



# HOUSE OF REPRESENTATIVES

TWENTY-SECOND LEGISLATURE

COMMONWEALTH OF THE NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

P.O. BOX 500586 SAIPAN, MP 96950

**SHEILA J. BABAUTA**  
CHAIRPERSON  
NATURAL RESOURCES COMMITTEE

**STANDING COMMITTEE REPORT NO. 22-58**  
**DATE: October 24, 2022**  
**RE: H.B. No. 22-73**

The Honorable Edmund S. Villagomez  
Speaker of the House of Representatives  
Twenty-Second Northern Marianas  
Commonwealth Legislature  
Capitol Hill  
Saipan, MP 96950

Dear Mr. Speaker:

Your Committee on Natural Resources to which was referred:

H. B. No. 22-73:

“To amend certain sections under Title 2, Division 3, Chapter 4 of the Commonwealth Code to enable the mayors of each municipality to enforce provisions in the Litter Control Act of 1989, as amended; and for other purposes.”

begs leave to report as follows:

## **I. RECOMMENDATION:**

After considerable discussion, your Committee recommends that H. B. No. 22-73 be passed by the House in its current form.

HOUSE CLERK'S OFFICE  
RECEIVED BY *Em*  
DATE 12/12/2022 TIME 4:22pm



## II. ANALYSIS:

### A. Purpose:

To amend certain sections under Title 2, Division 3, Chapter 4 of the Commonwealth Code to enable the mayors of each municipality to enforce provisions in the Litter Control Act of 1989, as amended; and for other purposes.

### B. Committee Findings:

Your Committee finds that the intention of the “Commonwealth Litter Control Act of 1989” as amended, was to prohibit littering within the CNMI as well as to protect our environment. Littering along the road, streets or litter bins, toxic materials or chemicals in such litter can be blown or washed into rivers, forests, lakes and oceans, and, eventually pollute waterways, soils or aquatic environments. <sup>1</sup>Based on recent data, 7 billion tons of debris enter the world’s oceans annually and most of it is long-lasting plastic. Furthermore, litter also reduces air quality due to the smell and toxic/chemical vapor emanating from the trash. Further, a polluted environment can encourage the spread of diseases. Cognizant of a such negative effects, toxic chemicals and disease-causing microorganisms in the trash may also contaminate water systems and spread water-borne diseases if left unclean or untreated.

Therefore, your Committee further finds that it is of the utmost importance to keep our community and environment clean so that our people can enjoy and take pride in what our islands have to offer. The flora, fauna, ancient sites, beaches, marine life, roadways, and villages are all part of the makeup of our islands and keeping them clean would yield numerous benefits for our people and communities. For that reason, your Committee agrees with the proposed legislation. By adding each respective mayors offices’ to enforce the Litter Control Act of 1989 to the large pool of enforcement agencies would only help to combat the rise of littering in our islands. Having the respective mayors offices enforce the Litter Control Act of 1989 is a proactive approach that will clean up our community as well as be beneficial to the environment thus making our community beautiful.

### C. Public Comments/Public Hearing:

No public hearings was scheduled for House Bill No. 22-73. However, your Committee solicited comments from various agencies on August of 2021, and again in September 2022 and October 20<sup>th</sup>, 2022, respectively. Comment(s) however, were received from the following agencies:

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<sup>1</sup> Walking Green: Ten Harmful Effects of Litter, Green Eco Services, Cathy, 2008.

- Marianas Islands Nature Alliance (MINA)
- Office of the Mayor of Saipan

D. Legislative History:

House Bill No. 22-73 was introduced by Representative Leila C. Staffler on August 03, 2021 to the full body of the House and was subsequently referred to the House Standing Committee on Natural Resources for disposition.

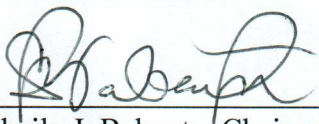
E. Cost Benefit:

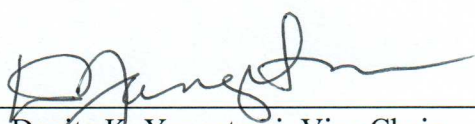
The enactment of House Bill No. 22-73 may result in additional cost to the CNMI government for the purposes of personel, operations and training expenses needed to carry out the intent of this Act.

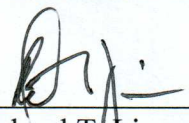
**III. CONCLUSION:**


The Committee is in accord with the intent and purpose of H. B. NO. 22-73, and recommends its passage in its current form.

