



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

GOV. COMM. 14-90  
(HOUSE)

SEP 21 2004

Juan N. Babauta  
Governor

Diego T. Benavente  
Lieutenant Governor

The Honorable Joaquin G. Adriano  
Senate President, The Senate  
Fourteenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

The Honorable Benigno R. Fitial  
Speaker, House of Representatives  
Fourteenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950



Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law House Bill No. 14-85, HS1, HD2, SD1, CD1, entitled, "To authorize the establishment of a Park Rangers section under the Division of Parks and Recreation and to designate the Department of Lands and Natural Resources as the administering authority for tourist sites formerly *managed* and *maintained* by the Marianas Visitors Authority; and for other purposes," which was passed by the Fourteenth Northern Marianas Commonwealth Legislature.

This measure, to be known as the "Park Rangers Act of 2004," amends the "Parks and Recreation Act of 1998" enacted as Public Law 11-106 and set forth at 1 CMC § 2701 et. seq. The "Park Rangers Act of 2004" enhances the authority of the Division of Parks and Recreation, a division within the Department of Lands and Natural Resource, to continue to provide safe and beautiful recreational facilities, athletic fields, and tourist sites designated by the Division of Parks and Recreation as a "Commonwealth Parks." In addition, this measure empowers the Division of Parks and Recreation to designate those recreational and "tourist sites" formerly managed and maintained by the Marianas Visitors Authority as "Commonwealth Parks."

This measure facilitates the efficient and effective management of areas designated as "Commonwealth Parks" by establishing a Park Ranger Section within the Division of Parks and Recreation and by authorizing the Division of Parks and Regulations to promulgate rules and regulations that "will prohibit any activity which may diminish damage or destroy the natural beauty of Commonwealth parks or recreational facilities."

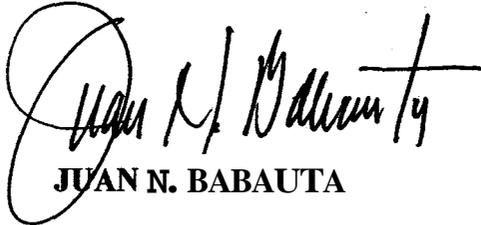
The Park Rangers section will have the authority to enforce **rules and regulations** promulgated by the Division of **Parks** and Recreation and to impose fines for violations of the rules and regulations, such fines to be paid into the Commonwealth **Parks** and Recreation Fund.

I commend the author of **this measure** and **the** members of the Legislature for passing this important measure. Please note, however, **that** Section 3(e) and Section 4 **appear** to be internally inconsistent in that Section 3(e) **mandates that the** Division of Parks and Recreation promulgate **rules and** regulations to effectuate the mandate of this measure while Section 4 **confers** rulemaking authority upon the Secretary of DLNR **m** consultation with **the** respective Resident Directors of DLNR.

Also, I encourage **the** Division of **Parks** and Recreation to coordinate closely **with** the **Department** of Cultural and Community Affairs (DCCA) regarding **any** proposed designation of **an area as** a "commonwealth **Park**." given the exemplary performance of DCCA's Sports and Recreation **Program** in administering numerous of recreational programs and providing maintenance support for recreational facilities in the community.

This bill becomes Public Law No. 14-27. Copies bearing my signature are forwarded for **your** reference.

Sincerely,



**JUAN N. BABAUTA**

CC: Attorney General, Office of the Attorney General  
Secretary, Department of **Lands** and **Natural** Resources  
Director, Division of Parks and Recreation  
Secretary, Department of Cultural and Community Affairs  
Special Assistant for Programs and Legislative Review



**HOUSE OF REPRESENTATIVES**  
**FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**  
SECOND REGULAR SESSION, 2004

PUBLIC LAW NO. 14-27

**H. B. NO. 14-085, HSI, HD2, SD1, CDI**

**ANACT**

To authorize the establishment of a Park Rangers section under the Division of Parks and Recreation and to designate the Department of Lands and Natural Resources as the administering authority for tourist sites formerly managed and maintained by the Marianas Visitors Authority; and for other purposes.

**In the HOUSE OF REPRESENTATIVES**

**Introduced by Representatives:** Janet U. Maratita,  
Jesus T. Attao, Benigno R. Fitial, Claudio K. Norita, Crispin M. Ogo,  
Norman S. Palacios, Justo S. Quitugua, Timothy P. Villagomez, and Ray N. Yumul

**Date:** February 11, 2004

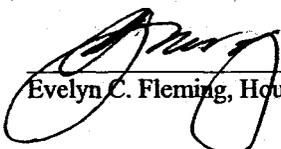
Referred to: Committee on Natural Resources  
Public Hearing: None  
Standing Committee Report: SCR 14-29 & SCR 14-29a

**Passed First and Final Reading on April 1, 2004**  
**Rejected Senate Amendments on May 13, 2004**  
**Conference Committee Report No. 14-2**  
**Adopted Conference Amendments on August 19, 2004**

**In the SENATE**

Referred to: Committee on Resources, Economic Development and Programs  
Public Hearing: None  
Standing Committee Report: None

**Passed Final Reading on May 5, 2004**  
**Conference Committee Report No. 14-2**  
**Adopted Conference Amendments on August 5, 2004**

  
Evelyn C. Fleming, House Clerk



**HOUSE OF REPRESENTATIVES**  
FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
FIRST REGULAR SESSION, 2004

PUBLIC LAW NO. 14-27  
**H. B. No. 14-85, HS1, HD2, SD1, CD1**

**AN ACT**

To authorize the establishment of a Park Rangers section under the Division of Parks and Recreation and to designate the Department of Lands and Natural Resources as the administering authority for tourist sites formerly managed and maintained by the Marianas Visitors Authority; and for other purposes.

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

1       Section 1. Short Title. This Act may be cited as the “Park Rangers Act of 2004.”

2       Section 2. Statement of Purpose and Findings. The Legislature finds that the  
3 Department of Lands and Natural Resources (DNLR) has enhanced, maintained and  
4 beautified public parks and recreational areas since 1979. The Legislature further finds that  
5 jurisdiction over these parks and recreation areas were never conveyed to the Department of  
6 Lands and Natural Resources even after the Marianas Public Lands Authority Board of  
7 Directors approved the conveyance of the parks and recreation areas to the Department of  
8 Lands and Natural Resources during their March 1990 Board meeting.

9       The Legislature further finds that Executive Order 03-02 transferred the duties and  
10 responsibilities for maintaining tourist sites on Saipan to the Department of Lands and  
11 Natural Resources. This Act expands DNLR’s jurisdiction over all CNMI parks, recreation  
12 areas, and tourist sites and gives authority to the department to levy fines for violation of  
13 certain prohibited activities to be established by rules and regulations. This Act further  
14 provides that the funds would be deposited into the respective sub-account of the senatorial  
15 district where the fine was collected.

1 Section 3. Amendments.

2 (a) 1 CMC § 2701 is amended as follows:

3 “§ 2701. Division of Parks and Recreation.

4 There is in the Department of Lands and Natural Resources a Division  
5 of Parks and Recreation headed by a director serving under the supervision  
6 and control of the secretary. The division shall have a park ranger section to  
7 carry out the enforcement responsibilities provided under § 2708.”

8 (b) 1 CMC § 2702 is amended as follows:

9 “(a) ‘Commonwealth park’ means an area set apart and designated  
10 as a Commonwealth park by the Division of Parks and Recreation including  
11 any public facilities located within the boundaries of the park, and any tourist  
12 site formerly managed and maintained by the Marianas Visitors Authority, but  
13 excluding the Haruji Matsue Sugar King Park.

14 (b) – (e) [unchanged]

15 (f) ‘Recreational Facility’ means all public sports and recreational  
16 facilities and outdoor sports and recreational fields and areas except for the  
17 Gilbert C. Ada Gymnasium and adjoining sports facilities which shall be  
18 under the sole management and control of the Northern Marianas Amateur  
19 Sports Association.”

20 (c) The following new subsections are added to 1 CMC § 2703 as follows:

21 “(e) by rule or regulation, prohibit any activity which may diminish,  
22 damage or destroy the natural beauty of Commonwealth parks or recreational  
23 facilities.

24 (f) Authorize and collect fees from concessionaires and vendors,  
25 as well as charge reasonable user fees to recover the cost of managing,  
26 maintaining, landscaping, and beautifying Commonwealth parks and  
27 recreational facilities which shall be deposited into the respective senatorial

1 district sub-accounts established under the Commonwealth Parks and  
2 Recreation Fund pursuant to § 2704(b) of this article **as** amended.”

3 (d) 1 CMC § 2704(b) is amended to read as follows:

4 “(b) Fees and security deposits retained under this section **shall** be  
5 deposited in the Commonwealth Parks and Recreation Fund and into the  
6 respective senatorial district sub-accounts.”

7 (e) 1 CMC § 2705 is amended as follows:

8 “§ 2705. Rule-making.

9 The division shall adopt rules and regulations necessary for the proper  
10 administration of its duties under this article including but not limited to rules  
11 and regulations:

12 (a) to develop a list **of** violations with the fines for each  
13 violation subject to the amount provided in subsection (b) of this  
14 section. The list of violations may include, but is not limited to,  
15 vandalism, graffiti, littering, destruction of structures or monuments,  
16 building fires outside of designated fireplaces, and destruction of other  
17 park properties including but not limited to the plants.

18 (b) to impose fines of up to \$500 on any person who  
19 engages in any prohibited activity in the Commonwealth parks,  
20 recreation areas or tourist sites.

21 Violations of the rules and regulations promulgated under this Act  
22 shall be adjudicated **in an** administrative proceeding **as** provided under the  
23 Administrative Procedure Act, 1 CMC § 9101 et seq.”

24 (f) 1 CMC § 2707 is amended to read **as** follows:

25 “(a) A Commonwealth **Parks** and Recreation Fund shall be  
26 maintained by the Department of Finance separate and apart from other funds

HOUSE BILL NO. 14-85, HS1, HD2, SD1, CD1

1 of the Commonwealth government and independent records and accounts shall  
2 be maintained in connection herewith.

3 (b) [unchanged]

4 (c) Moneys in the fund shall only be expended to manage,  
5 maintain, landscape, and beautify Commonwealth parks and recreational  
6 facilities and to erect and maintain structures, signs and facilities at  
7 Commonwealth parks and recreational facilities. Moneys in the fund shall not  
8 be expended for any travel or travel-related expenses.

9 (d) Expenditure authority for the fund shall rest with the director  
10 upon written approval from the Secretary.

11 (e) The director shall provide a yearly accounting of all fees  
12 collected under this article to both the Secretary of the Department of Finance,  
13 and the legislature.”

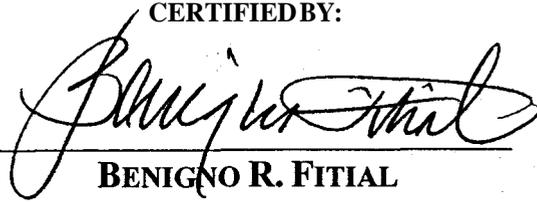
14 Section 4. Regulations. Within 120 days after enactment of this Act, the Secretary in  
15 consultation with the Lands and Natural Resources resident directors for the first and second  
16 senatorial districts shall promulgate rules and regulations necessary to carry out the intent of  
17 this Act.

18 Section 5. Severability. If any provision of this Act or the application of any such  
19 provision to any person or circumstance should be held invalid by a court of competent  
20 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
21 circumstances other than those to which it is held invalid shall not be affected thereby.

22 Section 6. Savings Clause. This Act and any repealer contained herein shall not be  
23 construed as affecting any existing right acquired under contract or acquired under statutes  
24 repealed or under any rule, regulation or order adopted under the statutes. Repealers  
25 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.  
26 The enactment of the Act shall not have the effect of terminating, or in any way modifying,  
27 any liability, civil or criminal, which shall already be in existence on the date this Act  
28 becomes effective.

1           ction . Effective Date. This Act 1           effect t c it approval by the  
2   Gover   or           law without such p val.

CERTIFIED BY:



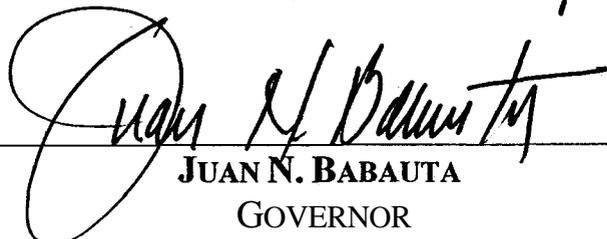
**BENIGNO R. FITIAL**  
SPEAKER OF THE HOUSE

ATTESTED TO BY:



**EVELYN C. FLEMING**  
HOUSE CLERK

Approved on this 21<sup>st</sup> day of September, 2004



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