

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

§ 2701. Division of Parks and Recreation.

There is in the Department of Lands and Natural Resources a Division of Parks and Recreation headed by a director serving under the supervision and control of the secretary. The division shall have a park ranger sections to carry out the enforcement responsibilities provided under 1 CMC § 2708.

Source: PL 11-106, § 3 (2701); amended by PL 14-27, § 3(a), modified.

Commission Comment: PL 11-106 that created this article took effect October 8, 1999. PL 11-106 contained short title and findings and purpose provisions as follows:

Section 1. Short Title. This Act may be cited as the “Parks and Recreation Act of 1998.”

Section 2. Findings and Purpose. The Legislature finds that the Department of Lands and Natural Resources is empowered to establish landscaping and beautification projects pursuant to Public Law 10-57. The Legislature further finds that the Department of Lands and Natural Resources has enhanced, maintained, and beautified public parks since approximately 1979. The Legislature further finds that the number of public parks managed by the Department of Lands and Natural Resources has increased substantially since 1979 and maintenance of the parks has become increasingly difficult without the power to charge fees, promulgate regulations, and enforce rules. The Legislature further finds that there is currently no single governmental entity charged with the responsibility of constructing, maintaining and repairing community sports facilities. To this end, a Division of Parks and Recreation within the Department of Lands and Natural Resources must be established with the necessary powers to oversee the administration of such parks and recreational sports facilities.

PL 11-106 also contained conforming amendments, authorization for appropriation, repealer, transitional clause, severability, and savings clause provisions as follows:

Section 4. Conforming Amendments. Public Law 10-57 is further hereby amended to insert in Section 2 after §2653(m) new subsections to read as follows:

“(n) To manage and operate the Commonwealth Mitigation Bank, as provided by law;

(o) To construct, maintain, and repair recreational facilities as defined in 1 CMC § 2674(g)”.

Section 5. Authorization for Appropriation. There is hereby authorized to be appropriated from the general fund the amounts necessary to accomplish the objectives set forth within this Act.

Section 6. Repealer. The provisions of Section 2 in Public Law No. 10-84 are hereby repealed in their entirety.

Section 7. Transitional Clause. Except as provided in this Act, any powers or duties relative to Commonwealth parks and recreational facilities previously charged to any other government entity shall be transferred to the Division.

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Section 8. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 9. 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.

PL 14-27 was enacted on September 21, 2004, and contained a short title, statement of purpose and findings, regulations, severability, and savings clause provisions. According to PL 14-27:

Section 1. Short Title. This Act maybe cited as the “Park Rangers Act of 2004.”

Section 2. Statement of Purpose and Findings. The Legislature finds that the Department of Lands and Natural Resources (DNLR) has enhanced, maintained and beautified public parks and recreational areas since 1979. The Legislature further finds that jurisdiction over these parks and recreation areas were never conveyed to the Department of Lands and Natural Resources even after the Marianas Public Lands Authority Board of Directors approved the conveyance of the parks and recreation areas to the Department of Lands and Natural Resources during their March 1990 Board meeting.

The Legislature further finds that Executive Order 03-02 transferred the duties and responsibilities for maintaining tourist sites on Saipan to the Department of Lands and Natural Resources. This Act expands DLNR’s jurisdiction over all CNMI parks, recreation areas, and tourist sites and gives authority to the department to levy fines for violation of certain prohibited activities to be established by rules and regulations. This Act further provides that the funds would be deposited into the respective sub-account of the senatorial district where the fine was collected.

. . .

Section 4. Regulations. Within 120 days after enactment of this Act., the Secretary in consultation with the Lands and Natural Resources resident directors for the first and second senatorial districts shall promulgate rules and regulations necessary to carry out the intent of this Act.

PL 14-27 affirmed that the Division of Parks and Recreation shall adopt rules and regulations necessary for its proper administration, however, PL 14-27 further specified that rule-making authority rested in the Secretary of the Department of Lands and Natural Resources in consultation with resident directors for the First and Second Senatorial Districts. See 1 CMC § 2705.