

RALPH DLG. TORRES
Governor



ARNOLD I. PALACIOS
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

05 FEB 2021

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

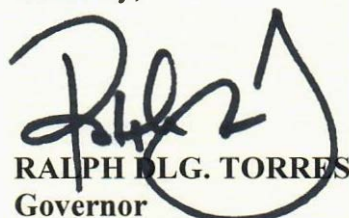
The Honorable Jude U. Hofschneider
Senate President, The Senate
Twenty-Second Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law **House Bill No. 21-108** entitled, "To provide the Department of Lands and Natural Resources with explicit authority to hold and manage public lands transferred to it from the Department of Public Lands and the Division of Agriculture with the authority to issue licenses and permits in respect to the Kagman Commercial Farm Plot program.," which was passed by the House of Representatives and the Senate of the Twenty-First Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 21-43**. Copies bearing my signature are forwarded for your reference.

Sincerely,



RALPH DLG. TORRES
Governor

cc: Lt. Governor; Press Secretary; Secretary of Finance; Secretary, Department of Lands & Natural Resources; Secretary, Department of Public Lands; Division of Agriculture; Law Revision Commission; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



House of Representatives

TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. BOX 500586
SAIPAN, MP 96950


December 29, 2020

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

Dear Governor Torres:

I have the honor of transmitting herewith for your action **H. B. No. 21-108**, entitled: "To provide the Department of Lands and Natural Resources with explicit authority to hold and manage public lands transferred to it from the Department of Public Lands and the Division of Agriculture with the authority to issue licenses and permits in respect to the Kagman Commercial Farm Plot program.", which was passed by the House of Representatives and the Senate of the Twenty-First Northern Marianas Commonwealth Legislature.

Sincerely yours,


Linda B. Muña
House Clerk

Attachment



*Twenty-First Legislature
of the
Commonwealth of the Northern Mariana Islands*

IN THE HOUSE OF REPRESENTATIVES

THIRD REGULAR REGULAR SESSION

MARCH 13, 2020

REPRESENTATIVE LORENZO I. DELEON GUERRERO of Saipan, Precinct 5 (*for himself*, Representatives Blas Jonathan "BJ" T. Attao, Roman C. Benavente, Ivan A. Blanco, Joel C. Camacho, Luis John DLG. Castro, Joseph A. Flores, Richard T. Lizama, Marco T. Peter, Christina M.E. Sablan, John Paul P. Sablan, Edmund S. Villagomez, and Ralph N. Yumul,) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 21-108

AN ACT

TO PROVIDE THE DEPARTMENT OF LANDS AND NATURAL RESOURCES WITH EXPLICIT AUTHORITY TO HOLD AND MANAGE PUBLIC LANDS TRANSFERRED TO IT FROM THE DEPARTMENT OF PUBLIC LANDS AND THE DIVISION OF AGRICULTURE WITH THE AUTHORITY TO ISSUE LICENSES AND PERMITS IN RESPECT TO THE KAGMAN COMMERCIAL FARM PLOT PROGRAM.

The Bill was not referred to a House Committee.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, MARCH 13, 2020;**
without amendments and transmitted to the
THE SENATE.

The Bill was referred to the Senate Committee on Resources, Economic Development and Programs.
THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, DECEMBER 18, 2020;
without amendments and was returned to
THE HOUSE OF REPRESENTATIVES.

THE BILL WAS FINALLY PASSED ON MARCH 13, 2020.



Linda B. Muña, House Clerk



Twenty-First Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

FOURTH DAY, THIRD REGULAR SESSION

MARCH 13, 2020

H. B. No. 21-108

AN ACT

TO PROVIDE THE DEPARTMENT OF LANDS AND NATURAL RESOURCES WITH EXPLICIT AUTHORITY TO HOLD AND MANAGE PUBLIC LANDS TRANSFERRED TO IT FROM THE DEPARTMENT OF PUBLIC LANDS AND THE DIVISION OF AGRICULTURE WITH THE AUTHORITY TO ISSUE LICENSES AND PERMITS IN RESPECT TO THE KAGMAN COMMERCIAL FARM PLOT PROGRAM.

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

1 **SECTION 1. FINDINGS.**

2 The Kagman Commercial Farm Plot program was established by a Grants of Public
3 Domain Lands entered into between the Marianas Public Land Corporation and the Department
4 of Natural Resources in 1991 and 1993. However, the Department of Lands and Natural

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1 Resources enabling statute does not provide it with the explicit authority to hold and manage
2 public lands transferred to it from the Department of Public Lands.

3 The Legislature finds that in light of this predicament, the Kagman Commercial Farm
4 Plot program is in limbo without immediate legislative action. Furthermore, the Kagman Farm
5 Plot program farmers cannot avail of free Federal Crop Disaster Insurance; FSA Loan
6 Commercial Program and will not meet the qualifications for the Natural Resources
7 Conservation Service (NRCS) Programs. During these tough economic times, we must ensure
8 that we do not hamper the ability of our farmers to avail of free services and/or apply for
9 programs or loans to assist them recover from the aftermaths of Super Typhoon Yutu and to
10 ensure that the livelihood of their families are not compromised.

11 The Legislature further finds, that in 2000, the Department of Public Land was
12 established. 1 CMC § 2308(a) in part provides “The Department’s authority does not extend to
13 the issuance of land use permits and licenses, except as specifically provided for in this Act,
14 and does not limit in any respect the authority of other Commonwealth agencies to issue
15 permits and licenses *pursuant to their respective enabling legislation* (emphasis added). The
16 purpose of this Act is to provide the Department of Lands and Natural Resources with explicit
17 authority to hold and manage public lands transferred to it from the Department of Public Lands
18 and to provide the “enabling legislation” referred to in 1 CMC §2308(a).

19 **SECTION 2. AMENDMENT.**

20 Title 1, Division 2, Part 1, Chapter 13, Article 1 § 2653 to add a new subsection (q) to
21 read as follows and to re-designate the existing subsections accordingly:

22 “§ 2653. Department of Lands and Natural Resources: Duties.

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1 (p) To conduct administrative adjudication for the department and its
2 subdivisions as required by law;

3 (q) To have explicit authority to hold and manage public lands transferred to it
4 from the Department of Public Lands; and

5 (r) The Secretary of the Department of Lands and Natural Resources may
6 promulgate necessary regulations to carry out its duties.”

7 **SECTION 3. AMENDMENT.**

8 Title 1, Division 2, Part 1, Chapter 13, Article 7 § 2721 and § 2723 are amended as
9 follows:

10 “Article 7. Division of Agriculture.

11 § 2721. Division of Agriculture.

12 There is in the Department of Lands and Natural Resources a Division of
13 Agriculture headed by a Director serving under the supervision and control of the
14 secretary.

15 § 2723. Establishment of Special Agriculture Equipment Service Revolving
16 Fund Account.

17 The Secretary of Finance shall establish or cause to establish a Special
18 Agriculture Equipment Service Revolving Fund Account for each Senatorial District
19 to be called as follows: (a) Rota Special Agriculture Equipment Service Revolving
20 Fund Account; (b) Tinian/Aguiguan Special Agriculture Equipment Service Revolving
21 Fund Account; and (c) Saipan Special Agriculture Equipment Service Revolving Fund
22 Account. The Secretary of Finance shall deposit or cause to deposit any and all revenues

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1 collected from this Act by each senatorial district in each respective special account,
2 and shall enter or cause to enter such data appropriately and accurately in each separate
3 special account above. Notwithstanding any other provision of law, all revenues
4 collected from this Act for the purposes provided herein shall be available without
5 further appropriation and without fiscal year limitation. The expenditure authority for
6 the Rota Special Agriculture Equipment Service Revolving Fund Account and the
7 Tinian/Aguiguan Special Agriculture Equipment Service Revolving Fund Account
8 shall be the Mayor of each respective Senatorial District. The expenditure authority for
9 the Saipan Special Agriculture Equipment Service Revolving Fund Account shall be
10 the Secretary of the Department of Lands and Natural Resources in consultation with
11 the Director of the Division of Agriculture.”

SECTION 4. AMENDMENT.

13 Title 1, Division 2, Part 1, Chapter 13, Article 7 is hereby amended to add new
14 subsections 2727, 2728 and 2729, to read as follows and to re-designate the existing subsection
15 accordingly:

16 “§2727. Management of the Kagman Commercial Farm Plot program.

17 The Director of the Division of Agriculture shall manage the Kagman
18 Commercial Farm Plot program consistent with the Grants of Public Domain Lands
19 entered into between the Marianas Public Land Corporation and the Department of
20 Natural Resources dated June 21, 1991 and November 1, 1993.

21 §2728. The Director is authorized to establish a program of licensing or
22 permitting the use of the Kagman Commercial Farm Plots to residents of the

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1 Commonwealth for a period of at least five years. The permits or licenses shall be
2 restricted to agricultural purposes and shall not be assignable or transferable and shall
3 not be used by any person other than the permit or license holder.

4 §2729. The Director shall perform such other duties and responsibilities as may
5 be assigned by the Secretary.

6 § 2730. Promulgation of Rules and Regulations.

7 The Director of the Division of Agriculture, in consultation with the Secretary
8 of the Department of Lands and Natural Resources shall promulgate rules and
9 regulations to carry out the intent and purpose of this Article.”

10 **SECTION 5. SEVERABILITY.**

11 If any provisions of this Act or the application of any such provision to any person or
12 circumstance should be held invalid by a court of competent jurisdiction, the remainder of this
13 Act or the application of its provisions to persons or circumstances other than those to which
14 it is held invalid shall not be affected thereby.

15 **SECTION 6. SAVINGS CLAUSE.**

16 This Act and any repealer contained herein shall not be construed as affecting any
17 existing right acquired under contract or acquired under statutes repealed or under any rule,
18 regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect
19 any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not
20 have the effect of terminating, or in any way modifying, any liability, civil or criminal, which
21 shall already be in existence on the date this Act becomes effective.

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1 **SECTION 7. EFFECTIVE DATE.**

2 This Act shall take effect upon its approval by the Governor, or its becoming law
3 without such approval.

Attested to by:



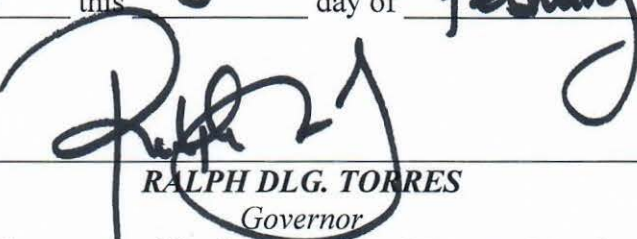
Linda B. Muña, House Clerk

Certified by:



SPEAKER BLAS JONATHAN "BJ" T. ATTAO
House of Representatives
21st Northern Marianas Commonwealth Legislature

Approved this 5th day of February, 2020



RALPH DLG. TORRES
Governor
Commonwealth of the Northern Mariana Islands