



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Ralph DLG. Torres
Governor

Victor B. Hocog
Lieutenant Governor

17 NOV 2016

The Honorable Rafael S. Demapan
Speaker, House of Representatives
Nineteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

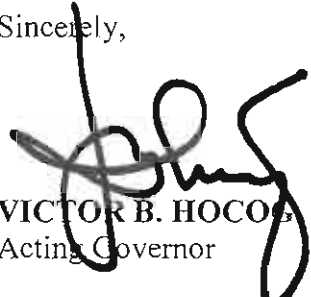
The Honorable Francisco M. Borja
Senate President, The Senate
Nineteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law **House Bill No. 19-139, HD1**, entitled, "To amend Title 1 Division 8 Part 2 Chapter 4 (Public Employment/Employee Compensation of the Commonwealth Code. To exempt the Commonwealth Development Authority (CDA) and the Commonwealth Ports Authority (CPA) from the salary limitations imposed by the Compensation Adjustment Act," which was passed by the House of Representatives and the Senate of the Nineteenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 19-71**. Copies bearing my signature are forwarded for your reference.

Sincerely,


VICTOR B. HOCOG
Acting Governor

cc: Lt. Governor; Acting Press Secretary; Attorney General's Office; Commonwealth Ports Authority; Commonwealth Development Authority; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



House of Representatives

19th NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586
SAIPAN, MP 96950

October 14, 2016

The Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action **H. B. No. 19-139, HD1**, entitled: **“To amend Title 1 Division 8 Part 2 Chapter 4 (Public Employment/Employee Compensation of the Commonwealth Code. To exempt the Commonwealth Development Authority (CDA) and the Commonwealth Ports Authority (CPA) from the salary limitations imposed by the Compensation Adjustment Act.”**, which was passed by the House of Representatives and the Senate of the Nineteenth Northern Marianas Commonwealth Legislature.

Sincerely yours,



Linda B. Muña
House Clerk

Attachment



*Nineteenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

Third Regular Session

March 4, 2016

Representative Antonio P. Sablan, of Saipan, Precinct 1 (*for himself*) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 19-139, HD1

AN ACT

TO AMEND TITLE 1 DIVISION 8 PART 2 CHAPTER 4 (PUBLIC EMPLOYMENT/EMPLOYEE COMPENSATION OF THE COMMONWEALTH CODE. TO EXEMPT THE COMMONWEALTH DEVELOPMENT AUTHORITY (CDA) AND THE COMMONWEALTH PORTS AUTHORITY (CPA) FROM THE SALARY LIMITATIONS IMPOSED BY THE COMPENSATION ADJUSTMENT ACT.


The Bill was referred to the House Committee on Ways and Means, which submitted Standing Committee Report 19-110; adopted 5/10/16.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, MAY 10, 2016;**
with amendments in the form of H. B. 19-139, HD1 and transmitted to the
THE SENATE.

The Bill was referred to the Senate Committee on Resources, Economic Development and Programs, which submitted Standing Committee Report 19-125; adopted 10/5/16.

THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, OCTOBER 5, 2016;
without amendments and was returned to
THE HOUSE OF REPRESENTATIVES.

THE BILL WAS FINALLY PASSED ON MAY 10, 2016.



Linda B. Muña, House Clerk



*Nineteenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

First Day, Third Special Session

May 10, 2016

H. B. No. 19-139, HD1

AN ACT

TO AMEND TITLE 1 DIVISION 8 PART 2 CHAPTER 4 (PUBLIC EMPLOYMENT/EMPLOYEE COMPENSATION OF THE COMMONWEALTH CODE. TO EXEMPT THE COMMONWEALTH DEVELOPMENT AUTHORITY (CDA) AND THE COMMONWEALTH PORTS AUTHORITY (CPA) FROM THE SALARY LIMITATIONS IMPOSED BY THE COMPENSATION ADJUSTMENT ACT.

Be it enacted by the Nineteenth Northern Marianas Commonwealth Legislature:

1 **Section 1. Findings and Purpose.** The CNMI Legislature finds that the
2 Commonwealth Development Authority (CDA) or “Authority” as defined by
3 4 CMC §10103(c) was created by the Legislature as “an autonomous public agency of the
4 Commonwealth of the Northern Mariana Islands, a body corporate to serve those functions
5 provided for in N.M.I. Const. art. XI, §6(c) and such other purposes as this division
6 establishes.” Within the CDA, the Legislature set up the Development Banking Division and
7 Development Corporation Division (“DCD”) pursuant to 4 CMC §10202. CDA has many
8 powers which support the fact that it is an autonomous agency and public corporation.
9 CDA has the power to design and use a corporate seal (4 CMC §10203(a)(1)); make
10 contracts (4 CMC §10203(a)(17)); receive and hold funds from the United States
11 government, Commonwealth government, Marianas Public Land Trust, and Economic
12 Development Loan Fund (4 CMC §10203(a)(3)); sue and be sued in its own corporate name
13 (4 CMC §10203(a)(4)); borrow and secure money from private and public sources including
14 the United States and any other country (4 CMC §10203(a)(6)); guarantee obligations of the
15 Commonwealth or its autonomous public agencies which are incurred to fund CDA projects

HOUSE BILL 19-139, HD1

1 (4 CMC §10203(a)(9)); administer bank loan programs from Covenant §702(c) funds
2 (4 CMC §10203(a)(25)); make, fund and issue bonds (4 CMC §10203(a)(7)(28)); organize,
3 establish, operate or own an interest in a subsidiary corporation or joint venture
4 (4 CMC §10203(a)(29)); establish the Development Corporation Division as a subsidiary
5 corporation of CDA (4 CMC §10203(a)(30)); make mortgage loans or insurance agreements
6 with the Department of Housing and Urban Development or other agencies of the United
7 States, Commonwealth or private entities (4 CMC §10203(a)(31)). In addition, CDA is
8 forbidden from funding or loaning funds for “government operations, except for its own
9 operations as provided in this division” (4 CMC §10203(b)(2)). Bonds may not be
10 authorized for operation expenses (including deficits arising therefrom) of the
11 Commonwealth government or its political subdivisions (4 CMC §10452).

12 The Legislature finds that CDA efficiently and responsibly delivers these vital
13 programs and services to the people of the Commonwealth in large part due to the dedicated
14 and qualified staff and management who possess the certification, specialized training, and
15 institutional knowledge of the various programs being administered.

16 Furthermore, the Legislature finds that one hundred percent (100%) of CDA’s
17 operating and personnel budget is derived from funds raised through CDA projects and is not
18 appropriated or budgetary funds from the Commonwealth Government General Fund.
19 Therefore, the Legislature finds that because the services performed by CDA staff are
20 special, unique and require a degree of expertise or special knowledge and those services are
21 essential to the community development needs of the people of the Commonwealth, it is only
22 fitting and justifiable that CDA be exempt from certain provisions of the Compensation
23 Adjustment Act.

24 Accordingly, to accomplish this intent requires that 1 CMC § 8250(e) be amended.

25 **Section 2. Amendment.** 1 CMC § 8250 (e) is hereby amended to read as follows:

26 “1 CMC §§ 8245 (b)-(d), 8246, 8248(a), 8251 and 8252 shall not apply to the
27 Commonwealth Utilities Corporation, the Northern Marianas Housing Corporation,
28 the Commonwealth Development Authority, and the Commonwealth Ports
29 Authority.”

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


34 **Section 4. Savings Clause.** This Act and any repealer contained herein shall not be
35 construed as affecting any existing right acquired under contract or acquired under statutes
36 repealed or under any rule, regulation, or order adopted under the statutes. Repealers
37 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
38 The enactment of the Act shall not have the effect of terminating, or in any way modifying,
39 any liability, civil or criminal, which shall already be in existence on the date this Act
40 becomes effective.

HOUSE BILL 19-139, HD1

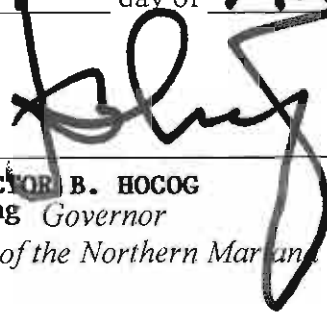
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Section 5. Effective Date. This Act shall take effect upon its approval by the Governor, or its becoming law without such approval.

Attested to by: 
Linda B. Muña, House Clerk

Certified by: 
SPEAKER RAFAEL S. DEMAPAN
House of Representatives
19th Northern Marianas Commonwealth Legislature

Approved this 17th day of November, 2016


VICTOR B. HOCOG
Acting Governor
Commonwealth of the Northern Mariana Islands