



**TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**

**Honorable Jesus P. Mafnas Memorial Building**

**P.O. Box 500586 Saipan, MP 96950**

**CONFERENCE COMMITTEE REPORT NO. 23-01**

**Date: April 18, 2023**

**RE: House Bill No. 23-31, HS1, SS2**

Honorable Edmund S. Villagomez  
Speaker of the House  
Twenty-Third Northern Marianas  
Commonwealth Legislature  
Capital Hill  
Saipan, MP 96950

and

Honorable Edith E. DeLeon Guerrero  
President of the Senate  
Twenty-Third Northern Marianas  
Commonwealth Legislature  
Capital Hill  
Saipan, MP 96950

Dear Mr. Speaker and Madam President:

The Conference Committee to which House Bill No. 23-31, HS1, SS2 was referred, entitled:

"To repeal and re-enact Public Law 22-22 in order to make revised 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 revised budget authority for government corporations for Fiscal Year 2023; and for other purposes."

begs leave to report as follows:

**I. LEGISLATIVE HISTORY:**

- A. House Bill No. 23-31, to repeal and re-enact Public Law 22-22, the Appropriations and Budget Authority Act of 2023, was introduced by Representative Ralph N. Yumul on March 17, 2023.
- B. The House of Representatives passed House Bill No. 23-31, House Substitute 1 on March 17, 2023, during its Sixth Day, Fourth Regular Session.
- C. The House of Representatives transmitted House Bill No. 23-31, HS1 to the Senate on March 17, 2023.
- D. The Senate made amendments to House Bill No. 23-31, HS1 and passed the measure during its First Day, Second Special Session on April 10, 2023, in the form of House Bill No. 23-31, HS1, Senate Substitute 2.
- E. The Senate transmitted House Bill No. 23-31, HS1, SS2 to the House of Representatives on April 10, 2023.
- F. The House of Representatives rejected House Bill No. 23-31, HS1, SS2 in its First Day, First Special Session on April 14, 2023 and referred the bill to a conference committee. The Senate was informed of the House rejection, and the Senate President appointed its Conferees.
- G. On April 18, 2023, a Conference Committee Meeting was held in the House Chamber of the Honorable Jesus P. Mafnas Memorial Building, Capital Hill, Saipan, at which the Conferees present deliberated and agreed upon the amendments reflected in this report.

**II. RECOMMENDATION:**

The Committee deliberated and focused its effort on major differences between House Bill No. 23-31, HS1, the House version, and House Bill No. 23-31, HS1, SS2, the Senate version. The Conferees unanimously agreed to most of the amendments made by the Senate and primarily focused their deliberations on the following:

- A. The over allocation and re-allocation of funds realized from the implementation of the temporary 72 hours work per pay period from March 2023 revised to April 24, 2023
- B. Governmental Operational Costs

- C. Section 603. Hiring Restrictions
- D. Section 705. Executive Branch
- E. Section 706. First Senatorial District
- F. Section 707. Second Senatorial District
- G. Section 709. Other Programs
- H. Section 710. Independent Programs
- I. Section 711. Department of Public Lands
- J. Schedule A

Significantly, the Conferees agreed, among other items, to the following debated issues:

- A. Relying on the testimony of the Secretary of Finance, the Conferees agreed to re-appropriate \$225,000 from BU1063, the Operations of the Mayor of Tinian to the following:

<u>Activity</u>	<u>BU</u>	<u>Debit</u>
1) Rota Customs	1152	
Personnel		\$17,104
Operations		\$171
2) Tinian Customs	1151	
Personnel		\$18,618
Operations		\$186
3) Medical Referral Operations (Health Network Program)	NEW	\$188,921

The SOF testified that certain funds have already been advanced to the Municipality of Tinian that may be used for operations and personnel. Therefore, the Conferees agreed to re-appropriate said funds to the Rota and Tinian Customs personnel to ensure that their salaries are maintained at 80 hours similar to Saipan Customs and that the remaining amount shall be re-appropriated to the Health Network Program.

- B. Section 603. Hiring Restrictions. The Conferees agreed to add additional language under this section to read as follows:

“Section 603. Hiring Restriction.  
 Notwithstanding any law or regulation to the contrary, any vacant position that is unfilled by May 1, 2023 shall remain vacant for the remainder of the fiscal

year, except for new NOPs established in this Act. This provision shall only apply to the Executive Branch.”

- C. Section 705. Executive Branch. The Conferees agreed to revert back to the House’s language that clarifies that the NOPs allotted to offices under the Executive Branch are not funded. The House’s language was necessary to ensure that these additional unfunded NOPs do not become funded liabilities in the upcoming Fiscal Year 2024 budget. The following language was re-instated and shall read as follows and the Senate’s version deleted in its entirety:

“(f) Of the NOPs allotted to Technical Services Division – Department of Public Works BU 1490, 7 are not funded;

(g) Of the NOPs allotted to Office of Management and Budget – BU 1014, 2 are not funded.

(h) Of the NOPs allotted to the Lieutenant Governor’s Office- BU 1050, 4 are not funded.

(i) Of the NOPs allotted to the Department of Commerce - BU 1300, 2 are not funded.

(j) Of the NOPs allotted to the Veterans Affairs Office – BU 1251, 1 is not funded.

(k) Of the NOPs allotted to the Division of Customs and Quarantine Services – BU 1150, 1 is not funded.

(f) The increased NOPs allotted to the Executive Branch shall be as indicated in Schedule A.”

- D. Section 706. First Senatorial District – Mayor of Rota and Rota Municipal Council. The Conferees agreed to revert back to the House’s language to ensure consistency with respect to unfunded NOPs. Accordingly, the provision under Section 706(b), is amended to read as follows and the Senate’s version deleted in its entirety:

“(b) Of the five NOPs allotted to Finance & Accounting – Rota, BU 1112, one NOP shall be set aside to employ an Account Clerk I. Of the NOPs allotted to Mayor Rota – BU 1065, 2 are not funded; of the NOPs allotted to Customs

Service – Rota – BU 1152, 4 are not funded; and of the NOPs allotted to Municipal Council Rota – BU 1066, 1 is not funded.

~~“(e) The increased NOPs allotted to the First Senatorial District shall be as indicated in Schedule A.”~~

In addition, the Conferees acknowledged that an oversight was identified and rectified with respect to law enforcement salaries in the First Senatorial District. The affected salaries were restored like their counterparts on the island of Saipan. Moreover, the Conferees agreed that additional provisions were required to ensure that the additional funds appropriated are used for their intended purpose. Accordingly, new provisions under Section 706 was inserted to read as follows:

“(e) Of the funds appropriated to the Department of Public Safety- Rota, BU 1352, \$72,767 shall be used to restore the salaries of personnel at 100%.

“(f) Of the funds appropriated to the Department of Fire and Emergency Medical Services- Rota, BU 1353, \$50,377 shall be used to restore the salaries of personnel at 100%.

“(g) Of funds appropriated to the Customs Service- Rota, BU 1152, \$17,275 shall be used to maintain the salaries at 80 hours.”

- E. Section 707. Second Senatorial District – Mayor of Tinian and Aguiguan and Tinian Municipal Council. The Conferees agreed to revert back to the House’s language to ensure consistency with respect to unfunded NOPs and to re-insert the House’s 10 additional NOPs to the Mayor of Tinian and Aguiguan. Accordingly, the House’s provision under Section 707 is hereby re-inserted to read as follows:

“(f) Of the NOPs allotted to Mayor of Tinian and Aguiguan - BU 1063, 10 are not funded.”

In addition, the Conferees acknowledged that an oversight was identified and rectified with respect to law enforcement salaries in the Second Senatorial District. The affected salaries were restored like their counterparts on the island of Saipan. Moreover, the Conferees agreed that additional provisions were required to ensure that the additional funds appropriated are used for their intended purpose. Accordingly, new provisions under Section 707 was inserted to read as follows:

“(g) Of the funds appropriated to the Department of Public Safety- Tinian, BU 1351, \$59,641 shall be used to restore the salaries of personnel at 100%.

(h) Of the funds appropriated to the Department of Fire and Emergency Medical Services- Tinian, BU 1351A, \$49,584 shall be used to restore the salaries of personnel at 100%.

(i) Of funds appropriated to the Customs Service - Tinian, BU 1151, \$18,804 shall be used to maintain the salaries at 80 hours.”

- F. Section 709. Other Programs. The Conferees agreed that the additional funds appropriated to the CNMI Medical Referral Program (Health Network Program) shall be non-lapsing and that a certain amount of said funds shall be used for stipends. Section 709(e) has been amended to read as follows:

“(e) CNMI Medical Referral Program (Health Network Program). Notwithstanding any CNMI laws or regulations to the contrary, all funds appropriated to the CNMI Medical Referral Program (Health Network Program) shall be non-lapsing and shall not require any further legislative action. The Commonwealth Healthcare Corporation shall administer the CNMI Medical Referral Program or its successor, including both inter-island and off-island referrals, consistent with its duties and responsibilities under 3 CMC § 2821 et seq. More specifically, the inter-island medical referral services shall include stipends, airfare, and lodging for patients and escorts, which is consistent with the off-island medical referral program. The expenditure authority for all funds appropriated or allocated to inter-island and off-island medical referral services and administration (inclusive of BU 1979, 1979A, and any new business units established for CHCC Medical Referral) shall be the CEO of the Commonwealth Healthcare Corporation or designee. Of the amounts appropriated herein to the CNMI Medical Referral Program (Health Network Program), not less than \$50,000 shall be set aside for the stipends to benefit inter-island medical referral patients from the First and Second Senatorial Districts.”

- G. Section 710. Independent Programs. The Conferees agreed to revert back to the House’s language to ensure consistency with respect to unfunded NOPs. Accordingly, the provision under Section 710 (c) is amended to read as follows and the Senate’s version deleted in its entirety:

“(c) Elected Attorney General. The Attorney General or designee shall be the expenditure authority of the appropriated funds. Notwithstanding any law to the contrary, the Office of the Attorney General may charge fees for legal services provided to CNMI public corporations and autonomous agencies; provided that the Office of the Attorney General shall not charge fees for legal services provided to divisions, offices, and line agencies within the executive branch with the exception of the Department of Public Lands, the Division of Revenue and Taxation, the Bureau of Environmental and Coastal Quality, and the Office of Management and Budget. Of the NOPs allotted to the Elected Attorney General - BU 1519, 1 is not funded. The increased NOPs allotted to the Elected Attorney General - BU 1519 shall be as indicated in Schedule A.

- H. Section 711. Department of Public Lands. The Conferees agreed that the Department of Public Lands shall assume personnel costs of four (4) Parks and Recreation - Rota NOPs and three (3) Parks and Recreation - Tinian NOPs taking into account the current arrangement between Parks and Recreation – Saipan and DPL. Accordingly, the provision under Section 711 is amended to read as follows:

“Pursuant to 1 CMC §2803, \$5,407,896 is appropriated to the Department of Public Lands. In addition to the 83 NOPs set forth in the PL 22-22 Budget Act allotted to the Department of Public Lands (DPL) inclusive of the Saipan-based NOPs assigned to DLNR’s Division of Parks and Recreation pursuant to the Memorandum of Agreement between DPL and the Department of Lands and Natural Resources (DLNR), DPL shall also assume all costs and personnel obligations associated with seven (7) existing and current NOPs with the funds appropriated to DPL. These seven (7) NOPs shall consist of four (4) NOPs for the Division of Parks and Recreation Rota and three (3) NOPs for the Division of Parks and Recreation Tinian, provided further, these NOPs shall remain assigned to DLNR Division of Parks and Recreation.”

The Members of the Conference Committee are in accord with all the amendments made. Therefore, the Conference Committee recommends that the House and Senate pass House Bill No. 23-31, HS1, SS2 in the form of House Bill No. 23-31, HS1, SS2, Conference Committee Substitute 1 upon the adoption and the acceptance of this Conference Committee Report.

The Conference Committee shall dissolve upon House Bill No. 23-31, HS1, SS2, CCS1 becoming law.

Respectfully submitted,

House of Representatives Conferees:



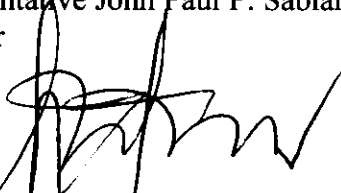
Representative Ralph N. Yumul  
Chairperson



Representative Blas Jonathan T. Attao  
Vice Chairperson

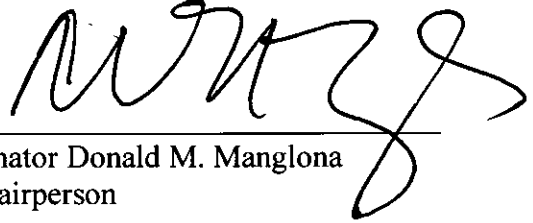


Representative John Paul P. Sablan  
Member



Representative Marissa R. Flores  
Alternate Member

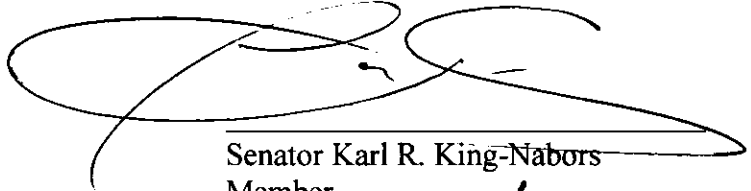
Senate Conferees:



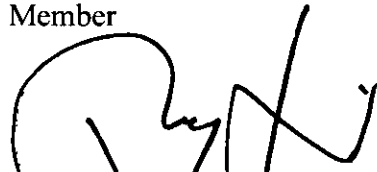
Senator Donald M. Manglona  
Chairperson



Senator Corina L. Magofna  
Vice Chairperson

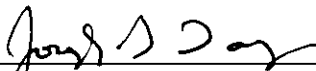


Senator Karl R. King-Nabors  
Member

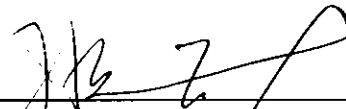


Senator Jude U. Hofschneider  
Alternate Member

Reviewed by Legal Counsels:



Joseph Taijeron, Jr.  
House Legal Counsel



Jose A. Bermudes  
Senate Legal Counsel



**TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH**

**LEGISLATURE**

**IN THE HOUSE OF REPRESENTATIVES**

**MARCH 17, 2023**

**First Regular Session, 2023**

**H. B. 23-31, HS1, SS2, CCS1**

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**A BILL FOR AN ACT**

To repeal and re-enact Public Law 22-22 in order to make revised 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 revised budget authority for government corporations for the Fiscal Year 2023; and for other purposes.

