

7/21/95

## ARTICLE XI: COMMONWEALTH 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: Other Public Lands.

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

### Section 4: Marianas Land Bureau.

There is hereby established the Marianas Land 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 terms of five years, with one term expiring each year, and shall serve not more than one term.

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 immediately prior to appointment, shall have adequate knowledge of landholding practices, customs and traditions in the Commonwealth, and shall 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 five directors.

d) The chair shall make an annual report in person to the people at 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 5: 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 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. Other requirements relating to the program under this subsection shall be as provided by the bureau.

b) The bureau may transfer a freehold interest in public lands only to a government agency for use for a public purpose after reasonable notice and public hearing and within two years of the date of the request.

c) The bureau may transfer a leasehold interest in public lands for commercial or other purposes after reasonable notice, a solicitation 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 acting in a joint session may approve or reject, but may not alter, the lease presented by the bureau. If the legislature fails to act within sixty calendar days, 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, costs of programs under section 5(a) and maintenance of the permanent preserves in accordance with a budget approved by the legislature and the governor.

Section 6: Permanent Preserves

a) There are hereby established permanent preserves to be used for cultural and recreational purposes, to preserve wildlife and medicinal and other plant life, and to conserve water resources. No land designated as a preserve may be sold or dedicated to any private use in any way.

b) Managaha Island, Bird Island, and Forbidden Island in the third senatorial district, and Anyota Island in the first senatorial district are permanent preserves which shall be maintained as uninhabited places used only for cultural and recreational purposes.

c) Public lands located within 150 feet of the high water mark of a sandy beach are permanent preserves which shall be maintained as uninhabited places with no structures other than facilities for public recreational purposes.

d) Public lands directly contiguous in any way to any beach are permanent preserves unless exempted by the bureau before December 31, 1997.

e) Public lands 500 feet or more above sea level are permanent preserves unless exempted by the bureau before December 31, 1997.

f) Public lands included in the Kagman wildlife conservation area, the Naftan wildlife conservation area, the Chenchun bird sanctuary, and the Katan Afato wildlife conservation area are permanent preserves upon which no permanent structures may be built and as to which no leases may be made.

g) Public lands in the sabana area of Rota are permanent preserves to be used for community farming, conservation, bird and wildlife preservation, recreation, and as provided by the bureau under section 6(a).

h) At least one hundred contiguous hectares of any land in Tinian under military lease and returned to the Commonwealth shall be designated as a permanent preserve by the bureau.

i) Other permanent preserves may be designated by the bureau.

Section 7: Land Titles

The bureau is vested with jurisdiction to investigate, survey, 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. Trustees may not hold government positions while serving as trustee. The trustees shall serve terms of five years, with one term expiring each year, and shall serve not more than two terms.

b) The trustees shall make reasonable, careful and prudent investments. At least forty percent of the investments shall be in obligations purchased in the United States with a high rating for quality and security. Investments in equities shall be purchased in companies listed on the United States stock exchange with the highest requirements for listing. The trustees have the sole power to approve investment of Trust assets.

c) The trustees may fund or guarantee the maintenance of the permanent preserves under section 3 and mortgages and loans permitted under section 6(a) to an amount not to exceed forty percent of interest earnings each year.

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.

Upon ratification of these amendments, the existing departments and agencies with responsibilities for land matters covered by Article XI and all their employees; all existing

administrative policies, rules, and regulations; all pending matters; and all laws with respect to these departments and agencies shall continue to exist, remain in effect, and continue to operate as if established pursuant to this Article XI if consistent with this Article XI.

Upon ratification of these amendments, all laws pertaining to the homestead program, land exchanges, and other land programs remain in effect until such time as they are inconsistent with a rule or regulation adopted by the bureau. Rules and regulations adopted by the bureau within its jurisdiction supercede existing legislation.

Determinations to exempt lands from the permanent preserves shall be made as to individual parcels; such determinations may not be made generally.

The Governor shall specify, in appointing directors of the Marianas land bureau, which directors have terms expiring each year.

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