Ralph DLG. Torres  
Governor  

Victor B. Hocog  
Lieutenant Governor  

06 OCT 2017

The Honorable Arnold I. Palacios  
Senate President, The Senate  
Twentieth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950  

The Honorable Rafael S. Demapan  
Speaker, House of Representatives  
Twentieth 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. 20-02, SD3, HD1, entitled, “To establish the Office of Planning and Development; and for other purposes,” which was passed by the Senate and House of Representatives of the Twentieth Northern Marianas Commonwealth Legislature.

This bill becomes Public Law No. 20-20. Copies bearing my signature are forwarded for your reference.

Sincerely,

RALPH DLG. TORRES

cc: Lt. Governor; Press Secretary; Office of Environmental Coastal Quality; Department of Public Works; Department of Public Lands; Department of Lands & Natural Resources; Department of Commerce; Zoning Administrator; Director of the Commonwealth Utilities Corporation; Marianas Visitors Authority; Mayor of Rota; Mayor of Tinian; Mayor of Saipan; Mayor of the Northern Islands; Chairperson, Chamber of Commerce; Chairperson, Governor’s Strategic Economic Development Council; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 237-2200 Facsimile: (670) 664-2211/2311
August 28, 2017

The Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action Senate Bill No. 20-02, SD3, HD1, entitled: "To establish the Office of Planning and Development; and for other purposes," which was passed by the Senate and the House of Representatives of the Twentieth Northern Marianas Commonwealth Legislature.

Sincerely,

Frances Jo'hn P. Kaipat
Senate Journal Clerk

Attachments
THE SENATE  
TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
SENATE BILL NO. 20-02, SD3, HD1 

AN ACT 
To establish the Office of Planning and Development; and for other purposes. 

SENATE ACTION 
Offered by Senator(s): Arnold I. Palacios 
Date: January 10, 2017 
Referred to: Committee on Resources, Economic Development and Programs 
Standing Committee Report No.: 20-05 
First and Final Reading: August 24, 2017 

HOUSE ACTION 
Referred to: None 
Standing Committee Report No.: None 
First and Final Reading: August 18, 2017 

FRANCES JOAN P. KAIPAT  
SENATE JOURNAL CLERK
AN ACT

To establish the Office of Planning and Development; and for other purposes.

BE IT ENACTED BY THE TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Short Title. This Act may be cited as the “CNMI Planning and Development Act of 2017.”

Section 2. Findings and Purpose. The legislature finds the CNMI is presently going through an economic growth and new developments are wide-spread in the CNMI. However, the CNMI does not have a master plan outlining comprehensive land use, the establishment of communities, schools, roads, and infrastructure, and the development economic districts and businesses. Currently, individuals, developers, and investors are constructing homes, buildings, hotels, apartments and other major developments without the benefit of a “CNMI Comprehensive Sustainable Development Plan,” to ensure that such new developments can be accommodated by the current infrastructure of the islands and will not unduly burden such infrastructure in the years come. In addition to the infrastructure, the CNMI should have a Comprehensive Sustainable Development Plan that ensures the protection of the scarce resources including land, natural resources, and human resources.

Accordingly, Legislature finds that there is a need to improve the planning process in the CNMI to increase the effectiveness of government and private actions, to improve coordination among different agencies and levels of government, to provide for wise use of the CNMI’s resources and to guide the future development of the CNMI. The Legislature further finds that improving the planning process in the CNMI means utilizing the existing
expertise within the various CNMI planning agencies as well as obtaining and incorporating information from the public and the business communities regarding the nature, extent, and areas of most desirable growth and conservation. There should also an Office of Planning and Development that serves as clearinghouse for all information related to development, planning, and resource use in the CNMI.

The purpose of this article is to establish a CNMI Comprehensive Sustainable Development Plan that shall serve as a guide for the future long-range development of the CNMI using and improving existing plans, maps and other resources; identify the goals, objectives, policies, and priorities for the CNMI; provide a basis for determining priorities and allocating limited resources, such as public funds, services, human resources, land, energy, water, and other resources; improve coordination of federal, and CNMI plans, policies, programs, projects, and regulatory activities; and to establish a system for plan formulation and program coordination to provide for an integration of all major CNMI and individual island activities.

Section 3. Amendment. Title 1, Division 2, Part 1, Chapter 1 of the Commonwealth Code is hereby amended by adding a new article 11 to read as follows:


§ 20171. Office of Planning and Development; Establishment.

(a) There is established within the Office of the Governor, a Commonwealth Office of Planning and Development.

(b) The Commonwealth Office of Planning and Development shall be administered by a Director for Planning and Development who shall be appointed by the Governor and serve at the pleasure of the Governor. The Director shall be required to analyze and interpret development trends and information of all kinds, to appraise and coordinate planning programs and supervise the execution of the responsibilities of the Advisory Council for Planning and Development in accordance with the policies set forth in this article.
Public Law No. 20-20

SENATE BILL NO. 20-02, SD3, HD1

(c) The Director shall be responsible for the administration of this article and shall supervise the staff of the Office of Planning and Development which, in addition to its regular duties.

(d) The Director shall have the following qualifications:

(1) Bachelor’s Degree from a United States accredited university in planning, architecture, engineering, business administration, public administration or related field and at least seven (7) years of administrative management experience; or

(2) Master’s Degree or higher from a United States accredited university in planning, architecture, engineering, business, public administration, or related field and at least four (4) years of administrative management experience.

§ 20172. Office of Planning and Development; Staff Organization.

The staff of the Office of Planning and Development shall be organized into such divisions, sections, or units as are sufficient to appraise, coordinate and assist in the preparation of long-range planning programs for the economic and infrastructure development of the CNMI. Expertise, either singly or collectively, should be evident in such areas as conservation, demography, economics, environment, infrastructure, land utilization, natural resources, transportation, urban and rural design, utilities, and visitor industry. Preparation of planning elements not the duty and function of staff and line agencies, shall be the responsibility of the staff of the Office of Planning and Development.

§ 20173. Office of Planning and Development: Responsibilities and Authority.

The responsibilities and authority of the Office of Planning and Development shall be:

(a) Prepare Plan. To cause to be prepared, through the services of a consortium of both public and private experts possessing diverse planning experience and expertise, a CNMI comprehensive sustainable development plan.
(the Plan), which shall provide short and long-range guidance for the economic, infrastructure, and physical development of the CNMI, and which shall contain a statement of development objectives, standards and principles with respect to the most desirable use of land within the CNMI for residential, recreational, agricultural, commercial, industrial, and other uses completely serviced by an access and circulation network and infrastructure consistent with proper protection to enhance the quality of the environment and preserve the CNMI’s natural beauty and historical heritage;

(b) Assist Planning. To harmonize, improve and assist in implementing comprehensive planning activities at all levels of government;

(c) Insure Consistency. To ensure that the current planning programs and projects are consistent with the comprehensive development plan and the policies enumerated in this article;

(d) Rules. To adopt any necessary rules or regulations in accordance with the Administrative Procedure Act and to exercise all other powers necessary and proper for the discharge of its responsibilities;

(e) Recommendations. To develop all elements of the comprehensive development plan for the CNMI as in this article, and to make detailed written recommendations to the Governor, including minority dissenting opinion groups for further study and review;

(f) Agreements. To enter into and carry out any agreement or agreements in connection with the provisions of this article and to solicit assistance from public, private or Federal sources as required in the development planning process and which are not inconsistent with or contrary to the laws of the CNMI; and

(g) Annual Report. To deliver to the Governor and the Presiding officers of the Legislature on the last Monday of January of each year a written report of the planning program and progress.

§ 20174. Office of Planning and Development; Powers.
In the execution of its responsibilities under this Article, the Office is authorized to perform the following functions:

(a) Grants. To apply for and accept grants, loans, contributions, appropriations and assistance from the Federal government and from any other sources, public or private, and enter into and carry out contracts or agreements in connection therewith, and include in any contract for financial assistance with the Federal laws as it may deem reasonable and appropriate and which are not inconsistent with the purposes of this Article and the laws of the CNMI;

(b) Contracts. To contract for any professional services if such work or services cannot satisfactorily be performed by its employees;

(c) Studies. To conduct, or cause to be conducted, investigations, studies, surveys, research and analysis relating to physical, human, social, and economic development of The CNMI and to publish the results thereof;

(d) Policies. To develop and recommend policies to foster and promote the improvement of planning activity and development quality;

(e) Private Services. To utilize to the fullest extent possible, the services, facilities and information of public and private agencies and organizations and individuals in order that duplication of effort and expenses may be avoided;

(f) Appraise Plans. To review, appraise and make such use as it sees fit of all existing plans, inclusive of any plans presently being prepared;

(g) Data Bank. To develop an information system and data bank for the continual collection and storage of public information needed or utilized in the development plan process; and

(h) Statistics. To conduct research and to disseminate statistical findings relative to producing data needed for economic and community planning on the CNMI if necessary to supplement statistical information from the Central Statistics Division of the Department of Commerce.

§ 20175. Advisory Council for Planning and Development.
(a) In the Commonwealth Office of Planning and Development, there shall be a Commonwealth Planning and Development Advisory Council to be chaired by the Council member voted on by a majority vote of the members of the Council and shall be comprised of the following members:

1. Director of Planning and Development;
2. Administrator of the Office of Environmental Coastal Quality;
3. Secretary of the Department of Public Works;
4. Secretary of the Department of Public Lands;
5. Secretary of the Department of Lands and Natural Resources;
6. Secretary of the Department of Commerce;
7. Zoning Administrator;
8. Director of the Commonwealth Utilities Corporation;
9. Director of the Marianas Visitors Authority;
10. A representative from the Office of the Mayor of Rota;
11. A representative from the Office of the Mayor of Tinian and Aguiguan;
12. A representative from the Office of the Mayor of Saipan;
13. A representative from the Office of the Mayor of the Northern Islands;
14. Chairperson of the Saipan Chamber of Commerce; and
15. Chairperson of the Governor’s Strategic Economic Development Council.

(b) The Commonwealth Planning and Development Advisory Board consisting of fifteen voting members shall have at least two female members and two members who are of Carolinian descent.

(c) The Commonwealth Planning and Development Advisory Board shall prepare a CNMI comprehensive sustainable development plan as set forth in § 20173(a) of this article.
§ 20176. Content of the Commonwealth Comprehensive Sustainable Development Plan.

The Comprehensive Sustainable Development Plan for The CNMI shall contain specific elements as follows:

(a) Land Use. A land-use element together with the appropriate zoning recommendations supporting distribution, location and the extent of uses of land for housing, business, industry, agriculture, recreation, education, public buildings, open space, conservation and other categories of public and private uses of land, which include islands, reef and lagoon areas, and the sea within the territorial waters, inclusive of a statement of the standards of population and building density and building intensity for the various districts and other areas covered by the Plan, and regulatory criteria governing the use, development and subdivision of land; provided that the land use plan for public lands shall be consistent with any land use plan prepared the Department of Public Lands;

(b) Community Design. A community design element consisting of standards and principles governing the subdivision and development of land and showing recommended designs for community and neighborhood development and redevelopment, including sites for schools, parks, playgrounds and other community uses;

(c) Transportation. A transportation element which would provide a comprehensive transportation and circulation system consisting of existing and proposed major routes, thoroughfares, highways, and collector streets; locations of rights-of-way, terminals, viaducts, and grade separation, port, harbor, aviation and mass transit lines, and related facilities, all of which are correlated with the land use element of the Plan;

(d) Regulations. A regulatory element concerning parking facilities and building setback lines and the delineations of such systems on the land, a system of street naming, housing and building numbering, and such other matters as may be related to the improvement of circulation of traffic;
(e) Public Facilities. A public services and facilities element showing general plans for sewage, refuse disposal, drainage, and local utilities, and rights-of-way, easements, and facilities for them;

(f) Public Lands. A public lands element that provides an inventory of all government of the CNMI and federal lands;

(g) Public Buildings. A public buildings element identifying locations and arrangement of civic and community centers, public schools, libraries, police and fire stations, and other public buildings, including their architecture and the landscape treatment of their grounds;

(h) Housing. A housing element consisting of standards and plans for elimination of substandard dwelling conditions, the improvement of housing, and the provision of adequate sites for housing;

