

October 29, 1976

AGENDA

Restrictions on Land Alienation

I. What general definitions of the terms used in the Covenant should be provided in the Constitution?

A. Definition of the term "acquisition".

Alternative 1: A provision that includes within the term "acquisition" all transfers -- by sale, gift, inheritance and mortgage foreclosure

Alternative 2: A provision that excludes situations in which a person becomes the owner of land through inheritance

Alternative 3: A provision that excludes temporarily situations in which a person becomes the owner of land through inheritance but requires that person to sell the land to a qualified owner within 10 (or some other number) of years

Alternative 4: A provision that excludes situations in which a person becomes the owner of land through foreclosure of a mortgage

Alternative 5: A provision that excludes temporarily situations in which a person becomes the owner of land through foreclosure of a mortgage but requires that person to sell to a qualified owner within 10 (or some other number) of years

Alternative 6: A provision that excludes both inheritance and mortgage foreclosure

Alternative 7: A provision that excludes temporarily both inheritance and mortgage foreclosure

B. Definition of the term "interest in real property".

Alternative 1: A provision that limits the interests in real property to ownership and leases

Alternative 2: A provision that includes ownership, leases, easements and equitable interests (trusts, covenants, etc.)

C. Definition of the term "long term" interest.

Alternative 1: leases of 30 years (or some other number of years) or more

Alternative 2: leases of 30 years (or some other number of years) or more unless the legislature provides for some shorter period

Alternative 3: leases of 10 years (or some other number of years) or more unless the legislature provides for a longer period

Alternative 4: leases of not less than 10 years nor more than 30 years as the legislature shall provide

D. Definition of "Northern Marianas Descent".

Alternative 1: A provision that requires one-fourth (or some other percentage) Chamorro or Carolinian blood

Alternative 2: A provision that requires inclusion in the 1973 Northern Marianas census or direct descent from someone who was so listed

Alternative 3: A provision that requires United States citizenship and birth in the Northern Mariana Islands

Alternative 4: A provision that contains all or any two of the first three alternatives.

II. What provision should be made with respect to the ownership of land by corporations?

Alternative 1: A provision that prohibits corporations from owning land but permits any corporation to lease land

- Alternative 2: A provision that permits only corporations incorporated in the Commonwealth to own land
- Alternative 3: A provision that permits only corporations that have their principle place of business in the Commonwealth to own land
- Alternative 4: A provision that permits only corporations in which persons of Northern Marianas descent (as defined under Section D above) own 50% (or some other percentage up to 100%) of the voting shares to own land
- Alternative 5: A provision that permits only corporations in which 50% (or some other percentage up to 100%) of the officers and directors are persons of Northern Marianas descent (as defined with Section D above)
- Alternative 6: A provision that contains some or all of the requirements of Alternatives 2, 3, 4, and 5.

III. What provisions should be included in the Constitution with respect to enforcement?

Alternative 1: A provision that makes a transaction in violation of the alienation restrictions absolutely void

Alternative 2: A provision that makes a transaction in violation of the alienation restrictions voidable if it is challenged

Alternative 3: A provision that makes a transaction in violation of the alienation restrictions good against everyone except the Commonwealth government

IV. Duration of the restrictions on land alienation.

Alternative 1: A provision that the restrictions will expire at some fixed date (either in 25 years or after a longer period)

Alternative 2: A provision that the restrictions be reconsidered at a fixed date (either in 25 years or after a longer period) and expire if action is not taken to renew them

Alternative 3: A provision that the restrictions be reconsidered at a fixed date (either in 25 years or after a longer period) and remain in effect

unless action is taken to
repeal them

Alternative 4: No provision on duration (in which
case the restrictions would remain
in effect for 25 years and there-
after until the Constitution was
amended).