

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Regular Session, 2021

H. B. 22- 30

A BILL FOR AN ACT

To grant the Legislature a reasonable allowance, to define a “reasonable allowance”, to set the amount of the allowance, and to certify it as a public purpose.

BE IT ENACTED BY THE 22ND NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:

- 1 **Section 1. Findings and Purpose.** Article II, Section 10 of the NMI
2 Constitution provides that members of the Legislature shall receive an annual salary
3 as well as reasonable allowances for expenses provided by law. The definition of a
4 reasonable allowance has not been defined by CNMI law and instead has been
5 addressed by legislative rules and resolutions that lack the necessary force of law.
6 Accordingly, the Legislature finds it necessary to enact this law to grant it authority
7 for the allowance to its members, to define a reasonable allowance, to implement
8 procedures for setting an amount allowance, and to implement procedures for
9 certifying expenses claimed under an allowance for a public purpose.
- 10 **Section 2. Enactment.** The following is hereby enacted subject to
11 codification by the CNMI Law Revision Commission:

- 1 **A. Short Title.** This act shall be known and may be cited as the Legislative
2 Allowance Act.
- 3 **B. Purpose.** The purpose of this Act is to define what a reasonable annual
4 allowance is for members of the CNMI Legislature, to grant it authority
5 for the allowance, and to implement procedures to set the allowance and
6 certify it for a public purpose.
- 7 **C. Definition of a Reasonable Allowance.** A “reasonable allowance”
8 means reasonable expenditures incurred in support of official and
9 representational duties to the district from which a member is elected.
10 Official and representational duties include but are not limited to the
11 following:
- 12 a. Relating to the legislative process; or
 - 13 b. Facilitating interaction between constituents and the CNMI
14 government (including but not limited to information on laws,
15 programs, regulations, funding, decisions, and other actions by
16 the CNMI government); or
 - 17 c. Actions taken as a representative of the district from which a
18 member is elected.
 - 19 d. Examples of expenses reasonably related to official legislative
20 duties include but are not limited to the following:

- 1 i. Office-related expenses, including office supplies,
2 postage, printing charges, newspaper and other
3 publication subscriptions, cellular telephone and internet
4 plans, constituent lists, and legislative newsletters.
- 5 ii. Office equipment and appliances, including furniture,
6 computers and tablets, televisions and monitors, cellular
7 telephones, coffee makers, and refrigerators. Office
8 equipment and appliances purchased using the
9 allowance are CNMI government property and cannot be
10 used for private business purposes.
- 11 iii. Official duty-related expenses, including leis or
12 mwarmwars (for ceremonial occasions or for those being
13 honored by the Legislature); protocol-type gifts;
14 room/facility rental costs; parking for members and staff
15 attending meetings or functions away from the CNMI;
16 conference registration fees; membership fees and dues
17 to member/governance-related organizations; intrastate
18 and interstate travel-related expenses, including airfare,
19 hotel and food, to attend an event having a direct benefit
20 to the Commonwealth, and automobile mileage
21 reimbursement associated with a member's use of his or

- 1 her personal vehicle to attend meetings and other events
2 in his or her official legislative capacity (excluding
3 mileage relating to a member's commute to work).
- 4 iv. Other food and beverages: expenses relating to food and
5 beverages for visitors to a member's office; for
6 constituents and others (excluding legislative staff) who
7 attend official meetings or functions involving a member
8 at which the food and beverages are provided (for
9 example, meetings with constituents, community
10 meetings); and for members and legislative staff who are
11 required to attend the meeting or function at which the
12 food and beverages are provided. These expenses must
13 be reasonably related to a member's official duties; they
14 also must be reasonable in cost for the given situation.
- 15 **D. Prohibited Uses of an Allowance.** A member's allowance must only
16 be used for purposes that are primarily official and representational. The
17 following uses of a member's allowance are prohibited:
- 18 a. Any expenses related to activities or events that are primarily
19 social in nature (including but not limited to sporting events,
20 concerts, personal events).
- 21 b. Any personal expenses.

- 1 c. Any celebration, appreciation, or sympathy gifts, including
2 chenchule.
- 3 d. Any charitable donations or charitable fundraisers.
- 4 e. Any campaign expenses or campaign-related political party
5 expenses or donations.
- 6 f. Any expenses for food and beverages for members or legislative
7 staff except for those provided at meetings at which a member
8 and/or staff is required or expected to attend.
- 9 g. Any expenses for food and beverages for others or for activities
10 or events unrelated to the member's official duties.
- 11 h. Any expenses for entertainment, including tickets to sporting
12 events, entertainment events, for recreational activities,
13 including those that benefit a non-profit organization.
- 14 i. Any expenses for advertisements for any private individual,
15 firm, charity, or corporation, or imply in any manner that the
16 government endorses or favors any specific commercial product,
17 commodity, or service.
- 18 j. Any expenses for membership fees or dues except those for
19 certain legislative or governance-related organizations.
- 20 k. Any expenses reimbursed from another source.

- 1 E. **Use of Allowance for Travel.** The allowance may be used for a
2 member's ordinary and necessary expenses associated with official
3 travel (including lodging and meals).
- 4 a. Authorized Persons. The allowance may be used for the ordinary
5 and necessary expenses associated with official travel for the
6 member, member's employees, and vendors in support of the
7 official and representational duties of that member to the district
8 from which he or she is elected. A vendor is one that provides
9 maintenance and support for equipment and software under a
10 valid contract or working on a time and material basis. The
11 allowance shall not be used for travel expenses for a member's
12 family member or any other person that is not otherwise a
13 legislative staffer.
- 14 b. Connecting Travel. A member may use the allowance for
15 official travel to or from a destination for the purposes of
16 connecting to or from another official or officially-connected
17 trip. Any connecting/linking travel incurred abroad must
18 primarily relate to official business.
- 19 c. Unexpected Official Travel. Official travel includes travel to an
20 official point from a location visited on a personal travel trip by
21 members and staff, if the travel to the official point is

1 necessitated by an unexpected official duty, such as a previously
2 unscheduled vote, natural disaster, pandemic, or civil disorder.
3 In such cases, return travel to the point of personal destination is
4 considered official travel.

5 d. No travel for non-public purposes. Official travel shall not be
6 used for personal, campaign-related political party, campaign, or
7 committee purposes. Official travel cannot originate from or
8 terminate at a campaign event. Official travel shall not be
9 combined with or related to travel or travel-related expenses
10 paid for with campaign funds.

11 e. Combined Travel. Combined travel is travel by a member or
12 their employees for the primary purpose of supporting the
13 official and representational duties of the member, but includes
14 an intervening destination or an additional time period that is
15 included for personal purposes. Combined travel requires that:

16 i. The primary purpose of the travel must be official and
17 representational. The personal segment of the combined
18 travel may not be purchased at a government rate or be
19 purchased with a member's allowance.

- 1 ii. The traveler must provide a written justification stating
2 that the official travel and personal travel was combined
3 for personal convenience.
- 4 f. Official Travel Expenses. Official travel expenses include
5 transportation, lodging, meals (excluding alcohol), fees (e.g.,
6 parking, tolls, ticket change fees, travel insurance, etc.), and
7 other ordinary and necessary incidental expenses while on
8 official travel status. These expenses are subject to other CNMI
9 statutory restrictions, including the airfare and per diem
10 restrictions set forth in 1 CMC § 7407.
- 11 g. Chartered Aircraft. Ordinary and necessary expenses related to
12 chartering an aircraft for official travel may be paid with the
13 allowance when:
- 14 i. Passengers are restricted to members, their employees,
15 and their immediate family members (spouse from a
16 legal marriage, child, parent), the names of whom must
17 be stated on the voucher.
- 18 ii. If an immediate family member uses a chartered aircraft
19 with the member, the member may seek reimbursement
20 for the full cost of the chartered aircraft and the family
21 member must submit a check to the Department of

1 Finance payable to the Commonwealth Treasury
2 equivalent to the cost of a comparable commercial fare.
3 A letter explaining the reason for its submission must
4 accompany the check.

5 iii. Other non-legislative individuals may travel on the
6 member-chartered aircraft when the following criteria
7 are met:

- 8 1. The chartered aircraft vendor has the ability to
9 charge based on individual seating in the same
10 manner as a commercial aircraft vendor; and
- 11 2. The other passengers are federal, state or local
12 officials, and are joining the members and staff
13 in support of legislative issues related to the
14 district.

15 **F. Setting of the Allowance; Budgeting and Disclosure.** The reasonable
16 allowance may be set by legislative rule but such rules must be guided
17 by this Act and must be only for a public purpose as defined by law. In
18 setting the allowance, the Legislature shall undertake an analysis of
19 reasonable travel costs and ensure the amount set for allowances is
20 appropriate given the expenses incurred. Members shall document
21 travel activity to enable the Legislature to more accurately estimate an

1 appropriate monthly allowance. All traveling members shall ensure
2 compliance with applicable regulations and the law. The Department of
3 Finance shall send each member monthly statements showing year-to-
4 date expenditures and obligated amounts. The quarterly expenditures
5 reflected in these statements shall be compiled and published as the
6 Quarterly Statement of Disbursements, which shall be a public
7 document.

8 **G. Disbursements of the Allowance.** Disbursements from an allowance
9 shall be made on a reimbursement or direct payment basis and requires
10 specific documentation and member certification as to accuracy and
11 compliance with the public purpose justification, as well as compliance
12 with this Act and legislative rules. Such certifications shall be made
13 under the penalty of perjury. Reimbursements and payments from an
14 allowance may be made only to the member, the member's employees,
15 or a vendor providing services to support the operation of the member's
16 offices."

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

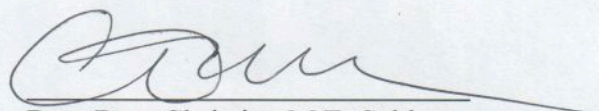
1 **Section 4. Savings Clause.** This Act and any repealer contained herein shall
2 not be construed as affecting any existing right acquired under contract or acquired
3 under statutes repealed or under any rule, regulation, or order adopted under the
4 statutes. Repealers contained in this Act shall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

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

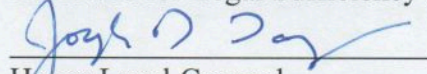
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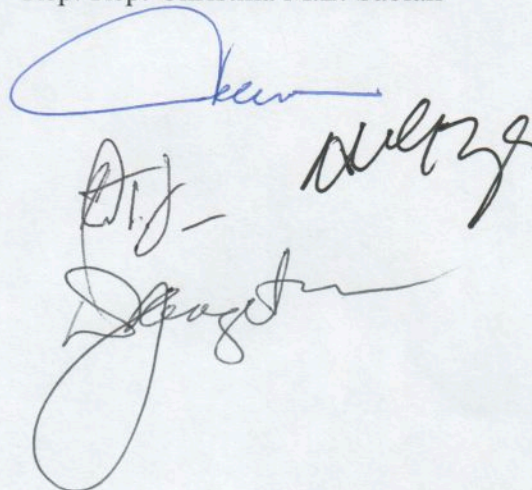
Date: 3/8/2021

Introduced by:


Rep. Rep. Christina M.E. Sablan

Reviewed for Legal Sufficiency by:


House Legal Counsel



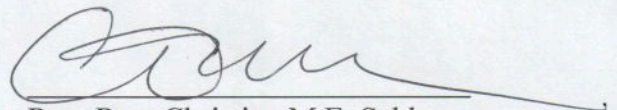
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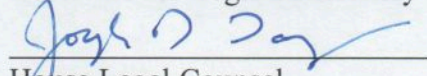
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