

March 75

Public
Land

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FOURTH MARIANA ISLANDS DISTRICT LEGISLATURE

FIFTH REGULAR SESSION

ACT NO. 100-1975
INTRODUCED BY: HON. JUAN LG. CABRERA, SAIPAN

1. AN ACT EXPRESSING THE WILL OF THE PEOPLE OF THE
 2. MARIANA ISLANDS WITH RESPECT TO ALL PUBLIC LANDS,
 3. IMPLEMENTING THE REQUIREMENTS OF ORDER NO. 2969
 4. OF THE SECRETARY OF THE INTERIOR OF THE UNITED
 5. STATES OF AMERICA, DATED DECEMBER 26, 1974, AND
 6. DESIGNATING THE ENTITY TO RECEIVE, HOLD AND
 7. ADMINISTER THE PUBLIC LANDS TO BE RETURNED BY
 8. THE HIGH COMMISSIONER

9. BE IT ENACTED BY THE FOURTH MARIANA ISLANDS DISTRICT LEGISLATURE, THAT:

10. WHEREAS, the people of the Mariana Islands District desire the return
 11. of all right, title and interest in and to all public lands presently held
 12. by the Government of the Trust Territory of the Pacific Islands; and

13. WHEREAS, the people of the Mariana Islands District seek the return of
 14. all right, title and interest in and to such public lands ~~as have been~~
 15. ~~held by the Trust Territory of the Pacific Islands~~ at the earliest possible time; and

16. WHEREAS, the United States, as the Administering Authority, now
 17. proposes to return certain of the public lands of the Mariana Islands
 18. District, subject to certain conditions, all as set forth in Order No. 2969
 19. of the Secretary of the Interior dated December 26, 1974 (hereinafter called
 20. the Public Land Secretarial Order).

1. NOW THEREFORE, BE IT ENACTED BY THE FOURTH MARIANA ISLANDS DISTRICT

2. LEGISLATURE THAT:

3. Section 1. Purpose. The purpose of this Act is to satisfy the conditions
4. precedent set forth in Section 6 of the Secretarial Order to
5. the return by the Administering Authority of certain public
6. lands of the Mariana Islands District in trust for the people
7. of the Mariana Islands District; to create the legal entity to
8. receive such public lands in trust for the people of the
9. Mariana Islands District; to designate such legal entity to
10. receive, hold and administer such public lands in trust for the
11. people of the Mariana Islands; to reserve the power of the
12. Mariana Islands District Legislature to enact laws providing
13. for the exercise of the power of eminent domain and the
14. establishment of adjudicatory bodies for settlement of claims
15. to title or rights in the lands transferred; and formally to
16. request the High Commissioner to convey to the legal entity
17. created hereby the public lands to be returned pursuant to the
18. Secretarial Order.

19. Section 2. Reservation of Powers by the Trust Territory of the Pacific
20. Islands. The Mariana Islands District Legislature hereby
21. recognizes that the Secretarial Order reserves to the Central
22. Government of the Trust Territory of the Pacific Islands, until
23. separate administration or termination of the Trusteeship
24. whichever shall sooner occur, (a) the paramount power of eminent
25. domain to take lands for public purposes pursuant to law and
26. (b) the right to regulate all activities affecting conservation,
27. navigation, or commerce in and to the navigable waters;
28. tidelands, filled lands, submerged lands and lagoons; 13755

1. provided that, in the exercise of such right, the Central
2. Government does not unnecessarily interfere with the exercise
3. of all prior traditional rights in and to such lands.

4. Section 3. Creation of the Entity to Receive, Hold and Administer the
5. Public Lands.

6. (a) There is hereby created a corporation to be known as the
7. Marianas Public Land Corporation (hereinafter called the
8. Corporation). Pursuant to the Secretarial Order, the Corporation
9. shall have perpetual juridical existence.

10. (b) The Corporation is a legal person created to receive in
11. trust for the benefit of the people of the Mariana Islands all
12. right, title and interest in and to public lands to be returned
13. pursuant to the Secretarial Order or any order or law hereinafter
14. returning additional public lands (hereinafter called the Trust
15. Lands). Accordingly, the Corporation shall not be operated for
16. the pecuniary gain or profit, direct or indirect, or any person
17. but rather for the pecuniary gain or other benefit to the
18. people of the Mariana Islands. *The Corporation shall not have*
19. *the power to lease/any other/other/other of other/other/other of*
20. *participations in ownership of the assets, revenues or profits*
21. *of the Corporation to any person.*

22. (c) The Corporation shall be a membership corporation composed
23. of members who agree to participate in the activities of the
24. Corporation for the benefit of the people of the Mariana Islands.
25. The following public officials and individuals are eligible to
26. be the first members of the Corporation:

1. (1) The Mayors of Saipan, Rota and Tinian;
2. (2) Sixteen persons appointed by the Marianas District
3. Legislature, no more than eight of whom shall be members
4. of the legislature and at least two of whom shall be
5. representatives of the United Carolinian Association;
6. (3) Fifteen persons appointed by the Municipal Council of
7. Saipan, no more than seven of whom shall be members of the
8. Council;
9. (4) Nine persons appointed by the Municipal Council of Rota,
10. no more than four of whom shall be members of the Council;
11. and
12. (5) Seven persons appointed by the Municipal Council of Tinian,
13. no more than three of whom shall be members of the Council.

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

17. The office of the Legislative Counsel for the Mariana Islands District
18. Legislature shall be primarily responsible for providing legal services
19. as may be required by the Corporation.

20. (d) The following individuals are hereby designated the incorporators
21. of the Corporation:

22. (1) Two persons appointed by the Marianas District Legislature;
23. (2) Two persons appointed by the Marianas Political Status
24. Commission;
25. (3) Two persons appointed by the Municipal Council of Tinian;
26. (4) Two persons appointed by the Municipal Council of Rota; and
27. (5) Two persons appointed by the Municipal Council of Saipan;

1. Provided, however, that if any incorporator named pursuant to
2. this Act becomes unwilling or unable to serve as an
4. incorporator, then the remaining incorporators designated
5. hereby are hereby empowered to elect, by majority vote, the
6. successor to any such named incorporator.

7. (e) The incorporators are hereby authorized and directed to
8. take the steps required by this Act to organize the
9. Corporation promptly in order that the return of the Trust
10. Lands for the benefit of the people of the Mariana Islands
11. shall be expedited.

12. (f) The incorporators are directed to review the draft Articles
13. of Incorporation submitted to the District Legislature and
14. to make such modifications thereto as the incorporators
15. shall deem necessary to carry out the purposes of this
16. Act and the Secretarial Order and to benefit the people
17. of the Mariana Islands;

18. Provided, however, that the incorporators are not authorized
19. to make any ~~Article~~ changes in the draft Articles which
20. diminish the authority of the District Legislature or any po
21. popularly elected legislative successor thereto with respect
22. to the Corporation.

23. (g) The Corporation shall have the powers enumerated in this
24. Act, the Secretarial Order and the Articles of Incorporation
25. Incorporation adopted by the incorporators; provided,
26. however, that the powers of the Corporation shall be
27. subject to the limitations set forth in subsections
28. (d), (e) and (f) of Section 6 of the Secretarial Order.

1. (h) After the incorporators have approved the Articles of
2. Incorporation and the By-laws of the Corporation, the
3. incorporators are hereby directed to file the Articles of
4. Incorporation and the By-laws in the office of the
5. Registrar of Corporation of the Trust Territory of the
6. Pacific Islands and of the Clerk of the District Court of
7. the Mariana Islands District and, upon such filing, the
8. organization of the Corporation shall proceed in the
9. manner contemplated by the Articles of Incorporation
10. and the By-laws.
11. (1) The activities of the Corporation shall be conducted in
12. accordance with its Articles of Incorporation and By-laws,
13. each as amended from time to time.
14. (j) After the organization of the Corporation is complete, the
15. Corporation ~~shall~~ ~~is hereby authorized to~~ receive from the
16. High Commissioner: (1) complete records and an accounting
17. for and legal description of all Trust Lands to be returned,
18. including a full disclosure of all claims to and litigation
19. pending relevant to rights, title and interest in such lands
20. which have been documented by the United States and the
21. Trust Territory of the Pacific Islands, and (2) all right,
22. title and interest of the Government of the Trust Territory
23. of the Pacific Islands in the Trust Lands. In connection
24. with the transfer of title from the High Commissioner to
25. the Corporation, the Corporation is hereby authorized to
26. agree to hold the United States Government and the Central

