

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. Iglitol  
Rita H. Inos  
Benusto R. Kalpat  
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  
COMMITTEE ON PERSONAL RIGHTS & NATURAL RESOURCES

Subject: Committee Recommendation No. 20

Your Committee on Personal Rights and Natural Resources carefully deliberated on Delegate Proposals Nos. 30-85 and 161-85. Based on its exhaustive deliberations, the Committee recommends certain amendments to Article XII, Section 2 of the Constitution.

The first part of the proposed amendments would permit acquisition of permanent or long-term interest in land by a spouse who is not a person of Northern Marianas descent, through inheritance, only if the owner of the land dies without children. If the owner dies with children, then his or her lands go to his or her children and not to alien spouse.

Your Committee considered existing circumstances which the children and the alien spouse of a CNMI descent have conflicts over ownership of the deceased father's/mother's lands. The Committee endorses and supports the intent to protect the land ownership of Northern Marianas descents over any land ownership of Non-Northern Marianas descents, such as alien spouses. Where there is a conflict between the two, the Committee favors the Northern Marianas descents.

The second part of the proposed amendments would extend the period of time in which a mortgage may hold the permanent or long-term interest in land acquired by means of a mortgage foreclosure. The extension would be from 5 years to 10 years beyond the term of the mortgage.

Your Committee learned that banking institutions are not entertaining applications for real estate mortgage loans in that the current restriction does not afford them adequate time to dispose of any land acquired by foreclosure. As a result, our citizens lack financial means to develop their lands, build homes, and obtain maximum benefits from their lands. In addition,

Report to the Convention by the Committee  
on Personal Rights & Natural Resources

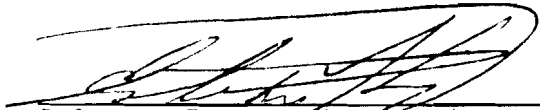
Committee Recommendation No. 20

Page 2

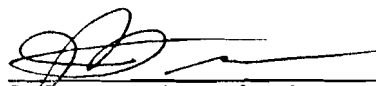
your Committee learned that available U.S. Federal real estate mortgage insurance programs are denied the citizens of the CNMI because of the current restriction. By adopting the Committee's proposed amendments, both the bankers and the Federal programs would assist our citizens in providing funds for insurance protection necessary for land developments.

For the above reasons, your Committee recommends adoption of the attached proposed amendments.

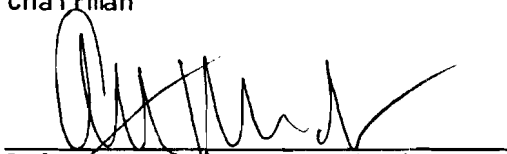
Respectfully submitted,



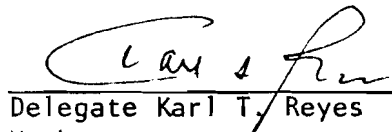
Delegate Esteven M. King  
Chairman



Delegate Joaquin A. Tenorio  
Vice-Chairman



Delegate Aniceto H. Mundo  
Member



Delegate Karl T. Reyes  
Member



Delegate Ramon G. Villagomez  
Member

---

---

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2 of Article XII of the Northern Marianas Constitution relating to Acquisition.

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 to read as follows:

1       Effective upon ratification, Section 2, Article XII is amended to read;  
2               "Section 2: Acquisition. The term acquisition used in Section 1  
3 includes acquisition by sale, lease, gift, inheritance or other means. A  
4 transfer to a spouse by inheritance is not an acquisition under this  
5 section if the owner dies without issue. A transfer to a mortgage by  
6 means of a foreclosure on a mortgage is not an acquisition under this  
7 section if the mortgagee does not hold the permanent or long-term  
8 interest in real property for more than ten years beyond the term at the  
9 mortgage."

10

11

12

13

COMMITTEE ON PERSONAL RIGHTS  
AND NATURAL RESOURCES

---

---

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2 of Article XII of the Northern Marianas Constitution relating to Acquisition.