**BE IT ENACTED BY THE 23<sup>RD</sup> NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

1                                   **CHAPTER 1. PRELIMINARY PROVISIONS.**

2                   **Section 101. Short Title.** This Act may be cited as the “Revised  
3 Appropriations and Budget Authority Act of 2023”.

4                   **Section 102. Purpose.** This Act appropriates local funds for the operations  
5 and activities of the Government of the Northern Mariana Islands, its agencies,  
6 instrumentalities, independent agencies and political subdivisions, and provides  
7 authority for government corporations for the Fiscal Year 2023 commencing April  
8 16, 2023 and ending September 30, 2023.

1           **Section 103. Definitions.**

2           As used in this Act:

3           (a) “B.U.” means business unit.

4           (b) “NEW” means that the Legislature hereby authorizes the Secretary of  
5 Finance to establish a business unit as set for therein for the named entity.

6           (c) Government of the Commonwealth of the Northern Mariana Islands  
7 includes:

8           (1) Judicial Branch, which includes the following:

9           1689 Justices and Judges

10          1691 Supreme Court

11          1690 Superior Court

12          1694 Judiciary Administrative Office

13          1692 Law Revision Commission

14          1695 Drug Court

15          NEW Mental Health Court

16          (2) Legislative Branch, which includes the following business units:

17          1722 House of Representative Salaries

18          1722A House Members Allocation

19          1754 House Leadership Account

20          1762 Senator Salaries

21          1764A Senate Members Allocation

- 1           1764   Senate Leadership Account
- 2           1770   Legislative Bureau
- 3           1593   CNMI Youth Congress
- 4           (3) Executive Branch, which includes the following departments and offices:
- 5           (A) Offices of the Governor, which includes business units:
- 6           1011   Governor’s Office
- 7           1021   Governor’s Discretionary Account
- 8           (B) Office of the Lt. Governor
- 9           1050   Lt. Governor's Office
- 10          1051   Lt. Governor’s Discretionary Account
- 11          (C) Other Offices of the Governor and Lt. Governor
- 12          1014   Management and Budget
- 13          1016   Administrative Services
- 14          1019   CNMI Homeland Security and Emergency Management Office
- 15          1020   Office of Youth Affairs
- 16          1022   Office of Planning & Development
- 17          1023   Board of Parole
- 18          1043   Office of Grants Management
- 19          1190   Public Defender
- 20          1201   Carolinian Affairs Office
- 21          1202   Indigenous Affairs Office

- 1           1251   Veterans Affairs Office
- 2           1260   Women's Affairs Office
- 3           1492   Environmental Protection Act
- 4           1493   Environmental Quality Saipan
- 5           1494   Environmental Quality Tinian
- 6           1555   Saipan Zoning Board
- 7           1584   Criminal Justice Planning Agency
- 8           1915   Vocational Rehabilitation Service
- 9           1044   Commonwealth Office of Transit Authority (COTA)
- 10          1951   Medicaid Reimbursement
- 11          1980   Medicaid Agency
- 12          1981   Medicaid Enterprise Systems
- 13          (D) Department of Commerce, which includes business units:
- 14          1300   Secretary of Commerce
- 15          1310   Economic Development – Saipan
- 16          1331   Statistical Research
- 17          1332   Alcoholic Beverage & Tobacco Control
- 18          1333   Enforcement & Compliance
- 19          1334   Workers Compensation Commission
- 20          (E) Department of Community and Cultural Affairs, which includes
- 21   business units:

- 1           1200   Secretary of CCA
- 2           1220   Youth Services – Saipan
- 3           1223   Child Care Licensing Program
- 4           1224   Child Care Development Fund
- 5           1230   Historic Preservation – Saipan
- 6           1240   Office on Aging – Saipan
- 7           1250   Council for Arts & Culture
- 8           1252   Low Income Home Energy Asst. Program
- 9           1534   DDC CNMI Respite Service Program
- 10          1557   Chamorro/Carolinian Language Commission
- 11          1534   DDC CNMI Respite SVC Program (PL14-36)
- 12          1270   Sports and Recreation
- 13          (F) Department of Corrections, which includes business units:
- 14          1335   Corrections Commissioner
- 15          1335A Juvenile Detention Unit
- 16          (G) Department of Fire and Emergency Medical Services, which includes
- 17   business units:
- 18          1339   Administration
- 19          1339A Emergency Services
- 20          1339B Fire Prevention & Arson Investigation
- 21          1339C Emergency Medical Services

- 1           1339D Logistics and Support
- 2           1339E DFEMS Training Section
- 3           1339F Dispatch Section
- 4           (H) Department of Finance, which includes business units:
- 5           1100 Secretary of Finance
- 6           1110 Finance and Accounting – Saipan
- 7           1120 Treasury
- 8           1130 Revenue and Taxation – Saipan
- 9           1140 Procurement & Supply – Saipan
- 10          1150 Customs Services – Saipan
- 11          1160 Office of Information Technology
- 12          1024 Passport Office
- 13          9040 CIQ Reimbursement (Airport/Seaport) Overtime
- 14          (I) Department of Labor, which includes business units:
- 15          1275 Secretary of Labor
- 16          1283 Administrative Hearing Office
- 17          1330 Employment Services
- 18          1583 Workforce Investment Agency
- 19          3430 Labor Enforcement Fund
- 20          (J) Department of Lands and Natural Resources, which includes business
- 21 units:

- 1           1400 Secretary of DLNR
- 2           1410 Agriculture
- 3           1420 Fish & Wildlife – Saipan
- 4           1440 Parks & Recreation – Saipan
- 5           1461 Soil & Water (SPN & NI) District
- 6           1467 Land Registration & Survey – Saipan
- 7           (K) Department of Public Safety, which includes business units:
- 8           1340 DPS Commissioner
- 9           N/A Executive Protection Services
- 10          1340A War on Ice Program
- 11          1350 Police – Saipan
- 12          1360 Police Training Academy
- 13          1362 Administrative Division
- 14          1365 Motor Vehicles Division
- 15          1370 Investigation Division – Saipan
- 16          1390 Boating Safety
- 17          (L) Department of Public Works, which includes business units:
- 18          1471 Secretary of DPW
- 19          1471A Street Lights
- 20          1470 Building Safety Code
- 21          1484 Roads and Grounds Division

- 1           1485/2082   Solid Waste Management
- 2           1490   Technical Services Division
- 3           (4) First Senatorial District (Rota) which includes the following business
- 4 units:
- 5           1065   Mayor Rota
- 6           1066   Municipal Council – Rota
- 7           1112   Finance & Accounting – Rota
- 8           1132   Revenue & Taxation – Rota
- 9           1142   Procurement & Supply – Rota
- 10          1152   Customs Service – Rota
- 11          1232   Historic Preservation – Rota
- 12          1272   Sports & Recreation – Rota
- 13          1282   Labor – Rota
- 14          1312   Commerce - Rota (Economic Development Rota)
- 15          1352   Police - Rota (DPS)
- 16          1353   Fire & EMS – Rota
- 17          1412   Agriculture – Rota
- 18          1422   Fish & Wildlife – Rota
- 19          1442   Parks & Recreation – Rota
- 20          1463   Soil and Water Conservation – Rota
- 21          1468   Land Registration & Survey – Rota



- 1           1482 Public Works - Rota (Operations and Maintenance Rota)
- 2           1523 Public Library – Rota
- 3           (5) Second Senatorial District (Tinian and Aguiguan) which includes the
- 4 following business units:
- 5           1063 Mayor Tinian
- 6           1064 Municipal Council – Tinian
- 7           1111 Finance & Accounting – Tinian
- 8           1131 Revenue & Taxation – Tinian
- 9           1141 Procurement & Supply – Tinian
- 10          1151 Customs Service – Tinian
- 11          1231 Historic Preservation – Tinian
- 12          1241 Aging – Tinian
- 13          1271 Sports & Recreation – Tinian
- 14          1281 Labor – Tinian
- 15          1311 Commerce-Tinian (Economic Development Tinian)
- 16          1351 Police - Tinian (DPS)
- 17          1351A Fire and EMS – Tinian
- 18          1411 Agriculture – Tinian
- 19          1421 Fish & Wildlife – Tinian
- 20          1441 Parks & Recreation – Tinian
- 21          1462 Soil & Water Conservation -Tinian

- 1           1481   Public Works-Tinian (Operations & Maintenance Tinian)
- 2           1524   Public Library – Tinian
- 3           (6) Third Senatorial District – Saipan & Northern Islands Mayors &
- 4 Municipal Council which includes the following governmental offices:
- 5           1061   Mayor Saipan
- 6           1060   Mayor Northern Islands
- 7           1062   Municipal Council Saipan
- 8           (7) Boards and Commissions which include the following business units:
- 9           1540   Board of Civil Service Commission
- 10          1026   Office of Personnel Management – Saipan
- 11          1027   Office of Personnel Management – Tinian
- 12          1028   Office of Personnel Management – Rota
- 13          1551   Board of Election Commission
- 14          1556   Board of Professional Licensing
- 15          3540   Commonwealth Public Utilities Commission (CPUC)
- 16          1545   Commonwealth Casino Commission
- 17          1501   Commonwealth Cannabis Commission
- 18          1501A CNMI Cannabis Commission Board
- 19          (8) “Independent programs” means government programs under separate
- 20 boards established by law (unless receiving appropriations or budget authority
- 21 under another heading), specialized general items of appropriations, and those non-

1 profit corporations and associations or organizations established outside of the  
2 Government of the Commonwealth of the Northern Mariana Islands to which the  
3 Commonwealth Government provides financial assistance including business  
4 units:

- 5           1033 CNMI Scholarship Office
- 6           1508 Substance Abuse Prevention
- 7           1515 Public Assistance Matching
- 8           1519 Elected Attorney General
- 9           1524B Civil Service Conversion (P.L. 19-83)
- 10          1526 Settlement Account
- 11          1526D 25% Retirees' Pension Benefits
- 12          1527 NMI DC Employer Contributions
- 13          1528 GHLI Retirees
- 14          1529 CNMI Government Employee Credit Union Refund
- 15          1531 Northern Marianas Sports Association
- 16          1533 Gov't Health Insurance Employer Contribution (Active Employees)
- 17          1541 Breadfruit Program
- 18          1549 Humanities Council
- 19          1562 Ayuda Network
- 20          1568 Domestic Violence
- 21          1577 Marianas Bound-Karidat

1	1580	Micronesian Legal Services
2	1592	Joeten/Kiyu Public Library
3	1601	Gov/Lt. Gov Pension
4	1623	Judgments Against Government
5	3661	NMI Museum of History and Culture
6	1532	La Fiesta Lease
7	1536	Commonwealth Cancer Association
8	N/A	Workman's Compensation Insurance
9	N/A	NMPASI
10	N/A	NMTI
11	1595	General Fund Deficit Reduction
12	1528B	Retirees' Bonus
13	(9)	Other Programs:
14	1507	Commonwealth Healthcare Corp. (CHCC Subsidy)
15		NEW CHCC Medical Referral (Health Network Program)
16	1605	Northern Marianas College
17	1627	NMC Board of Regents
18	1606	Marianas Visitor's Authority
19	1607	Public School System
20	1624	PSS Board of Education
21	N/A	Coalition of Private Schools

1           1580   Micronesia Legal Services Corporation

2           NEW   Northern Marianas Technical Institute

3           (10) Public Corporations which include the following business units:

4           Commonwealth Economic Development Authority

5           Commonwealth Ports Authority

6           Commonwealth Utilities Corporation

7           Northern Marianas Housing Corporation

8           Office of the Public Auditor

9           (d) "Local funds" means locally generated revenues and revenues received  
10 pursuant to Section 702 (a) of the Covenant.

11          (e) "Operations" means appropriations for all lawful activities other than  
12 personnel.

13          (f) "Personnel" means appropriations for salaries, employer's contribution  
14 to the Northern Marianas Retirement Fund, the Defined Contribution Plan,  
15 overtime, night differential, hazardous pay, and other employee wages and benefits.

16          (g) "Number of Positions"(NOP) means the maximum number of persons  
17 that may be employed, pursuant to Article X, Section 7 of the Commonwealth  
18 Constitution but does not include Workforce Investment Agency, substitute  
19 teachers, summer trainees, teacher aides, physicians, licensed professional nurses  
20 and licensed allied health providers working part-time and paid only for  
21 instructional time, student-teacher trainees, or short terms specialized instructors,

1 such as visiting artists, performers, writers, and the like. For purposes of this  
2 exception, “part-time” means employment not exceeding 40 hours in any biweekly  
3 pay period, and “short-term” means not more than 90 instructional days of  
4 employment within the Public School System during the fiscal year.

5 **CHAPTER II. ESTIMATED REVENUES**

6 **Section 201. Estimated Revenues.** Pursuant to House Concurrent  
7 Resolution No. 23-1, SD1 the total estimated revenues and resources approved and  
8 identified for FY 2023 are as follows:

9 I. The Total Estimated Gross Budgetary Resources for FY 2023 is: \$164,198,068

10 II. Less Earmarks and Transfers Out:

11	(1) Earmark – CIQ Overtime:	(\$221,523)
12	(2) Revenue & Taxation Enforcement (4 CMC §1503):	(\$200,000)
13	(3) Solid Waste Mgmt. Revolv. Fund (2 CMC §3551 (b)):	(\$756,446)
14	(4) Developer’s Infrastructure Fund (100%):	(\$183,949)
15	(A) Less Debt Services previously Appropriated:	
16	(1) 2007A Refunding Bond Payment	(\$3,619,500)
17	(2) 2007B Refunding Bond Payment	(\$3,313,500)
18	(B) Less Debt Service Settlement Fund	
19	Agreement, 468-1, PL 20-33:	(\$36,000,000)
20	(C) 2020 Pension Obligation Note Payment:	(\$2,886,600)
21	(D) MPLT 2019 Loan:	(\$822,753)

1	<b>Subtotal</b>	<b>(\$48,004,271)</b>
2	III. Total local revenue and resources:	
3	(a) Total local revenue and resources available for	
4	appropriation for Commonwealth Government	
5	activities in Fiscal Year 2023:	<b>\$116,193,797</b>
6	(b) Department of Public Lands:	<u>\$5,407,896</u>
7	<b>Grand Total:</b>	<b><u>\$121,601,693</u></b>

8 Notwithstanding 1 CMC § 7204, funds for FY 2023 shall be allotted  
9 monthly; except programs and agencies that require one-time payments shall  
10 receive advance allotments. These programs include but shall not be limited to: the  
11 CNMI Scholarship Office, the Commonwealth Healthcare Corporation, the CNMI  
12 Public School System, the Northern Marianas College, and the Northern Marianas  
13 Technical Institute.

