



RALPH DLG. TORRES
Governor

ARNOLD I. PALACIOS
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

19 JAN 2021

The Honorable Jude U. Hofschneider
Senate President, The Senate
Twenty-Second Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

The Honorable Edmund S. Villagomez
Speaker, House of Representatives
Twenty-Second Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law **Senate Bill No. 21-69** entitled, "To establish the Commonwealth Recorder's Act of 2020; and for other purposes", which was passed by the Senate and the House of Representatives of the Twenty-First Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 21-39**. Copies bearing my signature are forwarded for your reference.

Sincerely,



RALPH DLG. TORRES
Governor

cc: Lt. Governor; Press Secretary; Attorney General; CNMI Judiciary; Commonwealth Recorder's Office; Law Revision Commission; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



THE SENATE
Twenty-First Northern Marianas Commonwealth Legislature
P. O. Box 500129
Saipan, MP 96950

January 5, 2021

The Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern Mariana Islands
Capital Hill
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action Senate Bill No. 21-69, entitled: "To establish the Commonwealth Recorder's Act of 2020; and for other purposes.," which was passed by the Senate and the House of Representatives of the Twenty-First Northern Marianas Commonwealth Legislature.

Sincerely,

A handwritten signature in black ink, appearing to read "Chanele C. Borja".

Chanele C. Borja
Acting Senate Clerk

Attachments



THE SENATE
TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE BILL NO. 21-69

AN ACT

To establish the Commonwealth Recorder's Act of 2020; and for other purposes.

SENATE ACTION

Offered by Senator(s): Victor B. Hocog

Date: August 14, 2020

Referred to: Committee on Judiciary, Government, Law and Federal Relations

Standing Committee Report No.: None

Final Reading: December 18, 2020

HOUSE ACTION

Referred to: None

Standing Committee Report No.: None

First and Final Reading: December 29, 2020

A handwritten signature in cursive script, appearing to read "Chanele C. Borja".

CHANELE C. BORJA
ACTING SENATE CLERK



THE SENATE
TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FOURTH REGULAR SESSION, 2020

S. B. NO. 21-69

AN ACT

To establish the Commonwealth Recorder's Act of 2020; and for other purposes.

**BE IT ENACTED BY THE TWENTY-FIRST NORTHERN MARIANAS
 COMMONWEALTH LEGISLATURE:**

1 **Section 1. Short Title.** This Act shall be known as the Commonwealth Recorder's
 2 Act of 2020.

3 **Section 2. Findings and Purposes.** This Act authorizes the Commonwealth
 4 Recorder's Office to electronically record and file instruments. Current recordation statutes
 5 do not authorize electronic recording and only allow for manual, in-person recordation. As
 6 technology develops, electronic communications make it possible for old transactions to
 7 take new form.

8 This Act aligns the recordation process with current technological developments by
 9 equating electronic documents and signatures with original paper documents and manual
 10 signatures. This permits acceptance and maintenance of electronic real estate transaction
 11 documents and electronic recordation of all documents, no matter the original form.
 12 Electronic storage and recordation will increase the efficiency of the recordation process
 13 by decreasing the time and resources needed to index, store, and retrieve records and
 14 promote easier public access to records.

15 This Act authorizes the real estate and commercial transactions, including those
 16 under Division 9 of the NMI Uniform Commercial Code, to be recorded in electronic
 17 form, storage of electronic records, and the setup of search and retrieval systems for land

SENATE BILL NO. 21-69

1 records. In addition to real estate documents, this Act authorizes the transition to electronic
2 recordation of marriage records. The current statute requires married persons to send a copy
3 of the marriage certificate to the Superior Court Clerk of Court to be recorded in the
4 marriage register with the Commonwealth Recorder. This Act allows the Commonwealth
5 Recorder to accept electronic records of marriage certificates.

6 The purpose of this Act is to allow for the transitioning to electronic recordation to
7 provide the public with a quick recordation process and access to records. To accomplish
8 such task, this Act requires the CNMI Judiciary to promulgate rules to establish duties and
9 responsibilities of the Commonwealth Recorder's Office in conformance with this Act.

10 **Section 3. Repealer and Re-enactment.** Title 1, Division 3, Chapter 7 of the
11 Commonwealth Code of the Northern Mariana Islands is hereby repealed and re-enacted to
12 read as follows:

13 **“Chapter 7. Commonwealth Recorder's Office.**

14 § 3701. Commonwealth Recorder's Office.

15 § 3702. Indexes: Title or Possession of Land; Content Summary; Marriage
16 Records.

17 § 3703. Recordation of Documents; Fees.

18 § 3704. Acknowledgement as Conditioning for Recording.

19 § 3705. Effect of Failure to Record.

20 § 3706. Land Commission Transfer of Documents to Recorder's Office.

21 **§ 3701. Commonwealth Recorder's Office.**

22 (a) There is established within the CNMI Judiciary a Commonwealth Recorder's
23 Office. The Commonwealth Recorder, under the general supervision of the Chief Justice,
24 shall oversee the duties and responsibilities of the Commonwealth Recorder's Office.

25 (b) The Judiciary shall promulgate rules establishing duties and responsibilities of
26 the Commonwealth Recorder's Office and procedures of recordation, including electronic
27 recordation.

SENATE BILL NO. 21-69

1 **§ 3702. Indexes: Title or Possession of Land; Content Summary; Marriage**
2 **Records.**

3 (a) The Commonwealth Recorder's Office shall maintain indexes for land transfers,
4 mortgages, leases, judgments, and decrees affecting real property interests. and other
5 indexes as required by court rules.

6 (b) The indexes shall include a summary description of the property, names of the
7 parties, and other information as required by court rules.

8 (c) The Commonwealth Recorder's Office shall maintain an index for marriage
9 records recorded with the Clerk of Court.

10 **§ 3703. Recordation of Documents; Fees.** Upon payment or any applicable costs
11 and service fees, any person may record documents with the Commonwealth Recorder's
12 Office. The Commonwealth Recorder's Office shall provide public access to and make
13 possible the reproduction or all such records as permitted by law or rule.

14 **§ 3704. Acknowledgment as Condition for Recording.** All documents that must
15 be recorded, including transfers, leases exceeding one year, and encumbrances affecting
16 real property, must be acknowledged before a notary public or other office authorized by
17 law to take acknowledgments and administer oaths. The lack of an acknowledgment shall
18 not, in and of itself, affect the validity of an instrument as between the parties thereto.

19 **§ 3705. Effect of Failure to Record.** No transfer of or encumbrance upon title to
20 real estate or any interest therein, other than a lease for a term not exceeding one year, shall
21 be valid:

22 (a) Against any subsequent purchaser or mortgagee of the same real estate or
23 interest, or any part thereof, in good faith for a valuable consideration without notice of
24 such transfer or encumbrance, or against any person claiming under them, if the transfer to
25 the subsequent purchaser or mortgagee is first duly recorded; nor

26 (b) As against any judgment affecting the title unless the transfer or encumbrance is
27 duly recorded prior to the record of notice of action in which the judgment is rendered.

28 **§ 3706. Land Commission Transfer of Documents to Recorder's Office.**

29 The Land Commission shall promptly record all certificates of title at the

SENATE BILL NO. 21-69

1 Commonwealth Recorder's Office."

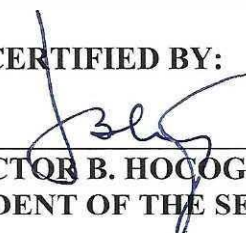
2 **Section 4. Severability.** If any provision of this Act or the application of any such
3 provision to any person or circumstance should be held invalid by a court of competent
4 jurisdiction, the remainder of this Act or the application of its provisions to persons or
5 circumstances other than those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

6 **Section 5. Savings Clause.** This Act and any repealer contained herein shall not
7 be construed as affecting any existing right acquired under contract or acquired under
8 statutes repealed or under any rule, regulation, or order adopted under the statutes.
9 Repealers contained in this Act shall not affect any proceeding instituted under or pursuant
10 to prior law. The enactment of the Act shall not have the effect of terminating, or in any
11 way modifying, any liability, civil or criminal, which shall already be in existence on the
12 date this Act becomes effective.

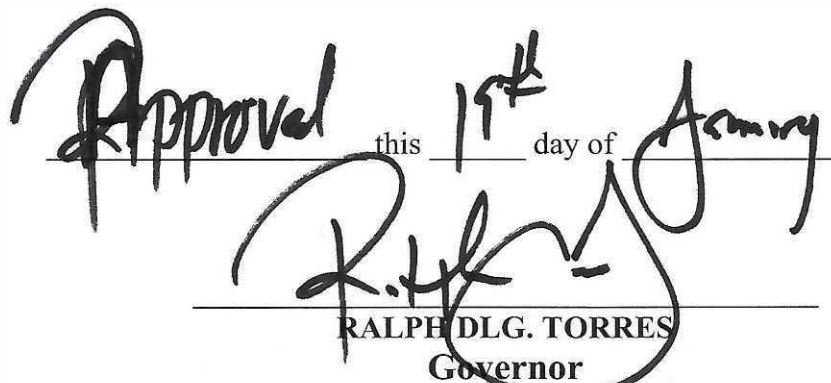
13 **Section 6. Effective Date.** This Act shall take effect upon its approval by the
14 Governor or becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:


VICTOR B. HOCOG
PRESIDENT OF THE SENATE


SIXTO K. IGISOMAR
SENATE LEGISLATIVE SECRETARY


Approval this 19th day of January, 2021
RALPH DLG. TORRES
Governor

Commonwealth of the Northern Mariana Islands