

P.L. 14-66



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Juan N. Babauta
Governor

MAY 05 2005

Diego T. Benavente
Lieutenant Governor

The Honorable Joaquin G. Adriano
Senate President, The Senate
Fourteenth Northern Marianas
Commonwealth Legislature
Saipan, MP **96950**

The Honorable Benigno R. Fitial
Speaker, House of Representatives
Fourteenth Northern Marianas
Commonwealth Legislature
Saipan, MP **96950**

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law House Bill No. **14-31, HD2, SD2**, entitled, **"To amend 2 CMC § 4323 to require 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,"** which was passed by the Fourteenth Northern Marianas Commonwealth Legislature.

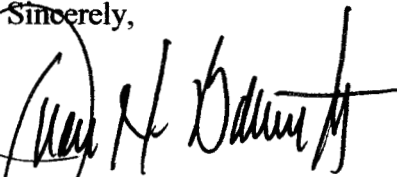
This measure requires the Marianas Public Lands Authority (MPLA) to grant title to public land used for agricultural purposes to those qualified individuals or surviving members of their family who were excluded from the list of qualified persons established by MPLA or its predecessor in interest, the Marianas Public Lands Corporation (MPLC), despite the fact that they had demonstrated continuous and actual occupancy of such land for fifteen (15) years prior to January 9, 1978 as required by the Homestead Waiver Act, as amended. This measure, by extending the time limitation ~~from~~ twelve (12) to twenty-five (25) years, also allows qualified individuals or surviving members of their family to file applications for title to public land used for agricultural purposes no later than January 8, 2006.

The Administration notes that it is aware of the MPLA Board's decision to establish a moratorium on new applications for village homesteads on Saipan and Rota, effective October 1, 2002, due to a lack of available public lands. The MPLA Board has indicated that this measure, though only applicable to public lands that have been continuously used for agricultural purposes, may further reduce the availability of public land. I believe, however, that qualified individuals and their families should have the opportunity to establish that they were in fact utilizing public land for agricultural purposes and are eligible for issuance of title pursuant to the applicable provisions of the Homestead Waiver Act, as amended. I further believe that this measure will not adversely affect the village homestead program. In fact, I have requested the MPLA Board to lift this moratorium and begin accepting new applications and processing pending applications for village homesteads on Saipan and Rota.

The Administration notes a typographical error in the title of this measure. The word "requiring" should be replaced with the word "require." Also, on Page 2, line 17, after § 4323, the word "in" should be removed. I respectfully request the Law Revision Commission to make necessary corrections prior to codification.

This bill becomes Public Law No. 14-66. Copies bearing my signatures are forwarded for your reference.

Sincerely,



JUAN N. BABAUTA

cc: Attorney General, Office of the Attorney General
Commissioner, Marianas Public Lands Authority
Secretary, Department of Lands and Natural Resources
All Mayors
Resident Executive for Indigenous Affairs
Executive Assistant for Carolinian Affairs
Special Assistant for Women's Affairs
Acting Special Assistant for Programs and Legislative Review



The House of Representatives

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586
SAIPAN, MP 96950

March 22, 2005

PUBLIC LAW NO. 14-66

The Honorable Juan N. Babauta
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, *MP* 96950

Dear Governor Babauta:

I have the honor of transmitting herewith **H. B. NO. 14-31, HS1, SD2**, entitled, "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." The Bill was passed by the House of Representatives and the Senate of the Fourteenth Northern Marianas Commonwealth Legislature.

Sincerely yours,


Cecilia Taitano-Celes
Assistant House Clerk

Attachment



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

PUBLIC LAW NO. 14-66
H. B. NO. 14-31, HSI, SD2

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.

In the HOUSE OF REPRESENTATIVES

Introduced by Representatives: David M. Apatang, Jesus T. Attao and Arnold I. Palacios

Date: March 22, 2005

Referred to: Committee on Natural Resources
Public Hearing:
Standing Committee Report: 14-84

Passed First and Final Reading on March 17, 2005
Accepted/Rejected Senate Amendments on March 17, 2005

In the SENATE

Referred to:
Public Hearing:
Standing Committee Report:

Passed Final Reading on October 6, 2004


Cecilia Taitano-Celes, Assistant House Clerk



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

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

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:**

1 **Section 1. Findings.** The Legislature has long determined that a person who
2 demonstrated fifteen (15) years of continuous use and actual occupancy of public land used
3 for agricultural purposes prior to January 9, 1978 may obtain legal title to such land. The
4 Homestead Waiver Act, as set forth in Public Law 2-13, § 3, granted the Marianas Public
5 Land Corporation (MPLC) the discretion to waive pre-1978 homestead requirements for
6 those individuals who demonstrated fifteen (15) years of continuous use and actual
7 occupancy of public land used for agricultural purposes. The Legislature later determined, as
8 set forth in the findings of Public Law 8-9, that it was necessary to remove MPLC's
9 discretion because numerous persons demonstrated actual and continuous use of public land
10 before 1978 and have relocated with the government commitment that alternative land would
11 be provided to them. As a result, the Legislature amended 2 CMC § 4323 by removing
12 MPLC's discretion and mandated that legal title in the form of a deed must be granted to
13 those qualified persons. Subsequently, the Legislature determined, as set forth in Public Law
14 11-96, that certain persons would be qualified to obtain legal title to public land used for
15 agricultural purposes but for the agreements between the Commonwealth and the United

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

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

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

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

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

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

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

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

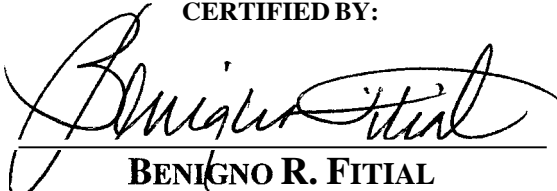
23 **Section 4. Severability.** If any provision of this Act or the application of any such
24 provision to any person or circumstance should be held invalid by a court of competent
25 jurisdiction, the remainder of this Act or the application of its provisions to persons or
26 circumstances other than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

27 **Section 5. Savings Clause.** This Act and any repealer contained herein shall not be
28 construed as affecting any existing right acquired under contract or acquired under statutes
29 repealed or under any rule, regulation or order adopted under the statutes. Repealers


1 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
2 The enactment of this Act shall not have the effect of terminating, or in any way modifying,
3 any liability, civil or criminal, which shall already be in existence at the date this Act
4 becomes effective.

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


CERTIFIED BY:


BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

ATTESTED TO BY:


EVELYN C. FLEMING
HOUSE CLERK

Approved on this 5th day of May, 2005


JUAN N. BABAUTA
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS