

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Regular Session, 2021

H. B. 22- 89

A BILL FOR AN ACT

To exempt pre-existing village and agricultural homestead structures, existing from January 1985 to January 2000, that are encroaching on public lands; and for other purposes.

BE IT ENACTED BY THE 22ND NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:

1 **Section 1. Findings and Purposes.** The Legislature finds that Public Law
2 15-2 created the Department of Public Lands within the executive branch “to
3 manage and administer the Commonwealth’s public lands under the provisions of
4 Article XI of the Constitution” and transferred the powers and duties of the
5 Marianas Public Lands Authority to the Department of Public Lands under 1 CMC
6 § 2801. The Department of Public lands was empowered to promulgate rules and
7 regulations to carry out the purposes of the Homestead Waiver Act. Pubic Law 15-
8 2 required that the Department of Public Lands “assess the demand for homesteads
9 and develop a program for meeting that need, to the extent practicable, within the
10 available land base.”

11 The Legislature further finds that currently, as it stands the Department of
12 Public lands have recently come across heavy fire in relation to homeowners

1 encroaching onto public lands and not being in compliance to the rules and
2 regulation as stated in DPL's administrative code. When found in violation for
3 encroachment by DPL enforcement officers, homeowners are given a fine or would
4 have to breakdown the pre-existing structure to avoid any further scrutiny or fines
5 by the department. Therefore, the purpose of this Act is to exempt pre-existing
6 village and agricultural homestead structures existing from January 1985 to January
7 2000, that are encroaching on public land to avoid any breaking of a pre-existing
8 structure or fines.

9 **Section 2. Amendment.** Subject to codification by the Commonwealth
10 Law Revision Commision, Title 2, Division 4, Article 3 is hearby amended by
11 adding a new subsection to read as follows:

12 “§101. All village homestead and agricultural owners who have pre-
13 existing structures erected prior to January 2000 shall not be liable for any
14 encroachment onto public lands.”

15 **Section 3. Severability.** If any provisions of this Act or the application of
16 any such provision to any person or circumstance should be held invalid by a court
17 of competent jurisdiction, the remainder of this Act or the application of its
18 provisions to persons or circumstances other than those to which it is held invalid
19 shall not be affected thereby.

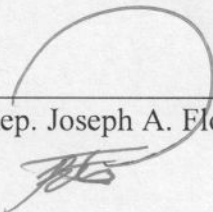
20 **Section 4. Savings Clause.** This Act and any repealer contained herein
21 shall not be construed as affecting any existing right acquired under contract or

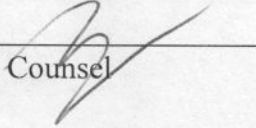
1 acquired under statutes repealed or under any rule, regulation, or order adopted
2 under the statutes. Repealers contained in this Act shall not affect any proceeding
3 instituted under or pursuant to prior law. The enactment of the Act shall not have
4 the effect of terminating, or in any way modifying,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

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

Prefiled: 12/16/2021

Date: 12/15/21 Introduced by:


Rep. Joseph A. Flores

Reviewed for Legal Sufficiency by:

House Legal Counsel

