



Commonwealth of the Northern Mariana Islands

Office of the Governor

Saipan, Mariana Islands 96950

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REPLY TO:

DEPT. or ACTIVITY

8 SEP 1989

The Honorable Benjamin T. Manglona
Senate President
Sixth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

GOV. COMM. 6-122
(HOUSE)

and

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

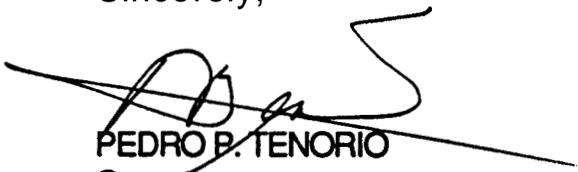
Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law Senate Bill No. 6-168, "The Commonwealth Litter Control Act of 1989", which was passed by the Sixth Northern Marianas Commonwealth Legislature.

This is a commendable piece of legislation, and I thank the Legislature for its quick action in incorporating certain recommendations offered in my previous letter. The enforcement of this law, I am sure, will result in a better quality of the environment for the health and welfare of the people in the CNMI.

This bill becomes Public Law No. 6-37, copies of which are forwarded for your reference.

Sincerely,


PEDRO R. TENORIO
Governor

RECEIVED
Special Assistant for Programs and Legislative Review
Commonwealth Health Center, Division of Environmental Quality

BY JFH
9-8-89
2:45 p.m.



PUBLIC LAW NO. 6-37
S.B. 6-168

SIXTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FIFTEENTH SPECIAL SESSION, 1989

AN ACT

To provide for a Commonwealth Littering Control Act of 1989,
repealing 6 CMC Section 3106 and 9 CMC Section 5803; and for
other purposes.

Offered by Senator Juan N. Babauta

Date: May 11, 1989

SENATE ACTION

Referred to: Committee on Health, Education and Welfare

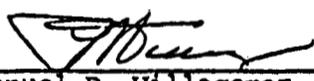
Standing Committee Report No: 6-127

Second and Final Reading: June 9, 1989

HOUSE ACTION

Referred to: Committee on Health, Education and Welfare

First and Final Reading: July 26, 1989



Manuel P. Villagomez
Senate Legislative Secretary

AUG 31 REC'D

AN ACT

To provide for a Commonwealth Littering Control Act of 1989, repealing 6 CMC Section 3106 and 9 CMC Section 5803; and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Short Title. This Act may be cited as the
2 "Commonwealth Litter Control Act of 1989".

3 Section 2. Findings and Purpose. The Legislature finds that the
4 quality of the environment is as important to the welfare of the people
5 of the Commonwealth as its economy. The Legislature further finds that
6 the determination of an optimum balance between economic development
7 and environmental quality deserves the most thoughtful consideration, and
8 that the maintenance of the optimum quality of the environment deserves
9 the most intensive care.

10 The purpose of this bill is to provide for a commonwealth

15 Section 3. Definitions.

18 (b) 'Apprehending Officers' shall mean designated
19 employees of the Marianas Visitors Bureau, Department of

1 Natural Resources, coastal Resources Management Office,
2 Department of Public Health and Environmental Services,
3 Department of Public Works, Mayor's Office, and the
4 Department of Public Safety. Apprehending Officers for
5 each bureau, department or office shall be designated
6 by regulation by the Director of each respective bureau,
7 department or office.

8 (c) "Litter" shall mean garbage, trash, rubbish,
9 refuse, paper containers, packing or construction
10 materials, carcasses of dead animals, bottles, cans,
11 debris or any other disposal item of whatsoever nature.

12 (d) "Littering" shall mean throwing, dropping,
13 placing, depositing, sweeping, discarding or otherwise
14 disposing of any litter on land or water, in other than
15 appropriate storage containers or areas designated for
16 such purpose.

17 (e) "Vehicle" shall mean a device in, upon or off
18 or by which any person or property may be propelled,
19 moved, or drawn upon a road.

20 (f) "Watercraft" shall mean any boat, ship,
21 vessel, barge, or other floating craft.

22 Section 4. Powers and Duties.

23 (a) The chief of the Division of Environmental
24 Quality is charged with the responsibility of
25 administering the programs and provisions of this act.

1 (b) The Commonwealth Superior court shall have
2 jurisdiction over violations of this chapter and shall
3 approve the form of the citation issued for violations.

4 (c) Apprehending Officers, as defined herein,
5 shall have the power to apprehend persons for violations
6 of this Chapter.

7 (d) The Department of Public Safety (DPS) is
8 charged with the responsibility of removing and
9 disposing of dead animals found on public roads or
10 highways. Further, DPS shall train apprehending
11 officers in those law enforcement skills necessary to
12 carry out the intent and purposes of this Act, including,
13 but not limited to, techniques for stopping, apprehending
14 and citing alleged violators of the provisions of this
15 Act.

