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August 21, 1974

Edward DLG. Pangelinan, Chairman
MARIANAS POLITICAL STATUS COMMISSION
P. O. Box 825
Saipan, Mariana Islands 96950

Dear Ed:

Enclosed for your consideration is a copy of the draft public land legislation with some possible amendments which you may wish, at the appropriate time, to submit to the Marianas District Legislature. The amendments can be summarized as follows:

1. The amendments to the title and Section 1 are designed to make clear that the legislature, by enacting this measure, is requesting the return of public lands in the district to the people.

2. The amendment to Section 2 is technical in nature and is aimed at covering the possibility that the corporation might be given a name other than the Marianas Public Land Corporation.

3. Section 4 is amended to make clear that the corporation must distribute any net income as directed by the Marianas District Legislature.

4. Section 5 is amended to indicate that the reasonable expenses incurred by the members of the corporation, in performing their responsibilities as members, shall be borne by the appropriate appointing entity or by the corporation.

5. The amendments to Section 6 are technical in nature.

6. Section 7 is amended to require the corporation to file its annual reports with the District Legislature and the three Municipal Councils.

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7. A new Section 8 is proposed to provide for an appropriation by the legislature to cover expenses incurred by the incorporators in implementing the Act. At the very least, this sum should cover travel and per diem costs of the incorporators themselves; ideally the sum should also cover some of the legal and other pre-incorporation costs. The second sentence may be surplusage, but it is designed to make clear that the corporation has the responsibility to pay all other reasonable expenses which cannot be met from the sum appropriated by the legislature.

We will be reviewing this proposed legislation further upon my return to Washington and will cable you and Jim any additional thoughts we have regarding proposed amendments.

Sincerely,

Howard P. Willens

Enclosure

cc: James E. White

HPW
Amended
on
8/21/74

4TH MARIANA ISLANDS DISTRICT LEGISLATURE

FOURTH REGULAR SESSION

ACT NO. _____
INTRODUCED BY: _____

REQUEST THE RETURN TO
AN ACT TO ~~STATE THE POSITION OF~~ THE PEOPLE
OF THE MARIANA ISLANDS DISTRICT ~~WITH RESPECT~~
OF ~~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 ^{request the} ~~state the~~
^{return to} ~~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

(hereinafter "Marianas Public Land Corporation")
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~~ ^{from such lands}

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

and distribute the net income as directed by the Marianas District Legislature; and

should be eligible to become members of ^{such} ~~the Marianas~~
Corporation:

~~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:

The reasonable expenses incurred by the members of the Corporation, in performing their responsibilities as members shall be borne by the appropriate appointing entity or by the Corporation.

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any
 --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 ^{non-profit} ~~Mariana~~ ~~Public Land Corporation~~ ^{Membership 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^s to the Legislature. At or before the next regularly-

scheduled session of the Mariana Islands District Legisla-
ture the ~~President of the Mariana Islands District~~
Marianas Public Land Corporation shall

~~Legislature or his designee should cause to be transmit~~

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.

The Corporation shall be further required to transmit to the Marianas District Legislature and the Municipal Councils of Saipan, Rota and Tinian, copies of annual reports prepared by the Corporation in accord with its articles of incorporation.

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Section ⁹ ~~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.

Vicente N. Santos
President

Legislative Secretary

Section 8. Appropriation. There is hereby appropriated from the general fund of the Marianas District Legislature the sum of \$ _____ to cover reasonable expenses incurred by the incorporators in implementing the provisions of this Act. The Corporation shall pay all other reasonable expenses incurred before its incorporation from revenues and other funds available to the Corporation.