

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 4117. Restrictions.

(a) Leases or use permits of public agricultural lands, or of submerged lands and wetlands in the public domain that become available for agricultural, aquacultural or maricultural development shall be restricted to citizens and nationals of the United States; provided, that they are domiciliaries of the Commonwealth.

(b) Such lands as are leased or permitted in accordance with the provisions of this section are restricted in their development to their most appropriate use or uses, either agricultural, aquacultural, maricultural, or animal husbandry; provided, that aquacultural and maricultural uses are not to intrude on agricultural lands set aside exclusively for crop farming.

(c) Such lands as are leased or permitted in accordance with the provisions of this section may not be used for the collateralization of loans or debts, nor may they be subleased or transferred to another individual or individuals without the approval of the Director of Natural Resources according to Natural Resources regulations.

(d) Such lands as are leased or permitted in accordance with the provisions of this section may not be improved with any permanent structures except those consistent with the use of the land, such as barns, tool and equipment sheds, etc. In no case shall temporary or permanent residential buildings, or commercial structures, be considered as consistent with appropriate use. Hydroponics facilities may only be built in these areas where the soil is not of sufficient depth to make crop farming feasible, such feasibility to be determined by the Plant and Industry Division of the Department of Natural Resources or its successor.

(e) In the event the Commonwealth government takes back the land from a lessee or permit holder prior to the expiration of the lease or permit, the lessee or permit holder must be compensated by the Commonwealth government for the remainder of the lease or permit, for unharvested crops and for the replacement cost of any legal improvements made by the lessee or permit holder to the land.

Source: PL 9-70, § 2, modified.

Commission Comment: PL 9-70 took effect November 1, 1995. According to PL 9-70, § 1:

Section 1. Findings. The Legislature finds that the amount of public lands set aside exclusively for agriculture to be small and that it needs to be saved for those resident citizens whose livelihood is derived in whole or in significant part from the soil. In both the CNMI and on the U.S. mainland, the farming community is the traditional foundation of the nation. The high rate of development in the CNMI coupled with its small land area poses a danger to the availability of suitable agricultural lands to those who farm it or use it for animal husbandry. It is appropriate then, that lands set aside in the public domain for agricultural purposes be restricted to those who make the tilling of the land their life's work. And by further restricting such lands to those who are citizens of the Commonwealth, we acknowledge the value of those citizens to our way of life, and that these small plots of earth must be protected from large

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scale commercial development and remain an inalienable part of our heritage.

With respect to the references to the “Department of Natural Resources” and the “Director of Natural Resources” in 2 CMC § 4117, 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.

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.”

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

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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."