

6/23/95

COMMITTEE ON LAND AND PERSONAL RIGHTS

SUMMARY OF ISSUES WITH RESPECT TO ARTICLE XIII: EMINENT DOMAIN

ARTICLE XIII: EMINENT DOMAIN now reads:

Section 1:        Eminent Domain Power.

The Commonwealth may exercise the power of eminent domain as provided by law to acquire private property necessary for the accomplishment of a public purpose.

Section 2:        Limitations.

Private property may not be taken without just compensation. Private land may be taken only if no suitable public land is available for the accomplishment of the public purpose.

1. If the government takes privately-owned land through the exercise of eminent domain powers and does not use the land within a reasonable time for the public purpose for which it was taken, should the government be required to return the land to the original owner?
2. If the government is required to return the land to the original owner, should the owner have to refund the price the government paid for the land when it was taken by eminent domain?
3. If the government is required to return land to the original owner, and the original owner declines to pay for the return of the land, should the land be turned over to the Marianas Public Land Corporation and become available for lease for a commercial purpose or for a different public purpose?