

Seventeenth Northern Marianas Commonwealth Legislature

IN THE HOUSE OF REPRESENTATIVES

Session, 2012

H. L. I.

17-12

A HOUSE LEGISLATIVE INITIATIVE

To amend Article XII of the Constitution of the Northern Mariana Islands by adding a new Section 7 to allow each senatorial district to amend or repeal the restrictions on alienation of land with respect to its senatorial district.

BE IT ENACTED BY THE SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **Section 1. Findings.** The Commonwealth Legislature finds that Article
2 XII of the NMI Constitution was predominantly established to limit land
3 ownership in the Commonwealth to persons of Northern Marianas Descent
4 (NMD). Over the years, there have been numerous attempts to amend or repeal
5 this restriction, with the rationale that the initial reasons supporting the
6 establishment of Article XII are no longer consistent with needs of the CNMI or
7 its people.

8 Many NMD's may not qualify to own land because they have less than
9 one-quarter Northern Marianas Chamorro or Northern Marianas Carolinian blood
10 or a combination thereof as required by Section 4 of Article XII. This would
11 result in the exclusion of persons of NMD from owning long term interest in land
12 in the CNMI. Also, Article XII does not ensure that NMD's are landless as
13 intended. Although a non-NMD may not own long term interest in land in the

1 Northern Mariana Islands, an NMD may sell land to another NMD, thereby
2 causing the NMD seller to be landless. Therefore, the notion that Article XII
3 protects NMDs from becoming landless is misleading.

4 In addition, the investment climate that attracted many investors to lease
5 land in the CNMI in the 1980's and early 1990's under the present Article XII
6 scheme no longer exists. The CNMI's present economy is quite the opposite of
7 the prosperous 1980's and early 1990's. In fact, the CNMI's continued economic
8 instability and downturn caused many large scale businesses to pull out of the
9 CNMI including airlines, hotels, and garment manufacturers also affecting our
10 tourism industry.

11 Similarly, there are numerous arguments for maintaining Article XII, such
12 as land resources are our only resource and should be preserved as well as land
13 ownership is synonymous with our culture and tradition, the loss of our lands will
14 be the loss of our identity, culture and traditions, amongst others.

15 Despite the arguments raised by both sides, the issue has yet to be placed
16 before the voting populace to decide whether to amend, repeal, or maintain Article
17 XII. It is therefore the purpose of this Act to allow the CNMI as a whole or each
18 senatorial district to re-examine the restrictions of Article XII and determine if the
19 present restrictions on alienation of land in the CNMI should be amended,
20 repealed, or maintained.

1 **Section 2. Legislative Initiative.**

2 The Seventeenth Northern Marianas Commonwealth Legislature, by the
3 affirmative vote of three-fourths of the members of each house present and voting,
4 hereby proposes the following amendment to

5 **"A PROPOSED CONSTITUTIONAL AMENDMENT**

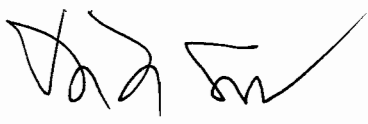
6 Article XII of the Constitution of the Northern Mariana Islands is amended
7 by adding a new section 7 to read as follows:

8 **"Section 7: Restrictions on Alienation of Land. Alienation of**
9 land is restricted in the Northern Mariana Islands except as established
10 through initiative in the Commonwealth or in any senatorial district."

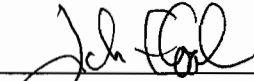
11 **Section 3. Adoption and Transmittal.** The Speaker of the House and the
12 President of the Senate shall certify, and the Clerks of the House and Senate shall
13 attest to the passage of this Legislative Initiative. The House Clerk shall then
14 cause the Initiative to be transmitted to the Governor and the Board of Elections.
15 Pursuant to Article XVIII, Section 5 of the Commonwealth Constitution, the
16 Board shall place this Legislative Initiative, with the Findings and Purpose section
17 herein, before the people of the Commonwealth for ratification vote at the earlier
18 of the next regular general election or the next special election established by law.

Prefiled: 4/19/12 ✓

Date: 4/19/12 ✓

Introduced By: 
Rep. Teresita A. Santos

Reviewed for Legal Sufficiency by:



House Legal Counsel