



Commonwealth of the Northern Mariana Islands

Office of the Governor

Saipan, Mariana Islands 96950

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23 JAN 1990

The Honorable Pedro R. Guerrero  
Speaker, House of Representatives  
Seventh Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

GOV. COMM. ... 7-6  
(HOUSE)

and

The Honorable Joseph S. Inos  
Senate President  
Seventh Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

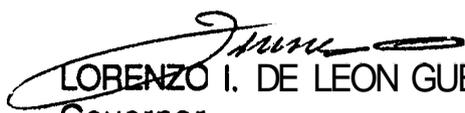
Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No 6-191, regarding penalties for violation of the Submerged Lands Act, which was passed by the Sixth Northern Marianas Legislature.

I understand that the remedies and penalties applicable under the Submerged Lands Act were inadvertently repealed by a previous law. In order for the Department of Natural Resources to enforce the law, the penalties need to be reinstated.

This bill becomes Public Law No. 6-42. Copies of which are forwarded for your ready reference.

Sincerely,

  
LORENZO I. DE LEON GUERRERO  
Governor

CC: Special Assistant for Programs and Legislative Review

received  
1-23-90  
af:00 pm

HOUSE OF REPRESENTATIVES  
SIXTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
THIRD REGULAR SESSION, 1989

PUBLIC LAW NO. 6-42

HOUSE BILL NO. H.B. NO. 6-191, H.D.1, S.D.1

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AN ACT

TO PROVIDE FOR A NEW ARTICLE 3 OF 2 CMC CHAPTER 2, THE  
SUBMERGED LANDS ACT, SPECIFYING PENALTIES; AND FOR  
OTHER PURPOSES.

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Offered by Representative: Juan S. Reyes

Date: September 15, 1989

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HOUSE ACTION

FIRST AND FINAL READING: January 2, 1990

FINAL: January 4, 1990

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SENATE ACTION

SECOND AND FINAL READING: January 4, 1990

  
FRANCES P. HERNANDEZ  
Acting House Clerk  
House of Representatives

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AN ACT

To provide for a new Article 3 of 2 CMC Chapter 2, the Submerged Lands Act, Specifying penalties; and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1           Section 1. purpose. The purpose of this Act is to  
2   reinstated remedies and penalties applicable under the  
3   Submerged Lands Act, which were formerly part of the  
4   Commonwealth Code but which were inadvertently repealed by  
5   Public Law 6-13.

6           Section 2. Addition. A new Article 3 is added to 2  
7   CMC, Chapter 2, the Submerged Lands Act, to read as follows:

8                   "Article 3. Remedies and Penalties

9           1231. Remedies and Penalties.

10                   (a) (1) The Director or the authorized  
11   representative of the Director may take such measures,  
12   including the boarding or inspection of any vessel,  
13   artificial island, installation, or structure, or the  
14   arrest of any person or vessel, as may be necessary to  
15   ensure compliance with the provisions of this Chapter or  
16   any rule or regulation issued under this Chapter, and  
17   the right of hot pursuit shall apply.

18                   (2) Any vessel or aircraft utilized to carry  
19   out the provisions of this subdivision shall be

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1 clearly marked and identifiable as being on  
2 government service and shall be specifically  
3 authorized to such effect.

4 (3) In any case of arrest or detention of a  
5 foreign vessel pursuant to this Chapter, the  
6 Director shall promptly notify or cause to be  
7 notified, through any appropriate channel, the flag  
8 State of such vessel regarding the action taken and  
9 any penalty subsequently imposed.

10 (b) At the request of the Director, the Attorney  
11 General shall institute a civil action in any court of  
12 record having jurisdiction for a temporary restraining  
13 order, injunction, or other appropriate remedy to  
14 enforce any provision of this Chapter or any rule or  
15 regulation issued under this Chapter.

16 (c) If any person fails to comply with any  
17 provision of this Chapter, or any rule or regulation  
18 issued under this Chapter, after notice of such failure  
19 and expiration of any reasonable period allowed for  
20 corrective action, such person shall be liable for a  
21 civil penalty of not more than \$10,000 for each day of  
22 the continuance of such failure. The Director may  
23 assess and collect any such penalty. No penalty shall  
24 be assessed until the person charged with a violation  
25 has been given an opportunity for a hearing.

1           (d) Whenever the holder of any license, lease or  
2 permit fails to comply with any of the provisions of  
3 this Chapter, or of the license, lease, or permit, or of  
4 any rule or regulation issued under this Chapter, such  
5 license, lease, or permit may be forfeited and cancelled  
6 by an appropriate proceeding in any court of record  
7 having jurisdiction.

8           (e) Any person who knowingly and willfully:

9               (1) Violates any provision of this Chapter,  
10 or any rule or regulation issued under this  
11 Chapter; or

12               (2) Makes any false statement,  
13 representation, or certification to the Director or  
14 the Director's authorized representative taking  
15 action pursuant to subdivision (a), or in any  
16 application, record, report, or other document  
17 filed or required to be maintained under this  
18 Chapter; or

19               (3) Falsifies, tampers with, or renders  
20 inaccurate any monitoring device or method of  
21 record required to be maintained under any rule or  
22 regulation issued pursuant to this Chapter;  
23 shall, upon conviction, be punished by a fine of not  
24 more than \$200,000, or by imprisonment for not more than  
25 10 years, or both.

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1           Each day that a violation under subdivision (e) (1)  
2           continues, or each day that any monitoring device or  
3           data recorder remains inoperative or inaccurate because  
4           of any activity described in subdivision (e) (3), shall  
5           constitute a separate violation.

6           (f) Whenever a corporation or other entity is  
7           subject to prosecution under subdivision (e), any  
8           officer or agent of such corporation or entity who  
9           knowingly and willfully authorized, ordered, or carried  
10          out the proscribed activity shall be subject to the same  
11          fines or imprisonment, or both, as provided for under  
12          such subdivision.

13          (g) The remedies and penalties prescribed in this  
14          Section shall be concurrent and cumulative and the  
15          exercise of one shall not preclude the exercise of the  
16          others. Further, the remedies and penalties prescribed  
17          in this Section shall be in addition to any other  
18          remedies and penalties afforded by any other law or  
19          **regulation."**

20          Section 3. Severability Clause. The provisions of this  
21          Act are severable and if any provision or part thereof shall  
22          be held invalid or unconstitutional or inapplicable to any  
23          person or circumstance, such invalidity, unconstitutionality,  
24          or inapplicability shall not affect or impair the remaining  
25          provisions of this Act.

1 Section 4. Effective Date. This Act shall take effect  
 2 upon its approval by the Governor or upon its becoming law  
 3 without such approval.

ATTESTED BY:

*Benigno M. Sablan*  
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 BENIGNO M. SABLAN  
 Vice Speaker of the House

*Frances P. Hernandez*  
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 FRANCES P. HERNANDEZ  
 Acting House Clerk

*APPROVED* *JAN. 27<sup>th</sup>* \_\_\_\_\_, 1990

*Pedro F. Tengco*  
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 PEDRO F. TENGCO LORENZ I DE LEON GUERRERO  
 : for  
 on 1 1 of : 1 Mariana ands