

P.L. 11-108



GOV. COMM.
(HOUSE)

11-617

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Pedro P. Tenorio
Governor

Jesus R. Sablan
Lt. Governor

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

DEC. 03 1999

and

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

DEC 3


Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 11-485, entitled, "To vacate Section 304 (d) of Executive Order **94-3**, returning the responsibility of administering Division of Environmental Quality to the Office of the Governor; and for other purposes," which was passed by the Eleventh Northern Marianas Commonwealth Legislature.

The US Environmental Protection Agency (EPA) is responsible for determining whether our solid waste permit program complies with the federal requirements. EPA has informed us that it believes that the current organizational structure, wherein Division of Environmental Quality (DEQ) is within the Department of Public Works constitutes a conflict of interest, and therefore could not approve the CNMI's **solid** waste program. Therefore, this legislation is necessary to rectify this problem. It further allows the DEQ to work independently and effectively carrying its locally mandated task and meets the requirement of implementing Federal programs in the Commonwealth.

This bill becomes **Public Law No. 11-108**. Copies bearing my signature are forwarded for your reference.

Sincerely,


JESUS R. SABLON
Acting Governor

CC: Secretary of Public Works
Division of Environmental; Special Assistant for Programs & Legislative Review.

HOUSE OF REPRESENTATIVES
ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

PUBLIC LAW NO. 11-108
HOUSE BILL NO. 11-485

AN ACT

To vacate §304 (d) of Executive Order 94-3, returning the responsibility of administering Division of Environmental Quality to the Office of the Governor, and for other purposes.

Offered by Representative(s): Heinz S. Hofschneider,
 Jesus T. Attao and David M. Apatang

Date: September 29, 1999

HOUSE ACTION

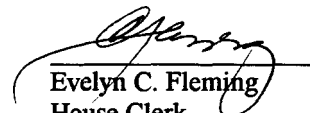
Standing Committee Report: None

First and Final Reading: September 29, 1999

SENATE ACTION

Standing Committee Report: None

Second and Final Reading: November 12, 1999


Evelyn C. Fleming
House Clerk

ELEVENTH NORTHERN MARIANAS **COMMONWEALTH** LEGISLATURE

FOURTH REGULAR SESSION, 1999

PUBLIC LAW NO. 11-108
H. B. NO. 11-485

To vacate §304 (d) of Executive Order 94-3, returning the responsibility of administering Division of Environmental Quality to the Office of the Governor, and for other purposes.

1 Section 1. Findinas. The Legislature finds that to more appropriately carry out the
2 policy and purpose of the Commonwealth Environmental Protection Act, the Division of
3 Environmental Quality should be reclassified as an independent regulatory agency, acting from
4 within the Office of the Governor. A sound environmental administration must consider the
5 divergent interests of all government departments, while also serving the total public
6 constituency and the private business sector. We feel that these goals can be more efficiently
7 met if the DEQ is removed from the constraints of working from within the Department of
8 Public Works. Having a regulatory agency such as DEQ placed within a department that it is
9 tasked to regulate both diminishes its ability to carry out its mandated duties, and creates **an**
10 inherent conflict of interest. As such, we feel that DEQ should become an independent and
11 impartial agency, protecting out island community's most valuable resource, our environment.

12 Section 2. Repealed. E.O. 94-3 §304 (d) **is** hereby vacated in its entirety.

13 Section 3. Placement in the Office of the Governor. All administrative duties and
14 authority with regards to the Division of Environmental Quality is hereby placed with the Office
15 of the Governor, or his designee, and any funds, records, property and personnel transferred the
16 Department of Public Works pursuant to E.O. 94-3 304 § (d) shall revert to the Office of the
17 Governor, Division of Environmental Quality.

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

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

12 Section 6. Effective Date. This Act shall take effect upon its approval by the Governor
13 or upon its becoming law without such approval.


CERTIFIED BY:

ATTESTED TO BY:


DIEGO T. BENAVENTE
SPEAKER
HOUSE OF REPRESENTATIVES


EVELYN C. FLEMING
HOUSE CLERK

Approved this 3rd day of December, 1999


PEDRO P. TENORIO
Acting GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS