

AN ACT

To establish the Division of Parks and Recreation in the Department of Lands and Natural Resources, to provide for the landscaping, beautification, and protection of Commonwealth parks and recreational facilities; and for other purposes.

**BE IT ENACTED BY THE ELEVENTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE:**

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

Section 2. Finds 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.

Section 3. New Article; Division of Parks and Recreation. Amend PL 10-57 by adding in section 2 after §6291 a new Article 6 to read as follows:

“Article 6. Division of Parks and Recreation.

§ 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.

§ 2702. Definitions. In this Article.

(a) “Commonwealth park” means an area set apart and designated as a Commonwealth park by the Division of Parks and Recreation including any public facilities located within the boundaries of the park.

(b) “Department” means the Department of Lands and Natural Resources.

(c) “Director” means the Director of the Division of Parks and Recreation.

(d) “Division” means the Division of Parks and Recreation.

(e) “Fund” means the Commonwealth Parks and Recreation Fund.

(f) “Recreation facilities” means all public sports and recreation facilities and outdoor sports and recreation areas and fields except for the Gilbert C. Ada Gymnasium and adjoining sports facilities which shall be under the sole management and control of the Northern Marianas Amateur Sports Association.

(g) “Secretary” means the Secretary of the Department of Lands and Natural Resources.

§ 2703. Duties. The Division shall:

(a) Have the care, charge, control, and supervision of Commonwealth parks and recreational facilities.

(b) manage, maintain, landscape, and beautify Commonwealth parks, and recreational facilities.

(c) Erect and maintain structures, signs, and facilities at Commonwealth parks and recreational facilities for the enjoyment of the CNMI residents and visitors.

(d) Permit the use of Commonwealth parks and recreational facilities by the public pursuant to rules and regulations prescribed by the Division.

§ 2704. Permits.

(a) The Division may require a person to obtain a permit for the temporary exclusive use of a Commonwealth park or recreational facility. For each permit the Division shall impose:

(1) A reasonable user fee to recover the cost of administering the fee system and managing, maintaining, landscaping, and beautifying Commonwealth parks or recreational facilities; and

(2) A reasonable security deposit to be retained by the Division to extent the Commonwealth park or recreational facility is damaged and such damage is caused by the activities of such person during the exclusive use of the Commonwealth park or recreational facility; and

(3) Any other terms and conditions deemed proper by the Division.

(b) Fees and security deposits retained under this section shall be deposited in the Commonwealth Parks and Recreation Fund.

§ 2705. Rule-making. The Division shall adopt rules and regulations necessary for the proper administration of its duties under this Article.

§ 2706. Interagency Notification and Coordination.

(a) Any department agency, public corporation, or other instrumentality of the Commonwealth which plans to use, or conduct any activities which may adversely affect, a public park or recreational facility, shall consult with the Director.

(b) The Division shall coordinate the parks and recreational functions of the various Commonwealth departments and federal agencies in the promotion of parks and recreational opportunities.

§ 2707. Commonwealth Parks and Recreation Fund.

(a) A Commonwealth Parks and Recreation Fund account shall be maintained by the Department of Finance separate and apart from other funds of the Commonwealth Government and independent records and accounts shall be maintained in connection herewith.

(b) All moneys received by the Division pursuant to § 2675 shall be deposited in the Fund.

(c) Moneys in the Fund shall only be expended to manage, maintain, landscape, and beautify Commonwealth parks and recreational facilities and to erect and maintain structures, signs and facilities at Commonwealth parks and recreational facilities.

(d) Expenditure authority for the Fund shall rest with the Director upon written approval from the Secretary.

(e) The Director shall provide a yearly accounting of all fees collected under this Act to both the Secretary of the Department of Finance, and the Legislature.

§ 2708. Police Powers.

(a) With the approval of the Secretary, the Director shall designate and provide with official identification one or more employees assigned to the Division as park rangers who shall be vested with police powers to enforce the laws of the Commonwealth and to enforce rules and regulations adopted by the Division at Commonwealth parks and recreational facilities.

(b) The Department of Public Safety shall have concurrent jurisdiction to enforce the laws of the Commonwealth in Commonwealth parks and recreational facilities.”

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.

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.

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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.

Section 10. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED TO BY:

/s/ Jesus T. Attao

JESUS T. ATTAO

Acting Speaker

House of Representatives

/s/ Evelyn C. Fleming

EVELYN C. FLEMING

House Clerk

Approved this 8th day of October, 1999

/s/ Pedro P. Tenorio

PEDRO P. TENORIO

Governor

Commonwealth of the Northern Mariana Islands