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 to read as follows:

1 Effective upon ratification, Section 2, Article XII is amended to read:  
2 "Section 2: Acquisition. The term acquisition used in Section 1 includes  
3 acquisition by sale, lease, gift, inheritance or other means. A transfer to  
4 a spouse by inheritance is not an acquisition under this section if the owner  
5 dies without issue or with issue not eligible to own land in the Northern Mariana  
6 Islands. A transfer to a mortgage by means of a foreclosure on a mortgage is not  
7 an acquisition under this section if the mortgagee does not hold the permanent or  
8 long-term interest in real property for more than ten years beyond the term  
9 of the mortgage."

10

11

12

13

14

15 ADOPTED, AS AMENDED, BY THE COMMITTEE OF THE WHOLE AND THE CONVENTION ON  
16 JULY 10, 1985.

17

18

19

20

21

22

---

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2 of Article XII of the Northern Marianas Constitution relating to Acquisition.

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 to read as follows:

1 Effective upon ratification, Section 2, Article XII is amended to read:  
2 Section 2: Acquisition. The term acquisition used in Section 1 includes  
3 acquisition by sale, lease, gift, inheritance or other means. A transfer to *Q*  
4 spouse by inheritance is not an acquisition under this Section if the owner  
5 dies without issue or with issue not eligible to own land in the Northern  
6 Mariana Islands. A transfer to a mortgagee by means of a foreclosure on *a*  
7 mortgage is not an acquisition under this section if the mortgagee *X* is a full service  
8 bank, Federal Agency or Governmental entity of the Commonwealth and does not  
9 hold the permanent or long-term interest in real property for more than ten  
10 years beyond the term of the mortgage."

11  
12  
13 By the Committee on Personal Rights and Natural Resources  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

---

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2 of Article XII of the Northern Marianas Constitution relating to Acquisition.

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 to read as follows:

- 1 1. Effective upon ratification, Section 2, Article XII is amended to read:  
2 "Section 2: Acquisition. The term acquisition used in Section 1  
3 includes acquisition by sale, lease, gift, inheritance or other means.  
4 A transfer to a spouse or children who are not of Northern Marianas  
5 descent by inheritance is not an acquisition under this section. *If the*  
6 *owner dies without issue*. A transfer to a mortgage by means of a  
7 foreclosure on a mortgage is not an acquisition under this section if  
8 the mortgagee does not hold the permanent or long-term interest in  
9 real property for more than ten years. *beyond the term of the mortgage!*"

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

Committee on Personal Rights and Natural Resources

ADOPTED, AS AMENDED, BY THE COMMITTEE  
OF THE WHOLE ON JULY 10, 1985.

---

---

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2 of Article XII of the Northern Marianas Constitution relating to Acquisition.

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 to read as follows:

1 Effective upon ratification, Section 2, Article XII is amended to read:  
2 "Section 2: Acquisition. The term acquisition used in Section 1 includes  
3 acquisition by sale, lease, gift, inheritance or other means. A transfer to  
4 a spouse by inheritance is not an acquisition under this section if the owner  
5 dies without issue or with issue not eligible to own land in the Northern Mariana  
6 Islands. A transfer to a mortgage by means of a foreclosure on a mortgage is not  
7 an acquisition under this section if the mortgagee does not hold the permanent or  
8 long-term interest in real property for more than ten years beyond the term  
9 of the mortgage."

10  
11  
12  
13  
14 COMMITTEE ON PERSONAL RIGHTS AND  
15 NATURAL RESOURCES  
16  
17  
18  
19  
20  
21

---

---

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2 of Article XII of the Northern Marianas Constitution relating to Acquisition.

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 to read as follows:

1 I. Effective upon ratification, Section 2, Article XII is amended to read:

2 "Section 2: Acquisition. The term acquisition used in Section 1  
3 includes acquisition by sale, lease, gift, inheritance or other means.  
4 A transfer to a spouse or children who are not of Northern Marianas  
5 descent by inheritance is not an acquisition under this section. *If the*  
6 *owner dies without issue.* A transfer to a mortgagee by means of a  
7 foreclosure on a mortgage is not an acquisition under this section if  
8 the mortgagee does not hold the permanent or long-term interest in  
9 real property for more than ten years. *beyond the term of the mortgage!*"

10  
11  
12  
13  
14  
15  
16  
17 Committee on Personal Rights and Natural Resources  
18  
19  
20  
21



---

---

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2 of Article XII of the Northern Marianas Constitution relating to Acquisition.

**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 2. Article XII is amended  
2 to read:

3 "Section 2: Acquisition. The term acquisition used in Section  
4 1 includes acquisition by sale, lease, gift, inheritance or other  
5 means. A transfer to a spouse by inheritance is not an acquisition  
6 under this Section if the owner dies without issue or with issue  
7 not eligible to own land in the Northern Mariana Islands. A  
8 transfer to a mortgagee by means of a foreclosure on a mortgage is  
9 not an acquisition under this section if the mortgagee is a full  
10 service bank, Federal Agency or Governmental entity of the  
11 Commonwealth and does not hold the permanent or long-term interest  
12 in real property for more than ten years beyond the term of the  
13 mortgage."

14

15

16 PASSED SECOND AND FINAL READING, AS AMENDED, ON JULY 18, 1985

17

18

19

20

21

---

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2 of Article XII of the Northern Marianas Constitution relating to Acquisition.

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 to read as follows:

1 Effective upon ratification, Section 2, Article XII is amended to read:  
2 Section 2: Acquisition. The term acquisition used in Section 1 includes  
3 acquisition by sale, lease, gift, inheritance or other means. A transfer to  
4 spouse by inheritance is not an acquisition under this Section if the owner  
5 dies without issue or with issue not eligible to own land in the Northern  
6 Mariana Islands. A transfer to a mortgagor by means of a foreclosure on a  
7 mortgage is not an acquisition under this section if the mortgagor ~~x~~ is a full service  
8 bank, Federal Agency or Governmental entity of the Commonwealth and does not  
9 hold the permanent or long-term interest in real property for more than ten  
10 years beyond the term of the mortgage."

11

12

13 By the Committee on Personal Rights and Natural Resources

14

15

16

17

18

19

20

21

22

23

24

---

---

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2 of Article XII of the Northern Marianas Constitution relating to Acquisition.

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 2, Article XII is amended to read  
2            "Section 2: Acquisition. The term acquisition used in Section 1  
3            includes acquisition by sale, lease, gift, inheritance or other means.  
4            A transfer to a spouse by inheritance is not an acquisition under this  
5            Section if the owner dies without issue or with issue not eligible to  
6            own land in the Northern Mariana Islands. A transfer to a mortgagee  
7            by means of a foreclosure on a mortgage is not an acquisition under  
8            this section if the mortgagee is a full service bank, Federal Agency  
9            or Governmental entity of the Commonwealth and does not hold the  
10           permanent or long-term interest in real property for more than ten  
11           years beyond the term of the mortgage."

12  
13  
14  
15           PASSED SECOND AND FINAL READING, AS AMENDED, ON JULY 18, 1985  
16  
17  
18  
19  
20  
21

A PROPOSED CONSTITUTIONAL AMENDMENT

To amend Section 2 of Article XII of the Northern Marianas Constitution relating to Acquisition.

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 2, Article XII is amended to read

"Section 2: Acquisition. The term acquisition used in Section 1 includes acquisition by sale, lease, gift, inheritance or other means."

~~A transfer to a spouse by inheritance is not an acquisition under this Section if the owner dies without issue or with issue not eligible to own land in the Northern Mariana Islands.~~

A transfer to a mortgagee by means of a foreclosure on a mortgage is not an acquisition under this section if the mortgagee is a full service bank, Federal Agency or Governmental entity of the Commonwealth and does not hold the permanent or long-term interest in real property for more than ten years beyond the term of the mortgage."

*Reconsidered  
7-20-85*

PASSED SECOND AND FINAL READING, AS AMENDED, ON JULY 18, 1985