

**TENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE**

PUBLIC LAW NO. 10-2
SENATE BILL
NO. 10-1

FIRST REGULAR SESSION, 1996

AN ACT

To amend the Tinian Agricultural Homestead Act; to ratify actions taken and agricultural permits issued in accordance with the terms of Public Law No. 6-15; to repeal and reenact 2 CMC §§ 4372 and 4373; and for other purposes.

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

Section 1. Short Title. This Act may be cited as the “Tinian Agricultural Homestead Corrections Act of 1996”.

Section 2. Findings and Purpose. The Legislature finds that a number of permits for agricultural homestead were issued following approval of Public Law No. 6-15 by the Governor of February 21, 1989. The Legislature further finds that the final clause of Section 7 of P.L. No. 6-15, referring to effectivity “upon the availability of the homestead development funds identified in the series bonds issued by the Commonwealth Development Authority, “was apparently overlooked both by the government, Marianas Public Land Corporation, and the homesteaders. No other reference to “homestead development funds,” “series bonds,” or the Commonwealth Development Authority appears in Public Law No. 6-15. Nevertheless, this technical defect now jeopardizes the right and title of agricultural homesteaders on Tinian to their homesteads. The Legislature further finds that any attempt to deprive Tinian agricultural homesteaders of rights in their homesteads raises serious constitutional questions of taking of property without due process of law. The homesteaders received their permits in accordance with the substantive terms of the law and relied on the permits and the attendant rights specified by the Act and other law. The purpose of this Act is to give full effect to the main intent of Public Law No. 6-15 and to avoid constitutional difficulties.

Section 3. Amendment. Notwithstanding the language at the end of Section 7 of Public Law No. 6-15 (“and shall take effect upon the availability of the homestead development funds identified in the series bonds issued by the Commonwealth Development Authority”), Public Law No. 6-15 shall be deemed to have taken effect February 21, 1989, and Section 7 of Public Law No. 6-15 is hereby amended accordingly.

Section 4. Ratification.

(a) All actions taken in conformance with the provisions of Sections 1 through 6 of Public Law No. 6-15 and related law, and all permits or other instruments issued, executed, or delivered in conformance therewith and otherwise in compliance with Commonwealth law are hereby ratified, and no challenge, defense, claim, remedy, cause of action, or other right, based on the unamended Section 7 of Public Law 6-15, shall lie against or arise from such action.

(b) Except as provided by this Act, Article 6 of Chapter 3 of Division 4 of Title 2 of the Commonwealth Code is hereby ratified and reenacted as positive law.

Section 5. Repeal and Reenactment.

(a) 2 CMC § 4372 is hereby repealed and reenacted to read:

“§ 4372. Designation of Homestead Areas. Such areas of public lands on the island of Tinian as may be suitable for agricultural purposes, and which are not required for government use or reserved for other purposes by any other provision of law, shall be designated by the Secretary of the Department of Lands and Natural Resources on behalf of the Commonwealth government for homesteading purposes. Such areas may, in accordance with applicable provisions of law, be allotted to qualified persons for the purpose of farming with the right to receive a freehold interest in the homestead after three years after the homestead is granted and to transfer a freehold interest in the homestead after ten years after the freehold interest is received.”

(b) 2 CMC § 4373 is hereby repealed and reenacted to read:

“§4373. Establishment of Area; Requirements for Use of Property.

(a) Subject to Article XI, section 5 of the Constitution of the Northern Mariana Islands, the Secretary of the Department of Lands and Natural Resources shall require and establish the following:

(1) Subject to the availability of public land for agricultural homesteading purposes, the maximum area of land allowable for each agricultural tract that may be made available to each qualified person under this Article shall be one hectare;

(2) Standards and requirements for the use, occupation and development of the homestead tracts granted under this Article consistent with applicable provisions of law.”

Section 6. 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 7. 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.

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Section 8. 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/ Jesus R. Sablan
JESUS R. SABLAN
PRESIDENT OF THE SENATE

/s/ Henry DLG. San Nicolas
HENRY DLG. SAN NICOLAS
SENATE LEGISLATIVE SECRETARY

Approved this 4th day of March, 1996.

/s/ Froilan C. Tenorio
FROILAN C. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS