

TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

PUBLIC LAW NO. 10-34

H. B. NO. 10-304

SECOND REGULAR SESSION, 1996

AN ACT

To appropriate funds for Public School System for the 1997 Fiscal Year; and for other purposes.

BE IT ENACTED BY THE TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Title. This Act may be referred to as the "First Partial Appropriations and Budget Authority Act for Fiscal Year 1977."

Section 2. Definitions. As used in this Act:

(a) "Public School System" or "PSS" means the Commonwealth Public School System as created by Article XV, Section 1 of the CNMI Constitution and 1 CMC section 2251..

(b) "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 Job Training Partnership Act (JTPA) trainees, substitute teachers, or summer training employees.

Section 3. Estimated Revenues.

a) Local Funds:

1) Internal Revenues	230,706,400 ¹
2) Covenant Funds (Operations)	-0-
Total Local Funds	\$230,706,400
3) Non-Resident Workers Fee Fund	

¹This total amount is inclusive of \$4,000,000 transferred from the Non Resident Worker Fee Fund (PL. 5-32) which is hereby amended accordingly for Fiscal Year 1997.

(Public Law 5-32)	\$ 2,000,000
4) Division of Public Lands	\$ 4,662,000 ²
b) Total Local Revenue and Resources available for appropriation, per Governor's Communication No. 10-60, dated March 28, 1996 and Governor's Communication No.10-108 dated July 1 1996, and as approved by House Concurrent Resolution 10-3.....	\$237,368,400
c) Total funds appropriated by this Act.....	\$ 42,481,300
d) Total funds remaining for appropriation for Fiscal Year 1997 after this Act.....	\$194,887,100

Section 4. Appropriation. For the 1997 Fiscal Year, beginning October 1, 1996 up to and including September 30, 1997, the sum of \$42,481,300 is hereby appropriated for PSS, in such amounts and for such purposes as provided in the attached worksheets; such worksheets are incorporated as a part of this Act by reference herein. In case of any conflict between the attached worksheets and the administrative provisions of this Act, the administrative provisions shall prevail. The sum of \$42,481,300 as appropriated by this Act is the total limit of public funds to be spent, obligated, or otherwise encumbered by PSS during the 1997 Fiscal Year, inclusive of any funds allotted, disbursed, spent, obligated, or otherwise encumbered by PSS under continuing appropriation authority during Fiscal Year 1997 prior to the effective date of this Act. Funds may only be obligated, spent, or otherwise encumbered during the 1997 Fiscal Year for PSS in excess of the this limit of \$42,481,300 if such additional expenditures are made pursuant to additional appropriations or lawful reprogramming. Except as otherwise provided by this Act, funds appropriated under this Act shall be disbursed, allotted, spent, obligated, or otherwise encumbered in conformity with the Planning and Budgeting Act.

Section 5. Administrative Provisions.

(a) Quarterly Allotments. The funds appropriated under this Act shall be distributed and allotted by the Office of Management and Budget in accordance with the expenditure Class Codes approved in the individual activities' budget worksheets which are attached

Land permits and fees, including moneys from the leasing of public lands.

hereto. The funds appropriated shall be allotted at the beginning of each quarter to each budget activity at a rate of twenty-five percent (25%) of the amount appropriated, except:

(1) Quarterly Allotments in Excess of Twenty-Five Percent (25%). The Commissioner of Education, with the written approval of the Board of Education may approve a quarterly allotment in excess of the twenty-five percent (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.

(b) Nothing in this Act shall be construed as modifying, limiting, or otherwise affecting the authority of the Governor pursuant to Chapter 6 of Division 7 of Title 1 of the Commonwealth Code.

(c) Expenditure Authority. Expenditure authority for funds appropriated to the Board of Education is vested in the Chairman of the Board. Expenditure authority for non-personnel funds appropriated to each public school is vested in the principal of each public school in all senatorial districts. Expenditure authority of all other funds appropriated by this Act is vested in the Commissioner of Education, or his designee.

(d) Restriction on Charging Multiple Accounts. No PSS employee may receive salaries from more than one FTE, nor from more than one local account.

(e) Salary Adjustment. No PSS employee shall receive a retroactive salary adjustment for any period earlier than thirty (30) days prior to the effective date of this Act. This limitation shall not be applicable to within-grade increases.

(f) Lateral Transfer. A PSS employee moving from one position to another position within the same pay level, shall be paid at the same pay level and step as the former position and be treated as a lateral transfer, not as a promotion.

(g) Reprogramming. Notwithstanding any other provision of law, funds appropriated to PSS shall not be reprogrammed to any account outside the PSS.

Section 6. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 7. 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 8. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:

/s/ Diego T. Benavente
DIEGO T. BENAVENTE
Speaker
House of Representatives

/s/ Evelyn C. Fleming
EVELYN C. FLEMING
House Clerk

Approved this 18th day of October, 1996

/s/ Jesus C. Borja
~~FROILAN C. TENORIO~~ JESUS C. BORJA
Acting Governor
Commonwealth of the Northern Mariana Islands