



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos

Governor

Jude U. Hofschneider

Lieutenant Governor

Honorable Ralph DLG. Torres
Senate President, The Senate
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

27 MAR 2014

Honorable Joseph P. Deleon Guerrero
Speaker, House of Representatives
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law Senate Bill No. 18-38, entitled, "To establish by law the preservation, protection, and maintenance of public access of Managaha pursuant to Article XIV, section 3 of the CNMI Constitution by amending 1 CMC § 2653(c) and also establish by law the disposition and management of submerged lands by amending § 2653(k); and for other purposes," which was passed by the Senate and the House of Representatives of the Eighteenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 18-42**. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read "Eloy S. Inos", with a long vertical line extending upwards from the end of the signature.

ELOY S. INOS

cc: Lt. Governor; Lt. Governor's Legal Counsel; Attorney General's Office; Press Secretary; Department of Public Lands; Department of Lands and Natural Resources; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



THE SENATE
Eighteenth Northern Marianas Commonwealth Legislature
P. O. Box 500129
Saipan, MP 96950

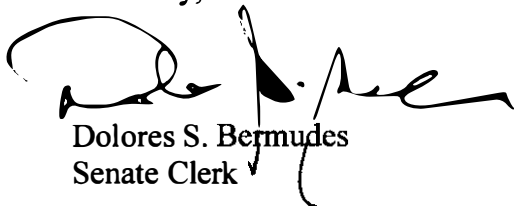
February 20, 2014

The Honorable Eloy S. Inos
Governor
Commonwealth of the Northern
Mariana Islands
Saipan, MP 96950

Dear Governor Inos:

I have the honor of transmitting herewith Senate Bill No. 18-38, entitled, "To establish by law the preservation, protection, and maintenance of public access of Managaha pursuant to Article XIV, section 3 of the CNMI Constitution by amending 1 CMC § 2653(c) and also establish by law the disposition and management of submerged lands by amending § 2653(k); and for other purposes," which was passed by the Senate and the House of Representatives of the Eighteenth Northern Marianas Commonwealth Legislature.

Sincerely,



Dolores S. Bermudes
Senate Clerk

Attachment



THE SENATE
EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE BILL NO. 18-38

AN ACT

To establish by law the preservation, protection, and maintenance of public access of Managaha pursuant to Article XIV, section 3 of the CNMI Constitution by amending 1 CMC § 2653(c) and also establish by law the disposition and management of submerged lands by amending § 2653(k); and for other purposes.

Offered by Senator(s) Ray N. Yumul

Date: November 18, 2013

Referred to: None

Standing Committee Report No.: None

Final Reading: November 26, 2013

Referred to: Committee on Natural Resources

Standing Committee Report No.: 18-94 Adopted on 01/31/14

First and Final Reading: February 11, 2014

A handwritten signature in black ink, appearing to read "Dolores S. Bermudes", written over a horizontal line.

DOLORES S. BERMUDES
SENATE CLERK

EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND REGULAR SESSION, 2013

S. B. NO. 18-38

AN ACT

To establish by law the preservation, protection, and maintenance of public access of Managaha pursuant to Article XIV, section 3 of the CNMI Constitution by amending 1 CMC § 2653(c) and also establish by law the disposition and management of submerged lands by amending § 2653(k); and for other purposes.

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

Section 1. Findings and Purpose.

1 **Section 1. Findings and Purpose.**
2 The Legislature recognizes that the NMI Constitution Article XIV, Section 2,
3 mandates that Managaha island be uninhabited and maintained for cultural and recreational
4 purposes. The Legislature also recognizes that Section 3 of Article XIV provides that
5 “[p]laces of importance to the culture, traditions and history of the people of the Northern
6 Mariana Islands shall be protected and preserved and public access to these places shall be
7 maintained as provided by law.”

8 Additionally, Article XI, section 2 of the NMI Constitution provides that “[t]he
9 management and disposition of submerged lands off the coast of the Commonwealth shall
10 be as provided by law.” The Legislature is cognizant that the Commonwealth is granted
11 jurisdiction over the three miles of submerged land off its coast pursuant to U.S. Public Law
12 113-34.

