

NINETEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND SPECIAL SESSION, 2015

S. B. NO. 19-42, SS1

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**A BILL FOR AN ACT**

TO AMEND 1 CMC §2806 PROHIBITING THE DEPARTMENT OF PUBLIC LANDS FROM LEASING ANY LANDS OF THE COMMONWEALTH FOR ANY MILITARY LIVE-FIRE OR BOMBING ACTIVITY; TO REQUIRE ANY PROPOSED PUBLIC LAND LEASE FOR ANY OTHER MILITARY ACTIVITY TO BE RATIFIED BY THE PEOPLE AT A GENERAL OR SPECIAL ELECTION AND FOR OTHER PURPOSES.

**BE IT ENACTED BY THE NINETEENTH NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

1           **Section 1. Findings and Purposes.** The Legislature finds that Article 8, Section  
2 802 of the CNMI Covenant made properties of the Commonwealth available to the  
3 Government of the United States for military defense training purposes through leasing of  
4 public lands on Tinian and Saipan and the entire island of Farallon de Medinilla (FDM)  
5 and its surrounding waters. However, FDM and its surrounding waters have been  
6 devastated and completely destroyed as a result of the military bombing and training  
7 activities over the past 20 years or so. The Commonwealth did not anticipate that total  
8 destruction, on both land and sea, would occur during the FDM lease negotiations.

9           The Legislature further finds that the U.S. military is currently working on the  
10 expansion and rebalancing of United States military forces in the Asia Pacific Region. On  
11 April 3, 2015, the CNMI Joint Military Training (CJMT) published an Environmental  
12 Impact Statement (EIS)/Overseas Environmental Impact Statement (OEIS) regarding the  
13 military's plans to increase the development of live-fire ranges and training areas on the  
14 islands of Tinian and Pagan. The CNMI and the general public have up to June 2, 2015 to  
15 review and comment on over 1,500 pages of the EIS/OEIS. The CJMT held a public  
16 hearing on Saipan on April 29, 2015 at the Saipan Southern High School regarding the  
17 EIS/OEIS. Hundreds of community members, from residents and lawmakers, to men,

1 women, and children of all ages attended the public hearing to oppose and protest against  
2 the CJMT's proposed military plans on Tinian and Pagan and the findings of the  
3 EIS/OEIS.

4         The Legislature further finds the CNMI needs more time to review and comment  
5 on the EIS/OEIS. The U.S. military's attempt to expedite the proposed CJMT EIS/OEIS  
6 review leaves the CNMI government in a precarious and vulnerable position with regard  
7 to its very limited and scarce public lands. The U.S. military already owns approximately  
8 two-thirds of the island of Tinian pursuant to a previous lease agreement. Now the  
9 military is proposing to occupy another two-thirds of another island of the CNMI –  
10 Pagan. Pagan is the fourth largest island in the CNMI and the only other island that is  
11 inhabited by people. There are hundreds of displaced people from Pagan living in Saipan  
12 and abroad who were forced to leave the island due to total damage from a typhoon. They  
13 hope to one day return to Pagan and settle there. Pagan is a pristine, beautiful island that  
14 is undeveloped and filled with many plant and animal species, flora and fauna. It would  
15 be a travesty for the CNMI to allow the U.S. military or any other country to unilaterally  
16 occupy and destroy such a beautiful natural environment.

17         The Legislature finds that with the scarce amount of land mass in the CNMI, it is  
18 imperative that our government preserves the remaining lands in the CNMI for future  
19 generations. The U.S. military has ruined the island of FDM with its live bombs, live  
20 fire, and military training. The CNMI has lost any and all political, cultural, and  
21 economic value and use of FDM. It is for this reason that the Commonwealth cannot risk  
22 losing another one of its pristine islands at the hands of the U.S. military. Our islands  
23 must be protected and preserved for future generations to come. Therefore, the purpose of  
24 this Act is to prohibit the Department of Public Lands from further leasing any public  
25 lands for any military live-fire or bombing activity and to require any proposed public  
26 land lease for any other military activity to be ratified by the people at a general or  
27 special election.

1           **Section 2. Amendment.** Subject to codification by the Law Revision  
2 Commission, 1 CMC §2806 is hereby amended by adding a new subsection which shall  
3 read as follows:

4           “(h) The Department shall not lease any public land within the Commonwealth  
5 for any military live-fire or bombing activity. Provided that the Department shall not  
6 lease any public land for any other military activity until the proposed lease agreement is  
7 ratified by the people at the next general or special election, and approved by two-thirds  
8 of the votes cast to approve the lease agreement. The Department shall publish  
9 information and a summary of the provisions of the proposed lease agreement for the  
10 election.

11           **Section 3. Severability.** If any provision of this Act or the application of any  
12 such provision to any person or circumstance should be held invalid by a court of  
13 competent jurisdiction, the remainder of this Act or the application of its provisions to  
14 persons or circumstances other than those to which it is held invalid shall not be affected  
15 thereby.

16           **Section 4. Savings Clause.** This Act and any repealer contained herein shall not  
17 be construed as affecting any existing right acquired under contract or acquired under  
18 statutes repealed or under any rule, regulation or order adopted under the statutes.  
19 Repealers contained in this Act shall not affect any proceeding instituted under or  
20 pursuant to prior law. The enactment of the Act shall not have the effect of terminating,  
21 or in any way modifying, any liability, civil or criminal, which shall already be in  
22 existence on the date this Act becomes effective.

23           **Section 5. Effective Date.** This Act shall take effect upon its approval by the  
24 Governor or upon its becoming law without such approval, and upon the ratification of  
25 the people at the next general or special election.

Prefiled:

Date: 05/01/15

Introduced By: /s/\_\_\_\_\_

Senator Arnold I. Palacios  
/s/Senator Sixto K. Igisomar  
/s/ Senator Victor B. Hocog  
/s/ Senator Francisco Q. Cruz  
/s/ Senator Steve K. Mesngon  
/s/ Senator Justo S. Quitugua  
/s/Senator Teresita A. Santos  
/s/ Senator Jude U. Hofschneider  
/s/ Senator Francisco M. Borja

Reviewed for Legal Sufficiency by:  
/s/ Antonette R. Villagomez  
Senate Legal Counsel