

ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

PUBLIC LAW NO. 11-48
H. B. NO. 11-220

FOURTH SPECIAL SESSION, 1998

AN ACT

To amend Section 2674 of Public Law 10-57 in order to further protect and preserve places important to the culture, traditions and history of the people of the Northern Mariana Islands; and for other purposes.

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

Section 1. Findings. The Legislature finds that under Article XIV, Section 2 of the Constitution of the Northern Mariana Islands, Managaha Island is to be maintained as an uninhabited place and used only for cultural and recreational places. The entire Managaha Island is public land and pursuant to Article XI, Section 1 of the Constitution of the Northern Mariana Islands, belong collectively to the people of the Commonwealth who are of Northern Mariana descent. Under Article XIV, Section 3 of the Constitution of the Northern Mariana Islands, all places of importance to the culture, traditions and history of the people of the Northern Mariana Islands shall be protected and preserved. Managaha Island is one of these places.

The Legislature finds that the best guarantee of protecting and preserving places of importance to the culture, traditions and history of the people of the Northern Mariana Islands is to ensure that management of these places, to the maximum extent possible, be first offered to persons of Northern Marianas descent. Only after good faith efforts have been made by the Division to lease these places to persons of Northern Marianas descent, including corporations pursuant to Article XII, Section 5 of the Constitution of the Northern Mariana Islands, may the Division open such places to other persons or corporations.

Section 2. Amendment. § 2674 of Public Law No. 10-57 is amended by inserting a new subsection (h) and relettering current subsection (h) to (i) to read as follows:

"(h) The Division shall give preference to a transfer of a leasehold interest in public lands that are also places of importance to the culture, traditions and history of the people of the Northern Mariana Islands to persons, including corporations under Article XII, Section 5 of the Constitution, of Northern Marianas descent. The Division shall comply with Section 2675, Subsection (f). The Division shall establish and

publish rules and regulations that give certain minimum standards to meet the requirement of preference to persons of Northern Marianas descent. One such requirement is that any proposal from a person or corporation of Northern Marianas descent must be within twenty percent (20%) of the highest proposal for such public land.

Current Subsection (h) shall now be Subsection (i) and all later subsections shall be relettered."

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/ Diego T. Benavente
DIEGO T. BENAVENTE
Speaker
House of Representatives

/s/ Evelyn C. Fleming
EVELYN C. FLEMING
House Clerk

Disapproved this 6th day of November, 1998

/s/ Pedro P. Tenorio
PEDRO P. TENORIO
Governor
Commonwealth of the Northern Mariana Islands

Overridden by the House of Representatives on November 19, 1998 and the Senate on November 13, 1998 with the affirmative vote of two-thirds of the members in each house.

CERTIFIED BY:

/s/ Diego T. Benavente
DIEGO T. BENAVENTE
Speaker of the House

/s/ Thomas P. Villagomez
THOMAS P. VILLAGOMEZ
Acting President of the Senate

<i>Overridden by the Senate on</i>	:	<i>11/13/98</i>
<i>Overriden by the House of Representatives on</i>	:	<i>11/19/98</i>
<i>Became Public Law No. 11-48</i>	:	<i>11/19/98</i>