

THIRTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND REGULAR SESSION, 2002

Public Law 13-24

H. B. NO. 13-170, HD1

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 2003; and for other purposes.

**BE IT ENACTED BY THE THIRTEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

Section 101. Short Title. This Act may be cited as the “Appropriations and Budget Authority Act of 2003.”

Section 102. Purpose. This Act appropriates local funds for the operations and activities of the Government of the Northern Mariana Islands, its agencies, instrumentalities, independent agencies and political subdivisions, and provides authority for government corporations for Fiscal Year 2003 commencing October 1, 2002 and ending September 30, 2003.

Section 103. Definitions. As used in this Act:

(a) Government of the Commonwealth of the Northern Mariana Islands includes:

(1) Legislative Branch, which includes the following:

- (A) Senate
- (B) House of Representatives
- (C) Legislative Bureau
- (D) Northern Mariana Islands Youth Congress

(2) Judiciary Branch, which includes the following:

- (A) Supreme Court
- (B) Superior Court
 - (i) Family Court

- (C) Law Revision Commission
- (3) Executive Branch, which includes the following departments and offices:
 - (A) Office of the Governor
 - (B) Office of the Attorney General
 - (C) Department of Community and Cultural Affairs
 - (D) Department of Commerce
 - (E) Department of Labor and Immigration
 - (F) Department of Public Safety
 - (G) Department of Finance
 - (H) Department of Public Health
 - (I) Department of Lands and Natural Resources
 - (J) Department of Public Works
 - (K) Office of Personnel Management
 - (L) Office of the Public Defender
- (4) Office of the Resident Representative to the United States.
- (5) First Senatorial District (Rota) which includes the following government offices and resident departments:
 - (A) Office of the Mayor
 - (B) Municipal Council
 - (C) Resident Department of Labor and Immigration
 - (D) Resident Department of Community and Cultural Affairs
 - (E) Resident Department of Commerce
 - (F) Resident Department of Public Safety
 - (G) Resident Department of Finance
 - (H) Resident Department of Public Health
 - (I) Resident Department of Land and Natural Resources
 - (J) Resident Department of Public Works

(K) Office of Personnel

(6) Second Senatorial District (Tinian and Aguiguan) which includes the following governmental offices and resident departments:

- (A) Office of the Mayor
- (B) Municipal Council
- (C) Resident Department of Labor and Immigration
- (D) Resident Department of Community and Cultural Affairs
- (E) Resident Department of Commerce
- (F) Resident Department of Public Safety
- (G) Resident Department of Finance
- (H) Resident Department of Public Health
- (I) Resident Department of Land and Natural Resources
- (J) Resident Department of Public Works
- (K) Office of Personnel

(7) Third Senatorial District (Saipan and the Northern Islands) which includes the following governmental offices:

- (A) Mayor of Saipan
- (B) Mayor of the Northern Islands
- (C) Saipan Municipal Council

(8) All government corporations, as defined in 1 CMC § 7103 (n), for which budget authority is herein provided including the following:

- (A) Commonwealth Utilities Corporation
- (B) Northern Marianas Housing Corporation
- (C) Commonwealth Ports Authority
- (D) Commonwealth Development Authority
- (E) Northern Marianas Retirement Fund
- (F) Marianas Public Land Trust

- (G) Marianas Public Lands Authority
- (H) Marianas Visitors Authority
- (I) Commonwealth Telecommunication Commission

(9) All other public and quasi-public entities, boards or commissions incorporated or established pursuant to the Commonwealth Constitution or Commonwealth law and including the following agencies and instrumentalities:

- (A) Public School System
 - (i) Board of Education
- (B) CNMI Election Commission
- (C) Board of Parole
- (D) Board of Professional Licensing
- (E) Chamorro--Carolinian Language Commission
- (F) Civil Service Commission
- (G) Northern Marianas College
- (H) Workers' Compensation Commission
- (I) Office of the Public Auditor

(b) "Independent programs" means government programs under separate boards established by law (unless receiving appropriations or budget authority under another heading), specialized general items of appropriations, and those non-profit corporations and associations or organizations established outside of the Government of the Commonwealth of the Northern Mariana Islands to which the Commonwealth Government provides financial assistance such as the:

- (1) Special Annuity for Governor / Lt. Governor
- (2) National Governors Association
- (3) South Pacific Commission/ SPREP
- (4) Marianas Bound (Karidat)
- (5) Micronesian Legal Services Corporation

- (6) Agricultural Fair
- (7) NMI OICC
- (8) Joeten/Kiyu Public Library (Commonwealth Public Library)
- (9) Judgments Against Government
- (10) NMI Protection & Advocacy System
- (11) Flame Tree Arts Festival
- (12) Ayuda Network
- (13) Developmental Disabilities Planning Agency
- (14) Commonwealth Museum
- (15) Domestic Violence
- (16) Cops Universal Hiring Program
- (17) Coastal Resources Management
- (18) Free Trade Zone
- (19) Government Utilities
- (20) 30% Retirement Bonus
- (21) APPU/APIIL
- (22) Retirement (PL 8-31)
- (23) Crime Stoppers International
- (24) Public Assistance Program Matching Fund

(c) “local funds” means locally generated revenues and revenues received pursuant to Section 702 (a) of the Covenant.

(d) “Operations” means appropriations for all lawful activities other than personnel.

(e) “Personnel” means appropriations for salaries, employer’s contribution to the Northern Marianas Retirement Fund, overtime, night differential, hazardous pay and other employee wages and benefits.

(f) “Position” or “Full Time Equivalent” (FTE) means the maximum number of persons that may be employed, pursuant to Article X, Section 7 of the Commonwealth

Constitution but does not include Workforce Investment Agency, substitute teachers, summer trainees, teacher aides, physicians, licensed professional nurses and licensed allied health providers working part-time and paid only for instructional time, student teacher trainees, or short-term specialized instructors, such as visiting artists, performers, writers, and the like. For purposes of this exception, “part-time” means employment not exceeding 40 hours in any biweekly pay period, and “short-term” means not more than 90 instructional days employment within the Public School System during the fiscal year.

CHAPTER II. ESTIMATED REVENUES

Section 201. Estimated Revenues.

a) Local Funds:

1) Internal Revenue	\$ 207,843,973
2) Covenant Funds (Operations)	-0-
3) Non-Resident Workers Fee Fund (Public Law 10-66 and 10-1)	\$ 5,882,000
4) Marianas Public Lands Authority	\$ <u>4,238,893</u>

b) Total Local Revenue and Resources available

for Fiscal Year 2003 (per Governor's Communications

for Fiscal Year 2003 dated 5/1/02 and 7/1/02) \$ 217,964,866

CHAPTER III. APPROPRIATIONS

Section 301. Appropriations for all Activities of the Government of the Northern Mariana Islands. Funds for the programs and activities of the Government of the Commonwealth of the Northern Mariana Islands, are hereby appropriated as follows per the attached appropriation summary worksheets, which are incorporated by reference in this Act. The FTEs identified therein are the maximum number of positions approved and authorized, ~~subject to the restrictions under section 519 (c) and (d) of this Act,~~ and shall not exceed such number unless authorized in accordance with Article X, Section 7 of the N.M.I. Constitution.

CHAPTER IV. BUDGET ADOPTION

Section 401. Government Corporations and Designated Agencies/Activities. Pursuant to 1 CMC § 7206 and as provided herein, budget authority for the following activities is hereby approved. Expenditures in excess of the budget authority approved herein for agencies to which public funds are appropriated shall not be incurred or committed, and FTE ceilings approved shall not be exceeded without specific approval of the Legislature by joint resolution in accordance with Article X, Section 7 of the N.M.I. Constitution.

	<u>ACTIVITIES</u>	<u>FTE</u>	<u>PERSONNEL</u>	<u>OPERATIONS</u>	<u>TOTAL</u>
1.	CUC	384	14,408,068	53,947,932	68,356,000
2.	CPA	230	7,858,881	3,150,891	11,009,772
3.	CDA	14	895,026	664,000	1,559,026
4.	NMI Ret. Fund	33	1,487,061	43,589,990	45,077,051
5.	NMI Housing Corporation	18	842,518	1,383,879	2,226,397
6.	OPA	49	1,812,324	416,500	2,228,824
7.	CNMI Gov't Health & Life Ins.	7	305,614	8,402,934	8,708,548
	GrandTotal:	<u>735</u>	<u>27,609,492</u>	<u>111,556,126</u>	<u>139,165,618</u>

CHAPTER V. ADMINISTRATION OF APPROPRIATED FUNDS

~~Section 501. Allotments. The funds appropriated under chapter III of this Act shall be distributed and allotted by the Office of Management and Budget in accordance with the individual activities' appropriation summary worksheets which are attached hereto.~~

~~(a) Quarterly allotments. The funds appropriated herein shall be allotted at the beginning of each quarter to each budget activity at a rate of 25% of the amount appropriated, except:~~

~~(1) Quarterly Allotments in excess of 25%. The following governmental officials may approve a quarterly allotment in excess of the 25% of the total~~

~~approved operation budget, and the Office of Management and Budget shall authorize the allotment to the expenditure authority consistent with the nature and need of the activity:~~

~~(i) The Speaker of the House in the case of the House of Representatives;~~

~~(ii) The President of the Senate in the case of the Senate;~~

~~(iii) The Director of the Legislative Bureau in the case of the Legislative Bureau;~~

~~(iv) The Chief Justice of the Supreme Court in the case of the Supreme Court.~~

~~(v) The Presiding Judge of the Superior Court in the case of Superior Court.~~

~~(vi) The Governor in the case of the Executive Branch;~~

~~(vii) The Resident Representative in the case of the Office of the Resident Representative to the United States;~~

~~(viii) The President of the College, with the written approval of the Chairman of the Board of Regents, in the case of the Northern Marianas College;~~

~~(ix) The Commissioner of Education, with the written approval of the Chairman of the Board of Education, in the case of the Public School System. Notwithstanding any provision of law or this Act, the Department of Finance shall disburse in full to the expenditure authority over funds appropriated to the Board of Education and the Public School System as follows;~~

~~(A) 30% in the First and Second Quarter of the Fiscal Year;~~

~~(B) 25% in the Third Quarter of the Fiscal Year; and~~

~~(C) 15% in the Fourth Quarter of the Fiscal Year.~~

~~In the event allotments greater than 25% are approved, allotments in subsequent quarters shall be reduced below 25% to the extent necessary so that total allotments do not exceed 100%.~~

~~(b) Notwithstanding any law to the contrary, if a revenue shortfall at anytime during Fiscal Year 2003 triggers the application of 1 CMC § 7604 (c) and/or § 7605 and if the Governor invokes his authority to modify allotments, or to rescind or defer budget authority under § 7604 (c) and/or § 7605, such modification, rescission or deferral, shall take effect only after the Governor files a report, with the Presiding Officers of the Legislature and the Chairmen of the legislative fiscal committees, describing the change in circumstances which makes it necessary that reductions in budget authority should be made or the basis for his determination that estimated budget resources will be insufficient to finance all appropriations in full; provided that such report shall be accompanied by a plan to be implemented modifying allotments or rescinding or deferring budget authority, to the extent necessary to prevent a deficit. Provided further that no modification of allotment authority, or rescission or deferral budget authority shall cause a reduction of the total funds appropriated to the Legislature and the Judiciary by more than 3% of the total appropriated funds of each of those branches notwithstanding any law to the contrary; the plan to modify allotments, or to rescind or defer budget authority, shall take effect upon the Legislature's authorization of the Governor's plan and shall remain in effect until there is either an appropriation act providing additional budget authority or an appropriation act providing budget authority in a subsequent fiscal year.~~

Section 502. Appropriation Worksheets.

(a) Unless otherwise provided in this Act, the funds appropriated pursuant to section 301 hereof shall be expended in compliance with the appropriation summary worksheets attached hereto and incorporated by reference herein, and in accordance with the fiscal authority the listed agencies have pursuant to statute and the administrative

provisions of this act. If there is any conflict between the attached worksheets and the administrative provisions of this Act, the administrative provisions shall prevail.

(b) The budget worksheets contained in the Governor's budget submission to the Legislature have no force or effect of law. The Special Assistant for Management and Budget and the Director of Personnel are without authority to grant, withhold, or condition any approval or allotment based on those worksheets or any other source other than this Act and other applicable law. All personnel actions for civil service positions, including but not limited to new hires, transfers, promotions, and pay increases, shall be made in compliance with the Civil Service Act and regulations and other applicable law concerning public employment and personnel management for the Commonwealth Government.

Section 503. Suspension of Customs/User's Fee Earmarking. The operation of the provision of 4 CMC § 1421 that reads, “[n]o less than five percent of the amount [of user fees] collected shall be reserved for use by the Division of Customs Services without further appropriation” is hereby suspended.

Section 504. Specific Administrative Provisions.

(a) Scholarship Program Budget Authority. Notwithstanding any provision of law, the appropriation to the Scholarship Office shall be available without fiscal year limitation and shall not be reprogrammed.

(b) Government Utilities Budget Authority. Notwithstanding any law to the contrary, the funds appropriated for government utility expenses shall include government consumption of power, water, sewer and expenditures incurred for public streetlighting and shall be available without fiscal year limitation and shall not be reprogrammed.

(c) Judgments Against the Government Allocation and Reprogramming Authorization.

(1) There is hereby appropriated the sum of \$31,138.68, from the total appropriation for Judgments Against the Government to pay for attorney's fees (Eric Smith, Esq.) as ordered in Superior Court Civil Action 97-486. Provided

further that in the event of a settlement in Civil Action 97-486 approved by the Office of the Attorney General, the Governor shall reprogram funds to satisfy any government obligation required by the settlement agreement.

~~———— (2) No more than the sum of \$37,258 shall be reserved from the appropriation for Judgments Against the Government to pay plaintiffs' legal fees and costs in Superior Court Civil Action No. 95-853, subject to the Office of the Attorney General's determination that the expenditure is consistent with Article X, section 9 of the N.M.I. Constitution.~~

(3) All judgments against the government claims, including the remaining claim for attorney's fees and costs submitted by the other third-party defendant in Civil Action 97-486, shall be disbursed upon the Attorney General's approval as expenditure authority.

~~———— (d) First Senatorial District Reserve Fund. Notwithstanding any law to the contrary, the Secretary of Finance shall reserve \$150,000.00 from the total funds appropriated for operations to the First Senatorial District for typhoon disaster relief by proportionately reducing each First Senatorial District agency's appropriated funds accordingly. The funds reserved herein shall be available for expenditure in accordance with Article VI of the NMI Constitution (Amendment 25).~~

(e) MVA Field Offices. There is hereby appropriated \$100,000 from MVA's appropriation to be allocated equally between the First and Second Senatorial Districts for personnel hiring.

(f) Rota and Tinian Public Library. There is hereby appropriated \$100,000 to be allocated equally between the First and Second Senatorial Districts to hire personnel for the public libraries on Rota and Tinian.

Section 505. Enforcement of Employment Ceilings. No person may be hired on a temporary, part-time, probationary, provisional, permanent, or other basis unless a vacant FTE exists for that person ~~and filling the FTE is consistent with the restrictions under section 519,~~ and

with Article X, Section 7 of the N.M.I. Constitution. For purposes of this section, the term “vacant” includes new FTEs. In addition to any other penalties or remedies as may be provided by law, any person who hires or approves the hiring of any person, in violation of this provision, shall be personally liable for the costs of employment of the person hired illegally, together with reasonable costs and attorneys fees in any action brought by any taxpayer to recover on behalf of the Commonwealth monies improperly spent, of which spending is hereby declared as not for a public purpose, as a result of such illegal hiring. A right of action is hereby created in every Commonwealth taxpayer to enforce this section, as a supplement to all other rights and remedies as may already exist at law or in equity. Sections 301 and 401 of this Act are specifically made subject to this section.

Section 506. Legislative Budget Authority.

(a) Expenditure authority for funds appropriated for salaries of members of the Legislature, designated in the budget worksheets as total personnel funds under “Senate” and “House of Representatives,” is vested in the Secretary of Finance. Such funds shall not be reprogrammed.

(b) In accordance with Article II, § 16 (b) and (c) of the N.M.I. Constitution, as amended by Legislative Initiative 10-8, the following amounts subject to section 501(b) herein are hereby appropriated as follows:

(1) each member shall receive \$155,000 for office and related expenses including all expenses for travel; each member shall be the expenditure authority for such funds unless as provided herein. Members may voluntarily pool all or part of these funds and may designate an expenditure authority pursuant to a pooling agreement. Such funds shall not be reprogrammed for expenditure other than as provided in this paragraph.

(2) Each presiding officer shall also receive \$400,000 to support the operations and activities of each house in accordance with its respective rules, and shall have expenditure authority for such funds; provided that the presiding officers

shall equally distribute half of that amount among the standing committees for their operations and activities; provided further that expenditure authority for funds distributed to standing committees shall be vested in the chairpersons of the respective standing committees and such funds shall be expended for any lawful purpose but shall not be reprogrammed other than as provided in this paragraph.

(3) No expenditure of funds appropriated under this subsection unless provided by law or authorized under the official rules of the house of which the expenditure authority is a member.

(c) Legislative Bureau Appropriation. There is hereby appropriated \$2 million to the Legislative Bureau, in accordance with N.M.I. Const. art. II, § 16(d), as amended, subject to section 501(b) herein and with the expenditure authority vested in the Director of the Legislative Bureau. The Director of the Legislative Bureau may reprogram funds appropriated to the Bureau without any limitation other than that imposed by 1 CMC § 7402 (c)(3). Funds appropriated to the Legislative Bureau shall not be expended or reprogrammed other than for the activities and operations of the Legislative Bureau.

(d) Retirement contribution. In implementing the mandate of N.M.I. Const. art. II, § 16(a), as amended, relating to employer contributions to the government retirement fund, the Secretary of Finance is designated as expenditure authority for such funds which shall not be reprogrammed.

(e) Limitations on Expenditures. As provided by N.M.I. Const. art. II, § 16, as amended, no part of the appropriations for the Legislature or the Legislative Bureau, other than a member's salary, may be used for personal or political activities. The Legislative Bureau shall not purchase, rent, or lease vehicles for the use of individual members of the legislature or their offices. The Legislative Bureau shall not defray travel expenses of individual members of the Legislature or their personal staff, except as approved by joint resolution.

(f) Employment Ceilings. Pursuant to Article X, § 7 of the Commonwealth Constitution, the following employment ceilings are hereby established with respect to the funds appropriated to the legislative branch by this Act.

(1) Each member of the Legislature may hire not more than ten employees paid from funds appropriated and allocated to each individual member pursuant to subsection (b)(1) of this section.

(2) Provided further that employment ceilings, separate from that set by subsection (f)(1), for funds appropriated under subsection (b)(2) of this section are established as follows:

(i) for the Office of the Speaker and the House standing committees, not more than 20 employees may be paid from subsection (b)(2) funds appropriated to the House Speaker;

(ii) for the Office of the President and the Senate standing committees, not more than 20 employees may be paid from subsection (b)(2) funds appropriated to the Senate President;

(iii) The Speaker of the House and the President of the Senate shall determine the distribution of employees provided under subsection (f)(2) within their respective houses.

(3) The Legislative Bureau may have not more than 35 employees paid from funds appropriated under this section.

Section 507. Legislative Staff Exemption. Legislative staff employed by individual legislators may be compensated out of each legislator's allotment share, or out of any joint account established by several legislators, pursuant to section 506 of this Act. The restriction on reprogramming from nonpersonnel to personnel pursuant to 1 CMC § 7402 (c)(3) shall not be applicable to the personnel costs associated with employing such staff or staff paid from accounts established pursuant to section 506 of this Act. 1 CMC § 1272 shall not apply with respect to employment funded by this act or continuing appropriations budget authority based on this Act.

Section 508. Expenditure Authority of Appropriated Funds. The funds appropriated pursuant to this Act shall be expended by the expenditure authority provided in 1 CMC § 7401 (a), (b), (c)(4) and (d) through (r), except as provided below:

(a) The Mayor and the Chairpersons of the Municipal Councils of the respective Senatorial Districts shall have the expenditure authority for appropriations for their respective offices. Each Municipal Council chairperson shall allocate, and provide for the expenditure of, the funds appropriated to the Council in accordance with the Official Rules of the Council. Additionally, in accord with the Superior Court's decision in the case of *Inos v. Tenorio*, the Mayors shall also have expenditure authority over resident government departments in the First and Second senatorial districts respectively unless the Governor revokes expenditure authority in a manner consistent with the Superior Court's holding in *Inos v. Tenorio*, to wit: expenditure authority over resident departments that are primarily concerned with the delivery of public services can be revoked only on a prior showing of just cause, but the Governor has discretion to revoke expenditure authority over those departments that are primarily concerned with enforcing the law.

(b) For the Ground Water Management and Protection Act Fund, expenditure authority is vested in the director of the Division of Environmental Quality.

(c) For the Flame Tree Arts Festival, expenditure authority is vested in the executive director of the Commonwealth Council for Arts and Culture.

(d) For the NMI Protection and Advocacy System, expenditure authority is vested in the chairperson of the board of directors or his or her designee.

(e) For the Northern Mariana Islands Youth Congress, the expenditure authority is vested in the Director of the Legislative Bureau with the concurrence of the Speaker of the Northern Mariana Islands Youth Congress.

(f) For the Developmental Disabilities Planning Agency, the expenditure authority is vested in the executive director of the agency.

(g) For the Marianas Bound (KARIDAT), the expenditure authority is vested in the chairperson of the board of directors.

(h) For the Micronesian Legal Services Corporation, the expenditure authority is vested in the executive director of the corporation.

(i) For the Ayuda Network, the expenditure authority is vested in the chairperson of the board of directors.

(j) For all government agencies receiving appropriated funds for personnel or staff housing, administrative and expenditure authority over housing and accompanying funds, including but not limited to approval of lease agreements, is vested in the appropriate agency officials designated by law as having expenditure authority.

(k) For the Cops Universal Hiring Program, the expenditure authority is vested in the Commissioner of Public Safety with the concurrence of the executive director of the Criminal Justice Planning Agency.

(l) For the Joeten-Kiyu Public Library, expenditure authority is vested in the chairperson of the Commonwealth Library Council.

(m) For the Commonwealth Museum, expenditure authority is vested in the chairperson of the Board of Governors of the Commonwealth Museum or designee, notwithstanding 2 CMC § 4880 (d).

(n) For the Board of Education, expenditure authority is vested in the chairperson of the Board of Education. Expenditure authority for the Public School System is vested in the Commissioner of Education or designee. Pursuant to the constitutional autonomy of the Public School System mandated by Article XV, Section 1(b) and (c) of the N.M.I. Constitution and notwithstanding subsection (a) of this section, the provisions of this subsection apply to all senatorial districts.

(o) For the Chamorro--Carolinian Language Commission, the expenditure authority shall be vested in the executive director of the commission.

(p) For the Domestic Violence Task Force, expenditure authority is vested in the Family Violence Task Force chairperson with concurrence of the FVTF coordinator.

(q) For Judgments Against the Government, the expenditure authority shall be vested in the Attorney General.

(r) For the public libraries on Rota and Tinian, the mayor of the respective municipalities shall have expenditure authority.

(s) For the Public Assistance Program on Matching Funds, expenditure authority shall be the Governor or his designee.

(t) For Crime Stoppers International, the Commissioner of the Department of Public Safety shall have expenditure authority.

(u) For Section 103 (b) Independent Programs, unless otherwise provided herein or in any other provision of law, expenditure authority shall be vested in the Secretary of Finance.

(v) For the Supreme Court, the Chief Justice shall be the expenditure authority.

(w) For the Superior Court, the expenditure authority shall be vested in the Presiding Judge.

(x) For the Northern Marianas College, the president shall have expenditure authority over its appropriated funds.

Section 509. Management of Funds. The Secretary of Finance shall regulate and control the expenditure of public funds that are appropriated and allocated by this Act so that no activity may expend appropriated funds contrary to the law or fiscal management policies and practices of the Commonwealth. Provided that, in addition to the report required under 1 CMC § 7209, the Secretary of Finance shall submit at the end of each quarter, an itemized report on the expenditures for personnel and operations of each executive branch departments and agencies for the quarter ended and, if applicable, year-to-date totals as of the close of the reporting period.

