

# ConCon moves to restore MPLC

CONSTITUTIONAL Conventions delegates on Saturday voted to restore the former Marianas Public Land Corporation and name it as the Marianas Land Bureau (MLB) changes to Article 11 of the constitution were passed on first reading including one that provides for the new MPLB to be governed by a five-member board appointed by the Governor with the advice and consent of the Senate.

The directors will serve five-year terms, with one term expiring every year so that the Governor will have an opportunity to appoint four of the five members during his term of office.

A limit of one term is imposed. Directors shall be persons who are qualified by virtue of their familiarity with land holding practices, customs and traditions in the Commonwealth.

There is a requirement that the members shall include one each from the island of Tinian and Rota, a women's constituency and a member of the Carolinian community.

Much of the public land during the past 20 years, has been transferred to homesteaders or to the commercial lessees.

In 1976, nearly 80 percent of the land in the Commonwealth was public land. Section five provides for the homestead program, including a homestead housing component.

"The Committee recommends this broader authority as a prac-

tical way to meet the shortage of land that will cause the end of the homestead program in the foreseeable future," the report noted.

The requirement that 10 years pass before the homesteader may sell or lease the homestead has been increased to 25 years.

Regarding land exchanges, the Committee recommends the use of a two-year limitation period on land exchange applications and a change in the way land exchanges are done.

The Marianas Land Bureau would not have the authority to deal with private individuals in land exchanges.

Those dealings would be done by the public agency that needs the private land that is the subject of the proposed land exchange. Once an agency makes a request for public land for a land exchange, the Bureau would have two years to act.

After two years, the Bureau would no longer have any jurisdiction and the case would be closed.

"When the landowner offers an exchange of private land but asks for too much public land in return, the exchange process simply stops," the Committee report pointed out. "Neither party goes ahead. Any proposed exchange not completed in two years is closed, and no exchange may be made.

The Committee also took note of the old land exchange cases pending from various military confiscation.

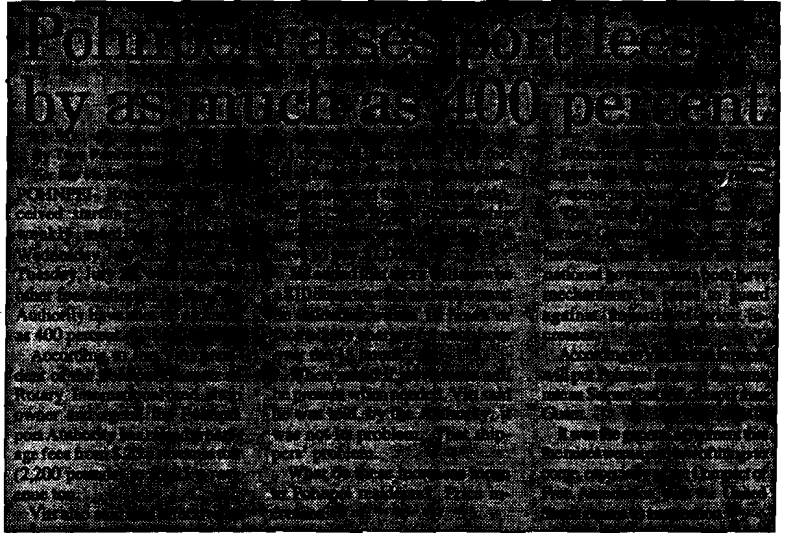
"If these cannot be resolved within the two-year time period, the Bureau will send the claimant a notice to that effect, and the claimant would then have to pursue his or her rights in the courts," stated the report.

"It is the intent of the Committee, and it is inherent in the two-year limitation period, that the land exchange problems be resolved before commercial leases are granted.

Lease on public lands should be increased from 25 to 40 years, the LPR Committee recommended. It recommended that the Bureau put in all leases a provision defining the expi-

ration of the lease in three years if the commercial purpose has not been accomplished.

The Committee also recommends that the Legislature be required to vote to approve or reject a lease and that no alterations or additional conditions be allowed. Leases of more than 25 years or more than five hectares still need the approval of the Legislature.



**13,000 Guamanians can't be wrong**

# Irate Manglona walks out of ConCon panel meeting

## Says Amendment 25 discussion a waste of time



Benjamin T. Manglona

# ...t okays Tinian

man of the Commemoration Committee, some weeks ago asked permission from the US Military to hold solemn peace ceremonies within the EMU area marking the 50th anniversary of the atomic bombings of World War II.