14 **Section 202. Suspension of Earmarked Funds.**

15 Except for debt service obligations and other earmarking of funds as  
16 permitted in Section 201 of this Chapter, the earmarking, reservation, commitment,  
17 allotment, or allocation of funds pursuant to the following public laws are hereby  
18 suspended for the Fiscal Year 2023:

19 (a) Non-Resident Worker Fee fund fees to NMC and PSS,

20 (b) Tobacco Control – Cigarette Tax, Public Law 13-38;

21 (c) PSS Technical Education – 4 CMC § 1503;

- 1 (d) Cancer Fund – Cigarette Tax, 4 CMC § 1402(g)(2);
- 2 (e) NMIRF – Hotel Tax (20%), 4 CMC § 1803;
- 3 (f) NMIRF – Alcohol Container (30%), 4 CMC § 1803;
- 4 (g) MVA – Alcohol Container (20%), 4 CMC § 1803;
- 5 (h) NMIRF DB Plan Fund – 15% E-gaming, Public Law 18-30;
- 6 (i) NMIRF – 60% E-gaming, Public Law 18-30;
- 7 (j) 3<sup>rd</sup> Senatorial District – 15% E-gaming, Public Law 18-30;
- 8 (k) 1<sup>st</sup> and 2<sup>nd</sup> Senatorial District – 10% E-gaming, Public Law 18-30;
- 9 (l) 3<sup>rd</sup> and 2<sup>nd</sup> Senatorial District – Public Law 20-59, 4 CMC § 1508;
- 10 (m) Solid Waste R/F, 7% Excise Transfer, 4 CMC § 1402(g)(1);
- 11 (n) GHLI, 4 CMC § 1402(g)(3);
- 12 (o) MVA Hotel Tax (80%), 4 CMC § 1803; and
- 13 (p) MPLT Interest Appropriated: Public Law 21-3.

14 **Section 203. Reporting Requirements for the Secretary of Finance.**

15 (a) Comparison of Actual Revenues Collected and Revenues Estimated.

16 Notwithstanding any law to the contrary, the Secretary of Finance shall submit to

17 the Presiding Officers of the Legislature, Chairperson of the Senate Committee on

18 Fiscal Affairs and the Chairperson of the House Committee on Ways and Means,

19 at the end of each quarter, a fund status report comparing the actual revenues

20 collected and the revenues estimated of all funds appropriated for the operations

21 and activities of the Commonwealth Government in this Act. The Secretary of



1 Finance shall meet with the Chairperson of the Senate Committee on Fiscal Affairs  
2 and the Chairperson of the House Committee on Ways and Means in mid-May and  
3 mid-August to discuss actual revenues collected versus the revenues estimated.

4 (b) Comparison of Actual Expenditures and Appropriated Expenditures.  
5 Notwithstanding any law to the contrary, the Secretary of Finance shall submit to  
6 the Presiding Officers of the Legislature, Chairperson of the Senate Committee on  
7 Fiscal Affairs and the Chairperson of the House Committee on Ways and Means,  
8 at the end of each quarter, a fund status report comparing the actual expenditures  
9 and appropriated expenditures of all funds appropriated for the operations and  
10 activities of the Commonwealth Government in this Act.

11 (c) Transfer In and Out Funds. Notwithstanding any law to the contrary, the  
12 Secretary of Finance shall submit to the presiding officers of the Legislature, at the  
13 end of each quarter, a fund status report on the funds transferred in and out each  
14 quarter pursuant to Section 201 of this Act.

15 (d) Quarterly Reports. In Fiscal Year 2023, within 30 days of the end of  
16 each quarter, the Secretary of Finance shall submit financial records covering all  
17 quarterly allotments for all local and federal funds for the CNMI Public School  
18 System, Department of Labor for Contract Workers fees, Northern Marianas  
19 Technical Institute, Commonwealth Healthcare Corporation, Northern Marianas  
20 College, and Marianas Visitors Authority to the Presiding Officers of the

1 Legislature, Chairperson of the Senate Committee on Fiscal Affairs and the  
2 Chairperson of the House Committee on Ways and Means.

3 (e) The Secretary of Finance shall provide a quarterly report on the Solid  
4 Waste Management Revolving Fund allocated to the sub-accounts of the First and  
5 Second Senatorial Districts in accordance with 2 CMC § 3551(d).

6 **CHAPTER III.**

7 **GOVERNMENT CORPORATIONS AND DESIGNATED**  
8 **AGENCIES/ACTIVITIES**

9 **Section 301. Appropriation and Budget Authority.**

10 Pursuant to 1 CMC § 7206 and as provided herein, budget and expenditure  
11 authority for the following activities is hereby approved. Expenditures in excess of  
12 the budget authority approved herein for agencies to which public funds are  
13 appropriated shall not be incurred or committed and hiring in excess of the number  
14 of positions authorized by this Act is prohibited, unless authorized by a legislative  
15 joint resolution in accordance with Section 7, Article X of the N.M.I. Constitution.

16	<u>ACTIVITIES</u>	<u>NOP</u>	<u>PERSONNEL</u>	<u>OPERATIONS</u>	<u>TOTAL</u>
17	(a) Commonwealth Economic Development Authority	13	\$1,056,431	\$443,080	\$1,499,511
18	(b) Commonwealth Ports Authority	238	\$7,481,704	\$9,336,011	\$16,817,714
19	(c) Commonwealth Utilities Corporation	495	\$21,877,237	\$68,862,891	\$90,740,128
20	(d) Northern Marianas Housing Corporation	102	\$5,961,694	\$7,718,883	\$13,680,577
21	(e) Office of the Public Auditor	19	\$1,471,770	\$705,405	\$2,177,175
22	(f) Commonwealth Healthcare Corporation	1,024	\$71,735,225	\$45,076,284	\$116,811,509
23	(g) Commonwealth Casino Commission	51	\$2,899,336	\$1,379,545	\$4,278,881

**HOUSE BILL 23-31, HS1, SS2, CCS1**

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1	(h) Marianas Visitors Authority	41	\$2,435,930	\$13,358,581	\$15,794,511
2	<b>Grand Total:</b>	<b>1,983</b>	<b>\$114,919,327</b>	<b>\$146,880,680</b>	<b>\$261,800,007</b>

3           Notwithstanding the above dollar amounts, the entities above shall expend  
4 only the lesser of funds actually generated, collected, or received, or the amounts  
5 indicated above.

6           **Section 302. Prior Certification of Funds.**

7           No contract shall be entered into with the Commonwealth or any  
8 government entity therein without first receiving from the Secretary of the  
9 Department of Finance certification that lawful and sufficient funds have been  
10 appropriated. Notwithstanding any Commonwealth laws, regulations, or provisions  
11 to the contrary, this section shall not apply to the Judicial Branch, the Public School  
12 System, and the Northern Marianas College.

13           **Section 303. Reporting Requirement.**

14           The expenditure authorities of the foregoing activities listed in Section 301  
15 shall submit to the Presiding Officers of the Legislature, at the end of each quarter,  
16 a fund status report on the expenditures for personnel and operations of each  
17 government entity, and the payments of the public auditor's fee, for the quarter  
18 ended and, if applicable, year-to-date totals as of the close of the reporting period.

