The Honorable Edmund S. Villagomez  
Speaker, House of Representatives  
Twenty-Second Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950  

The Honorable Jude U. Hofschneider  
Senate President, The Senate  
Twenty-Second Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950  

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 21-108 entitled, "To provide the Department of Lands and Natural Resources with explicit authority to hold and manage public lands transferred to it from the Department of Public Lands and the Division of Agriculture with the authority to issue licenses and permits in respect to the Kagman Commercial Farm Plot program.," which was passed by the House of Representatives and the Senate of the Twenty-First Northern Marianas Commonwealth Legislature.

This bill becomes Public Law No. 21-43. Copies bearing my signature are forwarded for your reference.

Sincerely,

RAULPH DLG. TORRES  
Governor

cc: Lt. Governor; Press Secretary; Secretary of Finance; Secretary, Department of Lands & Natural Resources; Secretary, Department of Public Lands; Division of Agriculture; Law Revision Commission; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review
December 29, 2020

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 H. B. No. 21-108, entitled: “To provide the Department of Lands and Natural Resources with explicit authority to hold and manage public lands transferred to it from the Department of Public Lands and the Division of Agriculture with the authority to issue licenses and permits in respect to the Kagman Commercial Farm Plot program.”, which was passed by the House of Representatives and the Senate of the Twenty-First Northern Marianas Commonwealth Legislature.

Sincerely yours,

Linda B. Muña
House Clerk

Attachment
Representative Lorenzo I. Deleon Guerrero of Saipan, Precinct 5 (for himself, Representatives Blas Jonathan "BJ" T. Attao, Roman C. Benavente, Ivan A. Blanco, Joel C. Camacho, Luis John DLG. Castro, Joseph A. Flores, Richard T. Lizama, Marco T. Peter, Christina M.E. Sablan, John Paul P. Sablan, Edmund S. Villagomez, and Ralph N. Yumul, ) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 21-108

AN ACT

TO PROVIDE THE DEPARTMENT OF LANDS AND NATURAL RESOURCES WITH EXPLICIT AUTHORITY TO HOLD AND MANAGE PUBLIC LANDS TRANSFERRED TO IT FROM THE DEPARTMENT OF PUBLIC LANDS AND THE DIVISION OF AGRICULTURE WITH THE AUTHORITY TO ISSUE LICENSES AND PERMITS IN RESPECT TO THE KAGMAN COMMERCIAL FARM PLOT PROGRAM.

The Bill was not referred to a House Committee.

The Bill was passed by the House of Representatives on first and final reading, March 13, 2020; without amendments and transmitted to the Senate.

The Bill was referred to the Senate Committee on Resources, Economic Development and Programs. The Bill was passed by the Senate on first and final reading, December 18, 2020; without amendments and was returned to the House of Representatives.

The Bill was finally passed on March 13, 2020.

Linda B. Muña, House Clerk
AN ACT
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BE IT ENACTED BY THE TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

SECTION 1. FINDINGS.

The Kagman Commercial Farm Plot program was established by a Grants of Public Domain Lands entered into between the Marianas Public Land Corporation and the Department of Natural Resources in 1991 and 1993. However, the Department of Lands and Natural
Resources enabling statute does not provide it with the explicit authority to hold and manage public lands transferred to it from the Department of Public Lands.

The Legislature finds that in light of this predicament, the Kagman Commercial Farm Plot program is in limbo without immediate legislative action. Furthermore, the Kagman Farm Plot program farmers cannot avail of free Federal Crop Disaster Insurance; FSA Loan Commercial Program and will not meet the qualifications for the Natural Resources Conservation Service (NRCS) Programs. During these tough economic times, we must ensure that we do not hamper the ability of our farmers to avail of free services and/or apply for programs or loans to assist them recover from the aftermaths of Super Typhoon Yutu and to ensure that the livelihood of their families are not compromised.

The Legislature further finds, that in 2000, the Department of Public Land was established. 1 CMC § 2308(a) in part provides “The Department’s authority does not extend to the issuance of land use permits and licenses, except as specifically provided for in this Act, and does not limit in any respect the authority of other Commonwealth agencies to issue permits and licenses pursuant to their respective enabling legislation” (emphasis added). The purpose of this Act is to provide the Department of Lands and Natural Resources with explicit authority to hold and manage public lands transferred to it from the Department of Public Lands and to provide the “enabling legislation” referred to in 1 CMC §2308(a).

SECTION 2. AMENDMENT.

Title 1, Division 2, Part 1, Chapter 13, Article 1 § 2653 to add a new subsection (q) to read as follows and to re-designate the existing subsections accordingly:

“§ 2653. Department of Lands and Natural Resources: Duties.
(p) To conduct administrative adjudication for the department and its subdivisions as required by law;

(q) To have explicit authority to hold and manage public lands transferred to it from the Department of Public Lands; and

(r) The Secretary of the Department of Lands and Natural Resources may promulgate necessary regulations to carry out its duties."

SECTION 3. AMENDMENT.

Title 1, Division 2, Part 1, Chapter 13, Article 7 § 2721 and § 2723 are amended as follows:

"Article 7. Division of Agriculture.

§ 2721. Division of Agriculture.

There is in the Department of Lands and Natural Resources a Division of Agriculture headed by a Director serving under the supervision and control of the secretary.

§ 2723. Establishment of Special Agriculture Equipment Service Revolving Fund Account.

The Secretary of Finance shall establish or cause to establish a Special Agriculture Equipment Service Revolving Fund Account for each Senatorial District to be called as follows: (a) Rota Special Agriculture Equipment Service Revolving Fund Account; (b) Tinian/Aguiguan Special Agriculture Equipment Service Revolving Fund Account; and (c) Saipan Special Agriculture Equipment Service Revolving Fund Account. The Secretary of Finance shall deposit or cause to deposit any and all revenues
collected from this Act by each senatorial district in each respective special account, and shall enter or cause to enter such data appropriately and accurately in each separate special account above. Notwithstanding any other provision of law, all revenues collected from this Act for the purposes provided herein shall be available without further appropriation and without fiscal year limitation. The expenditure authority for the Rota Special Agriculture Equipment Service Revolving Fund Account and the Tinian/Aguiguan Special Agriculture Equipment Service Revolving Fund Account shall be the Mayor of each respective Senatorial District. The expenditure authority for the Saipan Special Agriculture Equipment Service Revolving Fund Account shall be the Secretary of the Department of Lands and Natural Resources in consultation with the Director of the Division of Agriculture."

SECTION 4. AMENDMENT.

Title 1, Division 2, Part 1, Chapter 13, Article 7 is hereby amended to add new subsections 2727, 2728 and 2729, to read as follows and to re-designate the existing subsection accordingly:

"§2727. Management of the Kagman Commercial Farm Plot program.

The Director of the Division of Agriculture shall manage the Kagman Commercial Farm Plot program consistent with the Grants of Public Domain Lands entered into between the Marianas Public Land Corporation and the Department of Natural Resources dated June 21, 1991 and November 1, 1993.

§2728. The Director is authorized to establish a program of licensing or permitting the use of the Kagman Commercial Farm Plots to residents of the
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Commonwealth for a period of at least five years. The permits or licenses shall be restricted to agricultural purposes and shall not be assignable or transferable and shall not be used by any person other than the permit or license holder.

§2729. The Director shall perform such other duties and responsibilities as may be assigned by the Secretary.

§ 2730. Promulgation of Rules and Regulations.

The Director of the Division of Agriculture, in consultation with the Secretary of the Department of Lands and Natural Resources shall promulgate rules and regulations to carry out the intent and purpose of this Article.”

SECTION 5. SEVERABILITY.

If any provisions 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 6. 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 the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.
SECTION 7. EFFECTIVE DATE.

This Act shall take effect upon its approval by the Governor, or its becoming law without such approval.

Attested to by: 

Linda B. Muña, House Clerk

Certified by: 

SPEAKER BLAS JONATHAN “BJ” T. ATTAO 
House of Representatives 
21st Northern Marianas Commonwealth Legislature

Approval this 5th day of February, 2020 

Ralph DLG. Torres 
Governor 
Commonwealth of the Northern Mariana Islands