

FIRST REGULAR SESSION, 1990

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AN ACT

To make appropriations for the operations and activities of the Government of the Commonwealth of the Northern Mariana Islands, its agencies, instrumentalities and independent programs and to provide budget authority for Government Corporations for Fiscal Year 1990, and for other purposes.

BE IT ENACTED BY THE SEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1                    CHAPTER I. TITLE AND PURPOSE.

2            Section 101. Short Title. This Act may be cited as  
3 the "Commonwealth Appropriations and Budget Authority Act  
4 of 1990".

5            Section 102. Purpose. This Act ~~appropriates~~ local  
6 funds for the operations and activities of the Government  
7 of the Northern Mariana Islands, its agencies,  
8 instrumentalities, and independent ~~programs~~ and provides  
9 budget authority for government corporations commencing  
10 October 1, 1989 and ending September 30, 1990.

11           Section 103. Definitions. As used in this Act, the  
12 Government of the Commonwealth of the Northern Mariana  
13 Islands includes:

14                    a) Executive Branch, which includes the following  
15 departments and offices:

- 16                            1) Office of the Governor  
17                            2) Office of the Attorney General  
18                            3) Office of the Public Defender  
19                            4) Department of Community and Cultural  
20                    Affairs

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- 1                   5) Department of Public Works
- 2                   6) Department of Commerce and Labor
- 3                   7) Department of Public Safety
- 4                   8) Department of Finance
- 5                   9) Department of Public Health and
- 6                   Environmental Services
- 7                   10) Department of Natural Resources
- 8                   b) "First Senatorial District" means the
- 9                   senatorial district of Rota which includes the
- 10                  following government offices and resident departments:
- 11                  (1) Office of the Mayor
- 12                  (2) Office of the Municipal Council
- 13                  (3) Office of Women's Affairs
- 14                  (4) Office of Personnel
- 15                  (5) Office of the Attorney General
- 16                  (6) Department of Community and Cultural
- 17                  Affairs
- 18                  (7) Department of Public Works
- 19                  (8) Department of Finance
- 20                  (9) Department of Public Health &
- 21                  Environmental Services
- 22                  (10) ~~Department of Natural Resources~~
- 23                  (11) Department of Public Safety
- 24                  (12) Department of Commerce and Labor
- 25                  c) "Second Senatorial District" means the

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1 senatorial district of Tinian and Aguiguan which  
2 includes the following governmental offices and  
3 resident departments:

- 4 (1) Office of the Mayor
- 5 (2) Office of the Municipal Council
- 6 (3) Office of Women's Affairs
- 7 (4) Office of Personnel
- 8 (5) Office of the Attorney General
- 9 (6) Department of Community and Cultural  
10 Affairs
- 11 (7) Department of Public Works
- 12 (8) Department of Finance
- 13 (9) Department of Public Health &  
14 Environmental Services
- 15 (10) Department of Natural Resources
- 16 (11) Department of Public Safety
- 17 (12) Department of Commerce and Labor

18 d) Office of the Mayors of Saipan and Northern  
19 Islands:

- 20 (1) Mayor of Saipan
- 21 (2) Mayor of Northern Islands

22 e) "GOVERNMENT CORPORATION, Quasi-Public Entity  
23 Board or Commission" means a governmental agency or  
24 instrumentality incorporated or established pursuant  
25 to the Commonwealth Constitution or Commonwealth law

1 and includes the following agencies and  
2 instrumentalities:

3 (1) Alcoholic and Beverage Control Board

4 (2) Board of Elections

5 (3) Board of Parole

6 (4) Board of Professional Licensing

7 (5) Civil Service Commission

8 (6) Land Commission

9 (7) Law Revision Commission

10 (8) Northern Marianas Amateur Sports

11 Association

12 (9) Public School System

13 (10) Northern Marianas College

14 (11) Chamorro and Carolinian Language

15 Commission

16 (12) Commonwealth Development Authority

17 (13) Mariana Islands Housing Authority

18 (14) Marianas Visitors Bureau

19 (15) Marianas Public Land Corporation

20 (16) Marianas Public Land Trust

21 (17) Commonwealth Ports Authority

22 (18) Northern Marianas Retirement Fund

23 i) "INDEPENDENT PROGRAMS" means those non-profit  
24 corporations and associations or organizations  
25 established outside of the Government of the

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1 Commonwealth of the Northern Mariana Islands to which  
2 the Commonwealth Government provides financial  
3 assistance such as the:

- 4 (1) American War Memorial Park
- 5 (2) National Governors Association
- 6 (3) Pacific Basin Development Council
- 7 (4) South Pacific Commission
- 8 (5) East West Center
- 9 (6) Marianas Bound (Catholic Social

10 Services)

- 11 (7) American Red Cross, CNMI Chapter
- 12 (8) Micronesian Legal Services Corporation
- 13 (9) CNMI Nurses Association
- 14 (10) Agricultural Fair
- 15 (11) Covenant NMI 902 Talks
- 16 (12) Private Industry Council (JTPA)

17 j) Public Auditor

18 k) "Local Funds" means locally generated revenues  
19 and revenues received pursuant to Section 702(a) of  
20 the Covenant.

21 l) "Operations" means appropriations for all  
22 lawful activities other than personnel.

23 m) "Personnel" means appropriations for the base  
24 salaries, employer's contribution to the Northern  
25 Marianas Retirement Fund, overtime, night

1 differential, hazardous pay and other employee  
2 benefits.

3 n) "Position" or "Full Time Equivalent" (FTE)  
4 means a full time employment position in which only  
5 one individual can be employed.

6 Section 104. Estimated Revenues. House Concurrent  
7 Resolution 6-4, as amended by House Concurrent Resolution  
8 7-1, approving the revenues and resources identified by the  
9 Governor is hereby reiterated and classified for immediate  
10 reference:

11 A. Local Funds:

12 1) Internal Revenue..... \$85,671,400  
13 2) Covenant Funds (Operations)... \$13,000,000  
14 3) Additional Revenue (12/29/89) \$13,600,000  
15 Total Local Funds..... \$112,271,400

16 B. Non-Resident Workers Fee Fund

17 (P.L. 5-32)..... \$ 1,087,500  
18 Total Local Revenues and Resources \$113,358,900

19 Less Public Law 6-40:

20 Judiciary Branch \$ 1,316,192  
21 Legislative Branch 4,488,840  
22 Building/Improvement 200,000  
23 Washington Rep. 971,361  
24 Susupe Park 50,000  
25 Transitional &

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1                    Inaugural Expenses     157,000  
2                    Zoning Board             350,000 < 7,533,393>  
3   Estimated Revenue Subject to Appropriation.....\$105,825,507

4           Section 105. Allocation of Revenues. For the  
5 activities and operations of various government agencies  
6 and instrumentalities of the Commonwealth Government of the  
7 Northern Mariana Islands, there is hereby appropriated out  
8 of the Total Projected Revenues the sum of \$105,825,507. Of  
9 the total sum appropriated in this Act and allocated to the  
10 Public School System, \$13,000,000 shall be identified as  
11 funds from Covenant Operations. The balance of the Public  
12 School System operations funding shall be allocated from  
13 the Internal Revenues.

14                                    CHAPTER II. APPROPRIATIONS

15           Section 201. Appropriations. Funds for personnel and  
16 operations for the following activities are hereby  
17 appropriated as per the attached appropriation worksheets,  
18 which are incorporated by reference in this act. The  
19 FTE's identified are the maximum number of positions  
20 approved and authorized and shall not be exceeded.

21                                    CHAPTER III - BUDGET ADOPTION

22           Section 301. Government Corporations. Pursuant to 1  
23 CMC Section 7206, budget authority for the following  
24 activities are hereby adopted. Expenditures in excess of  
25 the budget authority adopted herein, including FTE ceilings,

1 shall not be incurred or committed without prior  
2 concurrence and approval of the Chairmen of the House Ways  
3 and Means Committee and the Senate Fiscal Affairs  
4 Committee.

