

June 5, 1995

Memorandum for the Chair, Committee on Land and Personal Rights

From: Legal team

Re: Overview of Issues Before the Committee

Under Rule 24(a), the Committee on Land and Personal Rights has jurisdiction over the following matters:

1. Public Lands (Article XI)
2. Restrictions on Land Alienation (Article XII)
3. Eminent Domain (Article XIII)
4. Corporations (Article XVI)
5. Natural Resources (Article XIV)
6. Personal Rights (Article I)
7. Preamble
8. New/other matters

It may be useful to consider the order in which these assignments will be taken up by the Committee. Delegates would then have an incentive to get any additional proposals to the Committee in time to be considered on its schedule (although the official cut-off date is July 10, 1995).

The legal team has reviewed the proposals received thus far by counsel in order to provide an overview. Individual memos on each of the articles listed above are attached to this memo. Those memos on individual articles suggest the order in which topics within each article might be taken up. This memo suggests an order in which the discussion of articles might be taken up and summarizes the categories into which the delegate proposals fall.

Counsel has received 36 proposals that fall within the committee's assignments, and we have used these proposals as one basis for suggesting the order in which the committee might consider the constitutional articles for which it has been

assigned responsibility. Not all of the proposals received by counsel will actually be introduced, and some may be changed before they are introduced. But the existing proposals reflect generally the ideas that delegates and others have had with respect to possible amendments of the constitution, and these ideas are likely to surface in the discussions of the committee regardless of whether formal proposals have been received.

1. Restrictions on Land Alienation (Article XII)
 - . definition of Northern Marianas descent
 - . corporations as persons of Northern Marianas descent
 - . legislative matters currently in the Article XII

(9 proposals received thus far)

2. Eminent Domain (Article XIII)
 - . return to original owners of government-appropriated lands if not used for public purpose within a reasonable time

(1 proposal received thus far)

3. Public Lands (Article XI)
 - . marine resources
 - . governance of public lands
 - . fundamental policies with respect to public lands

(16 proposals received thus far)

4. Natural Resources (Article XIV)
 - . exploitation of marine mineral resources
 - . marine sanctuaries

(3 proposals received thus far)

5. Corporations

(no proposals received thus far)

6. Preamble

(1 proposal received thus far)

7. Personal Rights (Article I)
 - . capital punishment
 - . quartering militias

- . abortion
- . legislative matters currently in Article I

(6 proposals received thus far)

8. New/other matters

(no proposals received thus far)

By scheduling the Article XII discussion first, the Committee will allow itself maximum flexibility with respect to public hearings, committee hearings to consider the views of local lawyers and others concerned about Article XII, and counsel's review of proposals generated by lawyers advising individual delegates. Changes in the language of Article XII need to be considered carefully because of their impact on important rights, and it would be useful if the Committee scheduled the discussion to begin promptly so that it is not rushed in any way in its consideration. The Committee can take up other articles during recesses in the discussion of Article XII. There is no need to finish one assigned article before proceeding to the next.

Article XIII, on eminent domain, considers a very specialized issue as to lands taken by the government through exercise of its eminent domain powers. There should not be many difficult issues with respect to this article, and it might be a good idea to get through any changes to it fairly early in the Committee's work. If there are any changes, they can be sent to the floor for early consideration.

Article XI, on Public Lands, follows logically the resolution of issues with respect to land alienation and eminent domain. Some of the issues raised by proposed amendments to this article are quite fundamental and, like Article XII, the Committee will want to give itself maximum flexibility in dealing with them.

Article XIV, on Natural Resources, deals with subjects very similar to Article XI, on Public Lands, and logically would follow that discussion. These issues are likely to be relatively narrow and easy to resolve.

Article XVI (Corporations), Article I (Personal Rights), and the Preamble can be taken in any order. They are also candidates for discussion during breaks in the discussion of Article XII or Article XI (for example, when the Committee might be waiting for public hearings to be concluded). We have suggested the order set out above based on what we currently know of the issues.

The Committee probably should schedule new and "other" matters last, as a cleanup category. This will allow the