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1 The purpose of this Act is to establish by law the protection, preservation, and
2 maintenance of public access of Managaha island. In addition, establish by law the
3 management and disposition of submerged lands off the coast of the Commonwealth.

4 **Section 2. Amendment.** 1 CMC § 2653 is amended to read:

5 “2653. Department of Lands and Natural Resources: Duties.

6 The Department of Lands and Natural Resources shall have the following powers
7 and duties:

8 (a) To be responsible for the protection and enhancement of the natural resources of
9 the islands, including the marine environment;

10 (b) To protect wildlife resources including fish, game, and endangered species;

11 (c) To be responsible, in consultation with the Department of Public Lands, for the
12 protection and preservation of Maug, Uracas, Asuncion, and Guguan as mandated by Article
13 XIV, Section 2 of the CNMI Constitution, and also be responsible for the preservation,
14 protection, and maintenance of public access of Managaha pursuant to Article XIV, section
15 3 of the CNMI Constitution;

16 (d) To conduct surveys of public lands;

17 (e) To maintain and provide for the conservation of agricultural and aquatic
18 resources;

19 (f) To issue permits for fishweirs;

20 (g) To perform the duties, functions, and responsibilities previously vested in the
21 Marianas Fishing Authority;

22 (h) To maintain and provide for the conservation of forests;

23 (i) To establish landscaping and beautification projects;

24 (j) To promote, develop, and administer agricultural programs, including but not
25 limited to, plant industry, agricultural extension services, and animal industry and health;

26 (k) To be responsible for the management, use and disposition of three miles of the
27 submerged lands off the coast of the Commonwealth, pursuant to the Submerged Lands Act,
28 as amended [2 CMC 1201 et seq.] and in conjunction with the U.S. Public Law 113-34;

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1 (l) To simplify, coordinate, and, to the extent practicable, integrate the development
2 permitting process and public land leasing process within the department;

3 (m) To perform, under the guidance of the Special Assistant for Planning and subject
4 to the approval of the Secretary of Public Lands established by this chapter, the land use
5 planning functions previously performed by the Special Assistant for Planning and
6 Budgeting;

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

8 (o) To construct, maintain, and repair recreational facilities as defined in 1 CMC
9 2674(g);

10 (p) To conduct administrative adjudication for the department and its subdivisions as
11 required by law; and

12 (q) The Secretary of the Department of Lands and Natural Resources may promulgate
13 necessary regulations to carry out its duties.”

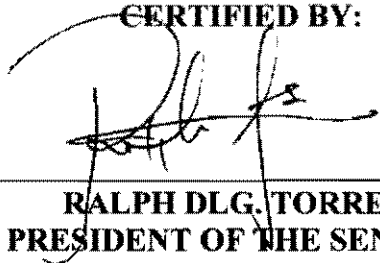
14 **Section 3. Severability.** If any provision of this Act or the application of any such
15 provision to any person or circumstance should be held invalid by a court of competent
16 jurisdiction, the remainder of this Act or the application of its provisions to persons or
17 circumstances other than those to which it is held invalid shall not be affected thereby.

18 **Section 4. Savings Clause.** This Act and any repealer contained herein shall not be
19 construed as affecting any existing right acquired under contract or acquired under statutes
20 repealed or under any rule, regulation, or order adopted under the statutes. Repealers
21 contained in this Act shall not affect any proceeding instituted under or pursuant to prior
22 law. The enactment of the Act shall not have the effect of terminating, or in any way
23 modifying, any liability, civil or criminal, which shall already be in existence on the date
24 this Act becomes effective.

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1 **Section 5. Effective Date.** This Act shall take effect upon its approval by the
2 Governor or becoming law without such approval.

CERTIFIED BY:




RALPH DLG. TORRES
PRESIDENT OF THE SENATE

ATTESTED BY:



JOVITA M. TAIMANAO
SENATE LEGISLATIVE SECRETARY

APPROVED this **27TH** day of **MARCH**, 2014



ELOY S. INOS
Governor
Commonwealth of the Northern Mariana Islands