



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Juan N. Babauta  
Governor

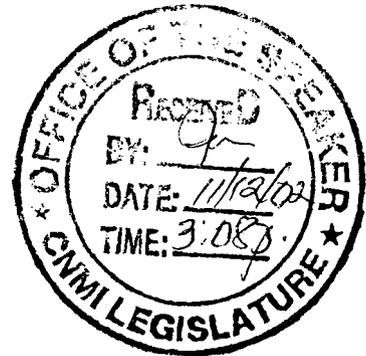
Diego T. Benavente  
Lieutenant Governor

GOV. COMM. 13-353  
(HOUSE)

NOV 09 2002

Honorable Paul A. Manglona  
President, The Senate  
Thirteenth Northern Marianas  
Commonwealth Legislature  
Capital Hill  
Saipan, MP 96950

Honorable Heinz S. Hofschneider  
Speaker of the House of Representatives  
Thirteenth Northern Marianas  
Commonwealth Legislature  
Capital Hill  
Saipan, MP 96950



Dear President Manglona and Speaker Hofschneider:

This is to inform you that I have approved House Bill No. 13-080, HD 1 (HB 13-080) entitled: To establish an Agriculture Equipment Service Revolving Fund Program within the Division of Agriculture; and for other purposes," which was passed by the Thirteenth Northern Mariana Islands Commonwealth Legislature.

I note that I am not alone in supporting the establishment of such a fund. It is long overdue to provide a funding source for the maintenance and operation of the agricultural equipment provided for use by our Commonwealth farmers. Due to the enactment of HB 13-080, it appears that this worthwhile service for our farmers can now continue effectively.

However, as discussed with the sponsors of the bill and the Chairman of the House Committee on Natural Resources, the measure is not without flaw. I sign HB 13-080 with the assurances of the sponsors that immediate amendments will be enacted to correct the oversight in the bill. This oversight establishes a revolving into which funds can be deposited without identifying the expenditure authority for the funds.

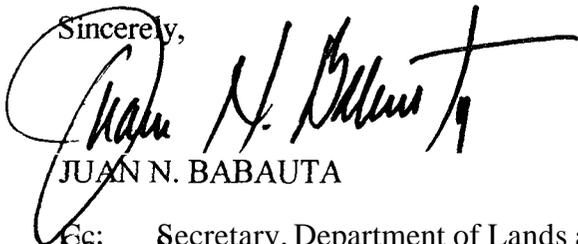
Further, it is clear that while the sponsors intended that the promulgation and adoption of rules and regulations implement the provisions of the bill would comply with

Commonwealth Administrative Procedures Act, Section 8 of the bill needs to also be amended to clearly state that the Secretary of the Department of Lands and Natural Resources will be the promulgating authority. Such promulgation could be in consultation with the resident directors of the respective Senatorial Districts.

Therefore, having received written assurances from the Chairman of the House Committee on Natural Resources and the sponsors of House Bill 13-180, HD1 that the necessary amendments will be immediately enacted, I am signing this measure into law.

This bill becomes **Public Law 13-28**. Copies bearing my signature are forwarded for your reference.

Sincerely,



JUAN N. BABAUTA

cc: Secretary, Department of Lands and Natural Resources  
Secretary, Department of Finance  
Special Assistant, Management & Budget  
Special Assistant, Administration  
Acting Special Assistant, Programs & Legislative Review



# *The House of Representatives*

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. Box 500586

Saipan, MP 96950

October 21, 2002

PUBLIC LAW NO. 13-28

The Honorable Juan N. Babauta  
Governor  
Commonwealth of the Northern  
Mariana Islands  
Capitol Hill  
Saipan, MP 96950  
Dear Governor Babauta:

I have the honor of transmitting herewith H. B. NO. 13-080, HD1, entitled, "To establish an Agriculture Equipment Service Revolving Fund Program within the Division of Agriculture; and for other purposes." The Bill was passed by the House of Representatives and the Senate of the Thirteenth Northern Marianas Commonwealth Legislature.

Respectfully,



Evelyn C. Fleming  
House Clerk

Attachment



**HOUSE OF REPRESENTATIVES**  
**THIRTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**

PUBLIC LAW NO. 13-28  
**H. B. NO. 13-080, HD 1**

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**AN ACT**

TO ESTABLISH AN AGRICULTURE EQUIPMENT SERVICE REVOLVING FUND PROGRAM  
WITHIN THE DIVISION OF AGRICULTURE; AND FOR OTHER PURPOSES.

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**In the HOUSE OF REPRESENTATIVES**

**Offered by Representatives:** Pedro P. Castro and Arnold I. Palacios

**Date:** March 7, 2002

Referred to: Committee on Natural Resources  
Public Hearing: None  
Standing Committee Report: 13-027

**Action of the HOUSE OF REPRESENTATIVES**

**Passed      First and Final Reading      July 23, 2002**

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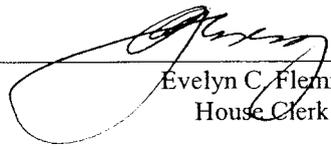
**In the SENATE**

Referred to: N/A  
Public Hearing: None  
Standing Committee Report: None

**Action of the SENATE**

**Passed      Final Reading      September 12, 2002**

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Evelyn C. Fleming  
House Clerk

THIRTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2002

PUBLIC LAW NO. 13-28  
H. B. NO. 13-080, HD1

AN ACT

To establish an Agriculture Equipment Service Revolving Fund Program within the Division of Agriculture; and for other purposes.

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

1 Section 1. Title. This Act shall be cited as the “CNMI Agriculture Equipment  
2 Service Revolving Fund Program Act of 2002”.

3 Section 2. Findings. The Legislature finds that the Division of Agriculture,  
4 Department of Lands and Natural Resources, has and continues to play an important role in  
5 the sustainability of agricultural production in the CNMI by assisting the farmers prepare  
6 their land farm areas for planting at a nominal service fee. Further, the Legislature finds that  
7 these agriculture equipment have been, and continues to be, used extensively for agricultural  
8 land development resulting in increased expenses in fuel, lubrication, maintenance, repairs  
9 and other associated expenses.

10 Furthermore, the Legislature finds that the sum appropriated to the Division of  
11 Agriculture for repairs and maintenance is insufficient to meet the farmers’ demand for  
12 agriculture equipment service at their designated farm areas. Therefore, it is imperative that  
13 any and all sums collected from these agriculture equipment service requests be deposited  
14 into a revolving fund account to enhance its accessibility and availability when needed.

15 Section 3. Establishment of an Agriculture Equipment Service Revolving Fund  
16 Program. There is hereby established an Agriculture Equipment Service Revolving Fund  
17 Program to be administered by the Division of Agriculture, Department of Lands and Natural  
18 Resources, in each senatorial district in Rota, Tinian and Saipan.

1           **Section 4. Establishment of Special Agriculture Equipment Service Revolving**  
2 **Fund Account.** The Secretary of Finance shall establish or cause to establish a Special  
3 Agriculture Equipment Service Revolving Fund Account for each Senatorial District to be  
4 called as follows:

- 5           (a) Rota Special Agriculture Equipment Service Revolving Fund Account;
- 6           (b) Tinian/Aguiguan Special Agriculture Equipment Service Revolving Fund  
7 Account; and
- 8           (c) Saipan Special Agriculture Equipment Service Revolving Fund Account.

9           The Secretary of Finance shall deposit or cause to deposit any and all revenues  
10 collected from this Act by each senatorial district in each respective special account, and  
11 shall enter or cause to enter such data appropriately and accurately in each separate special  
12 account contained in Section 4 above.

13           Notwithstanding any other provision of law, all revenues collected from this Act for  
14 the purposes provided herein shall be available without further appropriation and without  
15 fiscal year limitation.

16           **Section 5. Disbursement of Special Agriculture Equipment Service Revolving**  
17 **Account.** Any and all revenues collected from this Act shall be disbursed for the upkeep and  
18 operation of the agriculture service equipment which shall include and not be limited to the  
19 following:

- 20           (a) For procurement of petroleum, oil, and lubrication products;
- 21           (b) For equipment maintenance and repairs,
- 22           (c) For procurement of equipment parts and new equipment.

23           **Section 6. Establishment of Fee Schedules.** The Director of the Division of  
24 Agriculture in Saipan, subject to the approval by the Secretary of the Department of Lands  
25 and Natural Resources, shall establish or cause to establish reasonable fee schedules for any  
26 and all agriculture equipment service requests. In the senatorial districts in Rota and Tinian,  
27 the Resident Director shall approve the fee schedules.

1           **Section 7. Funds Status Report.** The Secretary of Finance shall make or cause to  
2 make a true and accurate funds status report on a quarterly basis to the Director of  
3 Agriculture through the Secretary of the Department of Lands and Natural Resources, and the  
4 Resident Director in Rota and Tinian, respectively.

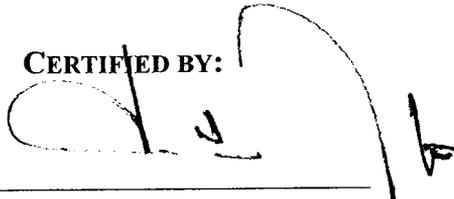
5           **Section 8. Promulgation of Rules and Regulations.** The Director of the Division  
6 of Agriculture, in consultation with the Secretary of the Department of Lands and Natural  
7 Resources, in the case of Saipan, and the Resident Director, in the case of Rota and Tinian,  
8 shall promulgate rules and regulations to carry out the intent and purpose of this Act.

9           **Section 9. Severability.** If any provision of this Act, or the application of any such  
10 provision to any person or circumstance should be held invalid by a court of competent  
11 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
12 circumstances other than those to which it is held invalid shall not be affected thereby.

13           **Section 10. Savings Clause.** This Act and any repealer contained herein shall not be  
14 construed as affecting any existing right acquired under contract or acquired under statutes  
15 repealed or under any rule, regulation or order adopted under the statutes. Repealers  
16 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.  
17 The enactment of this Act shall not have the effect of terminating, or in any way modifying,  
18 any liability civil or criminal, which shall already be in existence on the date this Act,  
19 becomes effective

1           **Section 11. Effective Date.** This Act shall take effect upon its approval by the  
2 Governor or upon it becoming law without such approval.

CERTIFIED BY:



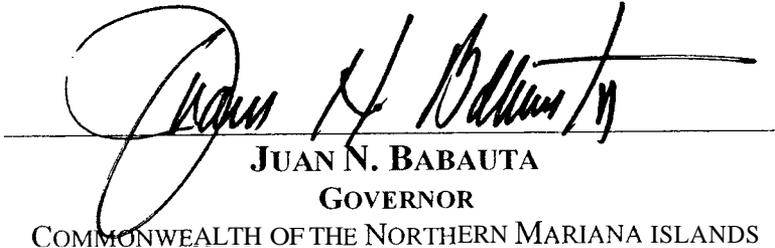
**JESUS T. ATTAO**  
ACTING SPEAKER

ATTESTED TO BY:



**EVELYN C. FLEMING**  
HOUSE CLERK

*Approved* this *9<sup>th</sup>* day of *November*, 2002



**JUAN N. BABAUTA**  
GOVERNOR  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS