

# TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

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## SUBCHAPTER 85-60.1

### FARM EQUIPMENT SERVICE REGULATIONS

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Subchapter Authority: PL 1-8 (formerly codified at 1 CMC §§ 2651, et seq.); 1 CMC § 2654.

Subchapter History: Adopted 14 Com. Reg. 9985 (Oct. 15, 1992); Proposed 14 Com. Reg. 9317 (June 15, 1992).

Commission Comment: PL 1-8, tit. 1, ch. 13 (effective Aug. 10, 1978), formerly codified at 1 CMC §§ 2651, et seq., originally created a Department of Natural Resources within the Commonwealth government.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 104:

Section 104. Department of Lands and Natural Resources.

The Department of Natural Resources is re-designated the Department of Lands and Natural Resources.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

In 1997, the Legislature passed the “Public Lands and Natural Resources Administration Act of 1997,” PL 10-57 (effective Apr. 18, 1997), codified as amended at 1 CMC §§ 2651-2691. PL 10-57 repealed and reenacted chapter 13, division 2 of title 1 of the Commonwealth Code, 1 CMC §§ 2651, et seq., and statutorily established the Department of Lands and Natural Resources (DLNR) with the structure, duties and responsibilities set forth in the act. See 1 CMC § 2651 and the commission comment thereto.

1 CMC § 2653(j) authorizes DLNR to “promote, develop, and administer agricultural programs, including but not limited to, plant industry, agricultural extension services, and animal industry and health.” 1 CMC § 2654 authorizes the Department of Lands and Natural Resources to adopt rules and regulations in furtherance of its duties and responsibilities.

The 1992 Farm Equipment Service Regulations codified in this subchapter were promulgated by the Department of Natural Resources, Division of Plant Industry under the authority of PL 1-8 (formerly codified at 1 CMC §§ 2651, et seq.).

In 1981, the Division of Plant Industry published notice of proposed “Rules and Regulations for Government Commercial Farm Plots.” See 3 Com. Reg. 1336 (Aug. 31, 1981). The text of the proposed regulations was not published with the notice and a notice of adoption was never published.

#### **Part 001 - General Provisions**

##### **§ 85-60.1-001 Purpose**

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The purpose of the regulations in this subchapter is to establish rates and standards for use of farm equipment operated and maintained by the Department of Natural Resources, Division of Plant Industry, through its Farm Equipment Service. This equipment is rented to CNMI farmers to promote and develop local agriculture.

Modified, 1 CMC § 3806(d).

History: Adopted 14 Com. Reg. 9985 (Oct. 15, 1992); Proposed 14 Com. Reg. 9317 (June 15, 1992).

### **§ 85-60.1-005 Authority**

The regulations in this subchapter are adopted under the authority of 1 CMC § 2654(i) and 1 CMC § 2655.

Modified, 1 CMC § 3806(d).

History: Adopted 14 Com. Reg. 9985 (Oct. 15, 1992); Proposed 14 Com. Reg. 9317 (June 15, 1992).

### **Part 100 - Equipment Rental and Rates**

#### **§ 85-60.1-101 Equipment Rental Rates**

The Department of Natural Resources, Division of Plant Industry, may provide a farm equipment service to CNMI farmers for agricultural purposes. The equipment rates shall be as follows.

Item	Rate
(a) Caterpillar D-6 bulldozer or equivalent	\$15.00/hr.
(b) John Deere 4250 tractor or equivalent	\$12.00/hr.
(c) Ford 6610 tractor or equivalent	\$ 8.00/hr.
(d) Ford 4610 tractor or equivalent	\$ 8.00/hr.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9985 (Oct. 15, 1992); Proposed 14 Com. Reg. 9317 (June 15, 1992).

Commission Comment: The Commission created the section titles in part 100.

#### **§ 85-60.1-105 Hours of Service**

Each individual farmer shall receive no more than 30 hours of bulldozer service per application.

History: Adopted 14 Com. Reg. 9985 (Oct. 15, 1992); Proposed 14 Com. Reg. 9317 (June 15, 1992).

**Part 200 - Miscellaneous Provisions**

**§ 85-60.1-201 Severability**

If any provision of the regulations in this subchapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

Modified, 1 CMC § 3806(d).

History: Adopted 14 Com. Reg. 9985 (Oct. 15, 1992); Proposed 14 Com. Reg. 9317 (June 15, 1992).