US Navy Rear Admiral David Brewer III responded saying the Department of Defense would not approve of such ceremonies at the EMU zone, owing to the sensitivity of the issue of the atomic bombings.

Such response prompted another letter from Borja, addressed to the Department of Defense, seeking reconsideration of the decision and clarifying on the real intent behind the peace ceremony.

Continued on page 7

By Rafael H. Arroyo  
Variety News Staff

ROTA DELEGATE to the Third Constitutional Convention Benjamin T. Manglona yesterday walked out of a meeting of the Executive Branch and Local Government Committee in disgust over what he referred to as move to deprive the people of Rota the right to govern themselves.

Manglona, a former lieutenant governor, left the House chamber after members of the EBLG Committee appeared ready to vote for a stronger central government and a weaker local government.

"What happened actually, after I argued my case with the committee, I left the room because I was very displeased and disappointed over the lack of understanding and appreciation regarding that issue," said Manglona in an interview after the walkout.

"All along I tried my very best to call upon our fellow delegates for unity, understanding regarding this. But it appears to me that over this one month period, there is a lack of understanding and appreciation regarding my plea to address an issue that is so dear to the people of Rota," said the Rota delegate.

Although he refused to use the term "walkout," Manglona said he left because the committee did not want to listen to his proposals to strengthen Amendment 25 of the Constitution.

"Why should I be wasting my time and their time. I have exhausted all means and nobody seems ready to listen to the concern of Rota. Instead they have attempted to kill Amend-

ment 25," said Manglona.

The need to address the issue of local government vis-a-vis the powers of central government has become necessary owing to the recent legal battle between the central and Rota local government over the extent of the latter's powers.

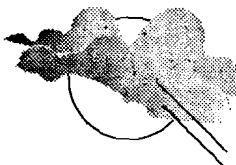
The *Inos vs. Tenorio* case ended with the Superior Court affirming much of the executive authority to the governor in executing and enforcing Commonwealth law.

Amendment 25, put in during the last Constitutional Convention, gave the island mayors and local government a certain degree of autonomy in the administration of public services and the enforcement of laws.

According to Manglona, there is a need for the Convention to put in provisions in the to clarify and lay the issue to rest.

Continued on page 7

## Weather Outlook



**Partly cloudy with showers**

July 27, 1995 - Marianas Variety

As a matter of DoD policy, however, Slocombe said non-veteran ceremonies commemorating the atomic bomb flights are not approved within the EMU area, nor will DoD support be provided to such ceremonies outside the EMU area.

"However, Rear Admiral Brewer is authorized to provide DoD support to commemorative activities designed and intended to honor our veterans as he deems appropriate and feasible," said the Defense official.

## Irate . . .

Continued from page 1

He has put in several proposals to strengthen Amendment 25 "so that we can prevent this quarrel over local government."

Manglona pointed out that under the Covenant provision on the Executive Branch, the governor was given the faithful execution of Commonwealth laws, as well as other officials, as may be provided by the Constitution.

When the court decided in the *Inos* case, however it said that maybe it was intended by the framers that only the governor will have that power because under the Executive Branch article, the governor is the only official mentioned.

Manglona stressed that the same language was not brought forward under the Covenant and that is why he is proposing a constitutional amendment to make the local government provision compatible with that of the Covenant.

"I had a proposal so that the Constitution will include other officials to make the language very clear that the mayor can also have the faithful execu-

tion of Commonwealth laws within their powers," said Manglona.

But according to Manglona, it appears that his pleas for understanding and support may have fallen on deaf ears within the Saipan-dominated committee and convention.

"They tend to argue that all the power belongs to the governor. I said, wait minute because the Covenant says otherwise and the Constitution should be consistent with the Covenant," the Rota delegate said.

Asked what type of proposal the committee is pushing, Manglona said the panel is keen on Option Four, which he said is basically affirming the court's decision that the authority rests with the governor.

"Should their proposal be implemented the people of Rota and Tinian will once again be left out and ill become as weak as during the time of the first ConCon," said the Rota delegate.

Meanwhile, a ConCon insider told the Variety that the reason why Saipan members seem inclined towards stronger central government and weaker local government is that they are afraid of "past experiences" having a strong island mayor.

