

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

§ 2651. Department of Lands and Natural Resources.

There is in the Commonwealth government a Department of Lands and Natural Resources to be headed by a Secretary of Lands and Natural Resources.

Source: PL 1-8, tit. 1, ch. 13, § 1, modified; repealed and reenacted by PL 10-57, § 3 (2651).

Commission Comment: PL 10-57 repealed and reenacted chapter 13, division 2 of title 1. PL 10-57 took effect on April 18, 1997. Section 4 of PL 10-57 vacated Section 306 of Executive Order 94-3 which is set forth below for reference.

Sections 1 and 2 of PL 10-57 (which repeals and reenacts Chapter 13) states as follows:

Section 1. Short Title. This Act may be cited as the Public Lands and Natural Resources Administration Act of 1997.

Section 2. Findings. The Legislature finds that control over public lands is too important a function to the people of the Commonwealth to be left simply to a line department under the direct control of the governor. Public Lands policy and administration needs to be overseen by an autonomous Board which brings a broader and more independent perspective to the critical issues of land management. In addition, a recent Inspector General's audit revealed a need for better standards and better enforcement of the terms of public land leases. The Legislature further finds that there is a need to repeal and reenact those provisions of the Executive Branch Organization Act formerly dealing with the Department of Natural Resources to continue the Department of Lands and Natural Resources established by Executive Order 94-3 with the structure, duties, and responsibilities as modified by this Act. It is the purpose of this Act to address these needs.

Executive Order 94-3, the "Second Reorganization Plan of 1994" (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, 306 (vacated by PL 10-57, § 4) and 402:

Section 104. Department of Lands and Natural Resources. The Department of Natural Resources is re-designated the Department of Lands and Natural Resources.

. . . .

Section 306. Department of Lands and Natural Resources. [This section vacated by section 4 of P.L. 10-57.]

(a) **Marianas Public Land Corporation.** Pursuant to [N.M.I. Const. art. XI, § 4(f)], the Marianas Public Land Corporation is dissolved and its functions transferred to a Division of Public Lands in the Department of Lands and Natural Resources, which shall have at its head a Director of Public Lands.

(b) **Land Commission.** The Land Commission is abolished and its functions transferred to a Division of Land Registration in the

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Department of Lands and Natural Resources, which shall have at its head the Senior Land Commissioner who is re-designated as the Director of Land Registration and who shall report to and serve under the direction of the Secretary of Lands and Natural Resources. The Deputy Land Commissioners are re-designated as Deputy Directors of Land Registration.

(c) **Zoning Board.** The Zoning Board is abolished and, except as provided in Section 401(c) of this plan, its functions transferred to a Division of Zoning in the Department of Lands and Natural Resources, which shall have at its head a Director of Zoning. The Zoning Board of Rota, established by [Rota LL 8-2], is not affected by this subsection.

(d) **Permit Simplification and Coordination.** The Secretary of Lands and Natural Resources shall simplify, coordinate, and, to the extent practicable, integrate the development permitting process and public land leasing process within the Department of Lands and Natural Resources. The Secretary of Lands and Natural resources, the Secretary of Public Works, and the head of any other agency regulating development shall coordinate and may, by agreement, integrate the permitting and regulatory processes of their agencies in order to expedite government decisions incident to private sector development. If two or more agencies disagree regarding such coordination or integration, the head of any such agency may refer the matter to the Special Assistant for Management and Budget and the Special Assistant for Administration for resolution.

. . . .

Section 402. Development Advisory Council.

(a) There is hereby established a Development Advisory council consisting of nine members, including five from Saipan, two from Rota and two from Tinian, who shall be appointed by and serve at the pleasure of the Governor. The Council is allocated to the Department of Lands and Natural Resources for purposes of administration and coordination. The Council shall advise the governor, the head of any agency involved in the development process, the Development Appeals Board (including the Board of Zoning Appeals), the Zoning Board of Rota, the mayors, the Legislature, and the respective delegations regarding the effect of government policies and actions on private sector development in the Commonwealth. The Council may comment upon or intervene in any application for or hearing, appeal, or other proceeding concerning any permit or approval required for development.

(b) To the extent that the Zoning Advisory Council has not fully disbanded as required by 2 CMC § 7223(d), it is abolished and its records, property, facilities, equipment, and supplies transferred to the Development Advisory Council.

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