

DEANNE SIEMER & HOWARD WILLENS
THIRD NORTHERN MARIANAS CONSTITUTIONAL CONVENTION
Legislature Building, Capitol Hill
Saipan, MP 96950

Tel: 670/322-2266

Fax: 670/322-2267

DATE: October 4

Number of pages in this transmission: 2

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FOR: Herman T. Guerrero
Chair, Post-Convention Committee

Tel: 234-0843

Fax: 234-0842

FROM: Deanne Siemer

MESSAGE

Herman --

This is a proposed letter to the Attorney General on a small clean-up point about which I was reminded when I saw Woodworth's letter. Is this okay to send?

Deanne

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Rec'd 10/4/95 - ag

October 3, 1995

Sebastian Aloit
Acting Attorney General
Capitol Hill
Saipan, MP 96950

Dear Sebastian:

One of the loose ends with respect to the current Constitution is the certification with respect to Section 7 of the Schedule Transitional Matters that was appended to the 1976 Constitution. That Section provides:

"Statutes of Limitations. The legislature shall study whether to repeal a statute of limitations currently in force in the Commonwealth with respect to land in order for the Commonwealth to provide compensation for past transactions. If a statute is repealed after study, the compensation provided by the Commonwealth shall be limited to priority with respect to the distribution of public lands and shall not affect a right in property that vested under the repealed statute of limitations."

When the legislature passed P.L.8-32, containing a six-year statute of limitations on land transactions, it must have repealed (expressly or by implication) any prior statute of limitations in force in the Commonwealth with respect to land. In any event, the legislation followed the legislature's study of the matter and in that sense implemented the directive contained in Section 7.

If the proposed constitutional amendments pass, Article XII, Section 6 will contain a constitutional statute of limitations that would also take precedence over Section 7. To leave Section 7 in the Transitional Schedule under these circumstances only invites confusion in the future as to what the legislature can or cannot do in the area of land transactions.

This matter has come up because of a recent inquiry from Don Woodworth about the resolution from the Constitutional Convention about Section 13 of the 1976 Schedule on Transitional Matters. I was reminded of our discussion on that matter and the fact that there were a few other sections still not certified by the Attorney General as executed. Although I recognize that it probably does not rank too high on your current priority list, you may want to take a look at Section 7 to see if it should now be certified.

Sincerely,

Howard P. Willens