

**TITLE 2: NATURAL RESOURCES**  
**DIVISION 4: LAND RESOURCES**

**§ 4142. Findings and Purpose.**

The purpose of this article is to facilitate the accomplishment of certain public purposes by authorizing the Department of Public Lands to enter into agreements by which the government obtains a freehold interest in private land in exchange for passing a freehold interest in public land to the private landowner. Pursuant to N.M.I. Const. art. XI, § 5(a) (as amended by Constitutional Amendment 32), such land exchanges are permitted only as specifically authorized by law. The legislature finds that such land exchanges are an effective and economical means of obtaining private land essential to public projects and of resolving lawful claims against the government. Land exchanges shall be liberally used where the full area of public land agreed upon—"short exchanges"—were not conveyed to landowners by governmental entities. The legislature further finds that land exchanges are often preferable, both socially and economically, to monetary compensation for private land acquired for public purposes. The legislature also finds that equitable land exchanges serve the public interest far better than expensive and divisive condemnation proceedings. The legislature further finds that the requirement of N.M.I. Const. Sched. on Transit<sup>1</sup> Matters § 7 may be expeditiously accomplished through land exchanges in implementing Constitutional Amendment 32. This article specifies the public purposes for which land exchanges are authorized and the conditions under which such exchanges can be executed.

**Source:** PL 5-33, § 2; amended by PL 6-43, § 1; global amendment by PL 15-2, § 4.

**Commission Comment:** Executive Order 94-3, the "Second Reorganization Plan of 1994" (effective August 23, 1994), reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3, § 306(a) [VACATED by PL 10-57, § 4]:

**Section 306. Department of Lands and Natural Resources.**  
**[VACATED by PL 10-57, § 4]**

(a) **Marianas Public Land Corporation.** Pursuant to [N.M.I. Const. art. XI, § 4(f)], the Marianas Public Land Corporation is dissolved and its functions are transferred to a Division of Public Lands in the Department of Lands and Natural Resources, which shall have at its head a Director of Public Lands.

The full text of Executive Order 94-3 is set forth in the Commission comment to 1 CMC § 2001.

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. PL 15-2 contained short title, legislative findings and declaration of policy, repealer, global amendment, transition, severability, and savings clauses. See 1 CMC § 2801 for detailed information regarding PL 15-2.