



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Jude U. Hofschneider
Lieutenant Governor

Honorable Joseph P. Deleon Guerrero
Speaker, House of Representatives
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

14 FEB 2014

Honorable Ralph DLG. Torres
Senate President, The Senate
Eighteenth 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. 18-142, SS1, entitled, "To require all unclaimed third party funds within the Commonwealth Judiciary to be deposited into a special imprest account specifically for the use of the Judicial Branch; and for other purposes," which was passed by the House of Representatives and the Senate of the Eighteenth Northern Marianas Commonwealth Legislature.

While I approve this measure, the Judiciary must be cognizant that this bill requires the Judiciary to wait six months, or 180 days after publishing notice, before transferring abandoned property to the Judiciary Legal Services Revolving Fund. Section 4(a) mistakenly provides that the Judiciary need only wait 120 days. A subsequent amendment to the law is needed to correct this discrepancy.

This bill becomes **Public Law No. 18-36**. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read "Eloy S. Inos", with a long vertical line extending upwards from the top of the signature.

ELOY S. INOS

cc: Lt. Governor; Lt. Governor's Legal Counsel; Attorney General's Office; Press Secretary;
Department of Finance; Special Assistant for Administration; Special Assistant for
Programs and Legislative Review

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2200/2300 Facsimile: (670) 664-2211/2311



House of Representatives

18th NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586
SAIPAN, MP 96950

January 17, 2014

The Honorable Eloy S. Inos
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Inos:

I have the honor of transmitting herewith for your action **H. B. No. 18-142, HD1**, entitled: "To require all unclaimed third party funds within the Commonwealth Judiciary to be deposited into a special imprest account specifically for the use of the Judicial Branch; and for other purposes.", which was passed by the House of Representatives and the Senate of the Eighteenth Northern Marianas Commonwealth Legislature.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Linda B. Muña".

Linda B. Muña
House Clerk

Attachment



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

Second Regular Session

November 6, 2013

Representative Ralph N. Yumul, of Saipan, Precinct 3 (*for himself*), in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 18-142, SS1

AN ACT

**TO REQUIRE ALL UNCLAIMED THIRD PARTY FUNDS WITHIN
THE COMMONWEALTH JUDICIARY TO BE DEPOSITED INTO A
SPECIAL IMPREST ACCOUNT SPECICALLY FOR THE USE OF
THE JUDICIAL BRANCH; AND FOR OTHER PURPOSES.**

The Bill was not referred to a House Committee.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, NOVEMBER 6, 2013;
without amendments and transmitted to the
THE SENATE.**

The Bill was not referred to a Senate Committee.
**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, NOVEMBER 26, 2013;
with amendments in the form of H. B. 18-142, SS1 and returned to
THE HOUSE OF REPRESENTATIVES.**

The House of Representatives accepted the Senate amendments and passed H. B. 18-142, SS1 during its 1st Day, Third Regular Session on January 9, 2014.

THE BILL WAS FINALLY PASSED ON JANUARY 9, 2014.

A handwritten signature in black ink, appearing to read "L. Muña".

Linda B. Muña, House Clerk



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

First Day, Third Regular Session

January 9, 2014

H. B. 18-142, SS1

AN ACT

TO REQUIRE ALL UNCLAIMED THIRD PARTY FUNDS WITHIN THE COMMONWEALTH JUDICIARY TO BE DEPOSITED INTO A SPECIAL IMPREST ACCOUNT SPECIFICALLY FOR THE USE OF THE JUDICIAL BRANCH; AND FOR OTHER PURPOSES.

Be it enacted by the Eighteenth Northern Marianas Commonwealth Legislature:

1 **Section 1. Short Title.** This Act may be cited as the “Judiciary Abandoned Funds
2 Act”.

3 **Section 2. Findings.** The legislature finds that the Commonwealth Judiciary has in
4 its possession certain third party funds, which have remained unclaimed for more than one
5 year. The legislature also finds that some parties may not recognize that the Commonwealth
6 Judiciary currently maintains possession of these funds. In the event that these funds, as well
7 as future funds, are abandoned for a substantial period of time, the legislature concludes that
8 the funds should be used to supplement current appropriations for legal services in the

HOUSE BILL 18-142, SS1

1 Commonwealth. Therefore, the legislature believes legislation repurposing these abandoned
2 funds is of the utmost importance.

3 **Section 3. Definitions**

4 (a) "Administrator" means a designee of the Chief Justice.

5 (b) "Apparent owner" means a person whose name appears on the records of the
6 Commonwealth Judiciary as the person entitled to property held, issued, or owing by the
7 Judiciary.

8 (c) "Commonwealth Judiciary designee" means a person designated by the Judicial
9 Council of the Commonwealth Judicial Branch obligated to hold for the account of, or
10 deliver or pay to, the owner of the property that is subject to this Act.

11 (d) "Abandoned" or "unclaimed" property means moneys held within the Judiciary's
12 third party fiduciary account which have gone unclaimed for a period of one year or more
13 after they are payable or distributable.

14 (e) "Notice" means:

15 (i) At the end of each calendar year, the administrator shall prepare a list of all
16 abandoned funds in accordance with Section 4 (a) of this Act. The administrator shall
17 then send notice by certified mail, return receipt requested, to the most recent mailing
18 address on file with the Judiciary to any apparent owner; and

19 (ii) The administrator shall also publish notice in a newspaper of general
20 circulation within the Commonwealth. The published notice must contain:

21 (1) the name of each person appearing to be the owner of the property,
22 as set forth in the report filed by the Commonwealth Judiciary designee;

23 (2) a statement explaining that the owner's property is presumed to be
24 abandoned; and

HOUSE BILL 18-142, SS1

1 (3) a statement that information about the property and its return to the
2 owner is available to a person having a legal or beneficial interest in the
3 property, upon request to the administrator within six months.

4 (iii) The administrator is not required to provide individualized notice under
5 Section 3 (e) (i) to the owner of property having a total value less than \$250.
6 Publication of notice in a newspaper of general circulation in accordance with
7 Section 3 (e) (ii) shall be sufficient.

8 (f) "Property" means a fixed and certain interest in intangible property that is held,
9 issued, or owed in the course of the Judiciary's business, and all income or increments
10 therefrom. The term includes property that is referred to as or evidenced by money, a check,
11 draft, deposit, interest, or dividend;

12 **Section 4. Disposition of Abandoned Property.**

13 (a) Property is presumed abandoned if it is unclaimed by the apparent owner after the
14 property is held by the judiciary one year after the property becomes payable or distributable.
15 After such time has passed, notice shall be given, and if the property remains unclaimed for
16 120 days after notice has been given, the Administrator shall petition the Superior Court to
17 request that an order be issued directing the property be transferred to a Judiciary Legal
18 Services Revolving Fund, which shall be kept separate from the General Fund.

19 (b) Before making a deposit into the revolving fund, the administrator may reasonably
20 deduct:

- 21 (1) costs of mailing and publication in connection with abandoned property;
- 22 (2) reasonable service charges; and
- 23 (3) expenses incurred in examining records of holders of property.

24 (c) The Chief Justice, or a designee, shall be the expenditure authority for the
25 Judiciary Legal Services Revolving Fund.

HOUSE BILL 18-142, SS1

1 (d) Moneys in the revolving fund shall be used to pay for:

2 (i) indigent legal services including, but not limited to, attorneys' fees,
3 transcription costs, translator fees, expert witness fees, investigator fees, and costs.

4 Such expenses shall only be paid in connection with a Commonwealth Court
5 appointed attorney representing an indigent client;

6 (ii) pro se legal resources; and

7 (iii) payment of the Northern Mariana Islands Retirement Fund loan.

8 (e) With respect to managing the revolving fund and expending moneys from it, the
9 Judiciary is exempt from the Planning and Budgeting Act, Title 1, Division 7,
10 Part 1, Chapters 1 through 7; codified at 1 CMC § 7101 *et seq.*

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

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

HOUSE BILL 18-142, SS1

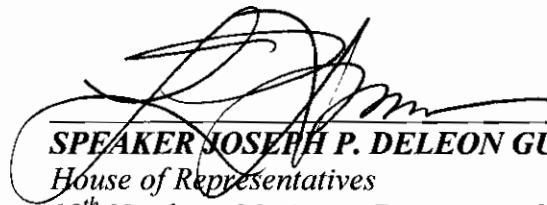
1 **Section 5. Effective Date.** This Act shall take effect upon its approval by the
2 Governor or becoming law without such approval.

Attested to by:



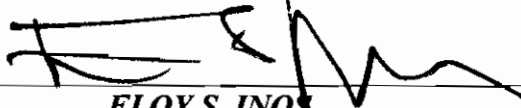
Linda B. Muña, House Clerk

Certified by:



SPEAKER JOSEPH P. DELEON GUERRERO
House of Representatives
18th Northern Marianas Commonwealth Legislature

~~APPROVED~~ this 14TH day of FEBRUARY, 2014



ELOY S. INOS
Governor
Commonwealth of the Northern Mariana Islands