

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

**§ 4323. Waiver of Homestead Requirements.**

The Department of Public Lands 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 Department of Public Lands 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 years prior to January 9, 1978; and

(2) Members of the same family that have occupied the same land continuously for fifteen years prior to January 9, 1978, although no one family member has been on the land continuously for fifteen years.

The Department of Public Lands 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 Department of Public Lands. The Department of Public Lands 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.

**Source:** PL 2-13, § 3; amended by PL 8-9, § 2; PL 11-96, § 1; amended by PL 14-66, § 2, modified; global amendment by PL 15-2, § 4.

**Commission Comment:** PL 11-96 took effect on September 10, 1999. PL 11-96 contained severability and savings clauses as follows:

Section 3. 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 4. 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.

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

With respect to the references to the “Marianas Public Land Corporation,” see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001; see also the comment to 2 CMC § 4142.

The Commission deleted figures that were a repetition of words in the above section pursuant to the authority granted by 1 CMC § 3806(e). PL 14-66 was enacted on May 5, 2005, and contained the following findings, in addition to an amendment to 2 CMC § 4324(c), severability, and savings clause provisions:

Section 1. Findings. The Legislature has long determined that a person who demonstrated fifteen 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 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

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

amends 2 CMC § 4324 to extend the time limitation for new claims made pursuant to 2 CMC § 4323 from twelve to twenty-five years.

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.