

*Honor Clerk*  
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OV. COMM.  
(HOUSE)

**11-369**

JAN 14 1999

RECEIVED

## COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Pedro P. Tenorio  
Governor

Jesus R. Sablan  
Lt. Governor

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JAN 14 1999

The Honorable Diego T. Benavente  
Speaker, House of Representatives  
Eleventh Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

and

The Honorable Paul A. Manglona  
President of the Senate  
Eleventh Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

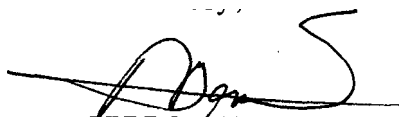
Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 11-75, entitled, "To amend PL 8-19, which allows the consumption of certain endangered or threatened species", which was passed by the Eleventh Northern Marianas Commonwealth Legislature.

The intention of PL 8-19, which allowed for consumption by our man amko of endangered species seized or confiscated by the Division of Fish and Wildlife from illegal activities, is honorable. However, it is necessary to amend the law as it violates federal laws and jeopardizes federal funding which is direly needed to assist in controlling and eradicating brown tree snakes in the CNMI.

Under this measure the Department of Natural Resources would still give to Aging Program Administrator all fish and game species seized or confiscated in the CNMI, for consumption by the elderly, as long as such items are safe and not listed as threatened or endangered species by the United States Government.

This bill becomes **Public Law No. 11-53**. Copies bearing my signature are forwarded for your reference.

  
PEDRO P. TENORIO  
EDRO . TENORIO

CC: Department of Lands & Natural Resources  
Aging Program Administrator  
Special Assistant for Programs and Legislative Review

# HOUSE OF REPRESENTATIVES

ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
FIRST REGULAR SESSION, 1998

PUBLIC LAW NO. 11-53  
HOUSE BILL NO. 11-75

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## AN ACT

To amend P.L. No. 8-19, which allows the consumption of certain endangered or threatened species.

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### Offered by Representatives:

Manuel A. Tenorio,

Oscar M. Babauta, Ana S. Teregeyo, Karl T. Reyes, Jesus T. Attao, David M. Apatang,  
Melvin L.O. Faisao and Maria "Malua" T. Peter

**Date:** February 5, 1998

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### HOUSE ACTION

Standing Committee Report: None

First and Final Reading: February 20, 1998

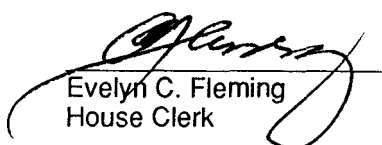
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### SENATE ACTION

Referred to: Committee on Judiciary, Government and Law

Standing Committee Report: None

Second and Final Reading: December 17, 1998

  
Evelyn C. Fleming  
House Clerk

Rtans 12/30/98

ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

PUBLIC LAW NO. 11-53

H. B. NO. 11-75

FIRST REGULAR SESSION, 1998

AN ACT

To amend P.L. No. 8-19, which allows the consumption of certain endangered or threatened species.

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

Section 1. Findings. The Legislature finds that P.L. 8-19 allows endangered species that have been confiscated by the Division of Fish and Wildlife to be given to the elderly for their consumption. The intent behind this law was to provide additional nutrition for the elderly, and to see that confiscated animals, such as turtles and fruit bats, were not just wasted.

It now appears that this law may cause difficulties with federal funding. The Commonwealth is now attempting to get such funding from U.S. Fish and Wildlife pursuant to the U.S. Endangered Species Act. This money will be used primarily for brown tree snake exclusion and control. Approximately \$300,000 is at stake.

U.S. Fish and Wildlife has been objecting to this funding because of the existence of P.L. 8-19. This law would preclude our receiving the money, because it would allow the consumption of federally endangered species, in violation of federal law.

This bill seeks to solve this problem by amending Public Law 8-19.

Section 2. Amendment. Section 2 of Public Law No. 8-19 is hereby amended to read as follows:

"All fish, game, or threatened or endangered species, or part thereof, or any item made of any threatened or endangered species in whole or in part, taken, possessed, **sold**, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, exported or imported in violation of any provision of this Chapter, any regulation or order issued under this Chapter, or any term of any license or permit issued pursuant to this Chapter, shall be subject to forfeiture to the Commonwealth. The Chief is authorized to give Aging Program Administrator all fish, or game species seized or confiscated for consumption by the elderly, provided, that

1 such items are safe for human consumption and are not listed as threatened or  
2 endangered species by the United States government. The Department of Natural  
3 Resources shall make fish or game seized in the Commonwealth of the Northern  
4 Mariana Islands available to the Resident Aging Program Administrators in their  
5 respective Islands."

6 Section 3. Severability. If any provision of this Act or the application of any such  
7 provision to any person or circumstance should be held invalid by a court of competent  
8 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
9 circumstances other than those to which it is held invalid shall not be affected thereby.

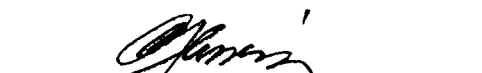
10 Section 4. Savings Clause. This Act and any repealer contained herein shall not be  
11 construed as affecting any existing right acquired under contract or acquired under statutes  
12 repealed or under any rule, regulation or order adopted under the statutes. Repealers contained  
13 in this Act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

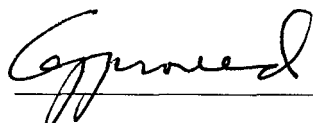
17 Section 5. Effective Date. This Act shall take effect upon its approval by the Governor  
18 or upon its becoming law without such approval.


CERTIFIED BY:

  
DIEGO T. BENAVENTE  
Speaker  
House of Representatives

ATTESTED BY:

  
EVELYN C. FLEMING  
House Clerk

 this 14<sup>th</sup> day of January, 1998

  
PEDRO P. TENORIO  
Governor  
Commonwealth of the Northern Mariana Islands