

TITLE 1: GOVERNMENT
DIVISION 3: JUDICIAL BRANCH

§ 3405. Judicial Building Fund.

(a) There is hereby established a revolving fund within the Department of Finance that shall be known and designated as the Justice Center Fund Revolving Account. This revolving account shall be accounted for separately from the General Fund. Commencing on the date of disbursement of the loan proceeds from USDA, all criminal and civil fines and all revenues collected by the courts of the Commonwealth pursuant to [1 CMC § 3403](#), and all fines or fees collected pursuant to any other law and remitted or paid to the Commonwealth Treasury pursuant to [7 CMC § 3206](#) and [7 CMC § 3251](#), shall be deposited and credited to the Justice Center Fund Revolving Account. In the event that the USDA loan proceeds have not been disbursed, all fines, fees, and revenues set forth herein shall be applied to the outstanding balance on the judicial building mortgage.

(b) The purpose and sole use of the Justice Center Fund Revolving Account shall be to pay the principal, interest, expenses, and establish reserves associated with the USDA Rural Development Loan.

(c) The expenditure authority for the Justice Center Fund Revolving Account shall be the Chief Justice.

(d) Upon certification by the Secretary of Finance that all expenses and debts associated with the USDA Rural Development Loan have been paid in full and discharged, the Justice Center Fund Revolving Account's purpose shall be used as follows:

(1) Fifteen percent of the funds collected pursuant to subsection (a) shall remain in the Justice Center Fund Revolving Account to be used to supplement the maintenance needs of the Judiciary's facilities; and

(2) The remaining eighty-five percent shall be deposited into the General Fund for appropriation by the Legislature.

Source: [PL 7-25](#), § 4, modified; amended by [PL 8-16](#), § 2, modified; repealed and reenacted by [PL 19-67](#) § 2 (Sept. 27, 2016), modified.

Commission Comment: [PL 7-25](#), the “Judicial Building Fund Act of 1990,” took effect March 15, 1991. According to [PL 7-25](#), §§ 2 and 3:

Section 2. Purpose. The purpose of this bill is to establish a judicial building fund dedicated to financing the construction and furnishing of an appropriate structure to house the courts of the Commonwealth.

Section 3. Findings. The Legislature finds that [t]he existing facilities housing the Commonwealth Supreme Court and the Commonwealth Superior Court are inadequate to meet the current and anticipated future needs of both institutions. Construction of a new building or buildings containing facilities for both the Supreme Court and the Superior Court would be the most efficient use of public funds by combining certain necessary elements such as a library. Funding for such a structure is best provided by establishing a building fund derived from judicial fees collected by the courts and dedicated exclusively for new courthouse facilities.

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In *Commonwealth v. Kaipat*, 4 N.M.I. 292 (1995), *aff'd*, 94 F.3d 574 (9th Cir. 1996), the Commonwealth Supreme Court ruled that the use of traffic fines as a source of funding for a proposed Commonwealth judicial complex (pursuant to this section) did not violate an accused's due process right to a fair trial under the Fifth and Fourteenth Amendments to the U.S. Constitution.

With respect to the references to the "Department of Finance" and the "Director of Finance" in this section, see [Executive Order 94-3](#) (effective Aug. 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to [1 CMC § 2001](#).

In addition to savings and severability clauses, [PL 19-67](#) included the following Authorization section:

Section 3. Authorization. Notwithstanding any law to the contrary, the Commonwealth of the Northern Mariana Islands is hereby authorized to enter into a loan agreement with the USDA for a sum not to exceed \$15,000,000 for the purposes of paying off its current mortgage and for the expansion and improvement of projects related to the building facilities of the Judiciary, Office of the Attorney General, and the Public Defender's Office.

The Commission substituted "subsection (a)" for "Section 3405 (a) of this Act" in (d)(1) pursuant to [1 CMC § 3806\(d\)](#).