

**TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE**

IN THE HOUSE OF REPRESENTATIVES

Session, 2021

H. B. 22- 31

A BILL FOR AN ACT

To authorize the Department of Public Lands to issue licenses and use 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 22ND NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

- 1 **Section 1. Findings.** The Department of Public Lands does not have the
2 statutory authority to charge for the use of the public lands located within 150 feet
3 of the high water mark. The department only has the authority to prohibit the
4 erection of permanent structures. Under 1 CMC §2803(a), “The Department’s
5 authority does not extend to the issuance of land use permits and licenses, except
6 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
8 use of the public lands located within 150 feet of the high water mark.
- 9 **Section 2. Amendment.** 1 CMC Section 2806(e) of the Commonwealth
10 Code is amended as follows:.

1 “(e) The Department may not transfer an interest, and may prohibit
2 the erection of any permanent structure, in public lands located within 150
3 feet of the high water mark of a sandy beach, except that:

4 (1) the Department may authorize the construction of
5 facilities for public purposes; and

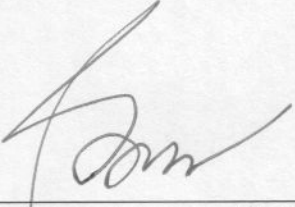
6 (2) the Department may grant a non-exclusive license or
7 permit provided the use does not interfere with the public’s access
8 to the property.”

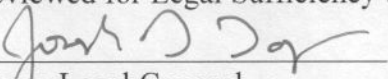
9 **Section 3. Severability.** If any provisions of this Act or the application of
10 any such provision to any person or circumstance should be held invalid by a court
11 of competent jurisdiction, the remainder of this Act or the application of its
12 provisions to persons or circumstances other than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

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

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

Prefiled: 3/11/2021

Date: 3/11/2021 Introduced by: 
Rep. Rep. Joseph Leépan T. Guerrero

Reviewed for Legal Sufficiency by:

House Legal Counsel

