

RECEIVED TO: N12 wd 9/29/03

FIRST READ 9/29/03
FINAL READ 11/6/03

1
2
3
4
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

THIRTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FIRST REGULAR SESSION, 2002
HB 13-036

A BILL FOR AN ACT

To establish a Rural Homesteading Program for the Northern Islands of Anatahan, Sarigan, Alamagan, Pagan, and Agrigan; and for other purposes.

BE IT ENACTED BY THE THIRTHEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1 Short Title This Act may be cited as the **Northern Islands Rural Homesteading Act of 2002.**

Section 2 Findings

(a) The Legislature finds that all of the residents of the Northern Islands are either currently residing or have resided in the Northern Islands without the issuance of proper village or agricultural homestead lots from the Board of Public Lands;

(b) The Legislature further finds that because of the remoteness of the Northern Islands from the main population center on Saipan and the limited size of usable land within the respective islands, a new and unique type of Homesteading Program need to be implemented on Anatahan, Sarigan, Alamagan, Pagan, and Agrigan, which combines the traditional village and agricultural homestead program into one Rural Homesteading Program. This homesteading shall provide flexibility to the Board of Public Land in setting of requirements for pre-existing infrastructures as a conditions for issuance of homestead lots.

(c) The Legislature further finds that there are public lands available in Anatahan, Sarigan, Alamagan, Pagan, and Agrigan which may be designated by the Board of Public Land for the homesteading programs, public facilities, and commercial land leases to meet the needs of the of the Northern Islands residents who are without agricultural and/or village lots. constructing of public roads, school buildings, port facilities, and other public facilities and the implementation of commercial land lease to start economic development in the Northern Islands;

1 (d) The legislature further finds that the House Resolution No. 12-
2 028 adopted by the House of Representatives, 12th Northern Marianas
3 Commonwealth Legislature, on March 16, 2000, and the Municipal Council
4 Resolution 6SMC-2RS-16, adopted by the Sixth Saipan and Northern Islands
5 Municipal Council on April 24, 2000, supported the resettlement of the
6 Northern of Islands and the construction of critical infrastructures; and,
7

8 (e) The legislature further finds that it is in the best interest of the
9 Commonwealth to repatriate the residents of the Northern Islands and to
10 implement the rural homesteading program to accommodate safe and more
11 permanent settlements on Anatahan, Sarigan, Alamagan, Pagan, and
12 Agrigan.
13

14 Section 3. Purpose. It is the purpose of this Act to:
15

16 (a) Establish the Northern Islands Rural Homesteading program for
17 the residents of Anatahan, Sarigan, Alamagan, Pagan, and Agrigan who are
18 currently without any approved agricultural homestead lots;
19

20 (b) Enable the residents of the Northern Islands to avail of housing
21 and other related benefits that may be available from local and/or federal
22 sources that require, as a condition to receiving the benefits, fee simple title
23 to the real property;
24

25 (c) Initiate economic development in the Northern Islands through
26 long-term commercial land leases to sustain more permanent settlements
27 and to make the Northern Islands socially and economically active and
28 contributing members of the CNMI family; and,
29

30 (d) Provide the Board of Public Land with sufficient authority and
31 flexibility to implement and administer this Act.
32

33 Section 4. Amendment. A new Article is hereby added to Title 2,
34 Division 4 of the Commonwealth Code to be titled Article 8 -- The Northern
35 Islands Rural Homestead Act. The text of the Article is as follows:
36

37 **Article 8. The Northern Islands Rural Homestead Act.**
38

- 39 § 4386 Short Title
- 40 § 4387 Designation of Rural Homestead Area
- 41 § 4388 Establishment of Area; Requirements for Use of Property
- 42 § 4389 Establishment of the Northern Islands Rural Homesteading
43 Program
- 44 § 4390 Eligibility to Homestead
- 45 § 4391 Authorization to Mortgage
- 46 § 4392 Rules and Regulation

1
2 Section 4386. **Short Title.** This Article may be cited as the
3 "Northern Islands Rural Homestead Act of 2000".
4

5 Section 4387. **Designation of Homestead Areas.** Such areas of
6 public lands on the islands of Anatahan, Sarigan, Alamagan, Pagan, and
7 Agrigan as may be suitable for homesteading purposes, and which are not
8 required for government use or reserved for other purposes by any other
9 provision of law, shall be designated by the Board of Public Land on behalf of
10 the Commonwealth government for rural homesteading purposes. Such
11 areas, may in accordance with the provisions of this law, be allotted to
12 qualified persons for the dual purpose of residence and farming with the right
13 to acquire title upon the fulfillment of the conditions prescribed in this Act.
14

15 Section 4388. **Establishment of Area; Requirements for Use of**
16 **Property.**
17

18 (a) Subject to Article XI, Section 5 of the Commonwealth
19 Constitution, the Board of Public Land shall determine and establish:
20

21 (1) Subject to the availability of public land for the
22 rural homesteading purposes, the size of land allowable for each tract to be
23 made available under this Act shall be not less than 5,000 square meters and
24 not more than 10,000 square meters; and,
25

26 (2) Standards and requirements for the use, occupation
27 and development of the rural homestead tracts granted under this Act
28 consistent with its terms and conditions.
29

30 (b) The Board of Public Land shall file a copy of each of its
31 determinations under this Section with the Commonwealth Recorder's
32 Office.
33

34 Section 4389. **Establishment of the Northern Islands Rural**
35 **Homesteading Program.** A rural homesteading program is hereby
36 established in the Board of Public Land; the implementation of the program
37 shall be as provided by rules and regulations; the program shall include but
38 not limited to:
39

40 (a) Establishment of eligibility criteria for designated rural
41 homesteading lots which provide:
42

43 (1) An applicant must be of Northern Marianas
44 descent as defined in Article II, Section 4, of the Constitution of the Northern
45 Mariana Islands;

1 (2) An applicant is not eligible for more than one rural
2 homestead lot;

3 (3) An applicant must be eighteen (18) years old or
4 older who is either single, married, widowed, divorced, or unmarried with
5 dependents;

6 (4) An applicant or his or her spouse must not own or
7 have an interest in any agricultural homestead lot or have been a recipient of
8 an agricultural homestead lot; and,

9 (5) All other eligible applicants shall be considered
10 second priority in determining lot distribution and assignments.

11
12 (b) Establishment of the Northern Islands Rural Homestead
13 subdivisions that are consistent with modern rural planning standards and
14 which take into consideration lot requirements, roadways, housing, utilities,
15 and water distribution; Provided, however, that lot distributions and
16 assignments may commence on or before the availability of infrastructures if
17 the following conditions have been met:

18
19 (1) Completion of the environmental impact
20 assessment and related studies and receipt of appropriate permits to start the
21 homesteading program from all CNMI and federal government permitting
22 and regulatory agencies;

23
24 (2) Completion of the rural homestead design,
25 surveying, identification and marking of physical boundaries, and
26 identification of lot legal descriptions;

27
28 (3) Completion of land clearing and grading to enable
29 access to the homestead lots and to identify and designate primary and
30 secondary road systems; and,

31
32 (4) Written assurances from either the CNMI
33 government or from private investors that water, power, and sewer services
34 will be provided to the homesteaders within twelve (12) months of lot
35 assignments and/or distributions.

36
37 (c) Establishment of reasonable filing fees and other related
38 charges;

39
40 (d) Establishment of inspection and compliance procedures
41 for each designated Rural Homestead program; Provided, however, that the
42 homesteader shall be granted a certificate of compliance four (4) years after the
43 issuance of a homestead permit and upon fulfillment of the requirements as
44 established by the Board of Public Land.

45

1 (e) Establishment of priorities for the issuance of a permit for
2 the rural homestead lot shall take into consideration the following priorities:

3
4 (1) First priority shall be granted to:

5
6 a) An applicant who is born in the Northern
7 Islands or is a child or grand-child of someone born in the Northern Islands;

8 b) An applicant who is currently residing in the
9 Northern Islands;

10 c) An applicant who has demonstrated his
11 immediate need for housing, with dependents, and with sufficient income to
12 afford the construction of his residential dwelling; and/or,

13 d) An applicant who is currently or previously
14 been a registered voter of the Northern Islands.