19           Furthermore, notwithstanding any provisions or laws to the contrary, all  
20 additional resources realized within the fiscal year outside of those specified and  
21 identified under this Act shall be reported in detail to the Legislature for  
22 appropriation purposes.

1           **CHAPTER IV. ADMINISTRATION OF APPROPRIATED FUNDS**

2           **Section 401. Management of Funds.**

3           The expenditure of the funds appropriated and allocated under this Act shall  
4 be regulated and controlled by the Secretary of Finance so that no agency,  
5 department, instrumentality, program, or activity may expend the funds contrary to  
6 the law or fiscal management policies and practices of the Commonwealth.  
7 Provided further that, in addition to the report required under 1 CMC § 7209, the  
8 Secretary of Finance shall submit within 30 calendar days at the end of each quarter,  
9 a fund status report on the expenditures for personnel and operations of each  
10 business unit funded in whole or in part by the General Fund for the quarter ended  
11 and, if applicable, year-to-date totals as of the close of the reporting period.

12           **Section 402. Number of Position(s) (NOP) Ceiling.**

13           Employment Ceilings. Pursuant to Article X, § 7 of the Commonwealth  
14 Constitution, the employment ceilings relative to the number of positions are  
15 hereby established as set forth in this Act.

16           **Section 403. Expenditure Authority.**

17           The distribution and expenditure of funds shall be in compliance with the  
18 fiscal expenditure authority that the listed agencies have pursuant to the statute and  
19 the administrative provisions of this Act.

1                   **CHAPTER V. REPROGRAMMING AUTHORITY**

2                   **Section 501. Reprogramming Authority**

3                   Notwithstanding the 25% reprogramming authority pursuant to 1 CMC §  
4 7402(b), the Governor shall have an additional 25% reprogramming authority for  
5 the departments, agencies, and offices of the executive branch. This authority to  
6 reprogram shall not apply to the funds appropriated to the Legislative or Judicial  
7 Branches as well as to those funds appropriated by the respective legislative  
8 delegations. Pursuant to 1 CMC § 7402(e), all reprogramming shall be reported in  
9 writing to the Presiding Officers of the Legislature, Chairperson of the House  
10 Committee on Ways and Means and the Chairperson of the Senate Committee on  
11 Fiscal Affairs within 30 days after the end of each quarter of the fiscal year. Such  
12 reports shall include a description of each item reprogrammed, the reason for each  
13 reprogramming, the change in the approved budget caused by the reprogramming,  
14 the cumulative amount of all reprogramming during the fiscal year, and such other  
15 information as may be requested by the Chairpersons. The Governor shall submit  
16 to the Presiding Officers and Chairpersons an annual summary of all  
17 reprogramming activity within 60 days after the end of a fiscal year.

18                   **Section 502. Deficit Reduction**

19                   Notwithstanding any law to the contrary, the Secretary of the Department  
20 of Finance shall establish an account for deficit reduction and may reprogram from  
21 any other executive branch account as needed for the purpose of deficit reduction.

1       **CHAPTER VI. SUPPLEMENTAL ADMINISTRATIVE PROVISIONS**

2           **Section 601. Utilities.**

3           (a) The CUC monthly utility billings shall be submitted to the Department  
4 of Finance in a timely manner for payment.

5           (b) For prepaid meter accounts, the authorized designee of the respective  
6 government agencies or offices shall follow the protocol of the Department of  
7 Finance for timely payment.

8           **Section 602. Salary Cap Exemption.**

9           (a) 1 CMC § 8245(c) is amended for the fiscal year 2023 to increase the  
10 annual salary of the Resident Department Heads of the First and Second Senatorial  
11 District to not more than \$45,000. The Resident Department Heads are responsible  
12 for the operations of all the divisions of each department and this salary exemption  
13 corresponds with their current duties and responsibilities.

14           (b) 1 CMC § 28003 is amended for the fiscal year 2023 to increase the  
15 annual salary of the Resident Deputy Commissioners of the Department of Fire and  
16 Emergency Medical Services for the islands of Rota and Tinian to not more than  
17 \$45,000.

18           **Section 603. Hiring Restriction.**

19           Notwithstanding any law or regulation to the contrary, any vacant position  
20 that is unfilled by May 1, 2023 shall remain vacant for the remainder of the fiscal

1 year, except for new NOPs established in this Act. This provision shall only apply  
2 to the Executive Branch.

3 **Section 604. Revised CNMI ARPA Spending Plan.**

4 Notwithstanding any law to the contrary, prior to the submission of a  
5 Revised CNMI ARPA Spending Plan of the ARPA funds to the Secretary of the  
6 U.S. Department of Treasury, the revised spending plan must be approved by the  
7 CNMI Legislature by joint resolution after collaboratively consulting with the  
8 administration to ensure that the critical needs of the Commonwealth are  
9 addressed.

10 **CHAPTER VII. APPROPRIATIONS.**

11 **Section 701. In General.**

12 Funds designated in Chapter II as available for appropriation for FY 2023  
13 are hereby appropriated pursuant to this Chapter.

14 **Section 702. Appropriation.**

15 The amount of \$121,601,693 is hereby appropriated as set forth in the  
16 attached Schedule A which is inclusive of the Department of Public Lands. The  
17 revised Fiscal Year 2023 Budget Act includes a revised *Schedule B: American  
18 Rescue Plan Act (ARPA)* for the lapsed period from October 1, 2022 to April 16,  
19 2023 to indicate zero ARPA funds after April 16, 2023 to September 30, 2023.

1           **Section 703. Judicial Branch.**

2           (a) The Number of Personnel and appropriations for personnel, operations,  
3 and utilities for the Judicial Branch shall be as shown in Schedule A.

4           (b) Notwithstanding 1 CMC §7204, without prior legislative approval, no  
5 funds appropriated to the Judicial Branch shall be reduced. The Chief Justice shall  
6 be the expenditure authority for the Judicial Branch.

7           **Section 704. Legislative Branch.**

8           The Number of Personnel and appropriations for personnel, operations, and  
9 utilities for the Legislative Branch shall be as shown in Schedule A.

10          (a) Notwithstanding 1 CMC §7204, without prior legislative approval, no  
11 funds appropriated to the Legislature shall be reduced.

12          (b) Art. II Sec. 16(e) of the Commonwealth Constitution provides:

13                e) Beginning the second Monday of January 1998, the amount of the  
14 ceiling and all other dollar amounts stated in this section shall be  
15 adjusted every two years by the same percentage as the percentage  
16 change in the United States Department of Commerce composite  
17 price index during the two preceding fiscal years using the  
18 beginning of the fiscal year 1996 as the base.

19          The appropriation ceilings have automatically increased every two years,  
20 beginning in January 1998. Using the price composite indexes developed by the  
21 Department of Commerce, Bureau of Economic Analysis for State and Local



1 Government Consumption Expenditures and Gross Investment, the appropriation  
 2 ceilings for the Legislature for fiscal years 2022 and 2023 are as follows:

3 Price Index for All Government Consumption Expenditures and Gross Investment

4 Legislative Branch	5 Base Ceiling Oct. 1, 1995	6 Change in Price Index Jan 1, 2020	7 Ceiling Jan. 1, 2020 Based on Change
8 Members Allocation	\$155,000	60.335%	\$248,519.25
9 Presiding Officers Allocation	\$400,000	60.335%	\$641,340.00
10 Legislative Bureau	\$2,000,000	60.335%	\$3,206,700.00

11 (c) Salaries of Legislative Members.

