

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 4115. Marianas Public Land Corporation: Fundamental Policies.

The Marianas Public Land Corporation shall follow certain fundamental policies in the performance of its responsibilities:

(a) The corporation shall make available some portion of the public lands for a homestead program. A person is not eligible for more than one agricultural and one village homestead. A person may not receive a freehold interest in a homestead for three years after the grant of a homestead and may not transfer a freehold interest in a homestead for ten years after receipt except that these requirements are waived for persons who have established a continuous use of public lands for at least 15 years as of January 9, 1978, the effective date of the Commonwealth Constitution. At any time after receiving the freehold interest, the grantee may mortgage the land provided that all funds received from the mortgage be devoted to the improvement of the land. Other requirements relating to the homestead program shall be provided.

(b) The corporation may not transfer a freehold interest in public lands for the ten years after January 9, 1978, the effective date of the Commonwealth Constitution, except for homesteads as provided under subsection (a) of this section.

(c) The corporation may not transfer a leasehold interest in public lands that exceeds 25 years including renewal rights. An extension of not more than 15 years may be given upon approval by three-fourths of the members of the legislature.

(d) The corporation may not transfer an interest in more than five hectares of public land for use for commercial purposes without approval by a majority of the members of the legislature.

(e) The corporation may not transfer an interest in public lands located within 150 feet of the high water mark of a sandy beach.

(f) The corporation shall adopt a comprehensive land use plan with respect to the public lands including priority of uses and may amend the plan as appropriate.

(g) The corporation shall receive all moneys from the public lands and shall transfer these moneys promptly to the Marianas Public Land Trust except that the corporation may retain the amount necessary to meet reasonable expenses of administration.

Source: N.M.I. Const. art. XI, § 5.

Commission Comment: 1985 Constitutional Amendment 32 amended N.M.I. Const. art. XI, § 5, upon which this section was based. For the establishment and description of the Marianas Public Land Trust, see N.M.I. Const. art. XI, § 6.

PL 3-101, § 2, which took effect January 10, 1984 and was formerly codified at 2 CMC § 4116 (see comment to that section), authorized the Marianas Public Land Corporation to acquire private land in Tinian to be leased to the United States. According to PL 3-101, § 1:

Section 1. Declaration of Policy and Purpose. The Legislature finds and declares that pursuant to the terms of Section 803 of the Covenant

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with the United States and a lease agreement thereunder, certain private lands situated on the island of Tinian must be acquired by negotiation on or before June 6, 1984; that acquisition of such lands by negotiation is in the best interests of the people of the Commonwealth; and that such acquisition should proceed expeditiously. The Legislature further finds and declares that for the past year the Marianas Public Land Corporation has worked diligently to acquire such lands by negotiation and is the most suitable organ of government to complete such negotiated acquisitions. It is accordingly the intent of the [L]egislature that the Marianas Public Land Corporation be authorized by this Act to acquire the private lands on Tinian by negotiation.

The Tinian Lease Agreement and the related Land Acquisition Agreement are set forth in the material preceding Title 1.

The Board of Public Lands, which succeeded the Marianas Public Lands Corporation, was abolished by PL 12-71, § 2 (a) and replaced with the Marianas Public Lands Authority without conforming amendments to other sections of the act as enacted by PL 12-33. See comment to 1 CMC § 2801 regarding other technical deficiencies contained in PL 12-71. PL 15-2, which was enacted on February 22, 2006, abolished the Marianas Public Lands Authority and created a Department of Public Lands in its place [codified at 1 CMC § 2801 et seq.]. PL 15-2 contained the following provisions, in addition to severability and savings clauses. The global amendment therein included references to the Marianas Public Lands Corporation but did not account for existing references within the Commonwealth Code to the Board of Public Lands.

Section 1. Short Title. This Act may be cited as the “Public Lands Act of 2006.”

Section 2. Legislative Findings and Declaration of Policy. The purpose of this Act is to transfer the obligations and responsibilities of the Marianas Public Lands Authority to the elected legislative and executive officials of the Commonwealth. The Legislature has concluded that this Act is necessary based upon the following findings:

(a) Art. XI section 4 (f) of the Constitution, as amended in 1985, provides that the functions previously performed by the Marianas Public Land Corporation “shall be transferred to the executive branch of government” after its dissolution. The Marianas Public Lands Authority in its current structure as an autonomous agency outside the executive branch fails to comply with this constitutional mandate.

(b) The Commonwealth’s experience with the management of public lands over the years has demonstrated the need for additional controls to ensure that this valuable resource is administered in compliance with the requirements and fiduciary duties imposed by the Constitution.

Section 3. Repeal. Public Laws 10-57, 12-33, and 12-71 to the extent they are applicable to public lands, are hereby repealed and re-enacted as a new Article 3 under Title 1, Chapter 13, as follows . . .

Section 4. Global Amendment. Any reference to the Marianas Public Lands Corporation, Division of Public Lands, Office of Public Lands or the Marianas Public Lands Authority in the Commonwealth Code is hereby amended to read “Department of Public Lands.”

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PL 15-64 (effective May 30, 2007) further amended the global amendment section of PL 15-2 as follows:

Section 4. Global Amendment. Any reference to the Marianas Public Lands Corporation, Division of Public Lands, Office of Public Lands or the Marianas Public Lands Authority in the Commonwealth Code is hereby amended to read "Department of Public Lands." Any reference to the Board of Public Lands in the Commonwealth Code is amended to read "Secretary of Public Lands."