Section 510. Reprogramming Authority. Except as otherwise provided herein, reprogramming of funds appropriated under this act shall be in accordance with 1 CMC § 7402.

Provided that the Governor shall be the reprogramming authority for any government activity or program without a designated reprogramming authority.

Section 511. Restriction on Charging Multiple Accounts. No employee of any branch of government may receive salaries from more than one FTE, nor from more than one local account except as provided in sections 506 and 507 of this Act; provided, that this section shall not apply with respect to teachers, substitute teachers, or teacher aides.

Section 512. Earmarked Funds. The earmarking provisions of Public Laws 10-66 and 11-25 are hereby suspended for Fiscal Year 2003, such that monies earmarked under these laws that are not explicitly appropriated by this Act with reference to those laws for their earmarked purposes are hereby transferred to the general fund for general appropriation under this Act. The earmarking and automatic appropriation of funds under Public Law 10-1 is not affected or amended by this Act. Provided further that notwithstanding any law to the contrary the following amounts from the specific funds so listed shall be transferred to the general fund for general appropriation under this Act:

(a) Tobacco License Fund	\$ 40,878
(b) Agricultural Revolving Fund	\$ 80,974
(c) Probation Services Fund	\$ 45,982
(d) Animal Health Fund	\$ 63,820

Section 513. Retroactive salary adjustment. No employee shall receive a retroactive salary adjustment for any period earlier than 30 days prior to the effective date of this Act, provided that this limitation shall not be applicable to civil service within-grade increases, and provided further that employees who were paid less than 5% on their annual increment pursuant to Public Law 7-31 shall receive equivalent to 5% but shall not exceed 15% retroactive to the date of the employee's within-grade increase.

Section 514. Salary Exemption. Notwithstanding 1 CMC §§ 8245 (f) and 8248 and or any contrary provision in this act, U.S. certified public accountants, attorneys, and engineers who are employees of the CNMI Government, whose primary responsibilities consist of the practice of

their profession, and who have been admitted to practice in a U.S. jurisdiction for at least one year, may receive an annual salary in excess of \$50,000 but not more than \$70,000.

Section 515. Maximum Salaries.

(a) Notwithstanding 1 CMC § 8245 (a), the Secretary of Community and Cultural Affairs, the Secretary of Commerce, the Secretary of Lands and Natural Resources, and the Secretary of Labor and Immigration shall each receive an annual salary of not more than \$52,000.

(b) Notwithstanding 1 CMC § 8245 (c), the annual compensation for resident department heads shall not be more than \$45,000.

(c) Notwithstanding 1 CMC § 8245 (d), the annual compensation for unclassified ~~division~~ directors ~~of the principal executive departments~~ shall be not more than \$45,000, except that the director of the customs division shall receive an annual salary of not more than \$48,000, and that unclassified directors who are considered essential services personnel and are receiving \$45,000 shall be entitled to receive differentials on top of their base salaries. Provided further that a deputy secretary for a principal executive department may receive an annual salary not to exceed \$50,000.

Section 516. Ph.D., J.D., C.P.A. Exemption. Notwithstanding sections 514 and 515, of this Act and 1 CMC §§ 8245 and 8248 (a), a department secretary or activity head (including the Commissioner of Education) who holds either a Ph.D., or a J.D. degree, or is a U.S. certified public accountant, may receive an annual salary in excess of \$50,000 but not more than \$80,000.

~~Section 517. Salary Ceilings. Public Laws 7-31, 8-15, 8-6, 9-25, 10-35, and 10-85 with reference to salaries of graded or ungraded positions, shall be strictly adhered to. All salary classification and compensation outside the above laws shall be first sanctioned by the Legislature before implementation.~~

Section 518. Medical Referral Program.

(a) Appropriation from 1 CMC § 7831 funds. Notwithstanding any other provision of law, and given the Public Auditor's budget submission indicating that

\$2,228,824 is sufficient funding for the Office of the Public Auditor for FY 2003, the excess of those funds that would otherwise be allotted to the Public Auditor pursuant to 1 CMC § 7831 above \$2,228,824 is hereby instead appropriated to pay for medical referral and for renal, bone marrow, and heart transplant expenditures of the Department of Public Health.

~~(b) Expenditure of DPH lapsed funds. Funds available at the end of the fiscal year from lapsed salaries of new or vacant positions for the Department of Public Health Services shall be reprogrammed to pay for medical referral expenditures. The Secretary of Finance shall report to the Legislature the full accounting of all lapsed salary funds no later than 10 days after the end of each quarter. Provided, further that funds appropriated for Department of Public Health Services operations but not obligated as of the last day of FY 2003 shall also be reprogrammed to pay for medical referral expenditures.~~

~~(c) Hotel accommodations for acute care patients. Subject to availability of funding, an acute care patient referred by the Department of Public Health for off island treatment shall be accommodated at hotel room with a bedroom separate from the living quarters.~~

~~(d) Patient escort. In addition to any statute, rule or regulation governing DPH's medical referral program and subject to availability of funding, the Department of Public Health shall provide a family escort for a patient referred off island for major surgery.~~

(e) Inter-island medical referral housing allowance. Notwithstanding any other provision of law, the Secretary of Public Health shall pay reasonable housing allowance, from funds appropriated for the Department of Public Health's operations budget, of not less than \$50 per day to a medical patient referred from the other islands to Saipan, if there is no government quarters available for such patients. This allowance shall be in effect while a patient remains in Saipan under referral status.

Section 519. Other Employment Authority.

~~(a) Any limited term position or appointment which has exceeded one year on the effective date of this Act or thereafter shall be converted to a full time equivalent position.~~

~~(b) No reclassification to a higher position or pay level is effective unless authorized by law.~~

~~(c) Notwithstanding any provision of law, an FTE position for which funding has been reprogrammed shall be considered “zero funded” and shall not be filled during the fiscal year.~~

~~(d) No FTE for a special assistant position shall be created and filled under the Office of the Governor or any executive branch agency unless provided by law.~~

Section 520. ~~30% Bonus and Lump Sum Payment of Annual Leave for Executive, Judicial and Legislative Branch Employees. There is hereby appropriated \$90,000 to pay for the 30% retirement bonus and lump sum payment of unused annual leave. All agency heads shall ensure equal treatment of all government employees who elect to retire and are qualified to receive the 30% bonus and their unused annual leave as a lump sum payment. The Secretary of Finance shall be the expenditure authority over this appropriation and shall process such payments upon request of the appropriate agency and based on the chronological order the requests were received by the Department of Finance.~~

Section 521. Deficit Reduction. The Secretary of Finance shall reserve at least 2% of the total fiscal year appropriation for the purpose of retiring the government’s accumulated deficit. Provided further that notwithstanding any provision of law, in the event of a continuing appropriation, this 2% requirement shall remain in effect until the passage of appropriation act(s) providing budget authority for a subsequent fiscal year.

Section 522. Continuing Appropriations. Until the annual appropriation act(s) for a subsequent fiscal year is (are) enacted into law superseding budget authority based on this Act, the appropriation levels, criminal penalties, and administrative provisions for government operations and obligations provided under this Act shall continue to apply with respect to any continuing budget authority.

Section 523. Criminal Penalties. The criminal penalties set forth in the Planning and Budgeting Act of 1983, as amended (1 CMC § 7701 et seq.), shall apply to this Chapter.

CHAPTER VI. SUPPLEMENTAL ADMINISTRATIVE PROVISIONS

Section 601. ~~Amendment. The following provision shall be inserted into the NMI Retirement Act of 1988, as amended, shall remain in effect until subsequently amended or repealed:~~

~~“Late Payment of the 30% Bonus and Lump sum Payment of Unused Annual Leave. Notwithstanding any provision of law, all payments of unused annual leave and 30% early retirement bonus shall be used in calculating a government employee’s retirement benefits, including annuities if applicable, notwithstanding that such payments were actually paid to the employee in the year following the effective date of retirement from government service.”~~

Section 602. Independent services contractors, consultants, and professional services contractors.

(a) Consistent with section 307 (b)(3) of Executive Order 94-3, which excluded independent service contractors, consultants, and professional services contractors from the definition of “employee” under 1 CMC § 8243(a) and which shall have no legal effect upon this Act’s effective date, the following amendments so indicated shall be incorporated into 1 CMC § 8243 (a) and shall remain in effect until subsequently amended or repealed:

“§ 8243. Definitions.

(a) “Employee” includes full-time and part-time personnel, and employees of federal programs who receive their paychecks from the Commonwealth government. “Employee” does not include a fund custodian pursuant to 1 CMC § 8352, an investment agent pursuant to 1 CMC § 8353, or an independent services contractor, a consultant, or a professional services contractor.”

(b) The following sentence is inserted at the end of 1 CMC § 7404(a) and shall remain in effect until subsequently amended: “Provided however that this section shall not apply to the procurement of independent services contractors, consultants, and professional services contractors by any of the mayors or municipal councils, and by the Legislature.”

(c) Sanction. Any independent contract, involving consulting or any professional or nonprofessional services, in excess of any applicable salary ceiling and executed prior to the effective date of this Act is hereby approved for purposes of compliance with section 526 of Public Law 11-41.

Section 603. Solid Waste Management Revolving Fund.

~~(1) The following provisions shall be inserted into the Commonwealth Code subject to codification by the Law Revision Commission and shall remain in effect until subsequently amended or repealed:~~

~~“Section 101. Establishment of the Solid Waste Management Revolving Fund.~~

~~—— (a) There is hereby established with the commonwealth treasury a solid waste management revolving fund (“revolving fund”) which shall be accounted for separately from the general fund.~~

~~—— (b) All monies received either as payment of fees from legislative appropriations or other laws, or as federal grants or loans proceeds shall be deposited into the revolving fund. Expenditure authority over the revolving fund is vested in the Secretary of Public Works. Once appropriated revolving fund monies shall be available for expenditure without fiscal year limitation.~~

~~—— (c) The Secretary of Finance shall allocate the Solid Waste Management Revolving Fund into sub accounts for each of the three senatorial districts respectively with 10% of the revolving fund reserved for the First and Second Senatorial Districts respectively.~~

~~—— (d) The Saipan sub account shall be further divided to ensure that adequate funding is reserved to cover the costs of the closure of Puerto Rico Dump and to provide for capital purchase of equipment. Provided that funds necessary to manage any debt incurred in closing Puerto Rico Dump and to purchase replacement equipment shall be set aside first.~~

~~————(e) The Solid Waste Management Revolving Fund and any sub-accounts thereof shall be audited on an annual basis.~~

~~(2) Amendment. 2 CMC § 3520 is hereby repealed and reenacted to read as follows and remaining effect until subsequently amended or repealed:~~

~~“§ 3520. Deposits. All tipping fees or other solid waste disposal or collection fees collected by the Division of Solid Waste Management shall be deposited into the Solid Waste Management Revolving Fund.”~~

~~(3) Reservation of excise tax. The following provision shall be inserted into the tax code codified in Title 4 of the Commonwealth Code and shall remain in effect until subsequently amended or repealed: “The portion of 10% of excise taxes collected under § 1402 shall be reserved for the solid waste management program and shall be deposited into the Solid Waste Management Revolving Fund.”~~

Section 604. Amendment. The following new subsection (g) shall be inserted into 1 CMC § 8402 and shall remain in effect until subsequently amended or repealed:

“(g) he or she has been exempted by the Governor with the concurrence of the Retirement Fund Board pursuant to 1 CMC § 8392(a)(5).”

Section 605. Special Provision. Notwithstanding section 5 of Public Law 13-1, employees of the Rota Municipal Council and employees of the Tinian Municipal Council, who lost their civil service status as a result of Public Law 13-1, shall be given, for a period of three years from the effective date of Public Law 13-1, first priority for reemployment or transfer, within the First Senatorial District and Second Senatorial District, respectively, to any civil service position for which he or she is qualified, as the Civil Service Commission may determine in accordance with N.M.I. Const. art. XX, § 1.

CHAPTER VII. GENERAL PROVISIONS

Section 701. Severability. If any provision of this Act, or its application to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act

which can be given effect without the invalid provision or applications, and to this end the provisions of this Act are severable.

Section 702. 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 this Act shall not have the effect of terminating, or in any way modifying, any liability civil or criminal, which shall already be in existence at the date this Act becomes effective.

Section 703. Effective Date. This act shall become law upon its approval by the Governor or it becoming law without such approval.

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____

HEINZ S. HOFSCHEIDER
SPEAKER OF THE HOUSE

/s/ _____

EVELYN C. FLEMING
HOUSE CLERK

APPROVED this 10th day of September, 2002

/s/ _____

JUAN N. BABAUTA
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

NOTE: Signed into law, subject to Item Vetoes, indicated with ~~strikeout~~ and in this color.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SUMMARY OF APPROPRIATIONS
FISCAL YEAR 2003

BRANCH/ DEPARTMENT/ AGENCY	FTE CEILING	PERSONNEL	OPERATIONS	TOTAL APPROPRIATION
A) Judicial Branch				
1) Supreme Court	27	1,331,145	271,743	1,602,888
2) Superior Court	86	2,880,314	256,924	3,137,238
3) Law Revision Commission	6	276,328	35,894	312,222
Sub-total	119	\$ 4,487,787	\$ 564,561	3 5,052,348
B) Legislative Branch				
1) Senate	110	367,800	1,795,000	2,162,800
2) House of Representative	200	735,700	3,190,000	3,925,700
3) Legislative Bureau	35	1,787,785	212,215	2,000,000
4) Northern Marianas Youth Congress	2	54,369	40,536	94,905
5) Retirement Benefit Contributions		900,000		900,000
D) Executive Branch				
1) Governor				
a) Governor's Office	31	1,505,650	316,016	1,821,666
b) Governor's Disc. Fund	-	-	201,500	201,500
c) Lt. Governor's Office	16	676,959	133,164	810,123
d) Lt. Governor's Disc. Fund	-		127,774	127,774
e) Administration Services	24	808,149	143,408	951,557
f) Management & Budget	18	870,269	155,661	1,025,930
g) Program & Leg. Review	4	170,581	6,716	177,297
h) Public Info. & Protocol	4	155,340	100,787	256,127
i) Guam Liaison	4	165,554	102,078	267,632
j) Honolulu Liaison	8	430,366	93,864	524,230
k) Emergency Mngt Office	36	1,349,739	137,964	1,487,703
l) Scholarship Office	3	128,803	4,102,552	4,231,355
m) Personnel Management Office	34	1,430,697	181,770	1,612,467
n) Carolinian Affairs Office	14	432,178	18,310	450,488
o) Indigenous Affairs Office	4	188,215	16,364	204,579
p) Board of Parole	6	194,062	69,560	263,622
r) Youth Affairs Office	2	80,259	9,044	89,303
s) Woman's Affairs Office	10	334,302	57,743	392,045
t) Public Defender	12	625,506	66,584	692,090
u) Criminal Justice Planning Agency	7	310,033	3,100	313,133
v) DEQ / Litter Control	5	123,234	121,220	244,454
w) Ground Water Prot. Act	5	127,438	1,274	128,712
x) Environmental Prot. Act	5	101,770	1,018	102,788

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SUMMARY OF APPROPRIATIONS
FISCAL YEAR 2003

BRANCH/ DEPARTMENT/ AGENCY	FTE CEILING	PERSONNEL	OPERATIONS	TOTAL APPROPRIATION
2) Attorney General Office				
a) Attorney General	45	2,520,307	84,059	2,604,366
b) Consumer Counsel	2	120,405	1,204	121,609
c) Investigation Unit	6	259,569	24,637	284,206
d) Special Investigation	3	180,223	24,835	205,058
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3) Community and Cultural Affairs				
a) Office of the Secretary	10	525,360	167,535	692,895
b) Sports & Recreation	13	405,818	6,551	412,369
c) Historic Preservation	8	287,068	11,449	298,517
d) Office of Aging	16	463,369	10,146	473,515
e) Council for Arts & Culture	9	232,500	9,971	242,471
f) Veteran's Affairs Office	3	123,788	9,836	133,624
g) LIHEAP	2	53,256	303,533	356,789
h) Cham/Carolinian Lang. Comm.	5	188,928	19,774	208,702
i) Division of Youth Services	28	759,787	340,085	1,099,872
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4) Commerce				
a) Office of the Secretary	20	544,324	98,318	642,642
b) Economic Development	4	135,664	15,185	150,849
c) Central Statistics	11	347,232	14,741	361,973
d) Enforcement & Compliance	10	263,775	3,935	267,710
e) Alcohol Beve. Tobacco Control	11	261,792	5,933	267,725
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5) Labor and Immigration				
a) Office of the Secretary	22	721,353	485,536	1,206,889
b) Immigration	81	2,402,069	39,784	2,441,853
c) Labor	33	970,522	50,812	1,021,334
d) Employment Services	14	339,066	19,763	358,829
e) Workforce Investment Agency	20	548,310	509,684	1,057,994
f) LIIDS	14	357,708	217,294	575,002
g) Enforcement Fund (PL 5-32)	16	553,227	21,715	574,942
h) Deportation Fund (PL5-32)	11	342,749	158,107	500,856

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SUMMARY OF APPROPRIATIONS
FISCAL YEAR 2003

BRANCH/ DEPARTMENT/ AGENCY	FTE CEILING	PERSONNEL	OPERATIONS	TOTAL APPROPRIATION
c) Training & Academy	1	45,324	124,983	170,307
d) CJIS			19,998	19,998
e) Administration	24	562,864	85,792	648,656
f) Bureau of Motor Vehicles	12	266,424	141,959	408,383
g) Criminal Invest. Bureau	36	1,113,007	239,865	1,352,872
h) Correction	63	1,709,315	399,789	2,109,104
i) Fire	92	3,128,507	232,477	3,360,984
j) Boating Safety	8	243,857	18,846	262,703

7) Finance

a) Office of the Secretary	11	467,215	195,400	662,615
b) Finance & Accounting	49	1,263,507	95,744	1,359,251
c) Treasury	13	451,853	408,925	860,778
d) Revenue & Taxation	84	1,574,873	271,528	1,846,401
e) Procurement & Supply	21	802,761	65,759	868,520
f) Customs Services	93	2,283,396	214,404	2,497,800
g) Electronic Data Processing	22	506,350	549,167	1,055,517

Total	293	\$ 7,349,955	\$ 1,800,927	\$ 9,150,882
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8) Public Health

a) Office of the Secretary	21	942,645	48,855	991,500
b) CHC	429	20,524,402	3,153,625	23,678,027
c) Environ. Quality Sanitation	26	742,924	14,944	757,868
d) Dental Services	21	799,565	13,218	812,783
e) Vocational Rehabilitation	1	53,046	10,630	63,676
f) General Public Health	26	1,269,998	28,953	1,298,951
g) Medical Supplies	-	-	1,569,238	1,569,238
h) Medical Referral	21	859,822	2,925,764	3,785,586
i) Medicaid Agency	7	126,398	1,264	127,662
j) Medical Reimbursement	-	-	1,999,800	1,999,800
k) CNMICHIP	-	-	288,730	288,730
l) Children's Dev. Asst. Center	16	492,370	4,924	497,294
m) Mental Health & Social Svc.	20	887,140	8,871	896,011
n) Transitional Living Center	6	183,328	10,283	193,611

Total	594	\$ 26,881,637	\$ 10,079,099	\$ 36,960,736
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9) Lands and Natural Resources

a) Office of the Secretary	8	396,338	27,293	423,631
b) Agriculture	42	1,241,405	101,836	1,343,241
c) Fish & Wildlife	15	499,765	32,750	532,515
d) Land Registration & Survey	20	667,220	21,215	688,435

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SUMMARY OF APPROPRIATIONS
FISCAL YEAR 2003**

BRANCH/ DEPARTMENT/ AGENCY	FTE CEILING	PERSONNEL	OPERATIONS	TOTAL APPROPRIATION
e) Parks & Grounds	24	668,866	37,084	705,950
f) Soil & Water Conservation	2	44,964	16,116	61,080

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F) Second Senatorial District- Tinian				
1) Mayor	161	4,680,129	119,301	4,799,430
2) Mayor's Contingency	-	-	60,600	60,600
3) Municipal Council	9	243,674	24,022	267,696
4) Labor and Immigration	28	641,672	79,376	721,048
5) Community and Cultural Affairs	10	260,927	22,032	282,959
6) Commerce	9	252,566	46,461	299,027
7) Public Safety	56	1,651,669	99,337	1,751,006

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SUMMARY OF APPROPRIATIONS
FISCAL YEAR 2003

BRANCH/ DEPARTMENT/ AGENCY	FTE			TOTAL
	CEILING	PERSONNEL	OPERATIONS	APPROPRIATION
8) Finance	21	599,378	32,822	632,200
9) Public Health	61	1,589,606	685,011	2,274,617
10) Lands and Natural Resources	48	1,232,140	28,381	1,260,521
11) Public Works	22	677,200	54,242	731,442
12) Personnel	9	320,628	28,125	348,753
13) Youth ETP (PL 5-32, PL 10-1/66)	-	-	70,700	70,700
14) Tinian Public Library	1	50,000		50,000
Sub-total	435	\$ 12,199,590	\$ 1,350,410	\$ 13,550,000

G) Office of the Mayors & Municipal Council

1) Saipan	84	1,903,381	502,954	2,406,335
2) Northern Islands	19	461,748	71,305	533,053
3) Saipan Municipal Council	5	159,250	64,179	223,429

H) Government Corporations

1) Public School System	1,111	34,713,234	2,210,106	36,923,340
a) Board of Education	5	286,588		286,588
2) Civil Service Commission	6	318,492	58,107	376,599
3) Election Commission	7	292,912	62,519	355,431
4) Board of Professional License	3	135,167	31,185	166,352
5) Marianas Visitors Authority	72	2,217,255	4,782,745	7,000,000
6) Board of Public Land	59	2,543,594	1,695,299	4,238,893
7) Northern Mananas College	156	6,775,388	67,754	6,843,142
a) NMC Apprenticeship (PL 5-32)	62	1,191,680	11,917	1,203,597

Sub-total	1,481	\$ 48,474,309	\$ 8,919,632	\$ 57,393,941
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I) Independent Programs

1) Workers Compensation Commission	5	293,056	73,233	366,289
2) Special Annuity for Governor/Lt. Gov.	-	-	102,825	102,825
3) Retirement- P.L. 8-31	-	-	2,000,000	2,000,000
4) National Governor's Association	-	-	29,141	29,141
5) South Pacific Comm. / SPREP	-	-	21,432	21,432
6) Marianas Bound (Karidat)	-	-	126,138	126,138
7) Micronesian Legal Services	-	-	68,184	68,184
8) Agriculture Fair	-	-	20,815	20,815
9) NMI OICC	1	40,345	4,241	44,586
10) Joeten / Kiyu Public Library	10	291,471	53,132	344,603
11) Judgement Against Gov't	-	-	100,000	100,000
12) NMI Prot & Advocacy System	-	-	20,637	20,637
13) Flame Tree Arts Festival	-	-	29,432	29,432
14) Ayuda Network	-	-	62,867	62,867
15) Dev. Disabilities Council	-	-	38,880	38,880

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SUMMARY OF APPROPRIATIONS
FISCAL YEAR 2003**

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BRANCH/ DEPARTMENT / AGENCY	FTE			TOTAL
	CEILING	PERSONNEL	OPERATIONS	APPROPRIATION
16) Commonwealth Museum	6	235,081	74,664	309,745
17) Domestic Violence	-	-	86,552	86,552
18) Cops Universal Hiring Program	-	-	9,999	9,999
19) C R M	-	-	75,600	75,600
20) Free Trade Zone	2	113,916	36,069	149,985
21) Government Utilities	-	-	5,000,000	5,000,000
22) 30% Retirement Bonus			90,000	90,000
23) Crime Stopper International	-	-	50,000	50,000
24) APIL / APPU	-	-	10,000	10,000
25) Public Assistance Program	-	-	44,000	44,000
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Total Appropriation	5,234	\$ 165,967,502	\$ 51,997,364	\$ 217,964,866