1. Government of the Trust Territory of the Pacific Islands
2. and their respective agencies or political subdivisions
3. harmless from any and all claims relating to the lands
4. conveyed arising after the date of conveyance other than
5. claims resulting directly from the actions of the United
6. Government, the Government of the Trust Territory of the
7. Pacific Islands, their respective agencies or political
8. subdivisions or any of their duly authorized agents.
9. **Section 4. Guidelines Concerning Use and Disposition of the Trust Lands.**
10. The members of the Corporation shall adopt policy guidelines
11. setting forth limitations on land dispositions and outlining
12. the procedures to be followed in connection therewith
13. (hereinafter called the Trust Policy Guidelines). Until the
14. Trust Policy Guidelines shall have been adopted, the Corporation
15. shall not have any power to dispose of any interest in the
16. Trust Lands except for the power to execute on behalf of the
17. people of the Mariana Islands binding agreements to meet land
18. requirements of the United States designated in a future status
19. agreement approved by the people of the Mariana Islands.
20. **Section 5. Revenues.**
21. *(a) The corporation is hereby directed to appoint a firm of*
22. *independent certified public accountants to advise in the*
23. *organization of the financial records of the corporation*
24. *and to audit its financial statements at the end of each*
25. *fiscal year of the corporation.*
26. **(a) All revenues generated from the use, sale, disposition and**
27. **administration of the Trust Lands pursuant to this Act shall**

1. Section 6. Annual Report to the People. The Corporation shall prepare
2. an annual report to the people of the Mariana Islands
3. setting forth (i) a summary of its activities and proposed
4. activities, (ii) its financial statements for the past fiscal
5. year and (iii) its budget projections for the current fiscal
6. year. The Corporation shall publish its report in a manner
7. selected to reach the broadest segment of the people of the
8. Mariana Islands. The Corporation's annual report shall be
9. sent to the Mariana Islands District Legislature.

10. Section 7. Reservation of Power to Enact Certain Laws.

11. Pursuant to the Secretarial Order, the Mariana Islands
12. District Legislature is empowered to enact laws providing for
13. the exercise of the power of eminent domain, creating
14. adjudicatory bodies for the settlement of claims to title
15. or rights in the lands transferred, and establishing a
16. program for homesteading on the land transferred to the
17. district legal entity. The power to enact such laws is
18. hereby reserved. Until the District Legislature shall
19. establish or designate an adjudicatory body for the
20. settlement of claims to title or rights in the Trust Lands,
21. the Corporation is hereby empowered to settle title in any
22. portion of the Trust Lands in proceedings in the High
23. High Court of the Trust Territory of the Pacific Islands.

24. Section 8. Formal Request to High Commissioner. On behalf of the people,
25. the Mariana Islands District Legislature hereby formally
26. requests, as required by Section 1 of the Secretarial Order,
27. the High Commissioner to convey to the Corporation the

1. public lands to be returned pursuant to the Secretarial
2. Order.
3. *Section 9. // Kpōpōyāyāyōyā // // Tōtō / Yō / Mōtōyō / Mōtōpōyāyōyō / Yōpō / Yōpō / Qōpōyāyō*
4. *Fund / Pō / Yō / Mōyāyō / Kōyāyō / Pōyāyōyō / Yōpōyāyōyō / Yōpō / Yōpō / Pō*
5. *Yōpōyāyōyō / Yō / Pō / Yōpōyāyōyō / Yōpōyāyōyō / Yōpōyāyōyō / Yō / Yōpō*
6. *Yōpōyāyōyō / Yō / Yōpōyāyōyō / Yōpō / Yōpōyāyōyō / Pō / Yōpō / Mōyō /*
7. *Yōpōyāyōyō / Yōpōyāyōyō / Yōpōyāyōyō / Yōpōyāyōyō / Yōpōyāyōyō / Yōpōyāyōyō /*
8. *Yōpōyāyōyō / Yōpōyāyōyō / Yōpōyāyōyō / Yōpōyāyōyō / Yōpōyāyōyō / Yōpōyāyōyō /*
9. *Yōpōyāyōyō / Yōpōyāyōyō / Yōpōyāyōyō / Yōpōyāyōyō /*
10. **Section 9. Effective Date. This Act shall take effect upon approval**
11. **by the District Administrator, or upon its becoming law**
12. **without such approval.**

PASSED BY THE FOURTH MARIANA ISLANDS DISTRICT LEGISLATURE MARCH _____, 1975.