5	<u>ACTIVITIES</u>	<u>FTE</u>	<u>PERSONNEL</u>	<u>OPERATIONS</u>	<u>TOTAL</u>
6	1. CUC	257	\$3,516,200	\$21,938,700	\$25,454,900
7	2. MVB	50	-0-	268,800	268,800
8	3. MIHA	22	541,300	1,019,100	1,560,400
9	4. MPLC	15	492,201	209,736	701,937
10	5. MPLT	-0-	-0-	300,000	300,000
11	6. CPA	112	2,255,122	1,327,979	3,583,101
12	7. CDA	16	538,900	523,900	1,062,800
13	8. NMRF	<u>14</u>	<u>372,800</u>	<u>9,182,600</u>	<u>9,555,400</u>
14	Grand Total	486	\$7,716,523	\$34,470,815	\$42,186,338

15 CHAPTER IV. ADMINISTRATION OF APPROPRIATED FUNDS

16 Section 601. Administrative Guidelines. Funds

17 appropriated under Chapter II of this Act shall be  
18 distributed and allotted by the Planning and Budget Affairs  
19 Office in accordance with the expenditure Class Codes  
20 approved in the individual activities budget worksheets  
21 which are attached hereto. The funds appropriated shall be  
22 allotted at the beginning of each quarter to each budget  
23 activity at the rate not to exceed twenty-five percent  
24 (25%) of the amount appropriated. Consistent with the  
25 nature and need of each activity, the Governor may approve

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1 a quarterly allotment in excess of the twenty-five percent  
2 (25%) authorized; provided, however, the aggregate amount  
3 allotted during the quarter for all activities shall not  
4 exceed twenty-five percent (25%) of the total  
5 appropriation.

6 Section 602. Budget Worksheets. The detailed budget  
7 worksheets submitted by the Governor, as modified on July  
8 1, 1989, may be used only as a guide. The detailed budget  
9 worksheets incorporated in this Act are the basis for the  
10 funds appropriated and shall become the legal authority for  
11 the allotment and expenditure of funds. Unless otherwise  
12 provided in this Act, the funds appropriated shall be  
13 expended in compliance with the provisions of the Planning  
14 and Budgeting Act of 1983, 1 CMC Section 7101, et. seq.  
15 The budget worksheets approved for all government  
16 corporations shall be expended in accordance with the  
17 budget worksheets incorporated herein and in accordance  
18 with the fiscal authority such agencies have pursuant to  
19 statute and the administrative provisions of this Act.

20 Section 603. Management of Funds. The Director of  
21 Finance shall regulate and control the expenditure of  
22 public funds so that no branch, department, or division  
23 expends or obligates more funds than are appropriated and  
24 allocated by this Act, and further, so that no branch  
25 department or activity may expend appropriated funds

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1 contrary to the law or fiscal management policies and  
2 practices.

3 Section 604. Expenditure of Appropriated Funds. The  
4 Funds appropriated under Chapter II of this act shall be  
5 expended by the expenditure authority provided in 1 CMC  
6 Section 7401 (A) through (M), inclusive, except as provided  
7 below.

8 a) For the First and Second Senatorial Districts,  
9 the Chairman of the respective Municipal Council or his  
10 designee shall have the expenditure authority for  
11 appropriations for the office of the Municipal Council.  
12 All other appropriations shall be expended under the  
13 authority of the Mayor of the respective Senatorial  
14 District in conformity with Constitutional Amendment No.  
15 25.

16 b) For the Public School System, expenditure  
17 authority shall rest with the Board of Education or its  
18 designee.

19 c) For the Northern Marianas College, expenditure  
20 authority shall rest with the Board of Regents or its  
21 designee.

22 d) For the Land Commission Agency, expenditure  
23 authority shall rest with the Senior Land Commissioner  
24 or his designee.

25 e) For the Covenant Section 902 Talks, expenditure

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1 authority shall rest with the Chairman of the Special  
2 Representatives to the 902 Consultations as appointed by  
3 the Governor.

4 f) For the Ground Water Management and Protection  
5 Act Fund, the Chief of the Division of Environmental  
6 Quality shall have the expenditure authority.

7 g) For all government agencies receiving  
8 appropriated funds for personnel or staff housing,  
9 administrative authority over housing, including but not  
10 limited to approval of lease agreements, shall rest with  
11 those agency officials, chiefs, department heads, or  
12 other designated persons having expenditure authority  
13 over said appropriations. This administrative provision  
14 shall expressly modify and amend 1 CMC Section 8124(j),  
15 and deny the Personnel Officer the administrative  
16 authority over government staff housing considered by  
17 this subsection.

18 h) For Other Programs, \$200,000 is appropriated for  
19 building improvement, collateral equipment and parking  
20 lot improvements to the building now occupied by the  
21 Commonwealth Legislature, under the expenditure  
22 authority of Public Works with the concurrence of the  
23 Legislative Bureau Director, House Speaker and Senate  
24 President. For this appropriation and for the \$200,000  
25 appropriated in PL 6-40, Section 311, Building

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1        Improvement, the expenditure authority is exempted from  
2        the CNMI Procurement regulations; provided, however,  
3        that at least three price quotations are solicited. The  
4        funds shall not be reprogrammed for any other purpose.  
5        The funds shall be available until expended, without  
6        fiscal year limitation.

7            i) For Other Programs, \$200,000 is appropriated for  
8        the Garapan Central Park under the expenditure authority  
9        of the Chief of Parks and Recreation of the Department  
10       of Natural Resources. The funds shall not be  
11       reprogrammed for any other purpose. The funds shall be  
12       available until expended, without fiscal year  
13       limitation.

14           j) For Other Programs, \$100,000 is appropriated for  
15       the construction of a baseball field and related  
16       collateral equipment at Rota High School under the  
17       ~~expenditure authority~~ of Major of Rota in consultation  
18       with the Rota Public School System Liaison Officer.  
19       Such funds shall be available until expended without  
20       fiscal year limitation; however, any remaining balance  
21       shall be used to purchase sports equipment.

22           k) For Other Programs, \$100,000 is appropriated for  
23       the Chalan Kanoa District Four Beach Park under the  
24       expenditure authority of the Chief of Parks and  
25       Recreation of the Department of Natural Resources. The

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1 funds shall not be reprogrammed for any other purpose.  
2 The funds shall be available until expended, without  
3 fiscal year limitation.

4 l) For Other Programs, \$62,500 is appropriated for  
5 the retirement benefits of former Governors and Lt.  
6 Governors under the expenditure authority of the  
7 Chairman of the Retirement Board.

8 m) For Other Programs, \$20,000 is appropriated for  
9 the extension of the Susupe Social Hall under the  
10 expenditure authority of the Director of Public Works.  
11 The funds shall not be reprogrammed for any other  
12 purpose. The funds shall be available until expended,  
13 without fiscal year limitation.

14 n) For Other Programs, \$25,500 is appropriated for  
15 the lighting of the basketball court at Sinapalo, Rota,  
16 under the expenditure authority of the Director of  
17 ~~Public Works.~~ The funds shall not be reprogrammed for  
18 any other purpose. The funds shall be available until  
19 expended, without fiscal year limitation.

20 o) For other Programs, \$10,000 is appropriated to  
21 the Tinian Little League Baseball Association for  
22 ~~transportation,~~ meals and lodging under the expenditure  
23 authority of the Sports Coordinator of the Tinian Little  
24 League Baseball Association.

25 p) For Other Programs, \$20,000 is appropriated to

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1 the Rota Little League Baseball Association for  
2 transportation, meals and lodging under the expenditure  
3 authority of the ~~Sports Coordinator of the Rota Little~~  
4 League Baseball Association.

5 q) For other Programs, \$50,000 is appropriated to  
6 the Saipan Little League Baseball Association for  
7 transportation, meals and lodging under the expenditure  
8 authority of the President of the Saipan Little League  
9 Baseball Association.

