

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 4372. Designation of Homestead Areas.

Such areas of public lands on the island of Tinian as may be suitable for agricultural purposes, and which are not required for government use or reserved for other purposes by any other provision of law, shall be designated by the Secretary of the Department of Lands and Natural Resources on behalf of the Commonwealth government for homesteading purposes. Such areas may, in accordance with applicable provisions of law, be allotted to qualified persons for the purpose of farming with the right to receive a freehold interest in the homestead after three years after the homestead is granted and to transfer a freehold interest in the homestead after 10 years after the freehold interest is received.

Source: PL 10-2 § 5 (repealing former 2 CMC § 4372, PL 6-15, § 2).

Commission Comment: PL 10-2, the “Tinian Agricultural Homestead Corrections Act of 1996,” took effect March 4, 1996. According to PL 10-2, §§ 2-4:

Section 2. Findings and Purpose. The Legislature finds that a number of permits for agricultural homestead were issued following approval of [PL 6-15] by the Governor on February 21, 1989. The Legislature further finds that the final clause of Section 7 of [PL 6-15], referring to effectivity “upon the availability of the homestead development funds identified in the series bonds issued by the Commonwealth Development Authority,” was apparently overlooked both by the government, Marianas Public Land Corporation, and the homesteaders. No other reference to “homestead development funds,” “series bonds,” or the Commonwealth Development Authority appears in [PL 6-15]. Nevertheless, this technical defect now jeopardizes the right and title of agricultural homesteaders on Tinian to their homesteads. The Legislature further finds that any attempt to deprive Tinian agricultural homesteaders of rights in their homesteads raises serious constitutional questions of taking of property without due process of law. The homesteaders received their permits in accordance with the substantive terms of the law and relied on the permits and the attendant rights specified by the Act and other law. The purpose of this Act is to give full effect to the main intent of [PL 6-15] and to avoid constitutional difficulties.

Section 3. Amendment. Notwithstanding the language at the end of Section 7 of [PL 6-15] (“and shall take effect upon the availability of the homestead development funds identified in the series bonds issued by the Commonwealth Development Authority”), [PL 6-15] shall be deemed to have taken effect February 21, 1989, and Section 7 of [PL 6-15] is hereby amended accordingly.

Section 4. Ratification.

(a) All actions taken in conformance with the provisions of Sections 1 through 6 of [PL 6-15] and related law, and all permits or other instruments issued, executed, or delivered in conformance therewith and otherwise in compliance with Commonwealth law are hereby ratified, and no challenge, defense, claim, remedy, cause of action, or other right, based on the unamended Section 7 of [PL 6-15], shall lie against or arise from such action.

(b) Except as provided by this Act, Article 6 of Chapter 3 of Division 4 of Title 2 of the Commonwealth Code [2 CMC § 4371 et seq.] is hereby ratified and reenacted as positive law.