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A BILL FOR AN ACT

Requiring the transfer of land from the Marianas  
Public Land Corporation (MPLC) to Miguel M. Babauta for  
a public purpose; and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1           Section 1. Findings. The Legislature finds that on  
2 August 1951, Mr. Miguel M. Babauta entered Homestead Tract  
3 No. 198, Island of Saipan, pursuant to an agreement with  
4 the District Land Office, Trust Territory of the Pacific  
5 Islands (TT District Land Commission) to do so for  
6 agricultural purposes. In furtherance of his agreement with  
7 the TT District Land Commission, Mr. Babauta submitted an  
8 application for homestead of Tract No. 198 on July 23,  
9 1953, hereinafter incorporated as Exhibit "A". At the  
10 instruction of the TT Land Office, Mr. Babauta paid the  
11 required \$10.00 filing fee for the homestead of Tract No.  
12 198 on November 19, 1963. According to documents contained  
13 in the files of the TT District Land Commission, June 21,  
14 1965, a notation was made in the file for Tract 198 that the  
15 "land available-description is ready for issuance". Mr.  
16 Babauta, against his desires, was refunded the \$10.00 he had  
17 paid nearly four years earlier for the filing fee of Tract

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1 No. 198 on April 4, 1967. Such refund was a result of a  
2 newly established policy by the TT District Land and  
3 Advisory Commission that a survey must be done before a  
4 homestead permit can be issued. On June 18, 1963, Jesus M.  
5 Babauta, Miguel M. Babauta's brother, filed an application  
6 for an Agricultural Homestead on Tract 198, designated as  
7 Tract Number 21722 and consisting of 44, 330 square meters.  
8 Miguel M. Babauta vacated Tract 198 in 1974 after learning  
9 that his brother had been issued an Agricultural Homestead  
10 Permit. Mr. Miguel M. Babauta's vacating of the land was  
11 an act he did in order to avoid a conflict with his brother.  
12 Through no fault of Miguel M. Babauta, and through the  
13 error, mistake, and bureaucratic handling of this matter by  
14 the TT District Land Commission, Mr. Babauta has had his  
15 agricultural homestead consisting of some 44,330 square  
16 meters wrongfully taken away from him and he has lost the  
17 land to which he had the right. The Legislature finds House  
18 Joint Resolution No. 5-36, (resolving that MPLC transfer  
19 land to rectify this situation) to be inadequate, and finds  
20 that the Legislature must take action to have Mr. Miguel M.  
21 Babauta's matter resolved in his favor.

22 The Sixth Northern Marianas Commonwealth Legislature  
23 finds that the taking of the Agricultural Homestead Tract  
24 No. 198 by the TT District Land Commission from Miguel M.  
25 Babauta on April 4, 1967, land which Mr. Babauta had

1 occupied since 1951, was improper and was without  
2 compensation being provided to Miguel M. Babauta.

3       The Sixth Northern Marianas Commonwealth Legislature  
4 further finds that a land exchange between MPLC and Miguel  
5 M. Babauta for land on Saipan comparable to the 44,330  
6 square meters taken on the Island of Saipan is for a public  
7 purpose and by this Legislation will authorize MPLC to enter  
8 into a land exchange agreement with Miguel M. Babauta which  
9 will adequately compensate him for the taking of  
10 Agricultural Homestead Tract No. 198

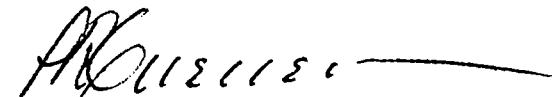
11       Section 2. Land Exchange: MPLC may enter into a land  
12 exchange with Mr. Miguel M. Babauta and deed to him,  
13 within 90 days after the passage of this Act, fee simple,  
14 land comparable in value to the 44,330 square meters on  
15 Saipan.

16       Section 3. Severability: If any portion of this act  
17 is found to be invalid be a court of competent jurisdiction  
18 the remaining portions shall not be affected by such  
19 holding.

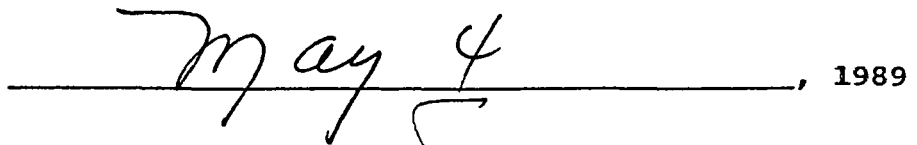
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1           Section 4. Effective Date: This Act shall take effect  
2 upon its approval by the Governor, or upon its becoming law  
3 without such approval.

ATTEST:

  
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PEDRO R. GUERRERO  
Speaker of the House

  
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EVELYN T. CASTRO  
House Clerk

  
\_\_\_\_\_, 1989

  
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PEDRO P. TENORIO  
Governor  
Commonwealth of the Northern Mariana Islands