

**Municipality of Guajar-Mirim**

05.893.631/0001-09

Av. XV de Novembro, 930 - Centro

www.guajaramirim.ro.gov.br**ELECTRONIC PROCESS FILE****CMGM - PROPOSAL TO AMEND THE LAW
55-1/2023**Opening: **15 March 2023 (Wednesday) at 10:57:11 am FRANCISCO**Interested **ORO WARAN**party: **DRAFT LAW**Subject: **CMGM - Cabinet 05 - Francisco Oro Waram**

Unit:

Summary/Object:

CMGM - AMENDMENT TO THE ORGANISING LAW**PROCEDURES / MOVEMENTS**

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2	CMGM - Legal Advice	CMGM - Coordination of Legislative Processes	15/03/2023 12:18:58	20/03/2023 18:26:17
3	CMGM - Coordination of Legislative Processes	CMGM - Legal Advice	21/03/2023 10:36:55	22/03/2023 09:45:56
4	CMGM - Legal Advice	CMGM - Coordination of Legislative Processes	22/03/2023 10:43:26	22/03/2023 11:04:44

DOCUMENTS

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1	Integrated Opening Term 1	15/03/2023	1	2	2	254511
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NOTICE OF INITIATION OF PROCEEDINGS 55-1/2023

On 15 March 2023, at 10:57 a.m., this file was filed at this office, under number 55-1/2023, by FRANCISCO ORO WARAN, regarding a DRAFT LAW with the purpose of:

CMGM - AMENDMENT TO THE ORGANISING LAW

For the record, this TERM OF OPENING has been drawn up and will be kept in the administrative files.

JUCILENE DE SOUZA PESSOA
CMGM - Coordination of Legislative Processes

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Document signed electronically by **JUCILENE DE SOUZA PESSOA, COORDINATOR OF LEGISLATIVE PROCESS**, on 15/03/2023 at 11:06, Guajara Mirim/RO time, with fulcrum in art. 18 of [Decree no. 12.656 of 20/03/2020](#).



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Reference: [Case no. 55-1/2023](#).

Docto ID: 254511 v1

DRAFT AMENDMENT TO ORGANIC LAW NO.

Amendment to the Organic Law of the Municipality of Guajará-Mirim, amending article 126 and its paragraphs and incisions and article 128 of the Organic Law of the Municipality of Guajará-Mirim to ensure that all members of nature, whether human or not, have the right to an ecologically healthy and balanced environment, in harmony with the social and ecological-economic needs of human beings.

Art.1. Article 126 of the Organic Law of the Municipality of Guajará-Mirim is hereby amended to read as follows:

Art. 126. The Municipality shall provide, with the effective participation of the population, for the preservation, conservation, defence, recovery and improvement of the natural, artificial and working environment, taking into account regional and local peculiarities, to ensure that all members of nature, whether human or not, have the right to an ecologically healthy and balanced environment, in harmony with the social and ecological-economic needs of human beings.

§ 1º. In order to ensure that this right is effective, it is the responsibility of the public authorities, through their own bodies and with the support of popular initiative, to protect the environment, preserve nature, organise the interrelationships between human beings and other interdependent beings, and safeguard the balance of the ecological system, without discriminating against individuals or regions, through policies to protect the environment, strengthen the ecological economy, ecological education and integral health, defined by law.

§2º. The public authorities are also responsible for:

...

III - define territorial spaces and their components to be specially protected, recognising their intrinsic rights, with alteration and suppression permitted only by law, with any use that compromises the integrity of the attributes that justify their protection being prohibited;

...

V - control the production, commercialisation and use of techniques, methods and substances that pose a risk to the life of ecosystems, the quality of life and the environment;

VI - promote environmental and ecological education at all levels of education and public awareness for the preservation of the environment and harmony in nature;

...

IX request from the relevant federal and state bodies, assisting them where appropriate, preventive and control actions against pollution and its effects, especially in cases that may directly or indirectly: a) harm the health, safety and well-being of the human and non-human population; b) create unsuitable conditions in interrelations with the environment for public, domestic, agricultural and commercial purposes; c) cause damage to the flora, fauna, ecological balance, physical-chemical properties and aesthetics of the environment;

X - create or develop nature and recreational reserves and parks, as well as classify and protect landscapes and sites of archaeological interest in order to guarantee the rights of nature, the conservation of the environment and the preservation of cultural values of historical, tourist and artistic interest;

XI - to make the economic and social development of the municipality compatible with the preservation, improvement and stability of the environment, safeguarding its capacity for renewal and improving the quality of life;

...

