



HOUSE OF REPRESENTATIVES
SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
SECOND REGULAR SESSION, 2008

HOUSE LEGISLATIVE INITIATIVE 16-18, HD2

A HOUSE LEGISLATIVE INITIATIVE

To amend Article XI, Section 5(g) of the NMI Constitution to authorize the Department of Public Lands to use up to twenty percent of its revenue to pay and satisfy land compensation claims; and for other purposes.

BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **Section 1. Findings.** The Legislature finds that more than one hundred land
2 compensation claimants are waiting to resolve their land compensation claims with the
3 Commonwealth government. The government has taken land from owners to use for public
4 purposes such as roads, highways, right of ways, ponding basins, and easements. Numerous
5 land owners have been deprived of the use of their land for decades without just
6 compensation. In fact, many land owners have passed away without the benefit of being
7 compensated for the taking of their land. However, several land claims have been settled
8 pending monetary compensation from the government, which lacks funds for such
9 compensation.

10 The Legislature further finds that the Department of Public Lands receives moneys
11 from public land leases, permits, and other uses. The Department of Public Lands is required
12 by the Article XI, Section 5(g) of the NMI Constitution to transfer moneys received from
13 public lands to the Marianas Public Land Trust except that the Department may retain
14 moneys for its operational expense, homestead development, and other expenses related to its
15 functions. The Legislature finds that the Department of Public Lands should use up to twenty
16 percent (20%) of its revenue to pay and satisfy land compensation claims as provided by law.
17 Accordingly, the purpose of this legislation is to authorize the Department of Public Lands to

1 use up to twenty percent of its revenue to pay and satisfy land compensation claims.
2 Additionally, with the new language, the argument that the Constitution does not expressly
3 allow for payment of judgments cannot be made, because it is the intent of this amendment to
4 allow the Department of Public Lands to do precisely that.

5 **Section 2. Legislative Initiative.** The Sixteenth Northern Marianas Commonwealth
6 Legislature, by the affirmative vote of three-fourths of the members of each house present
7 and voting, hereby proposes the following amendment to Article XI, Section 5(g) of the
8 Constitution of the Northern Mariana Islands to be placed before the people for ratification at
9 the next general election:

10 **“A PROPOSED CONSTITUTIONAL AMENDMENT**


11 “(g) The corporation shall receive all moneys from the public lands except
12 those from lands in which freehold interest has been transferred to another agency of
13 government pursuant to section 5(b), and shall transfer these moneys after the end of
14 the fiscal year to the Marianas Public Land Trust except that the corporation shall
15 retain the amount necessary to meet reasonable expenses of administration and
16 management, land surveying, homestead development, and any other expenses
17 reasonably necessary for the accomplishment of its functions; provided further that
18 the corporation shall be authorized to expend up to twenty percent of its revenue to
19 pay and satisfy land compensation claims as provided by law. The annual budget of
20 the corporation shall be submitted to the legislature for information purposes only.”

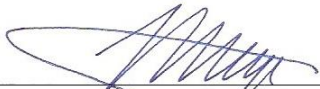
21 **Section 3. Adoption and Transmittal.** The Speaker of the House and the President
22 of the Senate shall certify, and the Clerks of the House and Senate shall attest to the passage
23 of this Legislative Initiative. The House Clerk shall then cause the Initiative to be transmitted
24 to the Governor and the Board of Elections. Pursuant to Article XVIII, Section 5 of the
25 Commonwealth Constitution, the Board shall place this Legislative Initiative, with the
26 Findings and Purpose section herein, before the people of the Commonwealth for ratification
27 vote in the next regular general election.

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Passed by the House of Representatives on September 23, 2009, and the Senate on October 28, 2009, by the affirmative vote of three-fourths of the members in each house.


Certified by:


Arnold I. Palacios
Speaker of the House


Pete P. Reyes
Senate President

Attested to by:


Evelyn C. Fleming
House Clerk


Dolores S. Bermudes
Senate Clerk