

**TENTH NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE**

*PUBLIC LAW NO. 10-90*  
**SENATE BILL**  
**NO. 10-76**

**THIRD REGULAR SESSION, 1997**

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**AN ACT**

To make amendments to Chapter 13 of Division 2 of Title 1 of the Commonwealth Code as enacted by the Public Lands and Natural Resources Act of 1997 (H.B. No. 10-325); 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 Public Lands and Natural Resources Act Amendments of 1997.

Section 2. Amendments.

(a) 1 CMC § 2673(a), as enacted by the Public Lands and Natural Resources Act of 1997 (H.B. No. 10-325), is hereby amended to read:

"(a) There is hereby established a Board of Public Lands composed of five directors, appointed by the governor with the advice and consent of the Senate, who shall set policy for the Division of Public Lands for the benefit of the people of the Commonwealth who are of Northern Marianas descent. The Secretary and the Director shall carry out the policies of the Board concerning matters under its jurisdiction. No interest in public land shall be transferred except upon approval by the Board of the particular interest to be transferred, stated with specificity at least equal to that required to form a legally sufficient conveyance, and any attempted transfer of such an interest without prior Board approval shall be void and of no effect; Provided, that any provisions imposed as a condition of legislative approval pursuant to Article XI, Section 5 of the Commonwealth Constitution or section 2674 or 2675 of this Chapter shall not require further approval by the Board."

(b) 1 CMC § 2675(f), as enacted by the Public Lands and Natural Resources Act of 1997 (H.B. No. 10-325), is hereby amended to read:

"(f)(1) Prior to the execution of any lease of public land for use for commercial purposes, the Division shall give at least 15 days notice of its intended action and shall afford all interested persons reasonable opportunity to submit data, views, or arguments in writing and shall accept from interested persons alternative proposals for lease of the public land which is the subject of the intended action; Provided, that the Division need not accept alternative proposals if alternative proposals have previously been solicited by public notice captioned 'Request for Proposals to Lease Public Land' and conforming with the requirements of this paragraph, excepting subparagraphs (B) through (E). Notice shall be by publication at least eight times during two consecutive weeks in a newspaper of general circulation in the Commonwealth and by posting in convenient places in the civic center and in local government offices in each senatorial district, and shall be in the English, Chamorro, and Carolinian languages. The notice shall be captioned 'Notice of Proposed Lease of Public Land' and shall contain at a minimum the following:

(A) A description of the property, including the location in terms making it readily identifiable by the general public;

(B) The proposed Lessee, and if the proposed Lessee is not a natural person, the names of the officers, directors, and principal shareholders or members of the proposed Lessee, and including all real parties in interest;

(C) The names of any agents, representatives, or attorneys involved in negotiating the lease on behalf of the proposed Lessee;

(D) A concise statement of the terms and conditions of the proposed lease and information where a complete copy of the proposed lease and any alternative proposals may be

obtained without charge at any at any time during normal working hours;

(E) Identification of all alternative proposals received pursuant to a Request for Proposals to Lease Public Land for lease of all or any part of the public land covered by the proposed lease; and

(F) The time when, the place where, and the manner in which interested persons may present their views or proposals.

(2) The requirements of paragraph (1) of this subsection (f) are in addition to, and not in lieu of, any requirements imposed by other law.

(3) With respect to any lease requiring legislative approval, the notice required by this subsection (f) shall be given prior to submission of the proposed lease to the legislature.

(4) The Division is not required to give additional notice of any proposed lease which is substantially the same as a proposed lease for which notice has previously been given during the nine months immediately preceding execution; and further, the legislature may by joint resolution waive the requirements of this subsection (f) with respect to any lease for which notice has previously been given during such period."

(c) 1 CMC § 2677(c)(3), as enacted by the Public Lands and Natural Resources Act of 1997 (H.B. No. 10-325), is hereby amended to read:

"(3) rental income from public land is based on appraised fair market value and actually computed and collected on that basis; Provided, that the Board shall, within the limits set by fiduciary duty and the provisions of this Act, have discretion in negotiating basic rentals (including authorizing or approving negotiations carried out by the Secretary or Director);"

(d) 1 CMC § 2691 (a), as enacted by the Public Lands and Natural Resources Act of 1997 (H.B. No. 10-325), is hereby repealed and reenacted as followed:

"(a) [RESERVED]"

(e) 1 CMC § 2691(b), as enacted by the Public Lands and Natural Resources Act of 1997 (H.B. No. 10-325), is hereby repealed and reenacted as followed:

"(b) [RESERVED]"

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 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 20th day of February, 1998.

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