

**ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**

EIGHTH SPECIAL SESSION, 1999

*PUBLIC LAW NO. 11-117*

**H. B. NO. 11-512, HD1**

---

---

**AN ACT**

To establish a new public cemetery on Saipan; to establish administrative guidelines affecting public cemeteries; to repeal Chapter 6 of Division 2, Title 3 of the Commonwealth Code relating to cemeteries; and for other purposes.

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

Section 1. Short Title. This Act may be cited as the Public Cemetery Act of 1999.

Section 2. Findings and Purpose. The Legislature finds that there are presently three burial sites on Saipan on which the deceased may be interred or otherwise disposed of. They include the Chalan Kanoa Catholic Cemetery (private), the Wireless Hill Public Cemetery located at Capitol Hill, and the Tanapag Cemetery. These sites are full to capacity and/or an environmental hazard to underground water sources. With an average of 105 deaths per year in the CNMI, most of them occurring on Saipan, the Legislature finds that this number is steadily increasing as the population continues to increase. Consequently, a new public cemetery is needed on Saipan and perhaps on the other islands in the future to meet the growing demand for burial sites and to provide an ecologically suitable and aesthetically fitting final resting place for the dead.

Section 3. Definitions.

(a) "Public cemetery" means a place or area set apart to serve as the final resting-place for the dead and which is owned and managed by the Commonwealth government. This term also includes all public facilities located on the site generally associated or found in public cemeteries, which may include, but not limited to, parking lots, landscaped areas, a chapel, a house of meditation or other structures appropriate in a public cemetery.

(b) "Site" or "Marpi Public Cemetery" means the public lands identified in Section 4 of this act designated for the establishment of the Marpi Public Cemetery.

Section 4. Establishment and Conveyance for Marpi Public Cemetery.

(a) There is hereby established a new public cemetery to be called “Marpi Public Cemetery” to be located on public land so designated for such purpose in subsection (b) of this section.

(b) The Division of Public Lands shall, in accordance with N.M.I. Const. art. XI, § 5(b), transfer to the Department of Lands and Natural Resources a freehold interest in public land situated in the Marpi area on the island Saipan, comprised of the following lots as described in Exhibit “A” attached hereto and made a part of this act: Lot 053 A 52 containing 25,350 square meters more or less; Lot 053 A 26 containing 20,843 square meters more or less; and Lot 053 A 29 containing 23,226 square meters more or less. This transfer is for a public purpose to establish a new public cemetery in accordance with this act. For purposes of this conveyance and notwithstanding the provisions of Pubic Law 10-57, as amended, to the contrary, the Department of Lands and Natural Resources and the Division of Public Lands shall be considered distinct governmental agencies.

Section 5. Design and Development. The Department of Public Health, in coordination with the Department of Lands and Natural Resources and the Department of Public Works, shall design and develop the site in accordance with applicable Commonwealth laws and regulations and nationally accepted standards for public cemeteries. Modifications to such design and development may be allowed due to the physical limitations and constraints of the site; provided that the site shall be utilized solely as a public cemetery and related facilities and for no other purpose. The site design and to the extent practicable and feasible, the site development, shall include interment, crypts and crematorium.

Section 6. Administration.

(a) Except as provided in this section, the Department of Public Health shall administer and manage the public cemetery, providing for by regulation:

(1) The application requirements, approval, issuance and fee for burial permits.

(A) Such fee shall not exceed \$50; provided that such fee may be waived for indigent families and for unclaimed bodies.

(B) The Department of Public Health may impose such conditions on the burial permit necessary to protect the health of the citizenry.

(2) The exhumation of human remains for legal or health related reasons and fees that may be reasonably charged to cover administrative costs in connection to such exhumation.

(b) The Department of Lands and Natural Resources shall have general supervision of the Marpi Public Cemetery over ground maintenance, coordination of burial activities, and further improvements to the Marpi Public Cemetery as may be required by law.

(c) Upon request by and in coordination with the Secretary of Public Health or Secretary of Lands and Natural Resources or their respective designees, the Department of Public Safety shall provide assistance as may be necessary to ensure the security of the Marpi Public Cemetery.

Section 7. Closure of Wireless Hill Public Cemetery. Upon completion of the construction of the Marpi Public Cemetery, no further burial shall take place at Wireless Hill Public Cemetery. Within 60 days of such closure, the Secretary of Public Health shall submit an exhumation plan for the transfer of bodies to the Marpi Public Cemetery and anticipated related costs.

Section 8. Funding. The Secretary of Finance shall establish a special account called the “Public Cemetery Fund Account” for the fees collected pursuant to this act. The funds in this account shall be reserved and appropriated solely for the administration, maintenance, supervision and security of public cemeteries.

Section 9. Regulations. All regulations required or permitted under this act shall be promulgated not later than 60 days after the effective date of this act.

Section 10. Repealer. Chapter 6 of Division 2 of Title 3 is hereby repealed in its entirety.

Section 11. Severability. If any section of this Act or any regulation issued under the authority of this Act should be declared invalid or unenforceable by a court of competent jurisdiction, the judicial determination shall not affect the validity of the Act as a whole, other than the particular part declared invalid or unenforceable.

Section 12. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any

liability civil or criminal, which shall already be in existence at the date this Act becomes effective.

Section 13. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

**CERTIFIED BY:**

/s/ Diego T. Benavente  
**DIEGO T. BENAVENTE**  
**SPEAKER**  
HOUSE OF REPRESENTATIVES

**ATTESTED TO BY:**

/s/ Evelyn C. Fleming  
**EVELYN C. FLEMING**  
**HOUSE CLERK**

Approved this 25<sup>th</sup> day of January, 2000

/s/ Pedro P. Tenorio  
**PEDRO P. TENORIO**  
**GOVERNOR**  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS