



GOV. COMM. 10-27
(HOUSE)

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

FROILAN C. TENORIO
Governor

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JESUS C. BORJA
Lt. Governor
The Honorable Jesus R. Sablan
President of the Senate
Tenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Q 4 MAR 1996

The Honorable Diego T. Benavente
Speaker of the House of Representatives
Tenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law Senate Bill No. 10-2 ("S.B. 10-2"), entitled the "Rota Agricultural Homestead Corrections Act of 1996," which was passed by the Tenth Northern Marianas Commonwealth Legislature.

This bill corrects certain legal deficiencies unintentionally created upon the approval of Public Law 7-11 (the "Rota Agricultural Homestead Act of 1990") which was signed into law on October 24, 1990. For those Rota residents who obtained agricultural homestead permits pursuant to P.L. 7-11 and *complied* with the conditions of their permits first established by MPLC and thereafter by its successor the Division of Public Lands ("DPL") of the Departments of Lands and Natural Resources, no law or regulation should work to obstruct their right to receive or eventually receive fee title to their agricultural homesteads.

As I pointed out last year in my veto message to Senate Bill No. 9-180, I have not been satisfied with the manner in which the Rota Agricultural Homestead Program has been managed. The public must be ensured that CNMI law is followed with the distribution and management of all public land, including village and agricultural homesteads. Although S.B. 10-2 will resolve certain legal problems with the Rota Agricultural Homestead Program, DPL will still need to investigate whether all permit requirements have been complied with by the agricultural homesteaders. MPLC's failure (as documented by the Inspector General) to adequately manage the homestead programs and allow recipients to improperly transfer their property and, in certain cases, allow improper structures and commercial establishments to be located thereon, will not be allowed to continue under the management by DPL. Suitable agricultural land (not hilly and/or rocky limestone foundation areas such as Dugi and Gampapa) must be used for the program. Where Rota agricultural homesteaders fail to comply with their permits by not actively using their one-hectare lots for agricultural purposes, DPL shall move to recover the property for the Government.

S.B. 10-2 becomes Public Law No 10-3.

Sincerely,

FROILAN C. TENORIO

Rec'd 3/4/96 2:35 p.m.

THE SENATE
TENTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE

FIRST REGULAR SESSION, 1996

PUBLIC LAW NO. 10-3
SENATE BILL NO. 10-2

AN ACT

To amend the Rota Agricultural Homestead Act; to ratify actions taken and agricultural permits issued in accordance with the terms of Public Law No. 7-11; to repeal and reenact 2 CMC §§ 4382 and 4383; and for other purposes.

Offered by Senator Juan P. Tenorio

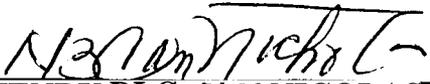
DATE: January 17, 1996

SENATE ACTION

Standing Committee Report No.: None
Second and Final Reading: January 18, 1996

HOUSE ACTION

Standing Committee Report No.: None
First and Final Reading: January 19, 1996


HENRY DLG. SAN NICOLAS
SENATE LEGISLATIVE SECRETARY

TENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE

PUBLIC LAW NO. 16-3
SENATE BILL
NO. 10-2

FIRST REGULAR SESSION, 1996

AN ACT

To amend the Rota Agricultural Homestead Act; to ratify actions taken and agricultural permits issued in accordance with the terms of Public Law No. 7-11; to repeal and reenact 2 CMC §§ 4382 and 4383; and for other purposes.

**BE IT ENACTED BY THE TENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 Section 1. Short Title. This Act may be cited as the Rota Agricultural
2 Homestead Corrections Act of 1996.

3 Section 2. Findings and Purpose. The Legislature finds that a
4 number of permits for agricultural homestead were issued following
5 approval of Public Law No. 7-11 by the Governor on October 24, 1990. The
6 Legislature further finds that the final clause of Section 7 of PL. No. 7-11,
7 referring to effectivity "upon the availability of the homestead
8 development funds identified in the series bonds issue by the
9 Commonwealth Development Authority," was apparently overlooked both
10 by the government, Marianas Public Land Corporation, and the
11 homesteaders. No other reference to "homestead development funds,"
12 "series bonds," or the Commonwealth Development Authority appears in
13 Public Law No. 7-11. Nevertheless, this technical defect now jeopardizes
14 the right and title of agricultural homesteaders on Rota to their
15 homesteads. The Legislature further finds that any attempt to deprive Rota
16 agricultural homesteaders of rights in their homesteads raises serious
17 constitutional questions of taking of property without due process of law.
18 The homesteaders received their permits in accordance with the
19 substantive terms of the law and relied on the permits and the attendant

1 rights specified by the Act and other law. The purpose of this Act is to give
2 full effect to the main intent of Public Law No. 7-11 and to avoid
3 constitutional difficulties.

