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AN ACT

To authorize the Marianas Public Land Corporation to waive homestead requirements relating to agricultural homesteading in effect prior to January 9, 1978.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1           Section 1. Short Title. This Act shall be known and may be cited  
2 as the "Homestead Waiver Act of 1980".

3           Section 2. Findings and Purpose.

4                   (a) The Legislature finds that a large number of  
5 agricultural homestead applicants and other occupants of public  
6 lands were authorized by previous government officials to enter  
7 public lands for agricultural purposes without agricultural  
8 homestead permits.

9                   (b) The Legislature finds that these agricultural  
10 homestead applicants and other occupants of public lands cannot  
11 receive these lands in fee simple because of requirements,  
12 limitations and regulations relating to agricultural homesteads  
13 in effect prior to January 9, 1978.

14                   (c) The Legislature further finds that many individual  
15 persons have used public lands continuously for over fifteen  
16 years for agricultural purposes without any agricultural  
17 homestead permit or governmental authorization.

18                   (d) It is the purpose of this Act to:

19                           (1) Provide the Marianas Public Land Corporation  
20                                   with sufficient authority and flexibility to  
21                                   waive requirements, limitations and regulations

1 relating to agricultural homesteading in effect  
2 prior to January 9, 1978; and  
3 (2) Provide the Marianas Public Land Corporation with  
4 the authority and flexibility to implement  
5 Article XI, Section 5(a) of the Constitution of  
6 the Northern Mariana Islands relating to  
7 persons occupying public lands for over fifteen  
8 years.

9 Section 3. Waiver of Homestead Requirements. The Marianas  
10 Public Land Corporation is hereby authorized to waive any requirements,  
11 limitations or regulations relating to the agricultural homesteading  
12 program in effect prior to January 9, 1978. Any person who can  
13 demonstrate continuous and actual occupancy or use of public land for  
14 agricultural purposes for a period of fifteen years prior to January 9,  
15 1978 shall be legally entitled to all the rights and interests of  
16 ownership of such land, and the Marianas Public Land Corporation shall  
17 convey such land by deed to any person who complies with procedures  
18 and requirements for granting of deeds established under Section 4 of  
19 this Act.

20 Section 4. Conveyance of Public Lands - Limitations and  
21 Requirements.

22 (a) The Marianas Public Land Corporation shall establish  
23 the procedures for granting deeds to persons who have established  
24 continuous use of public lands for at least fifteen years as of  
25 the effective date of the Constitution.

1           (b) A person receiving a deed under this Act shall be  
2           limited to an agricultural homestead lot that does not exceed  
3           the land area allowable at the time the land was entered,  
4           occupied and improved.

5           Section 5. Rules and Regulations. The Marianas Public Land  
6 Corporation shall publish in the Commonwealth Register proposed  
7 regulations to carry out the purposes of this Act. Not less than  
8 thirty days, but not more than forty-five days, after such publication  
9 the Corporation shall, after consideration of any comments received  
10 from the public, transmit such regulations in final form to the  
11 Legislature for approval, accompanied by such comments. The  
12 Legislature shall be deemed to have approved such regulations, unless  
13 either House of the Legislature, within twenty days after the date of  
14 receipt of such transmittal, passes a resolution disapproving such  
15 regulations.

16          Section 6. Homestead Laws Still in Effect. The waiver  
17 authorization provided for in Section 3 of this Act applies only to  
18 persons eligible to acquire title under the provisions of Section 4 of  
19 this Act. All other persons seeking to acquire title to land under  
20 Homestead permits shall comply with applicable law, and the Marianas  
21 Public Land Corporation shall adhere to all applicable laws of the  
22 Commonwealth in administering homesteading programs.

23          Section 7. Special Homestead Procedures. Notwithstanding any  
24 other provision of law relating to homestead rights and procedures,  
25 any person who has continuously occupied or possessed with permission

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1 of the government a parcel of public land, who began using such land for  
2 agricultural purposes prior to January 9, 1978, and **who has used** such  
3 land continuously for such purpose through the effective date of this  
4 Act, but who has not been granted a homestead permit, shall be granted  
5 an agricultural homestead permit which shall be valid for **all** legal  
6 purposes, including acquisition of freehold title upon completion of  
7 homestead **requirements**, as if issued pursuant to other provisions of  
8 law relating to homestead rights and procedures. This Section shall  
9 apply to persons who entered public land with any **form** of written  
10 **permission** of the government, including revocable permits, but not  
11 including executed fixed-term **lease** agreements. This Section shall  
12 not be construed to impair the issuance of homestead permits in the  
13 manner otherwise provided by law.

14 Section 8. Severability. If any provision of this Act or any  
15 rule or regulation promulgated hereunder or the application of any  
16 such provision, rule or regulation to any person or circumstances shall  
17 be held invalid, by a court of competent jurisdiction, the remainder  
18 of this Act or any rules or regulations promulgated pursuant thereto  
19 or the application of such provisions, regulations or rules to persons  
20 or circumstances other than those to which it is held invalid, shall  
21 not be affected thereby.

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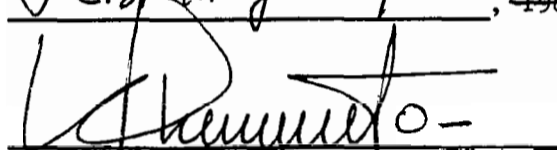
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1           Section 9. Effective Date. This Act shall take effect upon its  
2 approval by the Governor, or upon its becoming law without such approval.

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FEBRUARY 9, 1981  
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Carlos S. Camacho,  
Governor  
Commonwealth of the Northern Mariana  
Islands