



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Jude U. Hofschneider
Lieutenant Governor

Honorable Ralph DLG, Torres
President of the Senate
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

05 MAY 2014

Honorable Joseph P. Deleon Guerrero
Speaker, House of Representatives
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Jude U. Hofschneider
5/5/14
3:20 PM

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law, with reservation, Senate Bill No. 18-29, HD1 entitled, "To amend 2 CMC § 5631, as amended by Public Law 17-57, to authorize one and one-half inches net mesh to catch Bigeye Scad (Atulai) during its seasonal run in the Second Senatorial District, and for other purposes," which was passed by the Eighteenth Northern Marianas Commonwealth Legislature. Despite my reservations with the bill, I am signing it because I have received assurance from the Law Revision Commission that the legal flaw in the bill can be corrected through codification.

My concern with Senate Bill 18-29 is that it purports to amend the language of 2 CMC § 5631, as amended by Public Law 17-57. However, the language of Public Law 17-57 that this bill seeks to amend was repealed by Public Law 18-32. As a result, Senate Bill 18-29 seeks to amend language that no longer exists.

Despite this flaw, the Law Review Commission has taken the position that Senate Bill 18-29 may still be codified into law by adding new subsection to 2 CMC § 5631. Because of this assurance, I am signing Senate Bill 18-32 and it becomes **Public Law No. 18-48**. Copies bearing my signature are forwarded for your reference.

Sincerely,

Eloy S. Inos
ELOY S. INOS

CC: Lt. Governor
Commonwealth Development Authority
Press Secretary, Office of the Governor
Special Assistant for Programs & Legislative Review

HOUSE CLERK'S OFF
RECEIVED BY *[Signature]*
DATE 5/12/14 TIME 10:20 AM



THE SENATE
EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE BILL NO. 18-29, HD1

AN ACT

TO AMEND 2 CMC § 5631, AS AMENDED BY PUBLIC LAW 17-57, TO AUTHORIZE ONE AND ONE-HALF INCHES NET MESH TO CATCH BIGEYE SCAD (ATULAI) DURING IT'S SEASONAL RUN IN THE SECOND SENATORIAL DISTRICT, AND FOR OTHER PURPOSES.

SENATE ACTION

Offered by Senator(s): Francisco Q. Cruz

Date: July 23, 2013

Referred to: Committee on Judiciary, Government and Law

Standing Committee Report No.: 18-49 Adopted 03/21/14

Final Reading: March 21, 2014

HOUSE ACTION

Referred to: Committee on Natural Resources

Standing Committee Report No.: 18-75 Adopted on 11/25/13

First and Final Reading: December 19, 2013

A handwritten signature in cursive script, appearing to read "Dolores S. Bermudes".

DOLORIS S. BERMUDES
SENATE CLERK

EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SEVENTH SPECIAL SESSION, 2013

S. B. NO. 18-29, HD1

AN ACT

TO AMEND 2 CMC § 5631, AS AMENDED BY PUBLIC LAW 17-57, TO AUTHORIZE ONE AND ONE-HALF INCHES NET MESH TO CATCH BIGEYE SCAD (ATULAI) DURING ITS SEASONAL RUN IN THE SECOND SENATORIAL DISTRICT, AND FOR OTHER PURPOSES.

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

1 **Section 1. Findings and Purpose.**

2 The Legislature finds that non-commercial net-fishing as a source of food for the
3 people of the CNMI have traditionally been relied to support and sustain themselves and
4 their families. The Legislature is cognizant that certain nets with net mesh not smaller than
5 three inches are authorized in the waters surrounding the Second Senatorial District. The
6 intent of this Act is to authorize certain nets with net mesh of not less than one and one-half
7 inches to catch Bigeye Scad (Atulai) during its seasonal run. The authorization of a smaller
8 net mesh during the Atulai season is to maximize the harvesting of Atulai once they reach at
9 least two inches in circumference.

10 **Section 2. Amendment.** Subject to codification by the Law Revision Commission,
11 2 CMC 5631, as amended by PL 17-57, is amended as follows:

12 “101. (a) Except as provided in subsection (b), ~~T~~the use of the following types of
13 nets, provided the net mesh size are no smaller than three inches, drag nets (chenchulun
14 lagua), surround nets (chenchulun umesugon) or trap nets (chenchulun managam) shall be
15 legal in the waters surrounding the Second Senatorial District when used for non-

SENATE BILL NO. 18-29, HD1

1 commercial purposes only. Non-commercial purpose means fish caught for personal or
2 immediate family use. Any sales or distribution beyond ones immediate family shall be a
3 violation of this law.

4 (b) The use of drag nets (chenchulun lagua), surround nets (chenchulun umesugon)
5 or trap nets (chenchulun managam) with the net mesh size no smaller than one and one-half
6 inches shall be legal in the waters surrounding the Second Senatorial District when used for
7 non-commercial purposes to catch Bigeye Scad (Atulai) during its season-seasonal run.”

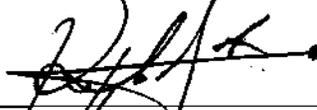
8 **Section 3. Severability.** If any provision of this Act or the application of any such
9 provision to any person or circumstance should be held invalid by a court of competent
10 jurisdiction, the remainder of this Act or the application of its provisions to persons or
11 circumstances other than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

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

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

SENATE BILL NO. 18-29, HD1

CERTIFIED BY:



RALPH DLG. TORRES
PRESIDENT OF THE SENATE

ATTESTED BY:



JOVITA M. TAIMANAO
SENATE LEGISLATIVE SECRETARY

APPROVED this 5TH day of MAY, 2014



ELOY S. INOS
Governor
Commonwealth of the Northern Mariana Islands