12 (1) The amount appropriated under this section to the House of  
 13 Representatives under “personnel” shall be used to fund the salaries and  
 14 benefits of the members of the House of Representatives. The expenditure  
 15 authority for the amounts appropriated shall be the Speaker of the House.

16 (2) The amount appropriated under this section to the Senate under  
 17 “personnel” shall be used to fund the salaries and benefits of the members  
 18 of the Senate. The expenditure authority for the amounts appropriated shall  
 19 be the President of the Senate.

20 (d) Members’ Office Accounts and Employees.

21 (1) Notwithstanding 1 CMC §7401(c) to the contrary, each member  
 22 shall be the expenditure authority of the funds appropriated to their  
 23 individual sub-account;

(2) Funds appropriated for the operation of the member’s office,  
 including, but not limited to, the personnel costs of the member’s employees

1 and expenditures as authorized by the adopted rules of the Senate in the case  
2 of the Senate member, or the adopted rules of the House of Representatives  
3 in the case of a House member, or the Legislative Bureau, may be expended  
4 to defray travel and incidental expenses for the purpose of attending to  
5 legislative business; provided that a member may receive a one-month  
6 advancement of funds appropriated to his or her office for expenditures;

7 (3) Appropriation of the maximum number of positions among  
8 House members shall be governed by the rules of the House; and

9 (4) Appropriation of the maximum number of positions among  
10 Senate members shall be governed by the rules of the Senate.

11 (e) Senate and House Leadership Accounts. The leadership account of each  
12 house shall be \$200,000. The presiding officer of each respective house, or his  
13 lawfully authorized designee, shall be the expenditure authority and shall use such  
14 funds to support the operations and activities of the House of Representatives and  
15 Senate in accordance with its rules, provided that the presiding officer distributes a  
16 portion of the total appropriation in equal amounts to all the standing committees  
17 for their operations and activities.

18 (f) Legislative Bureau, BU 1770. The Number of Personnel and  
19 appropriations for personnel, operations, and utilities for the Legislative Bureau  
20 shall be as shown in Schedule A. The expenditure authority of the funds  
21 appropriated for the Legislative Bureau shall be the Director of the Legislative

1 Bureau or authorized designee. Notwithstanding any other law to the contrary, the  
2 expenditure authority for the Legislative Bureau shall have reprogramming  
3 authority to move funding from Personnel to Operations.

4 (g) Northern Marianas Youth Congress, BU 1593. The Number of  
5 Personnel and appropriations for personnel and operations for Youth Congress shall  
6 be as shown in Schedule A. The expenditure authority is vested in the Director of  
7 the Legislative Bureau with the consent of the Speaker of the Northern Mariana  
8 Islands Youth Congress.

9 **Section 705. Executive Branch.**

10 The appropriation for the Executive Branch shall be as shown in  
11 Schedule A.

12 (a) The Governor shall have authority to expend, obligate, encumber, or  
13 otherwise commit, all the funds appropriated to the Office of the Governor and all  
14 Other Offices of the Governor.

15 (b) The Lt. Governor shall be the expenditure authority of the funds  
16 appropriated to the Office of the Lt. Governor.

17 (c) Under other offices of the Governor, Business Unit 1951, Medicaid  
18 Reimbursements, the Secretary of Finance shall reserve \$7.2 million of FEMA  
19 Community Disaster Loan to fund the local Medicaid matching.

20 (d) Of the twenty-one NOPs allotted to Youth Services-Saipan, BU 1220,  
21 two NOPs shall be set aside to employ two Emergency Shelter Workers.

1 (e) Of the seven NOPs allotted to the Environmental Quality Saipan, BU  
2 1493, three NOPs shall be set aside to employ three Litter Control Officers.

3 (f) Of the NOPs allotted to Technical Services Division – Department of  
4 Public Works BU 1490, 7 are not funded;

5 (g) Of the NOPs allotted to Office of Management and Budget – BU 1014,  
6 2 are not funded.

7 (h) Of the NOPs allotted to the Lieutenant Governor’s Office – BU 1050, 4  
8 are not funded.

9 (i) Of the NOPs allotted to the Department of Commerce - BU 1300, 2 are  
10 not funded.

11 (j) Of the NOPs allotted to the Veterans Affairs Office – BU 1251, 1 is not  
12 funded.

13 (k) Of the NOPs allotted to the Division of Customs and Quarantine  
14 Services – BU 1150, 1 is not funded.

15 **Section 706. First Senatorial District – Mayor of Rota and Rota**

16 **Municipal Council.**

17 The Number of Personnel and appropriations for personnel, operations, and  
18 utilities for the First Senatorial District shall be as shown in Schedule A.

19 (a) Except as provided in this section, the Mayor of Rota shall have  
20 authority to expend, obligate, encumber, and otherwise commit, all the funds  
21 appropriated to the First Senatorial District. The appropriations to the Municipal

1 Council shall be under the expenditure authority of the Municipal Council  
2 Chairperson. Additionally, except as provided in this section, in accord with the  
3 Superior Court's decision in the case of *Inos v. Tenorio*, the Mayors shall also have  
4 expenditure authority over resident government departments in the First and  
5 Second Senatorial districts respectively unless the Governor revokes expenditure  
6 authority in a manner consistent with the Superior Court's holding in *Inos v.*  
7 *Tenorio*, to wit: expenditure authority over resident departments that are primarily  
8 concerned with the delivery of public services can be revoked only on a prior  
9 showing of just cause, but the Governor has the discretion to revoke expenditure  
10 authority over those departments that are primarily concerned with enforcing the  
11 law.

12 (b) Of the five NOPs allotted to Finance & Accounting – Rota, BU 1112,  
13 one NOP shall be set aside to employ an Account Clerk I. Of the NOPs allotted to  
14 Mayor Rota – BU 1065, 2 are not funded; of the NOPs allotted to Customs Service  
15 – Rota – BU 1152, 4 are not funded; and of the NOPs allotted to Municipal Council  
16 Rota – BU 1066, 1 is not funded.

17 (c) In accordance with Governor's Directive 2023-002 to reduce work hours  
18 from 80 to 72 hours per pay period, the Mayor of Rota, as the expenditure authority,  
19 may impose further reduction in municipal employees' work hours based on the  
20 availability of funds.

1 (d) Of the funds appropriated to the Mayor of Rota personnel, BU 1065,  
2 \$11,450 shall be used to maintain the salaries at 80 hours for personnel assigned to  
3 the Rota Liaison Office on Saipan.

4 (e) Of the funds appropriated to the Department of Public Safety- Rota, BU  
5 1352, \$72,767 shall be used to restore the salaries of personnel at 100%.

6 (f) Of the funds appropriated to the Department of Fire and Emergency  
7 Medical Services- Rota, BU 1353, \$50,377 shall be used to restore the salaries of  
8 personnel at 100%.

9 (g) Of funds appropriated to the Customs Service- Rota, BU 1152, \$17,275  
10 shall be used to maintain the salaries at 80 hours.

11 (h) Any shortfall in the appropriated funds as a result or due to payment of  
12 overtime, retirement, or benefits shall be borne by the municipality.

13 **Section 707. Second Senatorial District – Mayor of Tinian & Aguiguan**  
14 **and Tinian Municipal Council.**

15 The Number of Personnel and appropriations for personnel, operations, and  
16 utilities for the Second Senatorial District shall be as shown in Schedule A.

