

TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

First Regular

SESSION, 2025

S.B. NO. 24-03

A BILL FOR AN ACT

To transfer the management and supervision of the soil and water conservations districts to the Northern Marianas College CREES; and for other purposes.

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

1 **Section 1. Findings and Purpose.** The Legislature finds that the CNMI, the United
2 States and other countries of the world have been experiencing long term drought
3 conditions. On April 18, 2024, the National Weather Service (NWS) based off Tiyan,
4 Guam reported that drought in the Marianas will continue to intensify while extreme
5 drought persists for other islands in Micronesia. According to NWS' weekly regional
6 outlook report, although the Marianas remains in D-2 (or severe drought), drought
7 conditions will only continue to worsen due to ongoing dry weather conditions. because of
8 the current drought conditions, NWS warns that there remains a high chance of wildfires
9 occurring in the Marianas as well as the entire Micronesia.

10 The Legislature finds that the current severe drought conditions in the Marianas
11 coupled with the CNMI's amplified efforts to increase food security with local produce
12 and livestock requires a major collaboration among all public and private stakeholders to
13 navigate through the severe drought conditions or other obstacles standing in the pathway
14 of sustainable agriculture. While the Department of Lands and Natural Resources (DLNR)
15 has been instrumental in the development of our soil and water conservation districts,
16 DLNR lacks the expertise and the funds necessary to expand and further develop the
17 districts.

18 The Legislature finds that the Northern Marianas College's Cooperative Research
19 Extension and Education Services also known as NMC-CREES, has also been instrumental
20 in providing technical assistance to the Saipan, Tinian and Rota Soil & Conservation

Districts for many years. However, more assistance is required and more funding is necessary to ramp up the assistance to the soil and water conservation districts.

The Legislature further finds that it is in the best interest of all the soil and water conservation districts of Saipan, Tinian and Rota to transfer the management and supervision of the said conservation districts to the Northern Marianas College's Cooperative Research Extension and Education Services. NMC-CREES is already providing assistance to the soil and water conservation districts but it is also managing its own Agricultural Production Program, Nutrition & Health Program and the Aquaculture & Natural Resource Program. These programs are directly connected to the mandates of the soil & water conservation districts. If supervision of the soil and water conservation districts is transferred to NMC-CREES, all the stakeholders will be linked cooperatively to achieve their similar and connected goals. NMC-CREES could avail of additional federal grants and funds to continue to provide the expertise, technical assistance, training, and additional services to the soil and water conservation districts. Accordingly, the purpose of this legislation is to transfer the management and supervision of the soil and water conservation districts of Saipan, Tinian and Rota to the Northern Marianas College's Cooperative Research Extension and Education Services.

Section 2. Amendments. 2 CMC §§ 3212, 3213, 3221-3225, and 3227 are hereby amended to read as follows:

“§ 3212. Legislative Findings and Intent.

The legislature hereby finds that there is a need within the Commonwealth to establish a policy which will promote soil and water conservation by preventing erosion and thus conserving and improving the use of the Commonwealth land and water resources. The legislature further finds the need to establish soil and water conservation districts while establishing continuing the role of the Northern Marianas College – Cooperative Research Extension and Education Services ~~Department of Natural Resources~~ as the leading soil and water conservation agency. Furthermore, in order to participate in the federal conservation program, the Commonwealth must first create a soil and water conservation

1 committee comprised of farmers, ranchers, and livestock producers from the
2 Commonwealth.

3 Therefore, it is the legislature's intent that the soil and water conservation districts
4 shall serve as district advisory bodies which will enable the Commonwealth to participate
5 in the federal conservation program when it so desires.

6 **§ 3213. Definition.**

7 As used in this chapter:

8 (a) "Administrators" means the soil and water conservation district administrators
9 established in 2 CMC § 3225.

10 (b) "Dean" means the dean of the NMC-CREES department.

11 (c) "Department" means the Northern Marianas College-Cooperative Research
12 Extension and Education Services Department of Natural Resources.

13 (e) "Director" means the Director of the Department of Natural Resources.

14 (d) "District" means the soil and water conservation districts established in 2 CMC
15 § 3221.

16 (e) "Farm land owner and occupier" means a person who is an owner or operator
17 of land used for the purpose of commercially producing livestock, crops, fruits and nuts,
18 vines, bushes or other agricultural products.

19 (f) "Land occupier" or "occupier of land" means any person, who has title to or, in
20 the case of leased land, the person who holds possession of, any land lying within a district
21 under this chapter.

22 (g) "Northern Marianas College-Cooperative Research Extension and Education
23 Services" or "NMC-CREES" means the department at the Northern Marianas College that
24 provides technical programs, research-based information, and services in the areas of
25 agriculture, family and consumer sciences.

26 **§ 3221. ~~Water and Soil~~ and Water Conservation Districts.**

(a) Three soil and water conservation districts are established. District one shall be composed of Saipan and the Northern Islands, district two shall be Tinian, and district three shall be Rota.

(b) The three conservation districts are hereby established to work in partnership with the Northern Marianas College Cooperative Research Extension and Education Services also known as NMC-CREES ~~are created under the Department of Natural Resources~~ and they shall work in cooperation with the Department of Lands and Natural Resources ~~Northern Marianas College (Land Grant Program)~~, Division of Environmental Quality, ~~and the Department of Public Works, the Department of Public Lands, Office of Planning and Development, the Commonwealth Utilities Corporation, and with all CNMI government entities overseeing local and federal programs established~~ to conserve, develop, and use the soil, and water resources of the Commonwealth in order to control and prevent soil erosion, flooding, and to improve agricultural water management. Any project which is proposed by a district which involves the responsibilities of another Commonwealth agency shall have that agency's review and approval before implementation. Projects of the districts shall be jointly sponsored where feasible. The activities and operations shall be reviewed by the district administrators and the NMC-CREES ~~Department of Natural Resources~~ to assure compatibility with other related plans and programs.

§ 3222. General Powers of NMC-CREES ~~the Department of Natural Resources~~.

(a) The NMC-CREES ~~Department of Natural Resources~~ shall coordinate and manage soil and water conservation programs in cooperation with the three districts. The department shall keep a record of its official actions, and may perform such acts, as may be necessary to effect its responsibilities under this chapter, which shall include but are not limited to:

(1) Delegation to any member, agent or employee of the department or to a district administrator such powers and duties as the dean ~~director~~ may determine necessary;

(2) Utilization of the office of the Attorney General for legal services;

(3) Rendering assistance to the districts in carrying out their programs and responsibilities;

(4) Obtaining assistance from the United States and its departments and agencies;

(5) Applying for and accepting grants, loans, contributions and appropriations from any source, and soliciting, acquiring and using funds, services and materials from any source, except those funds, services or materials granted, appropriated or donated for projects or programs in a particular district shall be applied to and used for projects or programs in that district;

(6) Acquiring, holding and disposing of property, real or personal or rights or interests therein;

(7) Assigning upon request by the department or other agencies of the Commonwealth government insofar as available appropriations and resources permit, staff members or personnel to the department and make such survey, reports, or studies as the department may request.

(8) Conducting the election of the district administrators including:

(A) Having district conventions held;

(B) Promulgating rules and regulations by which farmers, ranchers,
and livestock producers may nominate and elect district administrators from among their members;

(C) The Dean of NMC-CREES ~~Director of Natural Resources~~ shall certify the election results and shall provide a copy to the Governor and the legislature.

§ 3223. Additional Powers of NMC-CREES ~~the Department~~.

1 (a) The NMC-CREES Department of Natural Resources may:

2 (1) Offer appropriate assistance to the administrators of the districts in
3 carrying out their programs;

4 (2) Keep the districts informed of the activities of the other districts and
5 facilitate cooperation between them;

6 (3) Coordinate district programs by advice and consultation;

7 (4) Disseminate information throughout the Commonwealth concerning
8 district activities and programs.

9 (b) The NMC-CREES Department of Natural Resources, in coordination with the
10 Secretary of the Department of Natural Resources, the Director of Public Works, Division
11 of Environmental Quality, the Secretary of the Department of Public Lands, the Director
12 of the Office of Planning and Development, the executive director of the Commonwealth
13 Utilities Corporation and the Soil and Water Conservation Districts, may prepare and
14 implement Commonwealth soil and water resources conservation land utilization plans
15 which conserve and improve the Commonwealth's resources, and shall review and provide
16 its determination on plans submitted to it by the districts and other entities eligible to
17 receive federal assistance. In execution of this responsibility the department may apply for
18 and accept grants, loans, contributions, appropriations, and assistance from the federal
19 government and from any other sources, public and private, and enter into contracts or
20 agreements in connection therewith.

21 **§ 3224. Organization of the Districts.**

22 To complete the organization of the district, the NMC-CREES Department of
23 Natural Resources shall present to the Governor a statement setting out the name of the
24 districts and their boundaries and certify that the procedures prescribed in this chapter for
25 the organization of a district have been fully complied with.

26 **§ 3225. Composition and Responsibilities of Districts; Appointment,**
27 **Tenure, and Compensation of Administrators.**

28 (a) The soil and water conservation districts shall each:

(1) Be composed of administrators, each of whom is engaged in farming and is a land occupier of the district. Administrators shall be elected.

(2) Have an adviser assigned to it by NMC-CREES ~~the Department of Natural Resources and by the Northern Marianas College (Land Grant Program)~~ and may request, as required, technical advisors from other Commonwealth agencies, insofar as available appropriations and resources permit.

(3) Have a chairperson, who shall be designated by the administrators. Administrators shall promulgate rules by which this designation may be changed.

(4) Have a quorum in order to conduct business. Three administrators shall constitute a quorum, and the concurrence of a majority upon any official matter shall be necessary.

(5) Have monthly meetings, and semiannually, all districts shall have a joint meeting.

(6) Have elections every three years for the purpose of electing administrators.

(b) The selection of administrators for each district and their tenure shall be as follows:

(1) Farm landowners or occupiers of each district shall nominate and elect nonpartisan administrators from among their members. Each administrator shall be elected for a term of three years. The first elections shall be held within two months after enactment of this chapter; and commencing in 1988 shall thereafter be held every three years on the second Tuesday in February. No elected administrator shall serve more than three consecutive terms.

(2) Vacancies shall be filled for an unexpired term. The selection of successors to fill an unexpired term of elected and appointed administrators shall be made by the Governor. The NMC-CREES ~~Department of Natural Resources~~ shall recommend qualified candidates to the Governor to fill the unexpired term of an administrator.

(c) Administrators shall not receive compensation for their services.

(d) Each soil and water conservation district shall prepare a long-range plan and an annual workplan with assistance from advisory members and agencies. Each district shall keep a record of proceedings, resolutions, regulations, and orders issued or adopted and accounts of receipts and disbursements; and shall furnish to NMC-CREES ~~the Department of Natural Resources~~ copies of such documents, instruments or information concerning their activities as the department may request. Activities shall be limited to the following types of lands within the districts:

(1) All public lands leased for agricultural activities, including leased federal lands. Any and all projects which are proposed for leased federal lands shall require the review and approval of the federal agency which has jurisdiction over public lands.

(2) Public and private lands which are designated as agricultural or conservation areas.

(3) Lands which are used for the purpose of commercially producing an agricultural commodity which are located in areas designated as urban or rural.

§ 3227. Budget.

The NMC-CREES ~~Department of Natural Resources~~ shall include in its annual budget request to the legislature estimates of the financial requirements of the soil and water conservation districts. The NMC-CREES ~~Department of Natural Resources~~ may reimburse each administrator for expenses incurred for approved district measures.”

Section 3. Transition.

(a) Upon the effective date of this Act, the management and supervision of the Saipan, Tinian and Rota Soil and Water Conservation Districts shall transfer from Department of Lands & Natural Resources (DLNR) to the direction and control of the Northern Marianas College’s Cooperative Research Extension and Education Services (NMC-CREES).

(b) Upon the request of NMC-CREES, the DLNR shall transfer to NMC-CREES the following:

(1) All documents and relevant information pertaining to the Saipan, Tinian and Rota Soil and Water Conservation Districts including financial documents and reports pertaining to soil and water conservation.

(2) All real property owned by or designated to DLNR for the soil and water conservation districts and all other real and personal property, fixed assets, and capital goods used exclusively for functions and duties which are to be assumed by NMC-CREES, and all materials and supplies used exclusively in connection herewith;

(3) All unexpended balances of appropriations, allocations, allotments, or other funds available for the use by DLNR for the soil and water conservation districts shall be transferred to NMC-CREES; and

(4) Any funds and appropriations for functions and duties transferred to NMC-CREES from DLNR shall become assets of NMC-CREES and be deposited into the financial accounts of NMC-CREES.

(c) Transition Report. Upon completion of the transfers to NMC-CREES, NMC-CREES shall prepare and submit a transition report to the governor and presiding officers of the legislature within 30 days after transfers are fully complete. The transition report shall include an accounting of all the transferred documents, inventory, assets, financial statements or data, and any relevant information regarding the status and operation of the Saipan, Tinian and Rota soil and water conservation districts, any apparent deficiency or problems regarding the current conservation districts, and NMC-CREES' plans to improve the services provided to the Saipan, Tinian and Rota soil and water conservation districts.

Section 4. Severability. If any provision 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.

1 **Section 5. Savings Clause.** This Act and any repealer contained herein shall not
2 be construed as affecting any existing right acquired under contract or acquired under
3 statutes repealed or under any rule, regulation or order adopted under the statutes.
4 Repealers contained in this Act shall not affect any proceeding instituted under or pursuant
5 to prior law. The enactment of this Act shall not have the effect of terminating, or in any
6 way modifying, any liability civil or criminal, which shall already be in existence at the
7 date this Act becomes effective.

8 **Section 6. Effective Date.** This Act shall take effect upon its approval by the
9 Governor or upon its becoming law without such approval.

Date:

1/15/2025

Introduced By:

Senator Jude U. Hofschneider

Reviewed for Legal Sufficiency by:

Antony A. Hefp

Senate Legal Counsel