



Third Northern Mariana Islands Constitutional Convention -1556-

Delegate Proposal No. 615

Date: July 10, 1995

It is proposed that a constitutional amendment be prepared that does the following:

This amends Section 6 of Article XII to read as follows:

Section 6: Enforcement

1. Except as otherwise provided in this Section 6, any transaction made in violation of Section 1 shall be void ab initio. If record title to real property in the Commonwealth is acquired by a person of Northern Marianas descent, no legal or beneficial interest in the property shall be attributed to persons who are not persons of Northern Marianas descent, except to the extent such an interest may lawfully be created pursuant to this Article. Subject to paragraph 2 of this Section 6, any such impermissible interest claimed to exist shall be void ab initio. A finding that such a claimed interest is void shall not affect the eligibility of the person of Northern Marianas descent to acquire or retain the real property or render the transaction by which the real property was acquired void or unlawful.

2. If a court determines that any provision of an agreement or instrument would, if enforced, result in acquisition of a permanent or long-term interest in real property by a person not of Northern Marianas descent, the court shall enforce the remaining provisions of the agreement or instrument if (a) the agreement or instrument provides for the severability of the provisions which would, if enforced, result in an impermissible acquisition, or (b) a party to the contract or instrument, or the successor in interest to such a party, fails to prove that enforcement of the remaining provisions would result in (unjust enrichment or) serious prejudice to that party or successor.

3. Whenever a corporation ceases to be qualified under Section 5, a permanent or long-term interest in the Commonwealth acquired by the corporation after the effective date of the 1985 amendments shall be immediately forfeited without right of redemption to the government of the Commonwealth of the Northern Mariana Islands.

4. The Registrar of Corporations shall issue regulations to insure compliance, and the Legislature may enact enforcement laws and procedures.

Submitted by: Herman T. Guerrero
Delegate HERMAN T. GUERRERO

(Proposal received from MARCIA K.SCHULTZ, and submitted as a courtesy for consideration by the delegates.)

CONSTITUTIONAL ARTICLES THAT WOULD BE AMENDED: ART. XII

CONSTITUTIONAL ARTICLES THAT WOULD BE AFFECTED: None