10 r) \$28,292 is appropriated for Lt. Governor's  
11 official representation under the expenditure authority  
12 of the Lt. Governor.

13 s) \$100,000 is appropriated for the Covenant  
14 Section 902 Talks, under the expenditure authority of  
15 the Special Representatives to the 902 consultation as  
16 appointed by the Governor.

17 Section 605. Reprogramming of Funds.: Reprogramming  
18 of funds appropriated under this act shall be in accordance  
19 with 1 CMC, Section 7402 except as follows:

20 a) Reprogramming is not authorized on funds  
21 ~~appropriated or adopted~~ under expenditure class codes  
22 4219, 4222, 4223, 4226, 4405, 4406, 4430, 4431, 4440,  
23 4450, 4451, 4535, 4540, 4550 and any other expenditure  
24 line item included in the detailed budget worksheets and  
25 not assigned specific class codes.

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1           b) Funds specifically appropriated for an FTE may  
2           not be reprogrammed, transferred, or expended for  
3           another FTE. ~~An employee may not receive salaries from~~  
4           two different local accounts. Public Law 6-23, with  
5           reference to salaries of ungraded positions shall be  
6           strictly adhered to.

7           Section 606. Lapsed Appropriations.

8           a) Funds appropriated under this act for new or  
9           vacant positions shall not be reprogrammed except for  
10          the Department of Public Health and Environmental  
11          Services. At the end of each quarter, the Director of  
12          Finance shall determine the amount of lapsed funds from  
13          new or vacant positions and shall reserve and transfer  
14          such funds into a special deficit reduction account.  
15          Funds available from lapsed salaries of new and vacant  
16          positions and those funds allocated to "professional  
17          services" for medical referral purposes, funded under  
18          the Department of Public Health and Environmental  
19          Services shall be reprogrammed to the Medical Referral  
20          Account. The Director of Finance shall report to the  
21          Legislature the full accounting of all lapsed funds no  
22          later than 60 days after the end of Fiscal Year 1990.

23          b) Funds appropriated for other categories and not  
24          obligated as of September 30, 1990 shall revert to the  
25          General Fund.

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1           Section 607. Continuing Resolution. If the annual  
2 Appropriation Act(s) for the subsequent fiscal year is not  
3 enacted into law prior ~~to~~ the beginning of such fiscal  
4 year, the appropriation levels, criminal penalties, and  
5 administrative provisions for government operations and  
6 obligation provided under this act shall continue to apply.  
7 With respect to the appropriation amounts, the funds  
8 appropriated under expenditure class codes 4405, 4406,  
9 4430, 4431, 4440, 4450, 4551, 4535, and any other  
10 expenditure line item included in the detailed budget  
11 worksheets and not assigned specific class codes shall not  
12 be subject to continuing resolution.

13           Section 608. Criminal Penalties. The criminal  
14 penalties set forth in the Planning and Budgeting Act of  
15 1983, as amended (1 CMC Section 7701 et. seq.), shall  
16 apply to this Act.

17           Section 609: Severability. If any provision of this  
18 Act is held invalid by a court of competent jurisdiction,  
19 the remainder of this Act shall not be affected thereby.

1           Section 610. Effective Date. This Act shall take  
2 effect upon its approval by the Governor or upon its  
3 becoming law without such approval.

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Attested by:

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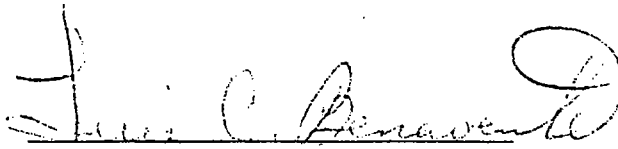
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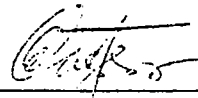
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LUIS C. BENAVENTE  
Acting Speaker  
House of Representatives



EVELYN T. CASTRO  
House Clerk

APPROVED Feb. 16<sup>th</sup>, 1990



LORENZO I. GUERRERO  
Governor  
Commonwealth of the Northern Mariana Islands