusto R. Kalpat
Estevan M. King
Luis H. Limes
Jesus P. Mafnas
Paul A. Manglona
James H. Mendiola
Aniceto H. Mundo
Felicidad T. Ogunoro
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.

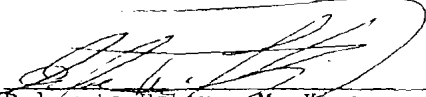
Your Committee would reduce the number of members from its current nine(9) to five(5). The five(5) would have one(1) member each representing Senatorial Districts I, II, and III, one of Carolinian descent and one a women.

The members would serve staggered terms, two (2) for two-year (2) terms, and three (3) for four-year (4) terms. No members of the Board of Directors should be paid full-time.

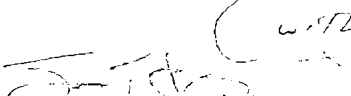
The draft proposal would transfer the Land and Survey Division from the Department of Natural Resources to MPLC.

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,



Delegate Esteven M. King
Chairman

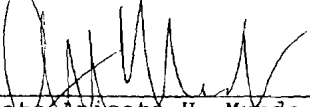
with name of...


Delegate Juan B. Izama
Chairman

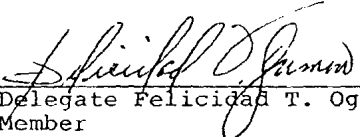


Delegate Joaquin A. Tenorio
Vice-Chairman


Delegate Jesus P. Mafnas
Vice-Chairman




Delegate Aniceto H. Mundo
Member



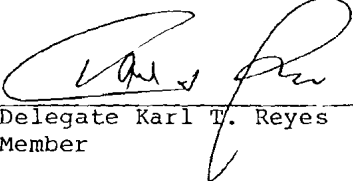
Delegate Felicidad T. Ogumoro
Member



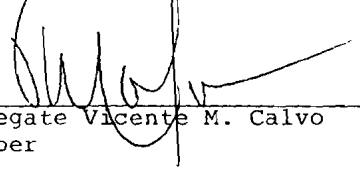
Delegate Ramon G. Villagomez
Member



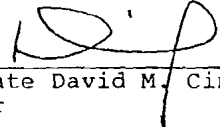
Delegate Benusto R. Kaipat
Member



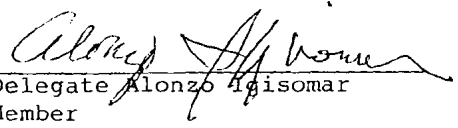
Delegate Karl T. Reyes
Member



Delegate Vicente M. Calvo
Member



Delegate David M. Cing
Member



Delegate Alonzo Agisomar
Member

17 immediately preceding the date on which the director takes
18 office, a person with at least

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

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

a) The corporation shall have five 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) One director shall be a resident of the first senatorial district, one shall be a resident of the second senatorial district, and three shall be residents of the third senatorial district; Provided, that of the five directors, at least one shall be a woman and at least one shall be a person of Carolinian descent. Each director shall be a citizen or national of the United States, a resident of the Commonwealth for at least five years immediately preceding the date on which the director takes office, a person with at least two (2) years management experience, ^{a person} who has not been convicted of a crime carrying a maximum sentence of imprisonment of more than six months, 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~~ ^{twelve} years, the corporation ~~may~~ ^{shall} be dissolved
20 and its functions ~~may~~ ^{shall} 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

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. *Approval of the legislature in a joint session.* ??

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. |?

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

3 g) The corporation shall receive all moneys
4 from the public lands except those from lands in which
5 freehold interest has been transferred to another agency of
6 government pursuant to subsection 5(b), and shall transfer
7 these moneys after the end of fiscal year to the Marianas
8 Public Land Trust except that the corporation shall retain
9 the amount necessary to meet reasonable expenses of
10 administration and management, land surveying, homestead

1 development, and any other expenses reasonably necessary
2 for the accomplishment of its functions. The annual
3 budget of the corporation shall be submitted to the
4 legislature for ^{information purpose only.} review and concurrence. Failure of the
5 legislature to act on the submitted budget within sixty
6 days after receipt shall constitute concurrence. The
7 corporation may submit a multi-year budget for the
8 purpose of reserving receipts of one year for expenditure
9 in a later year, but the corporation may not obligate or
10 expend funds except pursuant to the annual budget concurred
11 by the legislature. An act to concur the budget of the
12 corporation may originate in either house of the legisla-
13 ture and may not be vetoed by the governor. The legislature
14 may not modify the budget of the corporation during the
15 fiscal year it is in effect."

16
17
18
19 Committee on Personal Rights and Committee on Governmental
20 & Natural Resources Institution

21
22
23
24
25
Adopted by Com 7/17/85