

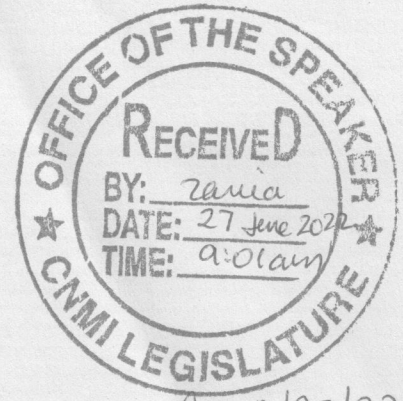
RALPH DLG. TORRES
Governor



GOV. COMM: 22-135
(HOUSE)

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

June 24, 2022



6/27/22

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

The Honorable Justo S. Quitugua
Acting President of the Senate
Twenty-Second Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Acting President:

This is to inform you that I have signed into law **House Bill No. 22-22, HD1, SD1** entitled, "To establish laws to regulate bioprospecting activities within the Commonwealth of the Northern Mariana Islands in order to ensure prior, informed consent and equitable sharing of benefits.", which was passed by the by the House of Representatives and the Senate of the Twenty Second Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 22-19**. Copies bearing my signature are forwarded for your reference.

Sincerely,

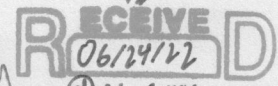
JUDE U. HOFSCHEIDER
Acting Governor

cc: Acting Press Secretary; Attorney General's Office; Department of Lands & Natural Resources; Commonwealth Law Revision Commission; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review

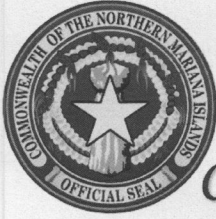
HOUSE CLERK'S OFC

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DATE 06/27/22 TIME 10:50am



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*Twenty-Second Legislature
of the
Commonwealth of the Northern Mariana Islands*

IN THE HOUSE OF REPRESENTATIVES

FIRST REGULAR SESSION

FEBRUARY 19, 2021

REPRESENTATIVE ANGEL A. DEMAPAN OF SAIPAN, PRECINCT 1 (*for himself*, Representatives Roy C.A. Ada; Blas Jonathan "BJ" T. Attao, Ivan A. Blanco, Joel C. Camacho, Joseph A. Flores, Joseph Leepan T. Guerrero, John Paul P. Sablan, and Patrick H. San Nicolas,) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 22-22, HD1, SD1

AN ACT

**TO ESTABLISH LAWS TO REGULATE BIOPROSPECTING
ACTIVITIES WITHIN THE COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS IN ORDER TO ENSURE PRIOR, INFORMED
CONSENT AND EQUITABLE SHARING OF BENEFITS.**

The Bill was referred to the House Committee on Natural Resources, which submitted Standing Committee Report 22-23; adopted 8/31/2021.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, AUGUST 31, 2021;**
with amendments in the form of H. B. No. 22-22, HD1 and transmitted to
THE SENATE.

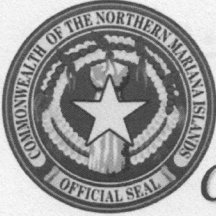
The Bill was referred to the Senate Committee on Judiciary, Government, Law and Federal Relations, which submitted Standing Committee Report 22-66; adopted 5/26/2022.

THE BILL WAS PASSED BY THE SENATE ON MAY 26, 2022, FIRST AND FINAL READING;
with amendments in the form of H. B. No. 22-22, HD1, SD1 and returned to the
House of Representatives on May 31, 2022.

The House of Representatives accepted the Senate amendments and passed H. B. 22-22, HD1, SD1 during its First Day, Third Special Session on June 13, 2022.



Linda B. Muña, House Clerk



Twenty-Second Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

FIRST DAY, THIRD SPECIAL SESSION

JUNE 13, 2022

H. B. No. 22-22, HD1, SD1

AN ACT

TO ESTABLISH LAWS TO REGULATE BIOPROSPECTING
ACTIVITIES WITHIN THE COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS IN ORDER TO ENSURE
PRIOR, INFORMED CONSENT AND EQUITABLE SHARING
OF BENEFITS.

**BE IT ENACTED BY THE TWENTY-SECOND NORTHERN
MARIANAS COMMONWEALTH LEGISLATURE:**

1 **SECTION 1. SHORT TITLE.**

2 This act may be cited as the Richard B. Seman Bioprospecting Act of 2021.

3 **SECTION 2. FINDINGS AND PURPOSES.**

4 The Legislature believes that the time has come to safeguard both our ownership of as
5 well as our rights to the use of our local natural and biological resources, including biological
6 processes, organic compounds, living and dead organisms, genetic information and DNA, and
7 any other naturally occurring substances, processes and outputs found in the Commonwealth
8 of the Northern Mariana Islands, hereinafter, "CNMI".

HOUSE BILL 22-22, HD1, SD1

1 **SECTION 3. ENACTMENT.**

2 The following is hereby enacted, subject to codification by the CNMI Law Revision
3 Commission:

4 **“Section 101. Definitions.**

5 (1) Bioprospecting defined.

6 (a) “Bioprospecting” means any search, analysis or study of naturally
7 occurring biological processes, organic compounds, living or dead organisms,
8 genetic information and DNA, and any other naturally occurring substances,
9 processes and outputs found in the CNMI, for purposes of discovering
10 something useful or commercially valuable, whether or not the search, analysis
11 or study is conducted on-site or if materials were removed for off-site
12 investigative processing.

13 (b) “Bioprospecting” does not include:

14 (i) horticultural cultivation, except for horticultural genetic
15 engineering conducted in a manner otherwise constituting
16 bioprospecting;

17 (ii) an agricultural enterprise;

18 (iii) a forest and range management practice;

19 (iv) invasive weed management; or

20 (v) incidental removal of materials while engaged in bona fide
21 research or commercial enterprises provided removed materials are not
22 used for bioprospecting.

23 (2) “Non-federal lands and waters” means lands and above-water and
24 submerged lands and natural bodies of water in the CNMI that:

25 (a) is not owned or controlled by the federal government or within the
26 exclusive and permanent jurisdiction of the federal government; and

27 (b) is owned by the CNMI, its municipality, or any other government
28 agency that is not the federal government.

HOUSE BILL 22-22, HD1, SD1

Section 102. Scope of Act.

(1) This Act does not modify or replace any other requirement under federal, CNMI, or local law related to an act that under this Act is considered bioprospecting, including any requirement to obtain the permission of a landowner.

(2) This Act applies only to non-federal public lands and waters owned by the CNMI and its municipalities and any other government agency that is not the federal government.

(3) This Act does not apply to private lands. Permission from a private landowner must be obtained to conduct any bioprospecting on private lands.

Section 103. Regulations.

Within 180 days after the enactment of this Act or as soon as possible thereafter, the Secretary of the CNMI Department of Lands and Natural Resources (DLNR) shall promulgate rules and regulations necessary to carry out the intent of this Act inclusive of monitoring procedures and proper vetting of potential licensing applicants to ensure that the applicant is a person or an entity in good standing.

Section 104. License for bioprospecting.

(1) Beginning immediately upon the promulgation of rules and regulations by DLNR, DLNR shall create a license application form for purposes of this Act that includes:

(a) notice of the CNMI's reservation of economic interests provided in Section 105;

(b) a statement to be signed by a person who is applying for a license that states that the person agrees to negotiate as described in Section 105; and

(c) a requirement that the person lists the locations at which the person anticipates bioprospecting during the 12-month period of the license.

(d) a requirement that the person reports the results of the bioprospecting within 12 months after the end of the license period. Results must identify any findings identified as being potentially valuable, either economically,

HOUSE BILL 22-22, HD1, SD1

1 historically, or culturally, and state whether or not any further action will be
2 taken in regards to the potentially valuable findings.

3 (e) a requirement that the person report to DLNR of any subsequent
4 actions taken in regards to any findings.

5 (f) a requirement that DLNR be advised within three months of any
6 assignment of the findings to another party.

7 (g) a requirement that all obligations under this Act of the person confer
8 to subsequent assignees of the findings.

9 (2) Before engaging in an act of bioprospecting, a person shall apply for a
10 license with the DLNR and consent to any monitoring deemed necessary by DLNR.

11 (a) A license under this Act expires one year after issuance of the license
12 unless otherwise revoked by DLNR at an earlier time.

13 (3) To obtain a license with the division or renew a license, a person shall:

14 (a) submit a license application form created by the DLNR in
15 accordance with this Act;

16 (b) pay a license fee established by DLNR.

17 (4) Fifty percent of the license fee shall be deposited in a special account, to be
18 called the "Bioprospecting Revolving Fund" to be established by the Secretary of the
19 Department of Finance that shall be used by the Department of Lands and Natural
20 Resources for expenses incurred as a result of enforcement and compliance monitoring
21 for any licensed bioprospecting activity in the CNMI.

22 (5) The Secretary of the Department of Lands and Natural Resources shall be
23 the expenditure authority for the license fees collected in the "Bioprospecting
24 Revolving Fund" account established in subsection (4).

25 **Section 105. Reservation of economic interests - Agreement to negotiate in**
26 **good faith.**

27 (1) The right of a person to engage in an act of bioprospecting in this
28 Commonwealth is subject to the CNMI's reservation of any right it may have to an
29 economic benefit derived from the act of bioprospecting.

HOUSE BILL 22-22, HD1, SD1

1 (2) A person may not engage in an act of bioprospecting in the CNMI if the
2 person, as part of the license required herein, does not agree in writing to negotiate in
3 good faith with the CNMI if the CNMI asserts an economic interest described in
4 Subsection (1).

5 **Section 106. Economic benefits of bioprospecting denied.**

6 (1) A person who engages in an act of bioprospecting in violation of this Act is
7 guilty of criminal trespass.

8 (2) If found guilty of a violation under this Act, a court may in addition to a
9 penalty imposed herein, order restitution that is proportional to the economic interests
10 the CNMI may have.

11 (3) Restitution funds collected shall be deposited into the "Bioprospecting
12 Revolving Fund" to be used by the Department of Lands and Natural Resources for
13 expenses incurred as a result of enforcement and compliance monitoring for any
14 licensed bioprospecting activity in the CNMI.

15 (4) The Secretary of the Department of Lands and Natural Resources shall be
16 the expenditure authority for the restitution fees collected in the "Bioprospecting
17 Revolving Fund" established in subsection (3)."

18 **SECTION 4. SEVERABILITY.**

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

23 **SECTION 5. SAVINGS CLAUSE.**

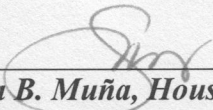
24 This Act and any repealer contained herein shall not be construed as affecting any
25 existing right acquired under contract or acquired under statutes repealed or under any rule,
26 regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect
27 any proceeding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

HOUSE BILL 22-22, HD1, SD1

1 **SECTION 6. EFFECTIVE DATE.**

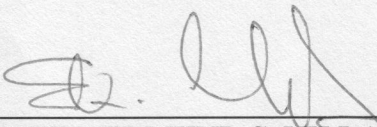
2 This Act shall take effect upon its approval by the Governor, or its becoming law
3 without such approval.

Attested to by:



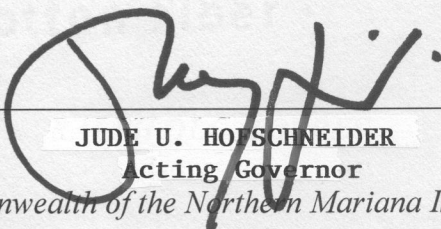
Linda B. Muña, House Clerk

Certified by:



SPEAKER EDMUND S. VILLAGOMEZ
House of Representatives
22nd Northern Marianas Commonwealth Legislature

Approved this **24th** day of **JUNE**, 2022



JUDE U. HOTSCHNEIDER
Acting Governor
Commonwealth of the Northern Mariana Islands