



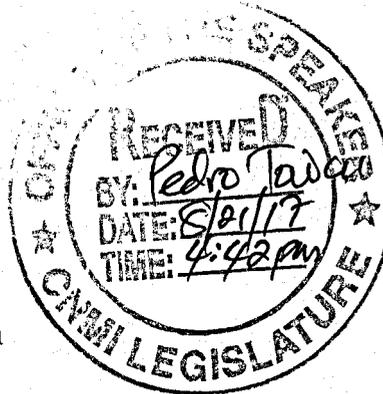
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Ralph DLG. Torres  
Governor

Victor B. Hocog  
Lieutenant Governor

The Honorable Arnold I. Palacios  
President  
The Senate  
Twentieth Northern Marianas  
Commonwealth Legislature  
Capitol Hill  
Saipan, MP 96950

19 AUG 2017



The Honorable Rafael S. Demapan  
Speaker  
House of Representatives  
Twentieth Northern Marianas  
Commonwealth Legislature  
Capitol Hill  
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law **Senate Bill 20-12, SD1**, entitled, "To amend 2 CMC §§ 4308 and 4335(e), to authorize the Department of Public Lands to waive requirement that the homesteader must construct a home on the homestead upon a showing that the construction permit cannot be obtained because of the lack of power, water, or waste water infrastructure; and for other purposes," which was passed by the Senate and the House of Representatives of the Twentieth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 20-05**. Copies bearing my signature are forwarded for your reference.

Sincerely,

RALPH DLG. TORRES

HOUSE CLERK'S OFFICE  
RECEIVED BY   
DATE 8/24/17 TIME 10:41a



**THE SENATE**  
**TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**

**SENATE BILL NO. 20-12, SD1**

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**AN ACT**

To amend 2 CMC §§ 4308 and 4335(e), to authorize the Department of Public Lands to waive requirement that the homesteader must construct a home on the homestead upon a showing that the construction permit cannot be obtained because of the lack of power, water, or waste water infrastructure; and for other purposes.

***SENATE ACTION***

**Offered by Senator(s):** Francisco Q. Cruz

**Date:** February 07, 2017

**Referred to:** Committee on Judiciary, Government and Law

**Standing Committee Report No.:** None

**First and Final Reading:** February 23, 2017

***HOUSE ACTION***

**Referred to:** Natural Resources Committee

**Standing Committee Report No.:** 20-46 (Adopted on 7/28/17)

**First and Final Reading:** July 28, 2017

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**DOLORES S. BERMUDES**  
**SENATE CLERK**



THE SENATE  
TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2017

S. B. NO. 20-12, SD1

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AN ACT

To amend 2 CMC §§ 4308 and 4335(e), to authorize the Department of Public Lands to waive requirement that the homesteader must construct a home on the homestead upon a showing that the construction permit cannot be obtained because of the lack of power, water, or waste water infrastructure; and for other purposes.

**BE IT ENACTED BY THE TWENTIETH NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

**Section 1. Findings and Purpose.**

1           The Legislature acknowledges the importance of providing public lands for  
2 residential homesteading purposes for our people in the Commonwealth. The Legislature  
3 also recognizes the scarcity of public lands and the diminishing availability of public lands  
4 that are suitable for village homesteads.  
5

6           The Legislature also finds that the development of village homesteads coexists with  
7 other applicable laws and regulations with respect to the protection of the environment.  
8 For example, an environmental impact assessment must be conducted and completed prior  
9 to approving a certain site for village homesteads. Furthermore, other environmental  
10 concerns with respect to effects of the different sewer systems are also considered.

11           The Department of Public Lands (DPL) is mandated under 2 CMC § 4306 to issue  
12 homestead permits authorizing an eligible person to enter and improve the land in  
13 accordance with the prescribed regulations. The homesteader is required under NMIAC §  
14 145-20.4-120 improve the lot within 120 days and complete a single family residence and  
15 reside in it as a principal place of residence within two years after the homestead permit

1 has been issued. The same provision provides that the homesteader must continually  
2 reside throughout the third year.

3 The Legislature finds that after the homesteaders drew homestead lots and were  
4 issued the homestead permits, they entered and started cleaning the property in order to  
5 construct their homes in accordance with the requirement. The homesteaders, after having  
6 spent countless hours and many months in maintaining their assigned homestead lots, are  
7 now being denied a permit to construct their homes because of the lack of power, water, or  
8 sewer system infrastructure in accordance with the Bureau of Environmental Quality  
9 current policies and requirements.

10 The Legislature further finds that the longer the homesteaders are denied to  
11 improve their assigned lots, the higher the financial burden will befall on the homesteaders  
12 because the price of construction materials continue to rise year after year. In addition,  
13 some homesteaders leave their home islands to pursue a college education so that they can  
14 return and better serve our communities. Again, the long delays in allowing the  
15 homesteaders to improve their assigned lots affect long term planning with respect to  
16 building a family home in the Commonwealth. The West San Jose homestead in Tinian is  
17 a specific example in which the homestead lots were drawn in 2009, but the permits were  
18 not issued until five years later. The homesteaders in this case diligently cleaned their  
19 assigned lots from 2014, and now they are restricted from building their family home  
20 because of the lack of power, water, or waste water infrastructure. This is very unfair to  
21 the homesteaders.

22 Similarly, a Rota homestead development had been proposed in the village of Dugi  
23 in 2005; however, due to lack of power, water or wastewater infrastructure, the project  
24 never moved forward. In 2016, mapping was also done for a new proposed homestead  
25 development in Finafa, Rota, but has not proceeded due to the lack of necessary  
26 infrastructure.

27 The purpose of this Act is to mandate the DPL to convey title to the property after  
28 two years from the date the homestead permit was issued and the permittee has maintained  
29 the property in compliance with all the DPL's requirements, except for the construction of

SENATE BILL NO. 20-12, SD1

1 a livable home on the lot because the building permit required under 2 CMC § 7131 would  
2 not be approved due to the lack of power, water, or waste water infrastructure.

3 **Section 2. Amendment.** 2 CMC § 4308 is amended to read:

4 “§ 4308. Deeds of Conveyance. Deeds of conveyance shall be issued by the ~~Public~~  
5 ~~Land Corporation~~ Department of Public Lands for homestead land entered under the  
6 provisions of this chapter; provided, that no such deed shall be issued until the expiration  
7 of three years from the date of entry and the execution of a certification by the ~~Public Land~~  
8 ~~Corporation~~ Department of Public Lands certifying that the homesteader has complied  
9 with all laws, rules and regulations appertaining to the homestead. The ~~Public Land~~  
10 ~~Corporation~~ Department of Public Lands shall issue the deed of conveyance within two  
11 years of the time the homesteader becomes eligible to receive the deed of conveyance  
12 under the provisions of this chapter, but waiving the completion of a single family  
13 residential dwelling structure requirement pursuant to section 4335(e). Such deed of  
14 conveyance shall convey to the homesteader any and all rights of the Commonwealth  
15 government to the property, excepting such rights as are reserved by law or by permit.”

16 **Section 3. Amendment.** 2 CMC § 4335(e) is amended to read:

17 “(e) The Department of Public Lands (DPL) shall waive the requirement or policy  
18 of completing a single family residential dwelling structure upon showing reasonable  
19 justification ~~or explanation by the homesteader(s) that a minimum of ten thousand dollars~~  
20 ~~has been invested in the homestead lot that the homesteader continues to maintain the~~  
21 assigned lot in conformance with the DPL requirements, and or upon the homesteader  
22 providing to the department that the building permit required under 2 CMC § 7131 is  
23 denied because the homestead area lacks water, power, or sewage system infrastructure.”

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

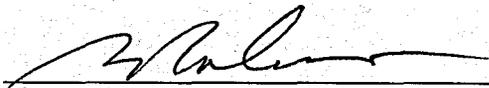
28 **Section 5. Savings Clause.** This Act and any repealer contained herein shall not  
29 be construed as affecting any existing right acquired under contract or acquired under

SENATE BILL NO. 20-12, SD1

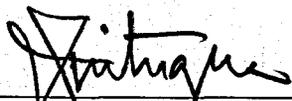
1 statutes repealed or under any rule, regulation, or order adopted under the statutes.  
2 Repealers contained in this Act shall not affect any proceeding instituted under or pursuant  
3 to prior law. The enactment of the Act shall not have the effect of terminating, or in any  
4 way modifying, any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

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

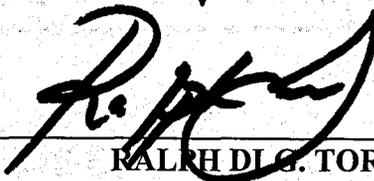
CERTIFIED BY:

  
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ARNOLD I. PALACIOS  
PRESIDENT OF THE SENATE

ATTESTED BY:

  
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JUSTO S. QUITUGUA  
SENATE LEGISLATIVE SECRETARY

Approved this 19<sup>th</sup> day of August, 2017

  
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RALPH D.L.G. TORRES  
Governor

Commonwealth of the Northern Mariana Islands