15
16 (2) Second priority shall be granted to all other eligible
17 applicants.

18
19 Section 4390. **Eligibility to Homestead.** Eligibility to enter upon
20 or acquire rights to public land under this Act shall be determined in
21 accordance with 2 CMC, Section 4303; provided that no person, clan, lineage,
22 family or group of persons may be permitted to enter upon or acquire rights
23 under this Act who has already received agricultural homestead lot from the
24 CNMI government. This Act authorizes the extension of eligibility to
25 applicants with an existing village homestead on Saipan, Rota, and/or Tinian
26 to maintain eligibility for the Northern Islands Rural Homesteading
27 Program.

28
29 Section 4391. **Authorization to Mortgage.** The Board of
30 Public Land is hereby authorized to mortgage rural homestead lots on behalf
31 of the homesteaders who are eligible to receive housing loans under Article
32 VII, Section 702(d) of the Covenant, or eligible to receive loans under the
33 Rural Development Program or from private or public lending institutions.

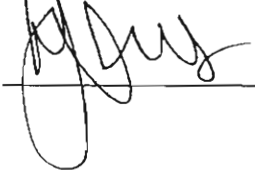
34
35 Section 4392. **Rules and Regulations.** The Board of Public Land
36 shall adopt rules and regulations implementing the provisions of this Act.

37
38
39 Section 5. Severability. If any provision of this Act or the application of
40 any such provision to any person or circumstance should be held invalid by a
41 court of competent jurisdiction, the remainder of this Act or the application
42 of its provisions to persons or circumstances other than those to which it is
43 held invalid shall not be affected thereby.

44
45 Section 6. Savings Clause. This Act and any repealer contained herein
46 shall not be construed as affecting any existing right acquired under contract

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

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

10
11
12
13 Date: 1/21/02 Introduced By: 
14 05 FEB 2002
15
16
17



Hse. Comm. No. [REDACTED]

The House of Representatives
 NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
 P.O. Box 500586
 Saipan, MP 96950

January 7, 2004

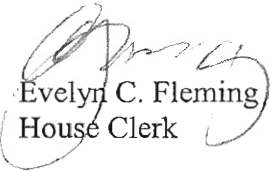
The Honorable Paul A. Mangloña
 President of the Senate
 Thirteenth Northern Marianas
 Commonwealth Legislature
 Capitol Hill
 Saipan, MP 96950



Dear President Mangloña:

I have the honor of transmitting herewith H. B. NO. 13-036, entitled, "To establish a Rural Homesteading Program for the Northern Islands of Anatahan, Sarigan, Alamagan, Pagan, and Agrigan; and for other purposes." The House of Representatives passed the Bill on Final Reading, with the affirmative vote of three-fourths of the members, a quorum being present, in its First Day, First Special Session on January 6, 2004.

Sincerely yours,


 Evelyn C. Fleming
 House Clerk

Attachment



THIRTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2002

H. B. NO. 13-036

Repassed 1/26/03

A BILL FOR AN ACT

To establish a Rural Homesteading Program for the Northern Islands of Anatahan, Sarigan, Alamagan, Pagan, and Agrigan; and for other purposes.

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

1 **Section 1. Short Title** This Act may be cited as the “Northern Islands Rural
2 Homesteading Act of 2004.”

3 **Section 2. Findings.**

4 (a) The legislature finds that all of the residents of the Northern
5 Islands are either currently residing or have resided in the Northern Islands
6 without the issuance of proper village or agricultural homestead lots from the
7 Board of Public Lands;

8 (b) The legislature further finds that because of the remoteness of the
9 Northern Islands from the main population center on Saipan and the limited size
10 of usable land within the respective islands, a new and unique type of
11 homesteading program needs to be implemented on Anatahan, Sarigan,
12 Alamagan, Pagan, and Agrigan, which combines the traditional village and
13 agricultural homestead program into one Rural Homesteading Program. This
14 homesteading shall provide flexibility to the Board of Public Lands in setting
15 requirements for pre-existing infrastructures as a condition for issuance of
16 homestead lots.

17 (c) The legislature further finds that there are public lands available in
18 Anatahan, Sarigan, Alamagan, Pagan, and Agrigan which may be designated by
19 the Board of Public Lands for the homesteading programs, public facilities, and

1 commercial land leases to meet the needs of the of the Northern Islands residents
2 who are without agricultural and/or village lots, and for construction of public
3 roads, school buildings, port facilities, and other public facilities and the
4 implementation of commercial land lease to start economic development in the
5 Northern Islands;

6 (d) The legislature further finds that the House Resolution No. 12-028
7 adopted by the House of Representatives, 12th Northern Marianas
8 Commonwealth Legislature, on March 16, 2000, and the Municipal Council
9 Resolution 6SMC-2RS-16, adopted by the Sixth Saipan and Northern Islands
10 Municipal Council on April 24, 2000, support the resettlement of the Northern of
11 Islands and the construction of critical infrastructure; and,

12 (e) The legislature further finds that it is in the best interest of the
13 Commonwealth to repatriate the residents of the Northern Islands and to
14 implement the rural homesteading program to accommodate safe and more
15 permanent settlements on Anatahan, Sarigan, Alamagan, Pagan, and Agrigan.

16 **Section 3. Purpose.** It is the purpose of this Act to:

17 (a) Establish the Northern Islands Rural Homesteading Program for
18 the residents of Anatahan, Sarigan, Alamagan, Pagan, and Agrigan who are
19 currently without any approved agricultural homestead lots;

20 (b) Enable the residents of the Northern Islands to avail of housing and
21 other related benefits that may be available from local and/or federal sources that
22 require, as a condition to receiving the benefits, fee simple title to the real
23 property;

24 (c) Initiate economic development in the Northern Islands through
25 long-term commercial land leases to sustain more permanent settlements and to
26 make the Northern Islands socially and economically active and contributing
27 members of the CNMI family; and,

1 (d) Provide the Board of Public Lands with sufficient authority and
2 flexibility to implement and administer this Act.

3 **Section 4. Amendment.** A new Article is hereby added to Title 2, Division 4 of
4 the Commonwealth Code to be titled Article 8 -- The Northern Islands Rural Homestead
5 Act. The text of the Article is as follows:

6 **“Article 8. The Northern Islands Rural Homestead Act.**

7 § 4386. Short Title.

8 § 4387. Designation of Rural Homestead Area.

9 § 4388. Establishment of Area; Requirements for Use of Property.

10 § 4389. Establishment of the Northern Islands Rural Homesteading Program.

11 § 4390. Eligibility to Homestead.

12 § 4391. Authorization to Mortgage.

13 § 4392. Rules and Regulation.

14 Section 4386. Short Title. This Article may be cited as the “Northern
15 Islands Rural Homestead Act of 2000”.

16 Section 4387. Designation of Homestead Areas. Such areas of public
17 land on the islands of Anatahan, Sarigan, Alamagan, Pagan, and Agrigan as may
18 be suitable for homesteading purposes, and which are not required for government
19 use or reserved for other purposes by any other provision of law, shall be
20 designated by the Board of Public Lands on behalf of the Commonwealth
21 Government for rural homesteading purposes. Such areas, may in accordance
22 with the provisions of this law, be allotted to qualified persons for the dual
23 purpose of residence and farming with the right to acquire title upon the
24 fulfillment of the conditions prescribed in this Act.

25 Section 4388. Establishment of Area; Requirements for Use of Property.

26 (a) Subject to Article XI, Section 5 of the Commonwealth
27 Constitution, the Board of Public Lands shall determine and establish:

1 (1) Subject to the availability of public land for the
2 rural homesteading purposes, the size of land allowable for each
3 tract to be made available under this Act which shall be not less
4 than 5,000 square meters and not more than 10,000 square meters;
5 and,

6 (2) Standards and requirements for the use, occupation
7 and development of the rural homestead tracts granted under this
8 Act consistent with its terms and conditions.

9 (b) The Board of Public Lands shall file a copy of each of its
10 determinations under this Section with the Commonwealth Recorder's
11 Office.

12 Section 4389. Establishment of the Northern Islands Rural Homesteading
13 Program. A rural homesteading program is hereby established in the Board of
14 Public Lands; the implementation of the program shall be as provided by rules
15 and regulations; the program shall include but not limited to:

16 (a) Establishment of eligibility criteria for designated rural
17 homesteading lots which provide:

18 (1) An applicant must be of Northern Marianas descent
19 as defined in Article XII, Section 4, of the Constitution of the
20 Northern Mariana Islands;

21 (2) An applicant is not eligible for more than one rural
22 homestead lot;

23 (3) An applicant must be eighteen (18) years old or
24 older who is either single, married, widowed, divorced, or
25 unmarried with dependents;

26 (4) An applicant or his or her spouse must not own or
27 have an interest in any agricultural homestead lot or has been a
28 recipient of an agricultural homestead lot; and,

1 (5) All other eligible applicants shall be considered
2 second priority in determining lot distribution and assignments.

3 (b) Establishment of the Northern Islands Rural Homestead
4 subdivisions that are consistent with modern rural planning standards and
5 which take into consideration lot requirements, roadways, housing,
6 utilities, and water distribution; provided, however, that lot distributions
7 and assignments may commence on or before the availability of
8 infrastructure if the following conditions have been met:

9 (1) Completion of the environmental impact assessment
10 and related studies and receipt of appropriate permits to start the
11 homesteading program from all CNMI and federal government
12 permitting and regulatory agencies;

13 (2) Completion of the rural homestead design,
14 surveying, identification and marking of physical boundaries, and
15 identification of lot legal descriptions;

16 (3) Completion of land clearing and grading to enable
17 access to the homestead lots and to identify and designate primary
18 and secondary road systems; and,

19 (4) Written assurances from either the CNMI
20 government or from private investors that water, power, and sewer
21 services will be provided to the homesteaders within twelve (12)
22 months of lot assignments and/or distributions.

23 (c) Establishment of reasonable filing fees and other related
24 charges;

25 (d) Establishment of inspection and compliance procedures for
26 each designated Rural Homestead program; provided, however, that the
27 homesteader shall be granted a certificate of compliance four (4) years

1 after the issuance of a homestead permit and upon fulfillment of the
2 requirements as established by the Board of Public Land.

3 (e) Establishment of priorities for the issuance of a permit for
4 the rural homestead lot shall take into consideration the following
5 priorities:

6 (1) First priority shall be granted to:

7 a) An applicant who is born in the Northern Islands or
8 is a child or grand-child of someone born in the Northern Islands;

9 b) An applicant who is currently residing in the
10 Northern Islands;

11 c) An applicant who has demonstrated his immediate
12 need for housing, with dependents, and with sufficient income to
13 afford the construction of his residential dwelling; and/or,

14 d) An applicant who is currently or previously been a
15 registered voter of the Northern Islands.

16 (2) Second priority shall be granted to all other eligible
17 applicants.

18 Section 4390. Eligibility to Homestead. Eligibility to enter upon or
19 acquire rights to public land under this Act shall be determined in accordance
20 with 2 CMC § 4303; provided that no person, clan, lineage, family or group of
21 persons may be permitted to enter upon or acquire rights under this Act who has
22 already received agricultural homestead lot from the CNMI government. This
23 Act authorizes the extension of eligibility to applicants with an existing village
24 homestead on Saipan, Rota, and/or Tinian to maintain eligibility for the Northern
25 Islands Rural Homesteading Program.

26 Section 4391. Authorization to Mortgage. The Board of Public Lands is
27 hereby authorized to mortgage rural homestead lots on behalf of the homesteaders
28 who are eligible to receive housing loans under Article VII, Section 702(d) of the

1 Covenant, or eligible to receive loans under the Rural Development Program or
2 from private or public lending institutions.

3 Section 4392. Rules and Regulations. The Board of Public Lands shall
4 adopt rules and regulations implementing the provisions of this Act.”

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

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

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

Date: 02/05/02

Introduced By: /s/ Rep. William S. Torres

Reviewed for Legal Sufficiency by:

House Legal Counsel