Honorables Ramon A. Tebuteb
Chairman Pro Tem, Saipan and Northern Islands
Legislative Delegation
Seventeenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Honorables Froilan C. Tenorio
Speaker, House of Representatives
Seventeenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Chairman pro tem and Mr. Speaker:

This is to inform you that I have signed into law, with vetoed items, House Local Bill 16-35, S1, D5, entitled, “To appropriate $3,881,300 from the revenues collected pursuant to Saipan Local Law 11-2 as amended, for fiscal year 2010; to reappropriate from SNILD Resolution 14-10; to reappropriate from Saipan Local Laws 14-30 and 14-31; to reappropriate from Saipan Local Law 15-12; and for other purposes,” which was passed by the Saipan Delegation, Sixteenth Northern Mariana Islands Commonwealth Legislature.

Section 2 of the appropriation bill aims to appropriate $3,881,300 of the revenues collected for fiscal year 2010 pursuant to Saipan Local Law 11-2 as amended. This amount is more than the $3,497,000 actually collected in fiscal year 2009 and the estimate collections for fiscal year 2010. As such, after assessing the various appropriations, priority was given to education, youth programs, and matters addressing the health and safety of our community. Inclusion of the other appropriations would exceed the projected collections for fiscal year 2010. I understand that Section 6 mandates the Secretary of Finance to allot funds to items in Section 2 B(1) – (4) fully and...
proportionately for the remaining appropriations should collections fall short of $3,881,300. However, the bill fails to explain the rationale for that inequity. It fails to explain why the first four items were prioritized.

Section 3(A) reappropriates $39,985 from SLLs 14-30 and 14-31 to the Manta Ray band at Saipan Southern High School to perform at Carnegie Hall in New York City on April 17-21, 2010. This administration strongly supports this activity. Even during these tough economic times, we must encourage our children to excel in the music and the arts. Our children should not suffer because of our geographic location. The opportunity for the CNMI to be represented in Carnegie Hall is a prestigious one, which we embrace.

Section 3(B) aims to reappropriate funds from SLL 15-12. Shortfalls from other appropriation acts of this same source must be funded before these new appropriations are addressed.

Section 7 amends SLL 15-12, as amended by SLL 15-33 by reappropriating funds originally allocated for Lot No. 364 R/W to “various right-of-way takings in Precinct III.” This reappropriation is vague; it neither identifies the exact takings nor the amounts needed for each taking.

I urge the legislature to work closely with the Department of Finance so as not to exceed appropriations contrary to collections and to fully fund previously appropriated projects and programs before making new appropriations from the same sources.

This bill becomes Saipan Local Law 16-10. Copies bearing my signature are forwarded for your reference.

Sincerely,

BENIGNO R. FITIAL

cc: Lt. Governor
    Office of Attorney General
    Department of Finance
    Secretary, Department of Public Works
    President, NMTI Board
    San Antonio Manhoben Center
    Saipan Southern High School
    Commissioner, Public School System
    CNMI Little league
    Koblerville Youth Center Coordinator

Caller Box 10007 Saipan, MIP 96950 Telephone: (670) 664-2200 /2300 Facsimile: (670) 664-2211/2311
A LOCAL APPROPRIATION BILL FOR AN ACT
FOR THE THIRD SENATORIAL DISTRICT

To appropriate $3,881,300 from the revenues collected pursuant to Saipan Local Law 11-2, as amended, for fiscal year 2010; to reappropriate from SNILD Resolution 14-10; to reappropriate from Saipan Local Laws 14-30 and 14-31; to reappropriate from Saipan Local Law 15-12; and for other purposes.

Offered by Representatives Justo S. Quitugua, David M. Apatang,
and Oscar M. Babauta

on

May 8, 2009

HOUSE ACTION
Transmitted to Saipan and Northern Islands Legislative Delegation
for action on May 20, 2009

DELEGATION ACTION

Referred To: None
Comments Solicited: May 29, 2009
Public Hearing: None
Standing Committee Report: None
Passed First and Final Reading: December 22, 2009

Alicia D.L.G. Leon Guerrero
Delegation Clerk
A LOCAL APPROPRIATION BILL FOR AN ACT
FOR THE THIRD SENATORIAL DISTRICT

To appropriate $3,881,300 from the revenues collected pursuant to Saipan Local Law 11-2, as amended, for fiscal year 2010; to reappropriate from SNILD Resolution 14-10; to reappropriate from Saipan Local Laws 14-30 and 14-31; to reappropriate from Saipan Local Law 15-12; and for other purposes.

BE IT ENACTED BY THE THIRD SENATORIAL DISTRICT DELEGATION PURSUANT TO CHAPTER 4, DIVISION 1, TITLE 1 OF THE COMMONWEALTH CODE:

Section 1. Purpose. The purpose of this act is to appropriate $3,881,300 from the revenues generated from the Poker fees for fiscal year 2010 pursuant to Saipan Local Law 11-2 as amended; to reappropriate from SNILD Resolution 14-10 for the paving of Fedus Road; to reappropriate from Saipan Local Laws 14-30 and 14-31 to support Saipan Southern High School’s Manta Ray Band to perform at Carnegie Hall in New York City on April 17-21, 2010; and to reappropriate from Saipan Local Law 15-12 to support the development of the Chamorro-English Dictionary Project, to procure wheel chairs for the Medical Referral Offices in Guam and Hawaii, to procure a pick up truck for Hopwood Jr. High School, and to rehabilitate the Capitol Hill softball field and construct bleachers around the field.

