



**HOUSE OF REPRESENTATIVES**  
**FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**  
**THIRD REGULAR SESSION, 2005**

**PUBLIC LAW NO. 14-66**  
**H. B. No. 14-31, HS1, SD2**

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AN ACT

To amend 2 CMC § 4323 to requiring the Marianas Public Lands Authority to grant title to public land to qualified persons who demonstrated fifteen (15) years of continuous and actual occupancy of public land, but did not receive such title despite being qualified because of his or her exclusion from the list of qualified persons established by MPLA; to mandate that MPLA review all past and pending claims and grant such title to qualified persons; to amend 2 CMC § 4324 to extend the time limitation for new claims made pursuant to 2 CMC § 4323 from twelve (12) to twenty-five (25) years; and for other purposes.

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

**Section 1. Findings.** The Legislature has long determined that a person who demonstrated fifteen (15) years of continuous use and actual occupancy of public land used for agricultural purposes prior to January 9, 1978 may obtain legal title to such land. The Homestead Waiver Act, as set forth in Public Law 2-13, § 3, granted the Marianas Public Land Corporation (MPLC) the discretion to waive pre-1978 homestead requirements for those individuals who demonstrated fifteen (15) years of continuous use and actual occupancy of public land used for agricultural purposes. The Legislature later determined, as set forth in the findings of Public Law 8-9, that it was necessary to remove MPLC's discretion because numerous persons demonstrated actual and continuous use of public land before 1978 and have relocated with the government commitment that alternative land would be provided to them. As a result, the Legislature amended 2 CMC § 4323 by removing MPLC's discretion and mandated that legal title in the form of a deed must be granted to those qualified persons. Subsequently, the Legislature determined, as set forth in Public Law 11-96, that certain persons would be qualified to obtain legal title to public land used for agricultural purposes but for the agreements between the Commonwealth and the United

States which required the removal of such persons for public land and further amend 2 CMC § 4323 to include those persons.

The Marianas Public Lands Authority (MPLA), the successor to MPLC pursuant to Executive Order 94-3, is mandated to carry out the intent of the Homestead Waiver Act by processing public land claims of persons who are qualified to obtain legal title to land pursuant to 2 CMC § 4323. The Legislature finds that the MPLA carried out its mandate by establishing a list of persons that might be qualified pursuant to 2 CMC § 4323. The MPLA, however, excluded the names of certain persons who may otherwise be qualified, the names of which are set forth herein, and declined to grant them title to public land as mandated by 2 CMC § 4323. Therefore, the Legislature mandates that MPLA review all pending and past claims made pursuant to 2 CMC § 4323, grant title to public land to qualified persons who did not receive title pursuant to the Homestead Waiver Act because of his or her exclusion from the list of qualified persons established by the MPLA, and publish and submit an annual report detailing the claims made and the decisions rendered on such claims to the Legislature and the Office of the Governor.

The Legislature further finds that the time limitation imposed on claims made pursuant to 2 CMC § 4323 is inadequate and therefore amends 2 CMC § 4324 to extend the time limitation for new claims made pursuant to 2 CMC § 4323 from twelve (12) to twenty-five (25) years.

**Section 2. Amendment.** 2 CMC § 4323, pertaining to the Waiver of Homestead Requirements, is hereby amended and shall read as follows:

“The Marianas Public Lands Authority shall waive any requirements, limitations or regulations relating to the agricultural homesteading program in effect prior to January 9, 1978. Any person who can demonstrate continuous and actual occupancy or use of public land for agricultural purposes for a period of 15 years prior to January 9, 1978, or who can demonstrate that he or she would have continuously and actually occupied or used public land for agricultural purposes for a period of 15 years prior to January 9, 1978 but for the U.S. military’s or Trust Territory Administration’s removal of the person

from such land, shall be legally entitled to all the rights and interest of ownership of such land, and the Marianas Public Lands Authority shall convey such land by deed to any person who complies with procedures and requirements for granting of deeds established under 2 CMC § 4324. Provided that those persons eligible under this section shall include the following: (1) A person who has occupied the land continuously for fifteen (15) years prior to January 9, 1978; and (2) Members of the same family that have occupied the same land continuously for fifteen (15) years prior to January 9, 1978, although no one family member has been on the land continuously for fifteen (15) years. The Marianas Public Lands Authority shall review all pending and past claims made pursuant to this section and grant title to public land for qualified individuals who did not receive title pursuant to this section because of his or her exclusion from the list of qualified persons established by the Marianas Public Lands Authority. The Marianas Public Lands Authority shall publish an annual report detailing the claims made and the decisions rendered on such claims to the Legislature and the Office of the Governor.”

**Section 3. Amendment.** 2 CMC § 4324(c), pertaining to the Conveyance of Public Lands: Limitations and Requirements, is hereby amended and shall read as follows:

“No time limitation shall be imposed by the Marianas Public Lands Authority for a period shorter than twenty-five (25) years after February 9, 1981, for submission of requests or applications for deeds and permits pursuant to this article.”

**Section 4. 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 5. 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 6. Effective Date.** This Act shall take effect upon its approval by the Governor or upon becoming law without such approval.

**CERTIFIED BY:**

**ATTESTED TO BY:**

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**BENIGNO R. FITIAL**  
SPEAKER OF THE HOUSE

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**EVELYN C. FLEMING**  
HOUSE CLERK

**APPROVED on this 5<sup>th</sup> day of MAY, 2005**

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**JUAN N. BABAUTA**  
GOVERNOR  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS