

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Regular Session, 2023

H. B. 23-69

A BILL FOR AN ACT

To exempt CNMI agencies from obtaining a permit for the repair, maintenance, or replacement of any public improvement that is not a new improvement; and for other purposes.

BE IT ENACTED BY THE 23RD NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:

1 **Section 1. Short Title.** This Act may be cited as “The Public Improvement
2 Repair, Maintenance and Replacement Permit Exemption Act.”

3 **Section 2. Findings and Purpose.** The Legislature finds that obtaining
4 permits for the repair, maintenance, or replacement of existing public
5 improvements presents unnecessary administrative burdens and delays, which can
6 hinder the efficient operation of CNMI agencies. Delays in implementing essential
7 public improvements due to permit acquisition could significantly affect public
8 services and welfare.

9 Furthermore, the Legislature recognizes that similar practices have been
10 adopted in other jurisdictions to streamline public improvement projects and

1 accelerate service delivery without compromising safety, health, and environmental
2 standards.

3 For instance, various states and municipalities within the United States,
4 such as the State of California under section 21080.35 of the California Public
5 Resource Code, have adopted similar legislative changes. This legislation exempts
6 minor alterations to existing public structures intended to upgrade to meet current
7 standards of public health and safety, that do not result in the addition of a new
8 structure, from the requirement of an environmental impact report.

9 Similarly, in the State of New York, Section 617.5 of Title 6 of the New
10 York Code, Rules and Regulations under the State Environmental Quality Review
11 Act (SEQRA) establishes categorical exclusions for certain actions that have been
12 determined not to have a significant impact on the environment, and among these
13 are minor maintenance and repair activities involving existing structures or
14 facilities. These states have demonstrated that such changes can facilitate more
15 efficient public service delivery, minimize bureaucratic red tape, and accelerate the
16 repair, maintenance, and replacement of existing public improvements.

17 By observing these practices and learning from their results, it becomes
18 evident that the CNMI could benefit from a similar approach. Therefore, it is the
19 intent of this Legislature to streamline such processes in the CNMI, thereby

1 facilitating more efficient public service delivery, while ensuring that safety, health,
2 and environmental standards are not compromised.

3 This legislation is a crucial step in reducing unnecessary bureaucratic
4 procedures and increasing the efficiency of public service delivery in the CNMI.
5 The intended effect of this Act is to strike a balance between expedient public
6 service delivery and adherence to safety, health, and environmental standards.

7 Therefore, the Legislature finds it necessary to exempt CNMI agencies from
8 obtaining a permit for the repair, maintenance, or replacement of any public
9 improvement that is not a new public improvement. This exemption, however, is
10 not intended to circumvent essential environmental, safety, or health regulations or
11 to enable major changes to existing public improvements without the requisite
12 permissions.

13 **Section 3. Enactment.** Notwithstanding any laws or regulations to the
14 contrary and subject to proper codification by the CNMI Law Revision, the
15 following new provision is hereby enacted.

16 “ § xx. **Definitions.**

17 a) “Public Improvement” means any building, structure, infrastructure,
18 facility, or other physical changes to land that are owned, leased, or
19 controlled by the CNMI and are used for public purposes.

20 b) “Repair” means to restore to a good or sound condition after decay
21 or damage.

1 c) "Maintenance" means the routine care and upkeep tasks required to
2 keep a public improvement in good working order or preserve its
3 intended function.

4 d) "Replacement" means the act of substituting a broken, damaged, or
5 ineffective portion, or entire public improvement, with a new one of
6 typically the same kind or function.

7 e) "New Public Improvement" refers to any public improvement that
8 introduces additional structures, facilities, or other physical changes
9 to land that were not present before.

10 **§ xx. Permit Exemptions for Existing Public Improvements.**

11 a) Any CNMI agency engaged in the repair, maintenance, or
12 replacement of any public improvement that is not a new public
13 improvement shall be exempted from the requirement to obtain a
14 permit.

15 b) Notwithstanding section (a), such repair, maintenance, or
16 replacement shall:

17 1. Comply with all applicable local, state, and federal environmental,
18 safety, and health regulations; and

19 2. Not materially alter the original use, capacity, or functionality of the
20 public improvement beyond its original design, without the
21 necessary permissions."


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

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

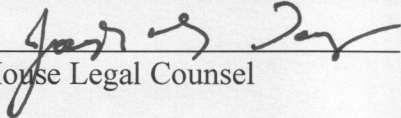
13 **Section 6. Effective Date.** This Act shall take effect upon its approval by
14 the Governor, or its becoming law without such approval.

Prefiled: _____

Date: _____

Introduced by: 
Rep. Manny G. T. Castro

Reviewed for Legal Sufficiency by:


House Legal Counsel