4 Section 3. Amendment. Notwithstanding the language at the end of
5 Section 7 of Public Law No. 7-11 ("and shall take effect upon the availability
6 of the homestead development funds identified in the series bonds issue by
7 the Commonwealth Development Authority"), Public Law No. 7-11 shall be
8 deemed to have taken effect October 24, 1990, and Section 7 of Public Law
9 No. 7-11 is hereby amended accordingly.

10 Section 4. Ratification.

11 (a) All actions taken in conformance with the provisions of
12 Sections 1 through 6 of Public Law No. 7-11 and related law, and all
13 permits or other instruments issued, executed, or delivered in
14 conformance therewith and otherwise in compliance with
15 Commonwealth law are hereby ratified, and no challenge, defense,
16 claim, remedy, cause of action, or other right, based on the
17 unamended Section 7 of Public Law 7-11, shall lie against or arise
18 from such action.

19 (b) Except as provided by this Act, Article 7 of Chapter 3 of
20 Division 4 of Title 2 of the Commonwealth Code is hereby ratified and
21 reenacted as positive law.

22 Section 5. Repeal and Reenactment.

23 (a) 2 CMC § 4382 is hereby repealed and reenacted to read:
24 "§4382. Designation of Homestead Areas. Such areas of
25 public lands on the island of Rota as may be suitable for
26 agricultural purposes, and which are not required for
27 government use or reserved for other purposes by any
28 other provision of law, shall be designated by the
29 Secretary of the Department of Lands and Natural
30 Resources on behalf of the Commonwealth government
31 for homesteading purposes. Such areas may, in
32 accordance with the provisions of this law, be allotted
33 to qualified persons for the purpose of farming with

1 the right to acquire title upon the fulfillment of the
2 conditions prescribed in this article."

3 (b) 2 CMC § 4383 is hereby repealed and reenacted to read:
4 "§4383. Establishment of Area: Requirements for Use of
5 Property.

6 (a) Subject to article XI, section 5 of the
7 Commonwealth Constitution, the Secretary of the
8 Department of Lands and Natural Resources shall
9 determine and establish standards and requirements
10 for the use, occupation, and development of the
11 homestead tracts granted under this article consistent
12 with its terms.

13 (b) Subject to the availability of public land for
14 agricultural homesteading purposes, the maximum area
15 of land allowable for each agricultural tract to be made
16 available under this article, shall be one hectare.

17 (c) The Secretary of the Department of Lands
18 and Natural Resources shall file a copy of each of the
19 Secretary's determinations under this section with the
20 Commonwealth Recorder's Office."

21 Section 6. Severability. If any provision of this Act or the
22 application of any such provision to any person or circumstance should be
23 held invalid by a court of competent jurisdiction, the remainder of this Act
24 or the application of its provisions to persons or circumstances other than
25 those to which it is held invalid shall not be affected thereby.

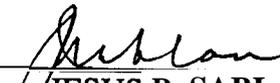
26 Section 7. Savings Clause. This Act and any repealer contained
27 herein shall not be construed as affecting any existing right acquired
28 under contract or acquired under statutes repealed or under any rule,
29 regulation or order adopted under the statutes. Repealers contained in this
30 Act shall not affect any proceeding instituted under or pursuant to prior
31 law. The enactment of this Act shall not have the effect of terminating, or
32 in any way modifying, any liability, civil or criminal, which shall already
33 be in existence at the date this Act becomes effective.

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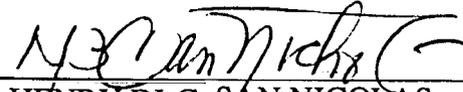
Section 8. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED TO BY:

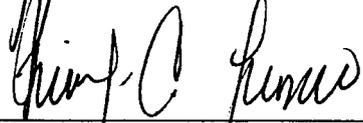


JESUS R. SABLAN
PRESIDENT OF THE SENATE



HENRY DLG. SAN NICOLAS
SENATE LEGISLATIVE SECRETARY

— approved this 4th day of March, 1996.



FROILAN C. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS