

**TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH  
LEGISLATURE**

**IN THE HOUSE OF REPRESENTATIVES**

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**Regular Session, 2023**

**H. B. 23- 5**

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**A BILL FOR AN ACT**

To amend 2 CMC §§ 5631 and 5109 to authorize gill net, locally known as “tekking” in the Third Senatorial District and provide additional penalties for any violations.

**BE IT ENACTED BY THE 23<sup>RD</sup> NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

1           **Section 1. Findings and Purpose.** Due to the social and economic realities  
2 in the Commonwealth it is important to find ways to supplement family subsistence  
3 living. Historically, people in the Commonwealth have relied on traditional fishing  
4 methods as a source of food to support and sustain their families. However, fishing  
5 methods must be controlled to ensure a balance of the marine environment and the  
6 resources in our coastal waters.

7           Enforcement measures must be practical to allow for clarity and proper  
8 supervision. If done correctly, traditional fishing methods such as gill-net (locally  
9 known as “tekking”) can be a safe and sustainable. This legislation will authorize  
10 the Secretary of the Department of Lands and Natural Resources (DLNR) to

1 promulgate enforceable rules and regulations that will provide for safe and  
2 sustainable practices.

3 Nets known as “tekking” or “gill nets” will be regulated by DLNR through  
4 rules and regulations. DLNR will be authorized to promulgate regulations and  
5 enforce them with fines and penalties. These provisions may include but not be  
6 limited to the creation of a Northern Zone which may run from Pau Pau Beach  
7 south to the Cabrera Commercial Center in Garapan that will permit fishing in the  
8 odd-numbered months of a calendar year. As well as the creation of a Southern  
9 Zone that may cover the area south of the Cabrera Commercial Center south to Pak  
10 Pak Beach Park in the even-numbered months of the calendar year.

11 In addition, because the size of the fish caught can be determined by the eye  
12 or mesh size of the net, DLNR may promulgate regulations that will help avoid  
13 catching any fish that are too small with new regulations that specify the size of the  
14 gill net mesh (not less than 1.5 inches stretched) as well as a fee schedule for the  
15 size of an authorized net. DLNR may also require lotteries for permit eligibility,  
16 reporting and notice of net fishing that will control the number of nets that may be  
17 allowed, the amount of permissible catch per day or per month, as well as other  
18 provisions for regular and special permits.

19 The Legislature acknowledges that with respect to tekking, the net is  
20 stationary in a specific area and retrieved without significant damage to the coral  
21 or other marine life. Moreover, drag nets (chenchulun lagua), surround nets

1 (chenchulun umesugon) or trap nets (chenchulun managam) are authorized in the  
2 First and Second Senatorial Districts during Bigeye Scad (Atulai) and Juvenile Goat  
3 Fish (Tiao) seasonal run. However, only throw net (“talaya” is the Chamorro term)  
4 is allowed in the Third Senatorial District.

5 Accordingly, the purpose of this Act is to authorize gill net in the Third  
6 Senatorial District pursuant to a sustainable framework that is designed and  
7 enforced by the Department of Lands and Natural Resources, through the Division  
8 of Fish and Wildlife, which shall be authorized to promulgate rules and regulations  
9 that include sustainable fishing practices, reasonable fees and penalties, as well as  
10 comprehensive reporting and monitoring provisions to ensure adequate data  
11 collection.

12 **Section 2. Amendment.** Title 2 of the Commonwealth Code, Natural  
13 Resources, Division 5 Animals, Plants, and Food, Section 5631 is hereby amended  
14 to add a new subsection (f) to read as follows:

15 “(f) Pursuant to rules and regulations set forth by the Department of  
16 Lands and Natural Resources, through the Division of Fish and Wildlife,  
17 the use of set gillnets, locally known as “tekking”, shall be legal in the  
18 surrounding waters inside the lagoon only of the Third Senatorial District,  
19 for non-commercial purposes only. Non-commercial purpose means fish  
20 caught for personal or immediate family use. Any violation of this  
21 provision, including but not limited to sales or distribution beyond one’s

1 immediate family shall be a violation of this law punishable by Title 2  
2 sections 5109 and 5631 in addition to any applicable rules and regulations.”

3 **Section 3. Amendment.** Title 2 of the Commonwealth Code, Natural  
4 Resources, Division 5 Animals, Plants, and Food, Section 5109 is hereby amended  
5 to add new subsections (l) and (m) to read as follows:

6 “(l) *Violations of Section 5631 (f).* In addition to applicable CNMI law,  
7 violations of 1 CMC section 5631 (f) shall be also be punishable by the  
8 following:

9 (1) *Asset forfeiture.* Any fishing equipment, tools, or vehicles,  
10 related to the violation of this subsection shall be subject to forfeiture as set  
11 forth by regulations promulgated pursuant to 2 CMC section 5631;

12 (2) *Fines and Penalties.* Violations of section 5631 (f) shall be  
13 punishable by fines and fees promulgated by the Secretary of the  
14 Department of Lands and Natural Resources;

15 (3) *Suspension or Revocation of Business License.* Any business  
16 establishment that knowingly, recklessly, or negligently buys, sells, or  
17 otherwise transacts business in violation of law, rules or regulations of this  
18 section, by possessing, selling, or distributing fish caught or obtained  
19 contrary to law, shall be subject to suspension or revocation of their business  
20 license for a period of up to one year.

21 (m) *Establishment of Enforcement Revolving Fund.* Any fines and funds

1 generated by the enforcement of 2 CMC sections 5631 (f) shall be deposited  
2 into a non-lapsing revolving fund that shall be without fiscal year  
3 limitations to be expended by the Department of Natural Resources, through  
4 the Division of Fish and Wildlife for purposes of enforcement of this  
5 subsection. The CNMI Department of Finance is hereby authorized to  
6 establish said account.”

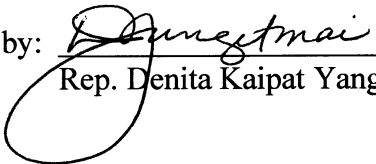
7 **Section 4. Severability.** If any provisions of this Act or the application of  
8 any such provision to any person or circumstance should be held invalid by a court  
9 of competent jurisdiction, the remainder of this Act or the application of its  
10 provisions to persons or circumstances other than those to which it is held invalid  
11 shall not be affected thereby.

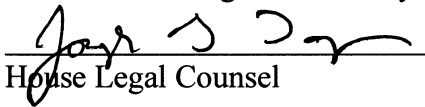
12 **Section 5. Savings Clause.** This Act and any repealer contained herein shall  
13 not be construed as affecting any existing right acquired under contract or acquired  
14 under statutes repealed or under any rule, regulation, or order adopted under the  
15 statutes. Repealers contained in this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

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

Prefiled: 1/13/2023

Date: 1/13/2023

Introduced by:   
Rep. Denita Kaipat Yangetmai

Reviewed for Legal Sufficiency by:  
  
House Legal Counsel