16 (e) The duties of the Chief of the Division of
17 Environmental Quality shall be to:

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

22 (2) Encourage public voluntary anti-litter
23 campaigns.

24 (3) conduct educational programs intended
25 to instill an anti-litter ethic.

1 (4) Cooperate with other agencies of the
2 government to accomplish the coordination of
3 anti-litter efforts.

4 (5) Design a CNMI anti-litter symbol.

5 (6) Design and, with the cooperation and
6 assistance of the Department of Public Works
7 and the Commonwealth Utilities Corporation,
8 make available litter containers or receptacles
9 bearing the CNMI anti-litter symbol to be placed
10 along the public highways of the CNMI, public
11 places, beaches and bathing areas.

12 (7) Post anti-litter signs in public
13 places where required.

14 (f) The Department of Public Works (DPW), or
15 DPW through a private contractor, shall be
16 responsible for maintenance and regular disposal of
17

18 Section 5. Prohibited Activites .

19 (a) It shall be unlawful for any person to litter
20
21
22 commonwealth.

23 section 6. Enforcement. Any person apprehended for violation of
24 any of the above prohibitions shall be served by the apprehending
25 officer with a citation and an order to appear at the Traffic Division

4 Act committed by any minors (less
5 and custody.

7 date of this Act, and annually thereafter, the chief of D.E.Q. shall
8 submit to the legislature,
9 this Act, and the effective
10 recommendations, including _____ emed
11 appropriate.

12 Section 8. penalties.

13 (a) A person found to
14 of littering, an infraction
15 not less than two hundred do

19 this Act may be ordered to pick up and remove litter from
20 a public place under the supervision of the Department of
21 public Safety, or under the supervision of such agency as
22 the court shall otherwise provide, for a period not
23 exceeding eight (8) hours for each offense. Furthermore,
24 persons found to have committed the infraction of littering
25 shall be required to pay the costs of removing any litter

1 they caused.

2 (b) A person charged with a first violation may
3 avoid a court hearing by posting bail in the amount of the
4 minimum fine.

5 Section 9. Repeal. Title 6, CMC, Division 3, Section 3106,
6 that reads: Littering Prohibited.

7 "(a) No person may throw, place or put any rubbish,
8 garbage, cans, bottles or other debris upon any road,
9 highway, or public land within the Commonwealth, unless
10 designated as a dumping area.

11 "(b) Any person who violates this section is guilty
12 of a misdemeanor and upon conviction, may be punished
13 by a fine of not more than one hundred dollars or
14 imprisoned for a period of not more than 30 days, or
15 both" is hereby repealed.

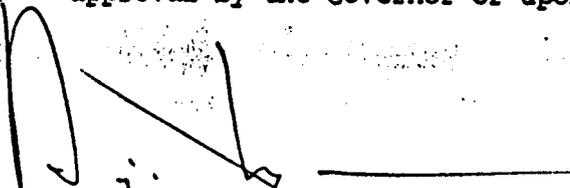
16 Section 10. Repeal. Title 9, CMC, Division 5, Section 5803 that
17 reads:

18 Throwing Debris on Highways Prohibited. No person may
19 throw or deposit upon any highway any glass bottle,
20 nails, tacks, hoops, wire, cans, or any other substance
21 likely to injure any person, animal or vehicle upon the
22 public highway" is hereby repealed,

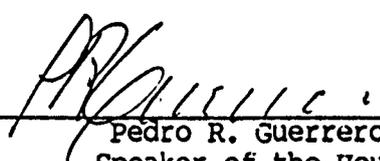
23 Section 11. Severability. The provisions of this Act are
24 severable and if any provision or part thereof shall be held invalid or
25 unconstitutional or inapplicable to any person or circumstances, such

1 invalidity, unconstitutionality or inapplicability, shall not affect or
2 impair the remaining provisions of this Act.

3 Section 12. Effective Date. This Act shall take effect upon its
4 approval by the Governor or upon its becoming law without such approval.

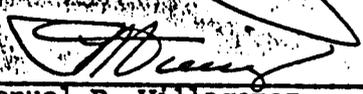


Benjamin T. Manglona
President of the Senate



Pedro R. Guerrero
Speaker of the House

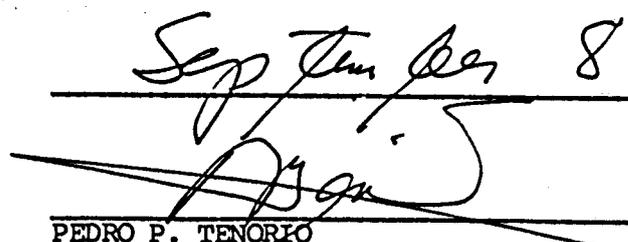
ATTEST:



Manuel P. Villagomez
Senate Legislative Secretary



Evelyn T. Castro
House Clerk


_____, 1989



PEDRO P. TENORIO
Governor
Commonwealth of the Northern Mariana Islands