



HOUSE OF REPRESENTATIVES
FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FIRST REGULAR SESSION, 2004

PUBLIC LAW NO. 14-27
H. B. No. 14-85, HS1, HD2, SD1, CD1

AN ACT

To authorize the establishment of a Park Rangers section under the Division of Parks and Recreation and to designate the Department of Lands and Natural Resources as the administering authority for tourist sites formerly managed and maintained by the Marianas Visitors Authority; and for other purposes.

BE IT ENACTED BY THE FOURTEENTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE:

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

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

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

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1 Section 3. Amendments.

2 (a) 1 CMC § 2701 is amended as follows:

3 “§ 2701. Division of Parks and Recreation.

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

8 (b) 1 CMC § 2702 is amended as follows:

9 “(a) ‘Commonwealth park’ means an area set apart and designated
10 as a Commonwealth park by the Division of Parks and Recreation including
11 any public facilities located within the boundaries of the park, and any tourist
12 site formerly managed and maintained by the Marianas Visitors Authority, but
13 excluding the Haruji Matsue Sugar King Park.

14 (b) – (e) [unchanged]

15 (f) ‘Recreational Facility’ means all public sports and recreational
16 facilities and outdoor sports and recreational fields and areas except for the
17 Gilbert C. Ada Gymnasium and adjoining sports facilities which shall be
18 under the sole management and control of the Northern Marianas Amateur
19 Sports Association.”

20 (c) The following new subsections are added to 1 CMC § 2703 as follows:

21 “(e) by rule or regulation, prohibit any activity which may diminish,
22 damage or destroy the natural beauty of Commonwealth parks or recreational
23 facilities.

24 (f) Authorize and collect fees from concessionaires and vendors,
25 as well as charge reasonable user fees to recover the cost of managing,
26 maintaining, landscaping, and beautifying Commonwealth parks and
27 recreational facilities which shall be deposited into the respective senatorial

1 district sub-accounts established under the Commonwealth Parks and
2 Recreation Fund pursuant to § 2704(b) of this article as amended.”

3 (d) 1 CMC § 2704(b) is amended to read as follows:

4 “(b) Fees and security deposits retained under this section shall be
5 deposited in the Commonwealth Parks and Recreation Fund and into the
6 respective senatorial district sub-accounts.”

7 (e) 1 CMC § 2705 is amended as follows:

8 “§ 2705. Rule-making.

9 The division shall adopt rules and regulations necessary for the proper
10 administration of its duties under this article including but not limited to rules
11 and regulations:

12 (a) to develop a list of violations with the fines for each
13 violation subject to the amount provided in subsection (b) of this
14 section. The list of violations may include, but is not limited to,
15 vandalism, graffiti, littering, destruction of structures or monuments,
16 building fires outside of designated fireplaces, and destruction of other
17 park properties including but not limited to the plants.

18 (b) to impose fines of up to \$500 on any person who
19 engages in any prohibited activity in the Commonwealth parks,
20 recreation areas or tourist sites.

21 Violations of the rules and regulations promulgated under this Act
22 shall be adjudicated in an administrative proceeding as provided under the
23 Administrative Procedure Act, 1 CMC § 9101 et seq.”

24 (f) 1 CMC § 2707 is amended to read as follows:

25 “(a) A Commonwealth Parks and Recreation Fund shall be
26 maintained by the Department of Finance separate and apart from other funds

1 of the Commonwealth government and independent records and accounts shall
2 be maintained in connection herewith.

3 (b) [unchanged]

4 (c) Moneys in the fund shall only be expended to manage,
5 maintain, landscape, and beautify Commonwealth parks and recreational
6 facilities and to erect and maintain structures, signs and facilities at
7 Commonwealth parks and recreational facilities. Moneys in the fund shall not
8 be expended for any travel or travel-related expenses.

9 (d) Expenditure authority for the fund shall rest with the director
10 upon written approval from the Secretary.

11 (e) The director shall provide a yearly accounting of all fees
12 collected under this article to both the Secretary of the Department of Finance,
13 and the legislature.”

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

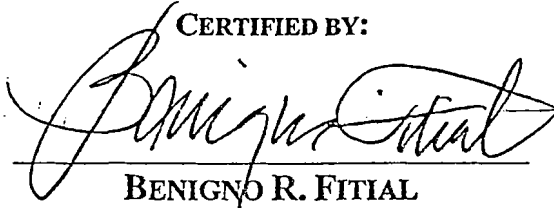
18 Section 5. Severability. If any provision of this Act or the application of any such
19 provision to any person or circumstance should be held invalid by a court of competent
20 jurisdiction, the remainder of this Act or the application of its provisions to persons or
21 circumstances other than those to which it is held invalid shall not be affected thereby.

22 Section 6. Savings Clause. This Act and any repealer contained herein shall not be
23 construed as affecting any existing right acquired under contract or acquired under statutes
24 repealed or under any rule, regulation or order adopted under the statutes. Repealers
25 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
26 The enactment of the Act shall not have the effect of terminating, or in any way modifying,
27 any liability, civil or criminal, which shall already be in existence on the date this Act
28 becomes effective.

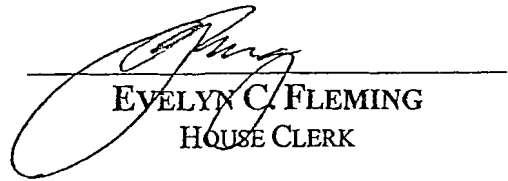
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1 Section 7. Effective Date. This Act shall take effect upon its approval by the
2 Governor or becoming law without such approval.

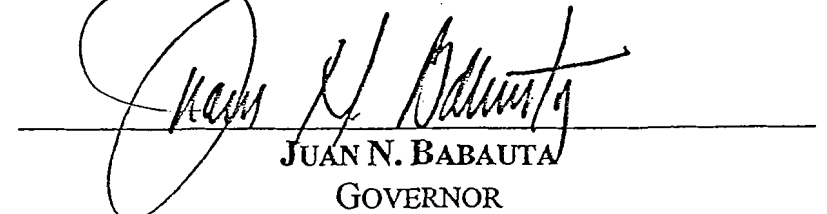
CERTIFIED BY:


BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

ATTESTED TO BY:


EVELYN C. FLEMING
HOUSE CLERK

Approved on this 21st day of September, 2004


JUAN N. BABAUTA
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS