



**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

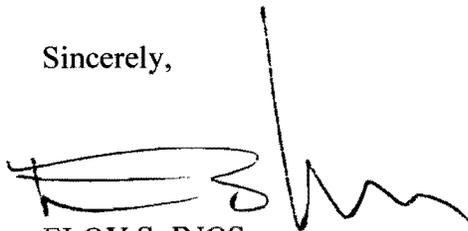
KG  
11-3/28/14  
8/1

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,

  
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

HOUSE CLERK'S OFF  
RECEIVED BY   
DATE 4/2/14 TIME 10:05 am



**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.

**SENATE ACTION**

**Offered by Senator(s)** Ray N. Yumul

**Date:** November 18, 2013

**Referred to:** None

**Standing Committee Report No.:** None

**Final Reading:** November 26, 2013

**HOUSE ACTION**

**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.

SENATE BILL NO. 18-38

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;

SENATE BILL NO. 18-38

---

---

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.

SENATE BILL NO. 18-38

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:**



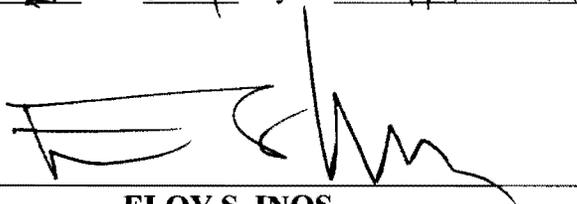
\_\_\_\_\_  
**RALPH DLG. TORRES**  
**PRESIDENT OF THE SENATE**

**ATTESTED BY:**



\_\_\_\_\_  
**JOVITA M. TAIMANAO**  
**SENATE LEGISLATIVE SECRETARY**

APPROVED this 27<sup>TH</sup> day of MARCH, 2014



\_\_\_\_\_  
**ELOY S. INOS**  
**Governor**  
**Commonwealth of the Northern Mariana Islands**