(i) Redevelopment. A redevelopment element for the elimination of unsafe or blighted areas, community redevelopment and the revitalization of housing sites, business and industrial sites, public building sites, and for other purposes authorized by law;

(j) Conservation. A conservation element to guide the conservation, development, and utilization of natural resources including forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources which, as sub elements, may also incorporate the following:

(1) Reclamation of land and waters;

(2) Flood control;

(3) Prevention and control of pollution of streams and other waters;

(4) Regulations of the use of land in stream channels and conservation areas;

(5) Prevention, control, and correction of the erosion of soils, beaches, and shores; and

(6) Protection of watersheds.
(k) Recreation. A recreation element establishing a comprehensive system of areas and public sites for recreation, including the following and, when practicable, their locations and proposed development:

(1) Natural reservations,
(2) Parks,
(3) Parkways,
(4) Beaches,
(5) Reef and lagoons,
(6) Playgrounds,
(7) Historic and archaeological sites, and
(8) Other recreation areas.

(l) Safety. A safety element for the protection of the community from natural and man-made hazards including features necessary for such protection as evacuation routes, peak load water supply requirements, minimum road widths, clearances around structures, geologic hazard mapping in areas of known geologic hazards;

(m) Tourism. A visitor industry element which will establish cooperation and coordination between the public and private sectors to provide for steady and regulated growth within the visitor industry, while developing the industry in a manner that will continue to provide new business and job opportunities and steady employment for the people of the CNMI, and which will enable The CNMI’s people to obtain job training and education geared for upward job mobility within the industry;

(n) Development Policy. An overall development strategy including short and long-range socioeconomic development strategy to include policy, opportunities, and programs to address or alleviate problems concerning health services, manpower planning, employment opportunity, education, elimination of poverty, law enforcement, welfare, substandard housing, consumer protection, public revenue and expenditures, cultural heritage preservation, visitor industry,
and the like to include population characteristics and economic analysis with projections for each region and sub-region of the island;

(o) Capital Improvements. A short and long-range capital improvements program and projects to be derived from public and private input and compiled from schedules of proposed capital improvements submitted to the Director by each department, agency, division, board, commission, branch, and instrumentality of the government of the CNMI; and which shall provide recommendations and identify programs for the balanced development of the island's port, highway, communication, and public transportation facilities including, but not limited to, institutions of higher learning, health and welfare facilities, correctional institutions, elementary and secondary schools, electric power, water, telephone, sewer and other utility facilities;

(p) Labor Work Force. A labor work force element which will establish cooperation and coordination between the public and private sectors to provide for a sufficient amount of qualified work force for all the industries in the CNMI, while developing the CNMI industries in a sustainable manner that will continue to provide new business and job opportunities and steady employment for the people of the CNMI;

(q) Policy Statements. A statement of specific policies for at least each of the following general areas: Socio-economic and human resource development, natural resource development, environmental protection, historical, and cultural preservation, public safety, housing and community development, education, land-use and population growth, visitor industry, or in other areas deemed appropriate by the Council;

(r) Other Elements. Such additional elements dealing with other subjects, which in the judgment of the Council relate to the physical development of the CNMI.

§ 20177. Support and Coordination for Comprehensive Planning.
All agencies, departments, boards, commissions and other instrumentalities of the government of The CNMI shall review their present statutory authority, administrative regulations and current planning policies and procedures to determine whether there is any duplication, any deficiencies or inconsistencies therein which prohibit or tend to prohibit integration, coordination and compliance with respect to the purposes and provisions of this Article and shall thereafter propose to the Director at a date determined by the Director such measures as may be necessary to bring their planning authority functions and programs into conformity with the intent, purposes, and procedures set forth in this Article. All master plans, development plans, long-range plans, and the like prepared by public agencies shall be submitted to the Director for processing as part of the comprehensive planning program. Emphasis will be placed on the continuing nature of the comprehensive plan program rather than a final completion of a single plan. The Director may assign, with concurrence of the director or other head of the agency involved, planning staffs or portions thereof of staff or line agencies who shall prepare portions of the plan under the supervision of the Office of Planning and Development.


The Plan or any of its elements prepared by the various public agencies or any private entity shall be submitted to the Council for review. Within forty-five (45) days following receipt of any such element or elements by the Council, the Council shall hold one (1) or more public hearings thereon in each Senatorial District. Announcements of such hearings shall be printed in a newspaper of general circulation in the CNMI ten (10) days and one (1) day prior thereto. Summaries of the element or elements to be heard shall be prepared by the Council and submitted to appropriate news media.

§ 20179. Plan Submission.
Within thirty (30) days after the hearing of the Plan or any of its elements, the Council shall submit to the Governor and the mayor of each senatorial district its recommendation thereon including a summary of testimony at the hearing(s).

§ 20180. Cooperation of Other Departments and Agencies.

Every department and agency of the government of the CNMI is hereby directed to render such assistance to the Office of Planning and Development and the Council as the Council may require.

§ 20181. Plan Adoption.

The Plan or any of its elements received by the Governor from the Council shall be approved, disapproved or referred to the Council for further recommendation prior to approval. The Governor shall have sixty (60) calendar days to act on the Plan or any of its elements submitted; provided, however, that if no action is taken thereon within sixty (60) calendar days after submission, the Plan or any of its elements so submitted shall be deemed approved by the Governor. Within ten (10) calendar days of approval by the Governor, the Plan or any of its elements shall be submitted to the Legislature for adoption. The Legislature shall review and approve or disapprove the Plan or any of its elements within sixty (60) calendar days of its receipt. In the event of failure by the Legislature to act within such sixty (60) calendar day period, the Plan or any of its elements so submitted shall be deemed approved. The Legislature shall provide a written report to the Council explaining the reasons for its disapproval. The Council after considering the Legislature’s written report may resubmit the Plan for approval as provided in this section.

§ 20182. Plan Implementation and Financing.

The Comprehensive Sustainable Development Plan shall contain a schedule of programs and projects to be implemented annually. Funding for such programs and projects shall be identified in the Plan by the project’s or program’s principal or administering government agency or instrumentalities. Funding for programs or projects contained in the Plan which do not fall under the authority or responsibility
§ 20183. Annual Budget.

The Director shall prepare and submit the Office’s first annual fiscal year budget to the Legislature within ninety (90) calendar days of the enactment of this article, and thereafter shall submit its annual budgets prior to the end of each fiscal year. Such budget shall contain a financial breakdown of personnel, administrative and all operating costs to be incurred by the Office of Planning and Development and the Council in the performance of provisions set forth in this article. Said personnel expenditures shall be applied to the full staffing requirements of the Office of Planning and Development and Council as submitted to the Legislature by the Director.

§ 20184. Master Plan Proposals.

The Council shall proceed to develop proposals consisting of a scope of work and cost estimates for all elements of the Plan. The Council shall incorporate in its annual budget submission to the Legislature the amount of financial resources needed to facilitate the objectives of this article.

§ 20185. Coordination of Effort.

Any existing Committee, Commission, Task Force or body mandated to engage in planning for the CNMI or for particular areas or jurisdictions within the CNMI, shall seek to ensure that such planning efforts are provided the appropriate financial, human, technical and support resources necessary to accomplish any mandates or requirements of law relative to development planning; provided, however, that such planning efforts are supportive of and consistent with the intent of this article.

For purposes of this article, all plans prepared by any department, agency or instrumentality of the government of the CNMI shall be circulated to other agencies or instrumentalities affected by such plan and to the Office of Planning
and Development for review and finalization not later than sixty (60) days prior to
submission of the plan to the Council.

§ 20186. CIP Office: Placement to the Office of Planning and
Development.
The Office of Capital Improvement Plans is hereby placed under the Office
of Planning and Development under the Office of the Governor and shall be the
designated state agency for capital improvement plan purposes."

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

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

ARNOLD I. PALACIOS  
PRESIDENT OF THE SENATE  

ATTESTED BY:  

JUSTO S. QUITUGUA  
SENATE LEGISLATIVE SECRETARY  

Approved this 6th day of October, 2017  

RALPH DLG. TORRES  
Governor  
Commonwealth of the Northern Mariana Islands