

7/14/95

## ARTICLE XI: PUBLIC LANDS

### Section 1: Public Lands.

The lands as to which right, title or interest have been or hereafter are transferred from the Trust Territory of the Pacific Islands to any legal entity in the Commonwealth under Secretarial Order 2969 promulgated by the United States Secretary of the Interior on December 26, 1974, the lands as to which right, title or interest have been vested in the Resident Commissioner under Secretarial Order 2989 promulgated by the United States Secretary of the Interior on March 24, 1976, the lands as to which right, title or interest have been or hereafter are transferred to or by the government of the Northern Mariana Islands under article VIII of the Covenant, and the submerged lands off the coast of the Commonwealth to which the Commonwealth now or hereafter may have a claim of ownership are public lands and belong collectively to the people of the Commonwealth who are of Northern Marianas descent.

### Section 2: Submerged Lands.

The management and disposition of submerged lands off the coast of the Commonwealth shall be as provided by law.

### Section 3: Permanent Preserves

There are hereby established permanent preserves which shall be maintained as uninhabited areas for the cultural, recreational, wildlife, medicinal and other plant life, and scenic benefit of all the people. No permanent structure may be built in the preserves. No land designated as a preserve may be sold, leased, or dedicated to any private use in any way.

- a) [description of land on Saipan]
- b) [description of land on Tinian]
- c) [description of land on Rota]

[Note: This section is new. The lands to be put in the preserves are being defined by a subcommittee.]

Section 4: Other Public Lands.

The management and disposition of public lands other than those provided for by Section 2 shall be the responsibility of the Community Land Access Bureau.

Section 5: Community Land Access Bureau.

There is hereby established the Community Land Access Bureau.

a) The bureau shall have five directors, appointed by the governor with the advice and consent of the senate. The directors shall be held to strict standards of fiduciary care and shall direct the affairs of the bureau for the benefit of the people of the Commonwealth who are of Northern Marianas descent. The directors shall serve staggered terms of five years.

b) At least one director shall be a resident of each senatorial district, at least one shall be a woman and at least one shall be a representative of the Carolinian community. Each director shall be a citizen of the United States and a resident of the Commonwealth for five years and may not hold any other government position.

c) The bureau shall have the powers available to a corporation under Commonwealth law and shall act only by the affirmative vote of a majority of the directors.

d) The chair shall make an annual report in person to the people through a joint session of the legislature describing the management of the public lands and the nature and effect of transfers of interests in public land made during the preceding year and disclosing the interests of the directors in land in the Commonwealth.

Section 6: Fundamental Policies.

The bureau shall follow certain fundamental policies in the performance of its responsibilities.

a) The bureau shall use some portion of the public lands for a homestead and homestead housing program. A person is not eligible for more than one homestead or homestead housing grant. A person may not receive a freehold interest under this subsection for three years after a grant and may not sell or lease a freehold interest in a grant for twenty five years after receipt. At any time after receiving the freehold interest, the grantee may mortgage the grant provided that all funds received from the mortgage be devoted to the improvement of the grant. Other requirements relating to the program under this subsection shall be provided by rules and regulations issued by the bureau.

b) The bureau may transfer a freehold interest in public lands for use for a public purpose by another agency of government after reasonable notice and public hearing.

c) The bureau may transfer a leasehold interest in public lands for commercial or other purposes after reasonable notice, an opportunity for competing bids, and public hearing. A leasehold interest shall not exceed forty years including renewal rights and shall expire within three years if the commercial purpose is not accomplished. Leasehold interests of more than twenty five years, or more than five hectares, shall be submitted to the legislature. The legislature may approve or reject, but may not alter, the lease presented by the bureau. If the legislature fails to act within sixty days during which the legislature is in session, the lease is deemed approved.

d) The bureau shall operate in accordance with a comprehensive land use plan with respect to public lands including priority of uses and shall adopt or amend the plan only after reasonable notice and public hearing.

e) The bureau shall receive all moneys from the public lands and shall transfer these moneys promptly to the Marianas Public Land Trust except that the bureau may retain the amount necessary to meet reasonable expenses of administration and to maintain the permanent preserves in accordance with a budget approved by the legislature and the governor.

#### Section 7: Land Titles

The bureau is vested with jurisdiction to investigate, consider, adjudicate, and resolve land titles.

#### Section 8: Marianas Public Land Trust

There is hereby established the Marianas Public Land Trust.

a) The trust shall have five trustees appointed by the governor with the advice and consent of the senate, who shall be held to strict standards of fiduciary care. At least one trustee shall be a resident of each senatorial district, at least one trustee shall be a woman and at least one trustee shall be a representative of the Carolinian community. The trustees shall serve staggered terms of five years.

b) The trustees shall make reasonable, careful and prudent investments. At least fifty percent of the investments shall be in obligations with the highest available rating for quality and security.

c) The trustees may fund or guarantee the maintenance of the permanent preserves under section 3 and mortgages and construction loans permitted under section 6(a).

d) The trustees shall make an annual written report to the people accounting for the revenues received and expenses incurred by the trust and describing the investments and other transactions authorized by the trustees.

Schedule on Transitional Matters

Section \_\_\_\_: Public Lands

Leases of public lands after June 5, 1995 shall be in accordance with Article XI.

Nothing in these amendments shall impair rights under existing contracts.