

**ELEVENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE**

PUBLIC LAW NO. 11-96
SENATE BILL
NO. 11-135

FIRST SPECIAL SESSION, 1999

AN ACT

To amend 2 CMC, Div. 2, Article 2, Sections 4323 and 4327; to amend 2 CMC, Div. 2, Article 2 by adding a new § 4328; and for other purposes.

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

Section 1. Amendments. To amend 2 CMC, Div. 2, Article 2, Sections 4323 and 4327 to read as follows:

"§ 4323. The Marianas Public Land Corporation shall waive any requirements, limitations or regulations relating to the agricultural homesteading program in effect prior to January 9, 1978. Any person who can demonstrate continuous and actual occupancy or use of public land for agricultural purposes for period of 15 years prior to January 9, 1978, or who can demonstrate that he or she would have continuously and actually occupied or used public land for agricultural purposes for a period of 15 years prior to January 9, 1978 but for the U.S. military's or Trust Territory Administration's removal of the person from such land, shall be legally entitled to all the rights and interest of ownership of such land, and the Marianas Public Land Corporation shall convey such land by deed to any person who complies with procedures and requirements for granting of deeds established under 2 CMC § 4324.

§ 4327. Notwithstanding any other provision of law relating to homestead rights and procedures, any person who has continuously occupied or possessed with permission of the government a parcel of public land, who began using such land for agricultural purposes prior to January 9, 1978, and

who either used such land continuously for such purpose through February 9, 1981, or who can demonstrate that he would have used such land continuously for such purposes but for the U.S. military's or Trust Territory Administration's removal of the person from such land, but who has not been granted a homestead permit, shall be granted an agricultural homestead permit which shall be valid for all legal purposes, including acquisition of freehold title upon completion of homestead requirements, as if issued pursuant to other provisions of law relating to homestead rights and procedures. This section shall apply to persons who entered public land with any form of permission of the government, but not including executed fixed-term lease agreements. This section shall not be construed to impair the issuance of homestead permits in the manner otherwise provided by law."

Section 2. Amendment. To amend 2 CMC, Div. 4, Article 2 by adding a new § 4328 to read as follows:

"§ 4328. Prior Grants. Any deed or permit issued under 2 CMC § 4321 *et seq.* prior to the date this section became law is hereby deemed to be lawful and binding agreement in the same manner and to the same extent as if entered into after this section became law."

Section 3. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 4. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.

Section 5. 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:

/s/ Paul A. Manglona
PAUL A. MANGLONA
PRESIDENT OF THE SENATE

/s/ Edward U. Maratita
EDWARD U. MARATITA
SENATE LEGISLATIVE SECRETARY

Approved this 10th day of September, 1999.

/s/ Jesus R. Sablan
~~PEDRO P. TENORIO~~ Jesus R. Sablan
Acting GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS