

**Twentieth Northern Marianas Commonwealth Legislature**

**IN THE HOUSE OF REPRESENTATIVES**

\_\_\_\_\_  
Session, 2017

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**H. B. 20- 28**

**A BILL FOR AN ACT**

To define industrial port use, port related operations and to amend 1 CMC §2806 (g), Public Lands: Fundamental Policies; and to allow government agencies on the islands of Tinian and Rota to lease public lands, conveyed to them by Public Lands, for legitimate public purpose related to their agency's mandate.

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

1           **Section 1. Findings and Purpose.** The Legislature finds that the  
2 definition of “industrial port use” and “port related operations” have not been  
3 formally defined for public policy. It is the intention of this Legislature to define  
4 “industrial port use” and “port related operations” due to the lack of codified  
5 definitions and the potential for different government agencies to define the terms  
6 differently. The Legislature, through its research, has noted several US States,  
7 such as Mississippi, Missouri, Louisiana and our Nation’s Capitol, Washington,  
8 DC all define these terms liberally to include an interest for public policy while  
9 still maintaining some sort of port operation or use. In addition, the Legislature  
10 finds that numerous properties that were transferred by the Department of Public  
11 Lands or its predecessors to the Commonwealth Ports Authority remain unused, is  
12 functionally unusable, continues to diminish in value over time, diminishes other

1 properties held by the Department of Public lands and restricts economic  
2 development. The legislature further finds that in the original Grant of Public  
3 Domain Land to CPA, that the language is clear in allowing CPA exclusive  
4 jurisdiction to plan, establish, construct, enlarge, improve, maintain, equip,  
5 operate and regulate ports within the Commonwealth. Therefore, it is the  
6 Legislatures intention to allow CPA to establish such “industrial ports” and “port  
7 related operations” through legislative definition. The Legislature also finds  
8 that there is a legitimate public purpose to allow the Commonwealth Ports  
9 Authority to lease certain parcels situated on the islands of Tinian and Rota for  
10 use as an “industrial port” or for “port related operations” which will promote a  
11 viable economy and inter-island transportation of passengers and goods. The  
12 Legislature further finds that there is a legitimate public purpose to increase the  
13 value of surrounding public property held by the Department of Public Lands by  
14 authorizing Commonwealth Ports Authority to improve its properties along the  
15 ports for revenue generating purpose under certain “port related  
16 operation” circumstances.

17 **Section 2. Amendment.** Title 1, Division 2, Chapter 14, § 2806 (g) is  
18 hereby amended to read as follows:

19 “(g) Public lands transferred to other government agencies that are  
20 not in compliance with the specific non-commercial use approved by  
21 Department of Public Lands will revert back to the authority of the  
22 department, unless the public land is being used by that government for

1 commercial use that is related to or associated with the agency's mandate  
2 or for a legitimate public purpose as defined herein.

3 Public purpose is defined as lands currently held by any  
4 government agency situated on the islands of Tinian and Rota whose  
5 anticipated business investment or operation on the property exceeds  
6 \$20,000,000.00 and will promote, in any way, the agency's mandate. For  
7 the purposes of property conveyed by Public Lands to the Commonwealth  
8 Ports Authority, the definitions of "industrial port use," "port related  
9 operation" and "seaport expansion and operation" shall include all leases  
10 or commercial operations, physically connected to a port activity and  
11 related in any way to ensure, enhance, augment, help finance, support,  
12 promote the possibility of, increase or improve shipping transportation,  
13 ferryboat operation or other transportation operations related to the port.  
14 The definitions provided herein of "industrial port use", "port related  
15 operations" and "seaport expansion and operation", shall be interpreted  
16 liberally in favor of allowing the proposed development of the ports on  
17 Tinian and Rota."

18 **Section 3. Severability.** If any provisions of this Act or the application  
19 of any such provision to any person or circumstance should be held invalid by a  
20 court of competent jurisdiction, the remainder of this Act or the application of its  
21 provisions to persons or circumstances other than those to which it is held invalid  
22 shall not be affected thereby.

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

8           **Section 5. Effective Date.** This Act shall take effect upon its approval by  
9 the Governor, or its becoming law without such approval.

Prefiled: 1/27/17

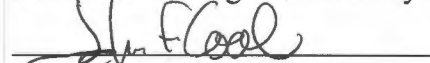
Date: 1/27/17

Introduced By:



Rep. Edwin P. Aldan

Reviewed for Legal Sufficiency by:



House Legal Counsel