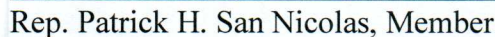
Respectfully submitted,

  
Rep. Sheila J. Babauta, Chairperson

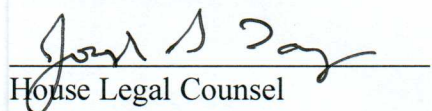
  
Rep. Denita K. Yangetmai, Vice Chair

  
Rep. Richard T. Lizama, Member

  
Rep. Angel A. Demapan, Member

  
Rep. Patrick H. San Nicolas, Member

Reviewed by:

  
House Legal Counsel

Attachments:

- Letter dated August 23, 2021 from Mayor David M. Apatang, Mayor of Saipan
- Letter dated October 22, 2022 from Roberta Guerrero, Executive Director, MINA





*Empowering Communities for Conservation*

P.O. Box 506645, Gualo Rai Center Ste #103, Saipan MP 96950 (670)233-7333

October 22, 2022

Honorable Sheila Babauta, Chair  
Committee on Natural Resources  
Twenty Second Northern Marianas Commonwealth Legislature  
P.O. Box 500586  
Saipan MP 969509

Re: Response to HB 22-43 and HB 22-73

Hafa Adai,

Mariana Islands Nature Alliance (MINA) has made it a major part of our mission for more than fifteen years to help keep our island free of litter and we certainly recognize the many challenges the community faces with respect to the enforcement of the anti-litter law. Our Tasi Watch Rangers spend hours doing beach cleanups and outreach programs about the damage to the health of our natural resources caused by uncontrolled litter. It is an ongoing effort and challenge to change the mindset of some of our residents that "other people will clean up after us."

In addressing, HB 22-43, however, we feel that a program to give monetary compensation to individuals who report perpetrators will only serve to divide the community. The likelihood of these reports leading to the collection of civil penalties is questionable. At the same time, we feel that this type of reward, rather than discourage littering behavior, will serve to cause discord in the community. These "tell on your neighbor" provisions in law are far too often subject to abuse and represent a practice that is inimical to our way of life. There are better ways to get our residents to stop littering that puts a positive focus on programs that are not divisive.

Perhaps one way to combat littering is to enforce the Litter Control Act of 1989 by citing commercial establishments, including apartment buildings, for the piles of garbage in the front of these buildings and establish a fund from fines collected for a robust and consistent anti-littering outreach campaign. A condition of the annual business license renewal would be that any fine assessed should be paid in full or the renewal is denied.

One of the key programs that MINA does support is the Universal Garbage Collection initiative that has been under consideration for more than a year. With the proper implementation of this program, in tandem with a viable recycling program, we feel that the community at large will finally have efficient and responsible resources to dispose of waste.

The source of revenue for HB 22-73 is the same as what is proposed in HB 22-43 which is from fines collected from citations for littering. It makes sense that each municipality has the authority to enforce littering laws and that the funds collected – again, if any – should remain in the respective municipality's account. These funds can be used for public information campaigns about the harmful affects that litter has on the land and the sea.

In closing, we thank you for the opportunity to comment on this proposed bill, and hope that the committee will take into consideration the reasons cited above and not pass HB 22-43 and HB 22-73.

Si Yu'us Ma'ase,

*Roberta Guerrero*

Roberta Guerrero  
Executive Director





David M. Apatang  
Mayor of Saipan

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**  
**OFFICE OF THE MAYOR**

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August 23, 2021

The Honorable Sheila J. Babauta  
Chairwoman  
House Standing Committee on Natural Resources  
The House of Representatives  
Twenty-second Northern Marianas Commonwealth  
Legislature  
Capitol Hill, Saipan MP 96950  
VIA PERSONAL DELIVERY



Re: Comments on House Bill No. 22-73

Dear Madam Chair:

You emailed us on August 20, 2021 and requested our comments on the above-captioned bill. Thank you for this chance to offer our comments on the bill, which we believe is crucial in our collective effort in tackling a pervasive public health concern, which we need to get a firm grip once and for all.

While adding the employees from the respective offices of mayors is a welcome endeavor in the overall scheme of enforcing the Commonwealth Litter Control Act of 1989, as amended, we believe the number of apprehending officers from eight different agencies appear to make the new additions suspect whether enforcement of the law would make any difference at all. We hope that it would but the eight, in our opinion, is a large enough pool that adding two more, e.g., any two of the three municipalities, would even result in more littering citations than the current number. Rather than pushing the bill through your committee with a recommendation for its passage, maybe a comprehensive review of the performances of the respective agencies' officers must be done before the bill moves forward.

Notwithstanding the concern we have expressed above, we believe the rest of the bill is worthy of supporting its passage. The clarifying amendment to 2 CMC § 3411 (b) ought to increase the respective mayors offices' capability in enforcing the litter control law well into the weekends, when most of the alleged littering occur since many of the eight government agencies charged with the responsibility for enforcing the law are off the clock. Allocating 100 percent of all fines collected by the responsible municipality to that municipality should support the cost of personnel assigned to be on duty during the weekends.



The subject of litter control is not restricted to the Commonwealth Litter Control Act of 1989, as amended. Another statute deals with the control of litter by requiring tightly fitting lids on waste containers, and the agency charged with the task of enforcing the law is the Commonwealth Health Care Corporation – Environmental Health Disease Prevention (formerly the Bureau of Environmental Health). In collaboration with the CHCC – EHDP for more than year today in identifying violations of the Waste Container Lid Requirement Act of 2004, we have forwarded a good number of reports and photographic evidence to the CHCC – EHDP for follow up inspections and enforcement of the Act. Although the CHCC – EHDP enforcement staff have not cited a violator yet, since it believes that everyone deserves a second chance, our joint effort has yielded many compliance with the lid requirement. But there are still many that dare violate the Act and this is where we are going with this portion of our comments.

Our island's (we are speaking for Saipan only) littering problem is not solely attributed to uncaring and disrespectful individuals who loathe a clean environment and compliance with the laws, but feral animals are equally the source of our problem. These animals roam our public areas and private places to scavenge a meal and trash containers are one of their favorite dining spots. Although the Waste Container Lid Requirement Act of 2004 mandate that waste containers must have tight fitting lids, many waste containers in public and private places do not have lids, and scavenging animal have unimpeded access to the contents. We all have seen shocking examples of beach areas, parks, and village neighborhoods littered like a new transfer station just opened. We can do something to curb littering in our island and it only takes a little sacrifice to help the agency that is statutorily tasked to do the job.

Enforcing the Waste Container Lid Requirement Act of 2004 has always been a real challenge for the CHCC – EHDP. The agency lacks resources to even mobilize its inspectors to sites for purposes of verifying our reports. It operates on only one or two cars, and one or two staff members to conduct regular village inspections. It also lacks funds to fuel its vehicles so most of our reports do not take immediate priority for onsite verification. Because of CHCC – EHDP's insufficient resources to carry out the intent of the Act, it has given violators some courage to continue violating the law without fear of consequences. We hope your committee could look into how the CHCC –EHDP could be allocated the resources it needs to make sense of the law that it is mandated to carry out.

Thank you for your time and for receiving our comments on House Bill No. 22-73.

Sincerely,



DAVID M. APATANG  
Mayor, Municipality of Saipan

Cc: Eliceo D. Cabrera, Administrator, BECQ  
John Tagabuel, Director, CHCC – EHDP

**TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH  
LEGISLATURE**

**IN THE HOUSE OF REPRESENTATIVES**

**AUGUST 3, 2021**

**Second Regular Session, 2021**

**H. B. 22-73**

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**A BILL FOR AN ACT**

To amend certain sections under Title 2, Division 3, Chapter 4 of the Commonwealth Code to enable the mayors of each municipality to enforce provisions in the Litter Control Act of 1989, as amended; and for other purposes.

**BE IT ENACTED BY THE 22<sup>ND</sup> NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

1           **Section 1. Findings and Purpose.** The Legislature finds that the Litter  
2   Control Act of 1989, as amended, is a public law that is intended to prohibit littering  
3   in inappropriate places within the CNMI. Furthermore, littering is a grave concern  
4   that negatively affects all the senatorial districts within our Commonwealth.  
5   Cognizant of such concerns, the Legislature finds that it would be appropriate to  
6   include designated employees from the office of the mayors of each municipality  
7   for enforcement purposes. Mindful of the activities occurring within their  
8   respective municipality, the respective employees will serve as great assets in  
9   carrying out the intent of the Litter Control Act.

10           The Legislature also finds that it would be appropriate to establish separate  
11   accounts for each Senatorial District to compensate for the additional



1 responsibilities being placed on the office of the respective mayors. Furthermore,  
2 it would be highly appropriate that the fines collected pursuant to the issued  
3 citations shall remain in the respective senatorial district where the infraction  
4 occurred. The additional funds will be used to better enhance the implementation  
5 of the Litter Control Act within each respective senatorial district. The preservation  
6 of our environment is of utmost importance for current and future generations to  
7 come.

8       Therefore, the purpose of this Act is to amend certain sections under Title  
9 2, Division 3, Chapter 4 of the Commonwealth Code to enable the mayors of each  
10 municipality to enforce provisions in the Litter Control Act of 1989, as amended,  
11 and for other purposes.

12       **Section 2. Amendment.** 2 CMC §3411(b) is hereby amended to read as  
13 follows:

14       “(b) “Apprehending officers” shall mean designated employees of  
15 the Bureau of Environmental and Coastal Quality, Department of Lands and  
16 Natural Resources, ~~Department of Public Health~~ Bureau of Environmental  
17 Health, Department of Public Works, Office of the Mayors of each  
18 municipality, Commonwealth Zoning Office, the Department of Public  
19 Lands and the Department of Public Safety. Apprehending officers for each  
20 bureau, department or office shall be jointly trained and certified by the  
21 Bureau of Environmental and Coastal Quality and the Department of Public



1 Safety in accordance with promulgated regulations and established  
2 enforcement procedures concerning litter control violation for the execution  
3 of a lawfully proper and effective violator apprehension and issuance of  
4 violation citations;”

5 **Section 2. Amendment.** Notwithstanding any laws, statutes, rules or  
6 regulations, 2 CMC §3416(c) is hereby amended to read as follows:

7 “(c) Litter Control Program Fund Account for Each Senatorial  
8 District. Consistent with this Act, the Secretary of Finance shall establish a  
9 new Litter Control Program Fund accounts for each senatorial district for  
10 the sole purpose of supporting the costs of administering the Litter Control  
11 Program, including Litter Control enforcement, training, and public  
12 education and outreach. The expenditure authority for the Litter Control  
13 Program Funds shall be the Administrator of the Bureau of Environmental  
14 and Coastal Quality, in consultation with the Mayors of the Municipalities  
15 of Saipan and the Northern Islands, for the account of the Third Senatorial  
16 District; the Mayor of the Municipality of Rota for the account of the First  
17 Senatorial District; and the Mayor of the Municipality of Tinian and  
18 Aguiguan for the account of the Second Senatorial District. ~~Fifty percent of~~  
19 All the fines collected as a result of the issuance of litter citations shall be  
20 deposited ~~in this~~ into the respective senatorial district special fund account  
21 from where the citation was issued. The Bureau of Environmental and



1 Coastal Quality may further prepare and submit a detailed proposed budget  
2 to the Legislature for appropriations to the Litter Control Program Fund to  
3 ensure proper funding for the Litter Control Program. These funds shall be  
4 used ~~seley~~solely for the effective implementation of this Act, but not  
5 limited to operations. Furthermore, any unused funds at the end of a fiscal  
6 year shall not lapse and shall be available without fiscal year limitation.”

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  
13 shall not be construed as affecting any existing right acquired under contract or  
14 acquired under statutes repealed or under any rule, regulation, or order adopted  
15 under the statutes. Repealers contained in this Act shall not affect any proceeding  
16 instituted under or pursuant to prior law. The enactment of the Act shall not have  
17 the effect of terminating, or in any way modifying, any liability, civil or criminal,  
18 which shall 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: 7/29/2021

Date: 7/29/2021

Introduced by: /s/ Rep. Leila H.F.C. Staffler  
/s/ Rep. Blas Jonathan "BJ" T. Attao  
/s/ Rep. Celina R. Babauta  
/s/ Rep. Sheila J. Babauta  
/s/ Rep. Vicente C. Camacho  
/s/ Rep. Richard T. Lizama  
/s/ Rep. Donald M. Manglona  
/s/ Rep. Edwin K. Propst  
/s/ Rep. Christina M.E. Sablan  
/s/ Rep. John Paul P. Sablan  
/s/ Rep. Patrick H. San Nicolas  
/s/ Rep. Denita K. Yangetmai  
/s/ Rep. Ralph N. Yumul

Reviewed for Legal Sufficiency by:

/s/ Joseph L.G. Taijeron, Jr.  
House Legal Counsel