

July 1974

4TH MARIANA ISLANDS DISTRICT LEGISLATURE

FOURTH REGULAR SESSION

ACT NO. _____
INTRODUCED BY: _____

AN ACT TO STATE THE POSITION OF THE PEOPLE
OF THE MARIANA ISLANDS DISTRICT WITH RESPECT
TO PUBLIC LANDS LOCATED THEREIN, AND TO
DESIGNATE A LEGAL ENTITY TO RECEIVE, HOLD
AND ADMINISTER THE PUBLIC LANDS IN TRUST
FOR THE PEOPLE OF THE MARIANA ISLANDS
DISTRICT

BE IT ENACTED BY THE 4TH MARIANA ISLANDS DISTRICT LEGISLATURE
THAT:

Section 1. Purpose. The purposes of this Act are to state the
position of the people of the Mariana Islands District
regarding the return of all right, title and interest
in and to public lands presently held by the Government
of the Trust Territory of the Pacific Islands pursuant
to the Public Land Policy Statement issued by the
United States as the Administering Authority on November
2, 1973; to designate an appropriate legal entity to
receive, hold and administer the public lands in trust
for the people of the Mariana Islands District; and to
authorize such other actions as may be necessary and
appropriate to enable the legal entity to secure the
return of public lands as soon as possible to the
people of the Mariana Islands District.

Section 2. Designation of Legal Entity. A non-profit membership corporation to be named the "Marianas Public Land Corporation" and to be incorporated in accord with the provisions of this Act is hereby designated within the meaning of the Public Land Policy Statement of November 2, 1973, to receive, hold and administer the public lands within the Mariana Islands District in trust for the people of the District.

Section 3. Incorporation of Non-Profit Membership Corporation.

The following persons are hereby authorized and requested to associate themselves as and act as incorporators for the purpose of forming a nonprofit membership corporation under and by virtue of the laws of the Trust Territory of the Pacific Islands:

- Two persons appointed by the Marianas District Legislature;*
- Two persons appointed by the Marianas Political Status Commission;*
- Two persons appointed by the Municipal Council of Tinian;*
- Two persons appointed by the Municipal Council of Rota; and*
- Two persons appointed by the Municipal Council of Saipan.*

The above designated incorporators are requested to and

should take all steps necessary and appropriate to form a non-profit membership corporation with the purposes and members specified in this Act.

Section 4. Purposes of Non-Profit Membership Corporation. The purposes of the Marianas Public Land Corporation should include the following: to receive, hold and administer the public lands of the Mariana Islands District in trust for the people of this District; to administer, manage and regulate such land and to collect and apply the revenue income derived therefrom in trust for the people of the Mariana Islands District; and to do everything necessary, desirable, advisable and convenient for the furtherance and accomplishment of such purposes. The purposes of the Marianas Public Land Corporation should not include the pecuniary gain or profit, direct or indirect, of its members, directors, officers or employees; and no member, director, officer or employee of the Marianas Public Land Corporation should receive any pecuniary gain or profit from the operations thereof other than reasonable compensation for services rendered or reimbursement of reasonable and proper expenses incurred in its services.

Section 5. Members of Non-Profit Membership Corporation. In order to assure that the non-profit membership corporation is broadly representative of the people of the Mariana Islands District, the following individuals and no others

should be eligible to become members of the Marianas Public Land Corporation:

- the Mayors of Saipan, Rota and Tinian;
- sixteen persons appointed by the Marianas District Legislature, no more than eight of whom shall be members of the Legislature and at least two of whom shall be representatives of the United Carolinian Association;
- fifteen persons appointed by the Municipal Council of Saipan, no more than seven of whom shall be members of the Council;
- nine persons appointed by the Municipal Council of Rota, no more than four of whom shall be members of the Council; and
- seven persons appointed by the Municipal Council of Tinian, no more than three of whom shall be members of the Council.

Section 6. Implementation of Return of Public Lands. Upon enactment of this Act the President of the Marianas Islands District Legislature or his designee is hereby authorized to request the United States and the Government of the Trust Territory of the Pacific Islands to take all steps which are necessary and appropriate to effectuate the return of public lands within the Mariana Islands District as hereinbefore stated, including:

--causing necessary alterations to be made in the laws of the Trust Territory of the Pacific Islands to permit a legal entity designated by the District Legislature to hold title to land, to grant the District Legislature the power of eminent domain, to permit the District Legislature to authorize a legal entity to exercise the power of eminent domain in the public interest, to grant the District Legislature the power to establish adjudicatory bodies to resolve claims and disputes as to titles or rights in lands held by the legal entity, and rules and regulations therefor;

--compiling and publishing information as to size and location of each parcel of public land within the Mariana Islands District, including information as to whether the Government of the Trust Territory of the Pacific Islands intends to refrain from returning its rights, title and interest in such parcels in accordance with the Public Land Policy Statement of November 2, 1973, and information as to whether the land is subject of a lease or land use agreement or of a tenancy at will or by sufferance;

--entering into discussions with the Marianas Public Land Corporation after its incorporation leading to the transfer of all right, title and interest of the Government of the Trust Territory of the Pacific Islands in and to

the public lands within the Mariana Islands District to the Marianas Public Land Corporation;

--completing the cadastral program on public lands as quickly as possible; and

--taking such other steps as may be proper to effectuate the prompt return of public lands within this District in accordance with the limitations and safeguards set forth in the Public Land Policy Statement.

Section 7. Report to the Legislature. At or before the next regularly-scheduled session of the Mariana Islands District Legislature the President of the Mariana Islands District Legislature or his designee should cause to be transmitted to the Legislature copies of the Charter, Articles of Incorporation, By-Laws and all other documents relating to the method by which or the circumstances under which the Marianas Public Land Corporation may dispose of any of its right, title and interest in and to the public lands in the Mariana Islands District, together with any and all agreements made or proposed to be made by the Marianas Public Land Corporation with the Government of the Trust Territory of the Pacific Islands or with the United States with respect to the transfer of public lands in the Mariana Islands to the Marianas Public Land Corporation in trust for the people of the District.

Section 8. *Effective Date.* This Act shall take effect upon approval by the District Administrator, or upon its becoming law without such approval.

PASSED BY THE 4TH MARIANA ISLANDS DISTRICT LEGISLATURE _____, 1974.

Vincente N. Santos
President

Legislative Secretary