

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

_____ Session, 2021

H. B. 22- 84

A BILL FOR AN ACT

To repeal and reenact 2 CMC § 4323 and 2 CMC §4324(c) to mandate the Department of Public Lands (DPL) to review all past and pending claims and to grant such title to qualified persons; and for other purposes.

BE IT ENACTED BY THE 22ND NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:

1 **Section 1. Findings.** The Legislature has long determined that a person
2 who demonstrated thirty-five years (35) years or more of continuous use and actual
3 occupancy of public land used for agricultural purposes (farming/grazing) and etc.,
4 may obtain legal title to such land. The Homestead Waiver Act, as set forth in
5 Public Law 2-13, § 3, granted the Marianas Public Land Corporation (MPLC) the
6 discretion to waive pre-1978 homestead requirements for those individuals who
7 demonstrated thirty-five years (35) years or more of continuous use and actual
8 occupancy of public land used for agricultural purposes (farming/grazing) and etc.
9 The Legislature later determined, as set forth in the findings of Public Law 8-9, that
10 it was necessary to remove MPLC's discretion because numerous persons
11 demonstrated actual and continuous use of public land before 1978 and have
12 relocated with the government commitment that alternative land would be provided

1 to them. As a result, the Legislature amended 2 CMC § 4323 by removing MPLC's
2 discretion and mandated that legal title in the form of a deed must be granted to
3 those qualified persons. Subsequently, the Legislature determined, as set forth in
4 Public Law 11-96, that certain persons would be qualified to obtain legal title to
5 public land used for agricultural purposes (farming/grazing) and etc., but for the
6 agreements between the Commonwealth and the United States which required the
7 removal of such persons for public land and further amend 2 CMC § 4323 to include
8 those persons.

9 The Department of Public Lands (DPL), the successor to Marianas Public
10 Lands Authority (MPLA) pursuant to Public Law 15-2, is mandated to carry out
11 the intent of the Homestead Waiver Act by processing public land claims of persons
12 who are qualified to obtain legal title to land pursuant to 2 CMC § 4323. The
13 Legislature finds that the DPL carried out its mandate by establishing a list of
14 persons that might be qualified pursuant to 2 CMC § 4323. The DPL, however,
15 excluded the names of certain persons who may otherwise be qualified, the names
16 of which are set forth herein, and declined to grant them title to public land as
17 mandated by 2 CMC § 4323. Therefore, the Legislature mandates that DPL review
18 all pending and past claims made pursuant to 2 CMC § 4323, grant title to public
19 land to qualified persons who did not receive title pursuant to the Homestead
20 Waiver Act because of his or her exclusion from the list of qualified persons
21 established by the DPL, and publish and submit an annual report detailing the

1 claims made and the decisions rendered on such claims to the Legislature and the
2 Office of the Governor.

3 The Legislature further finds that the time limitation imposed on claims
4 made pursuant to 2 CMC §4323 is inadequate and therefore amends 2 CMC §4324
5 to extend the time limitation for new claims made pursuant to 2 CMC § 4323 from
6 twelve (12) to thirty-five years (35) years or more.

7 The Legislature further finds that Article XI, Section 3 of the NMI
8 Constitution states, "The management and disposition of public lands except those
9 provided for by section 2 (*Submerged Lands*) shall be the responsibility of the
10 Marianas Public Land Corporation." The Department of Public Lands, as the
11 successor of the Marianas Public Land Corporation, is deemed responsible to
12 uphold their constitutional fiduciary duty to ensure that such lands are properly
13 managed for the benefit of the CNMI. Cognizant of such duty and responsibility,
14 DPL is obligated to all qualified individuals especially those who utilized such land
15 for agricultural purposes prior to the Northern Mariana Islands becoming a
16 Commonwealth under the United States.

