



**HOUSE OF REPRESENTATIVES**  
SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
SECOND REGULAR SESSION, 2008

Public Law 16-35  
**H. B. No. 16-149, HDI**

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AN ACT

To suspend Subsection 8662(a) of Section 2 of Public Law No. 15-23, as amended by Public Law No. 15-87, for a period of one year; and for other purposes.

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

1           **Section 1. Findings and Purpose.** The Legislature finds that Public Law 15-23, as  
2 amended by Public Law 15-87, established incentives for producing electricity using  
3 alternative or renewable energy. The Legislature also finds that it is the policy of the  
4 Commonwealth to encourage, employ, and promote energy efficiency. However, the  
5 Legislature finds that Subsection 8662(a) requires that for capital projects, that the  
6 construction of or additions to buildings meet or exceed the standards required for the  
7 certification of the construction as LEED-certified, silver, pursuant to the U.S. Green  
8 Building Council's most recent published standards. "LEED" is the acronym for the  
9 Leadership in Energy and Environmental Design Green Building Rating System.

10           The Legislature finds that the LEED system is a voluntary, consensus-based, national  
11 rating system for developing high-performance, sustainable buildings. LEED addresses all  
12 building types and emphasizes state-of-the-art strategies in five areas: sustainable site  
13 development, water savings, energy efficiency, materials and resources selection, and indoor  
14 environmental quality. The Legislature also finds that the U.S. Green Building Council  
15 (USGBC) is a voluntary, non-profit organization which oversees development of and  
16 certification by, the LEED standards, including training.

17           Since the enactment of Public Law 15-23, as amended, the government has been  
18 required to meet LEED Silver standards for all new buildings; however, the Department of  
19 Public Works (DPW) does not have LEED-certified personnel. This has led to increased

1 construction costs due to delays in structural projects; therefore, the purpose of this Act is to  
2 suspend this provision for one year to provide the DPW with time to certify its personnel or  
3 to hire certified personnel.

4 This one year time period will permit the DPW to employ one or all of the following  
5 strategies for compliance with the achievable mandates of this energy conservation act which  
6 includes:

7 (a) Having personnel pass the test for LEED accreditation. The test is  
8 \$400 and may be taken on-line. On-line seminars are \$25. Courses taken on the  
9 mainland cost about \$200. Study documentation can be downloaded at a cost of \$200.

10 (b) Consulting the on-line LEED Credit Interpretation Rulings which  
11 would require joining the USGBC for \$500. All other fees will then be reduced by 10-  
12 20 percent for members.

13 (c) Hiring a LEED-accredited professional to work with DPW's Technical  
14 Services Division (TSD) in designing the project which will cost about \$3,000 to  
15 \$10,000 depending on the scope of work.

16 (d) Applying for LEED certification of the building. This costs about  
17 \$2,100 for registration and certification, plus TSD staff time. A consultant for records  
18 management would cost from \$1,000 to \$5,000.

19 The Legislature finally finds that it is still in strong support of building sustainable  
20 structures, but that the DPW needs time to certify its personnel or to find additional funding  
21 to hire a LEED-accredited professional. In the short term, the suspension of this provision  
22 will allow on-going projects to proceed accordingly.

23 **Section 2. Suspension.** Subsection 8662(a) of Section 2 of Public Law No. 15-23, as  
24 amended by Public Law No. 15-87, is hereby suspended for a period of one year from the  
25 date that this Act becomes law or until the Department of Public Works obtains a LEED  
26 certified professional, whichever comes first.

27 **Section 3. Severability.** If any provision of this Act or the application of any such  
28 provision to any person or circumstance should be held invalid by a court of competent


1 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
2 circumstances other than those to which it is held invalid shall not be affected thereby.

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

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

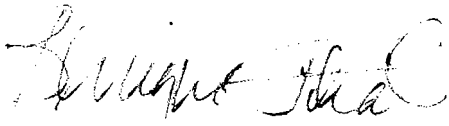
CERTIFIED BY:

ATTESTED TO BY:

  
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ARNOLD I. PALACIOS  
SPEAKER OF THE HOUSE

  
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E. LYNC FLEMING  
HOUSE CLERK

APPROVED on this 37<sup>th</sup> day of MARCH, 2009

  
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BENIGNO R. FITIAL  
GOVERNOR  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS