



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Ralph DLG. Torres
Governor

Victor B. Hocog
Lieutenant Governor

Honorable Rafael S. Demapan
Speaker, House of Representatives
Nineteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Honorable Francisco M. Borja
Senate President, The Senate
Nineteenth 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. 19-26, SD1, entitled, "To amend certain sections of Public Law 6-37, The Commonwealth Litter Control Act of 1989, codified as amended at 2 CMC §§ 3411-3416; and for other purposes.", which was passed by the House of Representatives and the Senate of the Nineteenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 19-53**. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read "RDLG", written over a circular stamp or seal.

RALPH DLG. TORRES

cc: Lt. Governor; Press Secretary; Attorney General's Office; Department of Public Works; Department of Public Lands; Department of Public Safety; Department of Land & Natural Resources; Saipan Mayor's Office; Department of Commerce; Commonwealth Zoning Office; Marianas Visitors Authority; Department of Public Health; Bureau of Environmental and Coastal Resources; Division of Environmental Quality; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



House of Representatives

19th NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586
SAIPAN, MP 96950

June 13, 2016

The Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action **H. B. No. 19-26, SD1**, entitled: "To amend certain sections of Public Law 6-37, The Commonwealth Litter Control Act of 1989, codified as amended at 2 CMC §§ 3411-3416; and for other purposes.", which was passed by the House of Representatives and the Senate of the Nineteenth Northern Marianas Commonwealth Legislature.

Sincerely yours,



Linda B. Muña
House Clerk

Attachment



*Nineteenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

First Regular Session

February 27, 2015

Representative Angel A. Demapan, of Saipan, Precinct 1 (*for himself*) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 19-26, SD1

AN ACT

**TO AMEND CERTAIN SECTIONS OF PUBLIC LAW 6-37,
THE COMMONWEALTH LITTER CONTROL ACT OF 1989,
CODIFIED AS AMENDED AT 2 CMC §§ 3411-3416; AND FOR
OTHER PURPOSES.**

The Bill was referred to the House Committee on Natural Resources, which submitted Standing Committee Report 19-34; adopted September 28, 2015.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, SEPTEMBER 29, 2015;
without amendments and transmitted to the
THE SENATE.**

The Bill was referred to the Senate Committee on Judiciary, Government, and Law, which submitted Standing Committee Report 19-87; adopted April 29, 2016.

**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, APRIL 29, 2016;
with amendments in the form of H. B. 19-26, SD1 *and was returned to*
THE HOUSE OF REPRESENTATIVES.**

The House of Representatives accepted the Senate amendments and passed H. B. 19-26, SD1 during its First Day, Fourth Special Session on June 7, 2016.

THE BILL WAS FINALLY PASSED ON JUNE 7, 2016.



Linda B. Muña, House Clerk



Nineteenth Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

First Day, Fourth Special Session

June 7, 2016

H. B. No. 19-26, SD1

AN ACT

TO AMEND CERTAIN SECTIONS OF PUBLIC LAW 6-37, THE COMMONWEALTH LITTER CONTROL ACT OF 1989, CODIFIED AS AMENDED AT 2 CMC §§ 3411-3416; AND FOR OTHER PURPOSES.

Be it enacted by the Nineteenth Northern Marianas Commonwealth Legislature:

1 **Section 1. Finding and Purposes.** The Commonwealth Legislature finds that
2 amendments to Public Law PL 6-37 (effective Sept. 8, 1989), the Commonwealth
3 Litter Control Act of 1989, codified as amended at 2 CMC §§ 3411-3416, (hereinafter, the
4 “Act”), are necessary to improve enforcement and enhance the efficacy of the Litter Control
5 Program.

6 Pursuant to the Act, Litter Control Apprehending Officers from seven government
7 agencies and departments are authorized to enforce the Act after receiving training and
8 certification by the CNMI Bureau of Environmental and Coastal Quality (BECQ)
9 (hereinafter, “DEQ”) and the Department of Public Safety (hereinafter, “DPS”). These seven
10 Litter Control enforcement agencies include DPS, BECQ, Department of Commerce
11 (hereinafter, “DOC”), the Mayor’s Office, the Department of Public Health, the Department
12 of Public Works (hereinafter, “DPW”), and the Department of Lands and Natural Resources

HOUSE BILL 19-26, SD1

1 (hereinafter, "DLNR"). Over the years, DPS and BECQ have trained and certified more than
2 seventy-five (75) Litter Control Apprehending Officers on the islands of Saipan, Tinian, and
3 Rota, and to date, approximately thirty-four (34) individuals are still active Litter Control
4 Apprehending Officers.

5 Since the Litter Control Act was signed into law, however, the actual issuance of litter
6 citations has been sporadic at best, with an average of only six (6) citations issued annually
7 since 1997, according to data provided by DEQ. Excluding occasional spikes in the issuance
8 of citations which occurred in 1998 (9 citations), 2004 (20 citations), 2006 (10 citations), and
9 2007 (23 citations), the average number of citations issued annually since 1997 drops to
10 approximately one (1) citation a year.

11 Enforcement of the Litter Control Act has been minimal and sporadic. The Litter
12 Control Program has been severely underfunded, and no portion of the fines collected for
13 littering violations has ever been dedicated to support the implementation and enforcement of
14 the Act. Currently, the minimum fine for violations of the Act is \$200, plus the possibility of
15 community service not to exceed eight (8) hours for each offense, and the court has no
16 authority to suspend the fines. The unintended consequence of these penalty provisions is
17 that Litter Control Officers are often reluctant to issue citations, preferring instead to educate
18 violators and issue warnings, and prosecuting attorneys are often reluctant to pursue
19 community service orders in addition to the considerable fine that the defendant would have
20 to pay.

21 Accordingly, the purpose of this legislation is to encourage enforcement of the Litter
22 Control Act by: 1) decreasing the minimum fine for littering and giving the court the
23 discretion to impose community service in addition to, or in lieu of, monetary fines; 2)
24 authorizing the creation of a Litter Control Program Fund account into which a portion of
25 litter control fines shall be deposited to support the administration and enforcement of the
26 Act; and 3) clarifying other provisions of the Act that have caused confusion in court as well
27 as among the agencies and Litter Control Apprehending Officers.

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1 More active enforcement of the Litter Control Act, combined with continual and
2 effective public outreach and education, will promote a cleaner, more healthful, and more
3 beautiful environment for the enjoyment of all the CNMI's residents and visitors.

4 **Section 2. Amendments.** Subsections (b), (c) and (d) of Section 3411 of Title 2 of
5 the Commonwealth Code are hereby amended as follows:

6 “(b) “Apprehending officers” shall mean designated employees of the Bureau
7 of Environmental and Coastal Quality, Department of Lands and Natural Resources,
8 Department of Public Health, Department of Public Works, Office of the Mayor,
9 Commonwealth Zoning Office, the Department of Public Lands and the Department
10 of Public Safety. Apprehending officers for each bureau, department or office shall
11 be jointly trained and certified by the Bureau of Environmental and Coastal Quality
12 and the Department of Public Safety in accordance with promulgated regulations and
13 established enforcement procedures concerning litter control violation for the
14 execution of a lawfully proper and effective violator apprehension and issuance of
15 violation citations;

16 (c) “Litter” shall mean garbage, trash, rubbish, refuse, paper containers,
17 packing or construction materials, carcasses of dead animals, bottles, cans, debris,
18 including but not limited to organic waste such as betelnut or tobacco waste or spittle
19 or any other disposal item of whatsoever nature that results in the defacing of public
20 places or infrastructure;

21 (d) “Littering or Illegal Dumping” shall mean throwing, dropping, placing,
22 depositing, sweeping, discarding or otherwise disposing of any litter on land or water,
23 or in such a manner that the litter becomes airborne, in other than appropriate storage
24 containers or areas designated for such purpose, and shall include depositing any litter
25 that was generated in a home or business into any public litter container or receptacle,
26 except for containers or receptacles specifically designated for household or
27 commercial waste disposal, such as containers or receptacles at a transfer station;”

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1 **Section 3. Amendments.** Subsections (a), (d), (e), and (f) of Section 3412 of Title 2
2 of the Commonwealth Code are hereby amended, and a new Subsection (g) is added as
3 follows:

4 “(a) The Administrator of the Bureau of Environmental and Coastal Quality is
5 charged with the responsibility of administering the programs and provisions of this
6 chapter.

7 [(b) – (c) -- No change.]

8 (d) The Department of Public Safety is charged with the responsibility of
9 removing dead animals found on public roads or highways and placing such carcasses
10 on the side of the road away from traffic. The Department of Public Safety shall
11 immediately inform the Office of the Mayor of the location of the carcass for its
12 proper removal and disposal by the Office of the Mayor, or by the Office of the
13 Mayor through a private contractor. At the request of BECQ, DPS shall train
14 apprehending officers in those law enforcement skills necessary to carry out the intent
15 and purposes of this chapter, including, but not limited to, techniques for stopping,
16 apprehending and citing alleged violators of the provisions of this chapter.

17 (e) The duties of the Administrator of the Bureau of Environmental and
18 Coastal Quality shall be to:

19 (1) Implement programs in the areas of litter control, prevention,
20 removal and disposal and promote and carry out public education programs;

21 (2) Encourage public voluntary anti-litter campaigns;

22 (3) Conduct educational programs intended to instill an anti-litter
23 ethic;

24 (4) Coordinate anti-litter efforts with other agencies of the
25 government;

26 (5) Design a Commonwealth anti-litter symbol;

27 (6) Facilitate the design and placement of litter containers or
28 receptacles bearing the Commonwealth anti-litter symbol to be placed along
29 the public roads, highways, parks, beaches, and other public places of the

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1 Commonwealth, in cooperation with the Department of Public Works, the
2 Department of Lands and Natural Resources, the Marianas Visitors Authority,
3 the Department of Public Lands, the Zoning Office or other relevant agencies
4 and entities, public or private; and

5 (7) In conjunction with DPL and Zoning Office, post anti-litter signs in
6 public places where appropriate.

7 (f) The Department of Public Works (DPW), or DPW through a private
8 contractor, shall be responsible for the maintenance of litter containers and
9 receptacles along the public roads and highways of the Commonwealth, and for the
10 regular disposal of litter deposited in said containers and receptacles.

11 (g) The Department of Lands and Natural Resources, Division of Parks and
12 Recreation, or DLNR through a private contractor, shall be responsible for the
13 maintenance of litter containers and receptacles at the public parks, beaches,
14 cemeteries, recreational sites, and major tourist sites of the Commonwealth, and for
15 the regular disposal of litter deposited in said containers and receptacles, and may
16 cooperate and consult with the Marianas Visitors Authority, BECQ, the Mayor's
17 Office, or other relevant agencies and entities to ensure the effective implementation
18 of this Section."

19 **Section 4. Amendment.** Section 3413 of Title 2 of the Commonwealth Code is
20 hereby amended as follows:

21 "§ 3413. Prohibited Activities.

22 It shall be unlawful for any person to litter upon property owned by another or
23 upon the public property of the Commonwealth, or in any waters of the
24 Commonwealth."

25 **Section 5. Amendment.** Section 3415 of Title 2 of the Commonwealth Code is
26 hereby amended as follows:

27 "Within 12 months from September 8, 1989, and biennially thereafter, the
28 Administrator of BECQ shall submit to the legislature, a report summarizing the
29 actions taken under this chapter, and the effectiveness of such actions and such

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1 information and recommendations, including legislative recommendations, as deemed
2 appropriate by the Administrator of BECQ.”

3 **Section 6. Amendments.** Subsections (a) and (b) of Section 3416 of Title 2 of the
4 Commonwealth Code are hereby amended, and new Subsections (c) and (d) are hereby
5 added to Section 3416 as follows:

6 “(a) A person found to have committed the offense of littering, an infraction,
7 shall be punished by a fine of not less than \$25 and not more than \$5,000.
8 Additionally, any person, business, corporation, association, partnership, or sole
9 proprietorship or any other entity conducting business for a commercial purpose
10 found to have committed the infraction of littering created by this chapter may be
11 ordered to pick up and remove litter from a public place under the supervision of the
12 DPS or BECQ, or under the supervision of such agency as the court shall otherwise
13 provide, for a period not exceeding eight hours for each offense. Furthermore,
14 persons, businesses, corporations, associations, partnerships, or sole proprietorships
15 or any other entity conducting business for a commercial purpose found to have
16 committed the infraction of littering shall be required to pay the costs of removing
17 any litter they caused.

18 (b) A person, business, corporation, association, partnership, or sole
19 proprietorship or any other entity conducting business for a commercial purpose
20 charged with a first violation may avoid a court hearing by paying the amount of the
21 minimum fine.

22 (c) Litter Control Program Fund Account. Consistent with this Act, the
23 Secretary of Finance shall establish a new Litter Control Program Fund account for
24 the sole purpose of supporting the costs of administering the Litter Control Program,
25 including Litter Control enforcement, training, and public education and outreach.
26 The expenditure authority for the Litter Control Program Fund shall be the
27 Administrator of the Bureau of Environmental and Coastal Quality. Fifty percent
28 (50%) of the fines collected as a result of the issuance of litter citations shall be
29 deposited in this special fund account. The Bureau of Environmental and Coastal

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1 Quality may further prepare and submit a detailed proposed budget to the Legislature
2 for appropriations to the Litter Control Program Fund to ensure proper funding for the
3 Litter Control Program. These funds shall be used solely for the effective
4 implementation of this Act.

5 (d) A Litter Control Advisory Board shall be created to oversee the
6 management and operations of the litter control program. Members shall be
7 comprised of the following departments and agencies: BECQ, DPS, DLNR,
8 Department of Commerce, Saipan Mayor's Office, Department of Public Health, and
9 MVA."

10 **Section 7. Enactment.** Notwithstanding any laws or regulations to the contrary and
11 subject to proper codification by the CNMI Law Revision the following new provision is
12 hereby enacted:

13 **"Section 101. Fees, Rules, Regulations, and Penalties.**

14 The Bureau of Environmental and Coastal Quality in collaboration with the
15 Department of Public Safety, Department of Finance, Division of Coastal Resource
16 Management, Department of Lands and Natural Resources, Department of
17 Commerce, Mayors' Office of each respective Senatorial District and the Northern
18 Islands, the Commonwealth Health Care Corporation, the Marianas Visitors
19 Authority, and the Zoning Office shall promulgate fees, rules, regulations, and
20 penalties for littering in the Commonwealth of the Northern Mariana Islands."

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

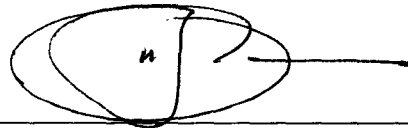
25 **Section 9. Savings Clause.** This Act and any repealer contained herein shall not be
26 construed as affecting any existing right acquired under contract or acquired under statutes
27 repealed or under any rule, regulation or order adopted under the statutes. Repealers
28 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
29 The enactment of the Act shall not have the effect of terminating, or in any way modifying,

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1 any liability, civil or criminal, which shall already be in existence on the date this Act
2 becomes effective.

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

Attested to by: 
Linda B. Muña, House Clerk

Certified by: 
SPEAKER RAFAEL S. DEMAPAN
House of Representatives
19th Northern Marianas Commonwealth Legislature

Approved this 15th day of July, 2016


RALPH DLG. TORRES
Governor
Commonwealth of the Northern Mariana Islands