

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 4114. Marianas Public Land Corporation.

There is in the Commonwealth government the Marianas Public Land Corporation:

(a) The corporation shall have nine directors appointed by the Governor with the advice and consent of the Senate who shall direct the affairs of the corporation for the benefit of the people of the Commonwealth who are of Northern Marianas descent.

(b) Two directors shall be residents of Saipan, two shall be residents of Rota, two shall be residents of Tinian, one shall be a resident of the islands north of Saipan and one shall be a person of Carolinian descent. Each director shall be a citizen or national of the United States, a resident of the Commonwealth for at least five years immediately preceding the date on which the director takes office, a person who has not been convicted of a crime carrying a maximum sentence of imprisonment of more than six months, a person who is able to speak Chamorro or Carolinian and a person of Northern Marianas descent.

(c) The directors shall serve a term of six years except that three of the first nine directors appointed shall serve a term of two years and three shall serve a term of four years. A person may not serve more than one term as director.

(d) The corporation shall have the powers available to a corporation under Commonwealth law and shall act only by the affirmative vote of the majority of the nine directors.

(e) The directors shall make an annual written report to the people of the Commonwealth describing the management of the public lands and the nature and effect of transfers of interests in public land made during the preceding year and disclosing the interests of the directors in Commonwealth land.

(f) After January 9, 1988, the Public Land Corporation may be dissolved and its functions may be transferred to the executive branch of government by the affirmative vote of two-thirds of the members in each house of the legislature.

Source: N.M.I. Const. art. XI, § 4.

Commission Comment: 1985 Constitutional Amendment 32 amended N.M.I. Const. art. XI, § 4, upon which this section was based.

Executive Order 94-3, the "Second Reorganization Plan of 1994" (effective August 23, 1994), reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3, § 306(a) [**VACATED by PL 10-57, § 4**]:

Section 306. Department of Lands and Natural Resources.
[VACATED by PL 10-57, § 4]

(a) **Marianas Public Land Corporation.** Pursuant to [N.M.I. Const. art. XI, § 4(f)], the Marianas Public Land Corporation is dissolved and its functions transferred to a Division of Public Lands in the Department of Lands and Natural Resources, which shall have at its head a Director of Public Lands.

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The full text of Executive Order 94-3 is set forth in the Commission comment to 1 CMC § 2001. PL 12-33 later dissolved the Division of Public Lands on December 5, 2000 and created the Office of Public Lands within the Executive Branch.

The Board of Public Lands, which succeeded the Marianas Public Lands Corporation, was abolished by PL 12-71, § 2 (a) and replaced with the Marianas Public Lands Authority without conforming amendments to other sections of the act as enacted by PL 12-33. See comment to 1 CMC § 2801 regarding other technical deficiencies contained in PL 12-71. PL 15-2, which was enacted on February 22, 2006, abolished the Marianas Public Lands Authority and created a Department of Public Lands in its place [codified at 1 CMC § 2801 et seq.]. PL 15-2 contained the following provisions, in addition to severability and savings clauses. The global amendment therein included references to the Marianas Public Lands Corporation but did not account for existing references within the Commonwealth Code to the Board of Public Lands.

Section 1. Short Title. This Act may be cited as the “Public Lands Act of 2006.”

Section 2. Legislative Findings and Declaration of Policy. The purpose of this Act is to transfer the obligations and responsibilities of the Marianas Public Lands Authority to the elected legislative and executive officials of the Commonwealth. The Legislature has concluded that this Act is necessary based upon the following findings:

(a) Art. XI section 4 (f) of the Constitution, as amended in 1985, provides that the functions previously performed by the Marianas Public Land Corporation “shall be transferred to the executive branch of government” after its dissolution. The Marianas Public Lands Authority in its current structure as an autonomous agency outside the executive branch fails to comply with this constitutional mandate.

(b) The Commonwealth’s experience with the management of public lands over the years has demonstrated the need for additional controls to ensure that this valuable resource is administered in compliance with the requirements and fiduciary duties imposed by the Constitution.

Section 3. Repeal. Public Laws 10-57, 12-33, and 12-71 to the extent they are applicable to public lands, are hereby repealed and re-enacted as a new Article 3 under Title 1, Chapter 13, as follows . . .

Section 4. Global Amendment. Any reference to the Marianas Public Lands Corporation, Division of Public Lands, Office of Public Lands or the Marianas Public Lands Authority in the Commonwealth Code is hereby amended to read “Department of Public Lands.”

PL 15-64 (effective May 30, 2007) further amended the global amendment section of PL 15-2 as follows:

Section 4. Global Amendment. Any reference to the Marianas Public Lands Corporation, Division of Public Lands, Office of Public Lands or the Marianas Public Lands Authority in the Commonwealth Code is hereby amended to read “Department of Public Lands.” Any reference to the Board of Public Lands in the Commonwealth Code is amended to read “Secretary of Public Lands.”