XIX - set up a database on the region's environment;

XX - demand the use of conservation and agro-ecological practices that ensure the productive potential of the soil;

Article 2. Article 128 of the Organic Law of the Municipality of Guajar-Mirim is hereby amended to read as follows:

Art. 128. The public administration shall maintain a municipal water resources plan and shall establish, by law, a management system for these resources, bringing together state and municipal bodies and civil society, ensuring the financial resources and institutional mechanisms necessary to guarantee: I the recognition of the intrinsic rights of bodies of water, under the aegis of the recognition of the Rights of Nature;

FRANCISCO

Councillor

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Document signed electronically by **FRANCISCO ORO WARAM, Councillor**, on 06/03/2023 at 11:10, Guajara Mirim/RO time, in accordance with art. 18 of [Decree no. 12.656 of 20/03/2020](#).



Document signed electronically by **RAIMUNDO BRAGA BARROSO, Councillor (a) - Vice President**, on 16/03/2023 at 16:21, Guajara Mirim/RO time, in accordance with art. 18 of [Decree no. 12.656 of 20/03/2020](#).



Document signed electronically by **KERLING APARECIDO MOREIRA, Councillor**, on 17/03/2023 at 10:13, Guajara Mirim/RO time, in accordance with art. 18 of [Decree no. 12.656 of 20/03/2020](#).



Document signed electronically by **AUGUSTINHO FIGUEIREDO DE ARAJO, Councillor**, on 17/03/2023 at 10:15, Guajara Mirim/RO time, in accordance with art. 18 of [Decree no. 12.656 of 20/03/2020](#).

Document signed electronically by **CARLOS ALBERTO DIAS DO NASCIMENTO**,



Councillor, on 17/03/2023 at 10:56 a.m., Guajara Mirim/RO time, pursuant to Article 18 of [Decree No. 12.656 of 20/03/2020](#).



Document signed electronically by **ALEXANDRE FILIPE DOMINGOS DE MELO, Councillor**, on 20/03/2023 at 17:46, Guajara Mirim/RO time, in accordance with art. 18 of [Decree no. 12.656 of 20/03/2020](#).



Document signed electronically by **WEM CACAMI CAO OROWAJE, Councillor**, on 20/03/2023 at 17:49, Guajara Mirim/RO time, in accordance with art. 18 of [Decree no. 12.656 of 20/03/2020](#).



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Reference: [Case no. 55-1/2023](#).

Docto ID: 250272 v1

LEGAL OPINION

OPINION No. 0148/23 of 22 March 2023.

DRAFT AMENDMENT TO ORGANIC LAW NO. 001/GAB.VER/2023

PROCESS NO. 001/2023

AUTHOR: COUNCILLOR FRANCISCO ORO WARAM AND OTHERS

SUBJECT: AMENDS ARTICLE 126 AND ITS PARAGRAPHS AND ITEMS AND ARTICLE 128 OF THE ORGANIC LAW OF THE MUNICIPALITY OF GUAJARÁ-MIRIM.

This is a bill authored by the noble Councillor Francisco Oro Waram and also signed by Councillors Raimundo Braga Barroso, Kerling Aparecido Moreira, Augustinho Figueiredo de Araújo, Carlos Alberto Dias do Nascimento, Alexandre Filipe Domingos de Melo and Wem Cacami Cao Orowaje proposing the amendment of articles 126 and 128 of the Municipal Organic Law, to ensure that all members of nature, human beings or not, have the right to an ecologically healthy and balanced environment, in harmony with the social and ecological-economic needs of human beings.

The applicant does not present the justifications on which he bases his claim.

This is the report

Everyone should be aware of all the current challenges facing the planet and should always be committed to the future of the environment and sustainability.

Sustainability and the environment refer to all the natural resources that are necessary for society to survive and thrive.

Consumers are demanding that products and production processes have less impact on the environment, a topic that is gaining increasing attention from international organisations, governments, organisations and societies.

The bill aims to guarantee the health and well-being of living beings and ensure the productive potential of the soil.

Article 35 of the Municipal Organic Law states that it may be amended by a proposal from at least one third of the members of the Municipal Council. It is clear from the records that the proposed amendment was signed by seven (07) councillors, thus meeting the requirements of the Municipal Organic Law.

On the other hand, the proposal must be voted on in two rounds, at least ten days apart, and approved by two thirds of the members of the City Council (art. 35, § 1 of the LOM). It must also be promulgated by the City Council.

In view of the above, it OPINIONS that the bill is legally viable.

COMMITTEE HEARINGS

In addition to the Administration Committee, the Constitution, Justice and Drafting Committee and the

Environment Committee. QUORUM: approval by 2/3 of the members of the Chamber (art. 35, § 1 LOM).

That's the judgement.

David Noujain Legal

Assistant

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Document signed electronically by **DAVID NOUJAIN, LEGAL ASSISTANT**, on 22/03/2023 at 10:43, Guajara Mirim/RO time, in accordance with art. 18 of [Decree no. 12.656 of 20/03/2020](#).



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Reference: [Case no. 55-1/2023](#).

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