

THIRTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2002

Public Law 13-8

H. B. NO. 13-009, CS1

AN ACT

To re-establish the Fish and Game Conservation Fund as a revolving fund to be used for the administration of programs under the Division of Fish and Wildlife by amending 2 CMC § 5107 and § 5109(k); and for other purposes.

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

Section 1. Findings and Purpose. The Legislature finds that Public Law No. 2-51 established a Fish and Wildlife Division within the Department of Lands and Natural Resources. Through Public Law 2-51, all collections of license fees issued are to be “covered into the Fish and Game Conservation Fund and is authorized to be appropriated only for the purpose of the administration of the Department.” The Legislature further finds that the protection, conservation and survival of the CNMI’s fish and wildlife will be best served if the collections from all licenses and permits issued and penalties or fines assessed are dedicated to fish and game conservation programs. Therefore, it is the intent and purpose of this legislation to re-establish the Fish and Game Conservation Fund as a revolving fund and to appropriate all moneys deposited into it for the administration of programs under the Division of Fish and Wildlife.

Section 2. Repealer and Re-enactment. 2 CMC § 5107 is hereby repealed and re-enacted to read as follows:

“§ 5107. Fish and Game Conservation Revolving Fund.

There is established in the Commonwealth Treasury a ‘Fish and Game Conservation Revolving Fund’ (hereafter referred to in this chapter as the ‘fund’), more specifically described as sub-account numbers 6045 (Saipan), 6046 (Tinian) and

6047 (Rota), which shall be non-lapsing, separate and apart from the General Fund, and shall not be subject to a continuing resolution. All collections from the issuances of licenses and permits and from penalties or fines collected under this chapter shall be deposited into the fund. The Secretary of Finance shall administer the fund and shall expend moneys from the fund without further appropriation, pursuant to regularly established accounting and control procedures, on the order of the Secretary of the Department of Lands and Natural Resources or his or her authorized designee only for the purpose of the administration of programs under the Division of Fish and Wildlife and is hereby exempt from Title 1, Division 7, Part 1, Chapters 1 through 7 [1 CMC § 7101 et seq.]. The deposit of such revenues into the fund shall be suspended for any period of time during which assent is suspended pursuant to 2 CMC, § 5106(b), and such revenues collected during that period shall be deposited into the General Fund.”

Section 3. Amendment. 2 CMC § 5109(k) is hereby amended to read as follows:

“§ 5109. Enforcement, Remedies and Penalties.

(k) Any penalty or fine collected pursuant to this section shall be deposited into the Fish and Game Conservation Revolving Fund.”

Section 4. 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 5. 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,

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any liability civil or criminal, which shall already be in existence on the date this Act becomes effective.

Section 6. Effective Date. This Act shall take effect upon its approval by the Governor or upon it becoming law without such approval.

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____
HEINZ S. HOFSCHEIDER
SPEAKER OF THE HOUSE

/s/ _____
EVELYN C. FLEMING
HOUSE CLERK

Approved this 11th day June, of 2002

/s/ _____
JUAN N. BABAUTA
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS