

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 4351. Short Title.

This article may be cited as the Homestead Compensation Act of 1984.

Source: PL 3-103, § 1.

Commission Comment: PL 3-103 took effect January 26, 1984. According to PL 3-103, § 2:

Section 2. Legislative Findings and Requirements.

(a) The Legislature finds that there are many residents of the Northern Mariana Islands and their heirs who have been inadequately compensated for the transfer of their interests in and/or encroachments upon their lands that were caused by prior governmental action. [N.M.I. Const. Sched. on Transit¹ Matters § 7] provides for the legislative study of the land takings problems in the Commonwealth. After five years of study, including three public hearings upon this bill, the indexing of all Land Commission records by the staff of the House of Representatives, and the collection of all preliminary documents in an indexed notebook, the legislature finds that the judicial doctrine of laches and the statute of limitations should no longer serve as an excuse to deny compensatory relief to persons who have received no compensation or who have been inadequately compensated for these land takings and encroachments.

The legislature further finds that while the Commonwealth Constitution prohibits the legislature from awarding monetary compensation to these persons, the Constitution permits the legislature to compensate these persons by granting them priority with respect to eligibility in a homestead compensation program. The analysis of the Constitution states the following with respect to [N.M.I. Const. Sched. on Transit¹ Matters § 7]:

Section 7. Statute of Limitations.

This section provides that the legislature may repeal any statute of limitations currently in force in the Commonwealth. It may do so only after completing a study required by this provision. The legislature may repeal a statute of limitations only for the limited purpose of providing compensation to persons involved in transactions as to which the statute has barred claims. That compensation may not be monetary but may be only in a form of a priority with respect to the distribution of public lands. Since the legislature has power with respect to public lands only over the homestead program the only form of compensation available is priority with respect to eligibility in the homestead program. If the legislature repeals these statutes of limitations for the purpose of permitting claims against the Commonwealth government, a court or administrative agency could consider previously expired claims and determine the damages of aggrieved parties.

The legislature finds that there are several major categories of transfers of interests in and/or encroachments upon land for which inadequate compensation has been awarded by prior governmental entities in the Northern Marianas. The groups your committee has identified include the following persons:

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(1) Those landowners who lost all or a part of their lands when their lands were seized without adequate compensation for public road building purposes;

(2) Those landowners whose lands were encroached upon by exchange properties;

(3) Those landowners whose lands the United States Naval Administration and Trust Territory government assumed were privately held by other persons or were public, because no persons or documents were examined to show otherwise, when in fact the lands were private; and

(4) Those landowners whose lands the United States Naval Administration and Trust Territory government assumed were public based on an initial translation of a document, which showed that the land was sold. Upon a second translation, the documents revealed that the landowners sold only a right of way or some other interest.

Persons other than those who fall within these four categories may also assert claims, for the relief provided by this article is available to those landowners and their heirs who can prove they were inadequately compensated for transfers of their interests in or encroachments upon their land caused by government action after January 1, 1946, but prior to January 9, 1978.

As recommended by the Constitutional Analysis, it is the intention of this article to provide priority with respect to homestead eligibility for those landowners and their heirs who can prove by a preponderance of the evidence that they were inadequately compensated by past governmental action for transfers of interests in and encroachments upon their land. The Constitutional Analysis recommends that the legislature designate the Commonwealth Trial Court or an administrative agency to adjudicate the claims. The Board of Directors of the Marianas Public Land Corporation ("MPLC") has been selected by the legislature as the administrative body to weigh on a case by case basis the nature and extent of the land claims asserted by the landowners or their heirs. It is felt that upon request the MPLC can conduct the proceedings in Chamorro or Carolinian and in a less formal and legalistic manner than that required by the court. The Marianas Public Land Corporation shall not reject a claim because of the doctrine of laches or the expiration of the statute of limitations. In the event that Marianas Public Land Corporation determines that an applicant's claim is justified in whole or in part, it shall award the applicant compensation. The priority between applicants who have been granted homestead compensation lots under this article shall be determined by regulations issued by the Marianas Public Land Corporation which are consistent with this article.

(b) The legislature further finds that there are public lands within the Northern Mariana Islands that may be made available by the Marianas Public Land Corporation to compensate those residents who have been inadequately compensated for transfers of interests in and encroachments upon land caused by prior governmental action. In the event there are insufficient lands designated for compensation by the MPLC, the MPLC shall revise the Master Land Use Plan to provide sufficient public lands to meet the compensation requirements of this article. Homestead

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compensation lands shall be separately designated and administered by the MPLC from other homestead programs created by law.

(c) It is the purpose of this article to:

(1) Establish the Northern Mariana Islands Homestead Compensation Program for the individuals described above.

(2) Provide the MPLC with sufficient authority to implement this article.