

**TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE**

IN THE HOUSE OF REPRESENTATIVES

Session, 2021

H. B. 22- 73

A BILL FOR AN ACT

To amend certain sections under Title 2, Division 3, Chapter 4 of the Commonwealth Code to enable they 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 22ND 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
12 responsibilities being placed on the office of the respective mayors. Furthermore,

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

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

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

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

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

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

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

1 to the Legislature for appropriations to the Litter Control Program Fund to
2 ensure proper funding for the Litter Control Program. These funds shall be
3 used ~~solely~~ solely for the effective implementation of this Act, but not
4 limited to operations. Furthermore, any unused funds at the end of a fiscal
5 year shall not lapse and shall be available without fiscal year limitation."

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

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

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

Prefiled: 7/29/2021

Date: 7/29/2021

Introduced by:

Leila H.F.C. Staffler

Reviewed for Legal Sufficiency by:

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