17 **Section 2. Repeal and Reenactment.** 2 CMC § 4323, pertaining to the
18 Waiver of Homestead Requirements, is hereby repealed and reenacted to read as
19 follows:

20 "The Department of Public Lands shall waive any requirements,
21 limitations or regulations relating to the agricultural homesteading

1 program in effect. Furthermore, any person who can demonstrate
2 continuous and actual occupancy or use of public land for
3 agricultural purposes (grazing/farming) and etc., for a period of
4 thirty-five years (35) years or more, or who can demonstrate that he
5 or she would have continuously and actually occupied or used public
6 land for agricultural purposes (farming/grazing) and etc., for a
7 period of thirty-five years (35) years or more but for the U.S.
8 military's or Trust Territory Administration's removal of the person
9 from such land, shall be legally entitled to all the rights and interest
10 of ownership of such land, and the Department of Public Lands shall
11 convey such land by deed to any person who complies with
12 procedures and requirements for granting of deeds established under
13 2 CMC § 4324. Provided that those persons eligible under this
14 section shall include the following:

- 15 (1) A person who has occupied the land continuously for thirty-five
16 years (35) years or more;
- 17 (2) Members of the same family that have occupied the same land
18 continuously for thirty-five years (35) years or more although no
19 one family member has been on the land continuously for thirty-
20 five years (35) years or more; and

1 (3) Notwithstanding any other provision of law, rules or regulations
2 to the contrary, the Department of Public Lands shall grant title
3 to public land for qualified individuals not to exceed 1.5 hectares
4 or 15,000 square meters provided, however, that all necessary
5 documents are completed and all requests from the Department
6 of Public Lands are honored.

7 The Department of Public Lands shall review all pending and past
8 claims made pursuant to this section and grant title to public land for
9 qualified individuals who did not receive title pursuant to this
10 section because of his or her exclusion from the list of qualified
11 persons established by the Department of Public Lands. The
12 Department of Public Lands shall publish an annual report detailing
13 the claims made and the decisions rendered on such claims to the
14 Legislature and the Office of the Governor.”

15 **Section 3. Repeal and Reenactment.** 2 CMC § 4324(c), pertaining to the
16 Conveyance of Public Lands: Limitations and Requirements, is hereby repealed
17 and reenacted to read as follows:

18 “After February 9, 1982, no time limitation shall be imposed by the
19 Department of Public Lands for a period shorter than thirty-five
20 years (35) years, for submission of requests or applications for deeds
21 and permits pursuant to this article.”

1 **Section 4. Sunset Clause.** The provisions of this Act shall expire 180 days
2 after the effective date of this Act.

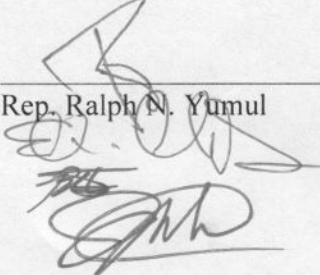
3 **Section 5. Severability.** If any provision of this Act or the application of
4 any such provision to any person or circumstance should be held invalid by a court
5 of competent jurisdiction, the remainder of this Act or the application of its
6 provisions to persons or circumstances other than those to which it is held invalid
7 shall not be affected thereby.

8 **Section 6. Savings Clause.** This Act and any repealer contained herein
9 shall not be construed as affecting any existing right acquired under contract or
10 acquired under statutes repealed or under any rule, regulation or order adopted
11 under the statutes. Repealers contained in this Act shall not affect any proceeding
12 instituted under or pursuant to prior law. The enactment of this Act shall not have
13 the effect of terminating, or in any way modifying, any liability, civil or criminal,
14 which shall already be in existence at the date this Act becomes effective.

15 **Section 7. Effective Date.** This Act shall take effect upon its approval by
16 the Governor or upon becoming law without such approval.

Prefiled: 10/26/2021

Date: 10/26/2021 Introduced by:


Rep. Ralph N. Yumul

Reviewed for Legal Sufficiency by:

Joseph D. Day
House Legal Counsel