

AN ACT

Requiring MPLC to waive certain pre-1978 requirements in its agricultural homestead program by amending 2 CMC Sections 4323; and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Findings and Purpose. The present law gives MPLC the discretion to waive pre-1978 requirements for agricultural homesteads for persons who can demonstrate 15 years of continuous and actual occupancy of public land used for agricultural purposes. The purpose of this legislation is to require MPLC to waive those requirements thus removing MPLC's discretion in these matters. This change is required because the Legislature finds that numerous persons have demonstrated actual and continuous use of the land before 1978 and have relocated with the government commitment that alternative land would be provided. These persons are still without agricultural homestead. A required, rather than discretionary, waiver of requirements should remedy the current inequitable situation.

Section 2. Amendment. 2 CMC Section 4323 is amended to read as follows:

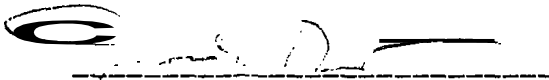
“Section 4323. Waiver of Homestead Requirements. The Marianas Public Land Corporation shall waive any requirements, limitations or regulations relating to the agricultural homesteading program in effect to prior to January 9, 1978. Any person who can demonstrate continuous and actual occupancy or use of public land for agricultural purposes for a period of 15 years prior to January 9, 1978 shall

be legally entitled to all the rights and interests 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 Section 4324."

Section 4. Severability. If any section of this Act or any regulation is issued under the authority to this Act should be declared invalid or unenforceable by a court of competent jurisdiction, the judicial determination shall not affect the validity of the Act or regulations as a whole, or any part declared invalid or unenforceable.


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:



JUAN S. DEMAPAN
PRESIDENT OF THE SENATE

ATTESTED TO BY:



EDWARD U. MARATITA
SENATE LEGISLATIVE SECRETARY

APPROVED this 7th day of JANUARY, 1993



LORENZO I. DE LEON GUERRERO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS