



RALPH DLG. TORRES  
Governor

ARNOLD I. PALACIOS  
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
**OFFICE OF THE GOVERNOR**

25 OCT 2021

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

The Honorable Jude U. Hofschneider  
President of the Senate  
Twenty-Second Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law **House Bill No. 22-31, HS1** entitled, "To authorize the Department of Public Lands to issue encroachment permits and charge fees for the use of the public lands located within 150 feet of the high water mark." which was passed by the House of Representatives and the Senate of the Twenty-Second Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 22-11**. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph DLG. Torres", written over a circular stamp or seal.

RALPH DLG. TORRES  
Governor

cc: Lt. Governor; Press Secretary; Attorney General's Office; Department of Public Lands; Department of Finance; Law Revision Commission; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



# House of Representatives

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586  
SAIPAN, MP 96950


September 16, 2021

The Honorable Ralph DLG. Torres  
Governor  
Commonwealth of the Northern  
Mariana Islands  
Capitol Hill  
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action **H. B. No. 22-31, HS1**, entitled: "To authorize the Department of Public Lands to issue encroachment permits and charge fees for the use of the public lands located within 150 feet of the high water mark.", which was passed by the House of Representatives and the Senate of the Twenty-Second Northern Marianas Commonwealth Legislature.

Sincerely yours,



Linda B. Muña  
House Clerk

Attachment



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

**IN THE HOUSE OF REPRESENTATIVES**

**FIRST REGULAR SESSION**

**MARCH 16, 2021**

REPRESENTATIVE JOSEPH LEEPAN T. GUERRERO of Saipan, Precinct 3 (*for himself*, Representatives Blas Jonathan "BJ" T. Attao, Angel A. Demapan, and Joseph A. Flores,) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

**H. B. No. 22-31, HS1**

**AN ACT**

**TO AUTHORIZE THE DEPARTMENT OF PUBLIC LANDS TO  
ISSUE ENCROACHMENT PERMITS AND CHARGE FEES FOR THE  
USE OF THE PUBLIC LANDS LOCATED WITHIN 150 FEET OF THE  
HIGH WATER MARK.**

The Bill was referred to the House Committee on Natural Resources, which submitted Standing Committee Report 22-24; 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. 22-31, HS1, and transmitted to  
**THE SENATE.**

The Bill was not referred to a Senate Committee.  
**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, SEPTEMBER 14, 2021;**  
*without amendments* was returned to  
**THE HOUSE OF REPRESENTATIVES.**

**THE BILL WAS FINALLY PASSED ON AUGUST 31, 2021.**

  
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Linda B. Muña, House Clerk



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

**IN THE HOUSE OF REPRESENTATIVES**

SECOND DAY, SECOND REGULAR SESSION

AUGUST 31, 2021

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**H. B. No. 22-31, HS1**

**AN ACT**

**TO AUTHORIZE THE DEPARTMENT OF PUBLIC LANDS TO ISSUE ENCROACHMENT PERMITS AND CHARGE FEES FOR THE USE OF THE PUBLIC LANDS LOCATED WITHIN 150 FEET OF THE HIGH WATER MARK.**

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

1           **SECTION 1. FINDINGS.**

2           The Department of Public Lands does not have the statutory authority to charge for the  
3 use of the public lands located within 150 feet of the high water mark. The department only  
4 has the authority to prohibit the erection of permanent structures. Under 1 CMC §2803(a),  
5 “The Department’s authority does not extend to the issuance of land use permits and licenses,  
6 except as specifically provided for in this Act.” The purpose of this Bill is to specifically  
7 authorize the Department to issue licenses and use permits and charge fees for the use of the  
8 public lands located within 150 feet of the high water mark.

HOUSE BILL 22-31, HS1

**SECTION 2. AMENDMENT.**

1 CMC Section 2806(e) of the Commonwealth Code is amended as follows:

“(e) Except as provided in the subsections below, the Department may not transfer an interest, and may prohibit the erection of any permanent structure, in public lands located within 150 feet of the high water mark of a sandy beach:

(1) except that the Department may authorize the construction of facilities for public purposes;

(2) the Department may grant encroachment permits, provided the use does not interfere with the public’s access to the public lands;

(3) Encroachment permits may be issued to persons who have a legal interest in adjoining property, and who are currently maintaining an encroaching structure, improvement, or other item, in exchange for a fee. The encroachment must have been in place prior to the effective date of this legislation Act. Any such permit may have a term of up to five years and may be renewed at the discretion of the Department. The annual fee for any such permit shall not be less than one percent (1%) or not be greater than four percent (4%) of the fair market value of the public land on which the encroaching structure, improvement, or other item sits. If the Department issued permits for encroachments prior to the effective date of this amendment, such prior permits, and the consideration paid for such prior permits, are ratified and deemed sufficient. The Department may promulgate regulations consistent with this provision.”

**SECTION 3. SEVERABILITY.**

If any provisions 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.

**SECTION 4. SAVINGS CLAUSE.**

This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not


**HOUSE BILL 22-31, HS1**

1 have the effect of terminating, or in any way modifying, any liability, civil or criminal, which  
2 shall already be in existence on the date this Act becomes effective.


3 **SECTION 5. EFFECTIVE DATE.**

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

Attested to by:   
**Linda B. Muña, House Clerk**

Certified by:   
**SPEAKER EDMUND S. VILLAGOMEZ**  
House of Representatives  
22<sup>nd</sup> Northern Marianas Commonwealth Legislature

Approved this 25<sup>th</sup> day of October, 2021

  
**RALPH DLG. TORRES**  
Governor  
Commonwealth of the Northern Mariana Islands