

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 4751. Funding.

Notwithstanding any provision of law, the Board of Public Lands shall utilize the bond proceeds from the trust funds and earnings thereof established under 2 CMC § 4743(d) to meet reasonable past, present and future expenses of administering the purposes of this Act, limited to obtaining appraisals, title searches and for conducting administrative hearings and review pursuant to this Act.

Source: PL 13-25, § 1(3)(14); amended by PL 14-29, § 1(d), modified.

Commission Comment: PL 14-29 took effect on September 21, 2004 and contained severability and savings clause provisions among other amendments and provisions. There was much ambiguity and deficiencies in the actual text of PL 14-29. Section 1(d) in particular stated:

(d) Section 14 of PL 13-17, as amended by PL 13-39, is amended as follows:

Section 14. Funding. Notwithstanding any provision of law, the Board of Public Lands shall utilize the bond proceeds from the trust funds and earnings thereof established under Section 4(d) herein to meet reasonable past, present and future expenses of administering the purposes of this act, limited to obtaining appraisals, title searches and for conducting administrative hearings and review pursuant to this Act.

There was no “Section 14” in PL 13-17 and PL 13-39 did not amend the specific funding issue. Careful research and review revealed that PL 13-25, § 1(3)(Section 14) addressed the specific funding issue, but no such amendment was made by PL 13-39. Another troubling reference was made above to “Section 4(d) herein.” Careful research and review did not turn up a clear answer, however, it appeared most likely that the legislature meant section 4(d) of PL 13-17, which the Commission codified as 2 CMC § 4743(d).

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. Thereafter, 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. PL 15-2 contained short title, legislative findings and declaration of policy, repealer, global amendment, transition, severability, and savings clauses. The Board of Public Lands was not included in the global amendment therein. See 1 CMC § 2801 for detailed information regarding PL 15-2.