Section 2. Appropriation. Notwithstanding any provision of law, the Saipan and Northern Islands Legislative Delegation (SNILD) hereby appropriates $3,881,300 of the revenues collected for fiscal year 2010 pursuant to Saipan Local Law 11-2 as amended as follows:

(A) $3,000,000 to Saipan Higher Education Financial Assistance (SHEFA);

(B) $881,300 shall be allocated as follows:

1. $100,000 for the SHEFA operations;
2. $50,000 for the CNMI Little League;
3. $25,000 for the Fishing Derby;
4. $15,000 for the Agricultural Fair;
5. $150,000 for road paving in Kagman.

6. $40,000 for the construction of guard rails at airport road.

7. $100,000 to pave Federals Road.

8. $20,000 to San Vicente basketball court repairs;

9. $25,000 to provide portable toilets and services to Santa Feeder Shrine;

10. $25,000 for power extension at Chalan an Hoy;

11. $10,000 for landscaping of Koblerville Youth Center;

12. $6,300 for the San Antonio Mangoben Center.

13. $100,000 for the Northern Marianas Trades Institute;

14. $75,000 for the Saipan Zoning Office.

15. $80,000 for Saipan and Northern Islands Dog Control Act (SLL 9-12); and

16. $50,000 for the 2019 Saipan Liberation Day activities.

Section 3. Reappropriation. Notwithstanding any provision of law, the following are hereby reappropriated:

(A) $39,985 (BU 3379A), representing the combined balances Saipan Local Laws 14-30, 2(b)(1), and 14-31, Section 2(a), to support the Manta Ray band at Saipan Southern High School perform at Carnegie Hall in New York City on April 17-21, 20010 and the expenditure authority shall be the PSS Commissioner of Education.

(B) $575,000 (BU 3379B) from Saipan Local Law 15-12, Section 2(f) of which $20,000 to support the development of the Chamorro-English Dictionary under the expenditure authority of the NMI Humanities Council Executive Director in consultation with the Principal Investigator of the Chamorro-English Dictionary Project; $20,000 to procure a pick-up truck for Hopwood Jr. High School under the expenditure authority of the Commissioner of Education in consultation with the Principal of that school; $4,000 to procure 8 wheel chairs for temporary use of medical referral patients while in Guam and Hawaii under the expenditure authority of CHC Medical Referral Office Director; $15,000 for the repair of the water pump at the Kagman farm plots and to procure parts for the tractor mover under the expenditure authority of the Secretary of the Department of Lands and Natural Resources, and $289,956 to fund the resurfacing of the softball field including construction of covered bleachers around the softball field, rehabilitation of the tennis and the basketball courts, and other facility improvements at the Capitol Hill Park under the expenditure authority of the Secretary of the Department of Public Works, in consultation with the Division of Sports within the Department of Community and...
Section 4. Expenditure Authority. The expenditure authority for funds under Sections 2(A) and (B)(1) through (4) is the Secretary of Finance. The expenditure authority for Sections 2(B)(5) through (8) is the Secretary of the Department of Public Works. The expenditure authority for Section 2(B)(9) is the Marianas Visitors Authority executive director. The expenditure authority for Section 2(B)(10) is the Commonwealth Utilities Corporation executive director. The expenditure authority for Section 2(B)(11) is the Kobelively Youth Center Coordinator. The expenditure authority for Section 2(B)(12) is the Coordinator of the San Antonio Manhoben Center. The expenditure authority for Section 2(B)(13) is the NMTI Board Chairman/President and for Section 2(B)(14) is the Executive Director of the Saipan Zoning. The expenditure authority for Sections 2(B)(15) and (16) is the Mayor of Saipan.

Section 5. Fiscal Year Limitation and Reprogramming. Notwithstanding any provision of law, funds appropriated under Section 2(A) shall be continuously appropriated. Furthermore, funds allotted under this Act shall not be subject to fiscal year limitation and shall not be reprogrammed for any other purpose.

Section 6. Allotment of Funds. In the event that the revenue collections do not meet the appropriated amount in this Act, the Secretary of Finance shall allot each program under Sections 2(B)(5) through (11) an amount based on the percentage of the programs appropriation proportionately.

Section 7. Amendment. Section 2(e) of Saipan Local Law 15-12, as amended by Saipan Local Law 15-33 is hereby amended to read as follows:

"(e) $490,000.00 for Precinct III (various road paving and drainage improvements, improvement of Oloai and Garapan basketball court, improvement of the Chamorro Village, and construction of Garapan Youth Learning Center, provided that $490,000.00 is allocated for the acquisition and land compensation of (Lot No. 364 R/W) various right-of-way takings in Precinct III. The expenditure authority for the various improvements is the Secretary of the Department of Public Works. The expenditure for the acquisition of land and land compensation under this section is the Secretary of the Department of Public Lands."
Section 8. **Management of Funds.** The Secretary of Finance shall regulate and control the expenditure of funds appropriated by this Act to ensure that appropriated funds are not expended contrary to the law, fiscal management policies, and practices of the Commonwealth.

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

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

Section 11. **Effective Date.** This Act shall take effect upon its approval by the Governor, or upon becoming law without such approval.

CERTIFIED BY:

RAMON A. TRIBUMEN
Chairman
Saipan & Northern Islands Legislative Delegation

ARNOLD I. PALACIOS
Speaker
House of Representatives

APPROVED on this 13th day of JANUARY, 2010.

BENIGNO R. FITIAL
Governor
Commonwealth of the Northern Mariana Islands