17 (a) Except as provided in this section, the Mayor of Tinian and Aguiguan  
18 shall have authority to expend, obligate, encumber, or otherwise commit or  
19 reprogram, all the funds appropriated to the Second Senatorial District. The  
20 appropriations to the Municipal Council shall be under the expenditure authority of  
21 the Municipal Council Chairperson. Additionally, in accord with the Superior

1 Court's decision in the case of *Inos v. Tenorio*, the Mayors shall also have  
2 expenditure authority over resident government departments in the First and  
3 Second senatorial districts respectively unless the Governor revokes expenditure  
4 authority in a manner consistent with the Superior Court's holding in *Inos v.*  
5 *Tenorio*, to wit: expenditure authority over resident departments that are primarily  
6 concerned with the delivery of public services can be revoked only on a prior  
7 showing of just cause, but the Governor has the discretion to revoke expenditure  
8 authority over those departments that are primarily concerned with enforcing the  
9 law.

10 (b) The Tobacco Settlement Agreement funds allocated to the Second  
11 Senatorial District shall fund the two new ABTC Law Enforcement NOPs for the  
12 Department of Commerce-Tinian.

13 (c) Notwithstanding any laws to the contrary, \$70,000 from the developer's  
14 infrastructure tax for the Second Senatorial District under Business Unit 3731 shall  
15 fund the certified civil engineer under the Department of Public Works - Tinian.

16 (d) In accordance with Governor's Directive 2023-002 to reduce work hours  
17 from 80 to 72 hours per pay period, the Mayor of Tinian and Aguiguan, as the  
18 expenditure authority, may impose further reduction in municipal employees' work  
19 hours based on availability of funds.

1 (e) Of the funds appropriated to the Mayor of Tinian and Aguiguan  
2 personnel, BU 1063, \$11,096 shall be used to maintain the salaries at 80 hours for  
3 personnel assigned to the Tinian Liaison Office on Saipan.

4 (f) Of the NOPs allotted to Mayor of Tinian and Aguiguan - BU 1063, 10  
5 are not funded.

6 (g) Of the funds appropriated to the Department of Public Safety- Tinian,  
7 BU 1351, \$59,641 shall be used to restore the salaries of personnel at 100%.

8 (h) Of the funds appropriated to the Department of Fire and Emergency  
9 Medical Services- Tinian, BU 1351A, \$49,584 shall be used to restore the salaries  
10 of personnel at 100%.

11 (i) Of funds appropriated to the Customs Service - Tinian, BU 1151,  
12 \$18,804 shall be used to maintain the salaries at 80 hours.

13 (j) Any shortfall in the appropriated funds as a result or due to payment of  
14 overtime, retirement, or benefits shall be borne by the municipality.

15 **Section 708. Third Senatorial District – Mayor of Saipan; Mayor of the**  
16 **Northern Islands; and Saipan and Northern Islands Municipal Council.**

17 The Number of Personnel and appropriations for personnel, operations, and  
18 utilities for the Office of the Mayor of Saipan, Office of the Mayor of the Northern  
19 Islands, and the Saipan and Northern Islands Municipal Council shall be as shown  
20 in Schedule A.



1           The Mayor of Saipan, the Mayor of the Northern Islands, and the  
2 Chairperson of the Municipal Council for Saipan and the Northern Islands or each  
3 of their respective designees shall be the expenditure authority for appropriations  
4 for their respective offices.

5           **Section 709. Other Programs.**

6           The Revised FY 2023 Budget Appropriation for the programs under this  
7 section shall be as shown in Schedule A.

8           (a) Northern Marianas College. The President of the Northern Marianas  
9 College or designee shall be the expenditure authority of the funds under BU 1605.

10           (b) NMC Board of Regents. The Chairperson of the Board of Regents of the  
11 Northern Marianas College or designee shall be the expenditure authority of the  
12 appropriated funds under BU 1627.

13           (c) Public School System. The Commissioner of Education or designee  
14 shall be the expenditure authority of the appropriated funds under BU 1607. Funds  
15 appropriated to PSS shall not be used for personnel and operations of the Board of  
16 Education.

17           (d) Board of Education. The Chairperson of the Board of Education or  
18 designee shall be the expenditure authority of the appropriated funds under BU  
19 1624. The funds appropriated to the Board of Education shall include the cost and  
20 expenses of the student and teacher representatives to the Board of Education.

1           (e) CNMI Medical Referral Program (Health Network Program).  
2 Notwithstanding any CNMI laws or regulations to the contrary, all funds  
3 appropriated to the CNMI Medical Referral Program (Health Network Program)  
4 shall be non-lapsing and shall not require any further legislative action. The  
5 Commonwealth Healthcare Corporation shall administer the CNMI Medical  
6 Referral Program or its successor, including both inter-island and off-island  
7 referrals, consistent with its duties and responsibilities under 3 CMC § 2821 *et seq.*  
8 More specifically, the inter-island medical referral services shall include stipends,  
9 airfare, and lodging for patients and escorts, which is consistent with the off-island  
10 medical referral program. The expenditure authority for all funds appropriated or  
11 allocated to inter-island and off-island medical referral services and administration  
12 (inclusive of BU 1979, 1979A, and any new business units established for CHCC  
13 Medical Referral) shall be the CEO of the Commonwealth Healthcare Corporation  
14 or designee. Of the amounts appropriated herein to the CNMI Medical Referral  
15 Program (Health Network Program), not less than \$50,000 shall be set aside for the  
16 stipends to benefit inter-island medical referral patients from the First and Second  
17 Senatorial Districts.

18           (f) Northern Marianas Technical Institute. The Chairperson of the Board of  
19 Trustees or designee in consultation with the Chief Executive Officer shall be the  
20 expenditure authority of the appropriated funds for the Northern Marianas  
21 Technical Institute.

1           **Section 710. Independent Programs.**

2           The revised FY 2023 budget appropriation for the agencies under this  
3 section shall be as shown in Schedule A.

4           (a) Joeten-Kiyu Public Library. The Chairperson of the Commonwealth  
5 Library Council or designee shall be the expenditure authority of the allocated  
6 funds.

7           (b) NMI Museum of History and Culture. The Chairperson of the Board of  
8 Governors of the NMI Museum of History and Culture or designee shall be the  
9 expenditure authority of the appropriated funds.

10           (c) Elected Attorney General. The Attorney General or designee shall be the  
11 expenditure authority of the appropriated funds. Notwithstanding any law to the  
12 contrary, the Office of the Attorney General may charge fees for legal services  
13 provided to CNMI public corporations and autonomous agencies; provided that the  
14 Office of the Attorney General shall not charge fees for legal services provided to  
15 divisions, offices, and line agencies within the executive branch with the exception  
16 of the Department of Public Lands, the Division of Revenue and Taxation, the  
17 Bureau of Environmental and Coastal Quality, and the Office of Management and  
18 Budget. Of the NOPs allotted to the Elected Attorney General - BU 1519, 1 is not  
19 funded.

20           (d) The expenditure authority of the funds appropriated for the Public  
21 Assistance Program shall be the Governor's Authorized Representative.

1           (e) Medicaid Program. The funds appropriated in this Act for the Medicaid  
2 Program, including Medicaid Reimbursement, BU 1951, Medicaid Agency, BU  
3 1980, and Medicaid Enterprise Systems (MES), BU 1981 shall be deemed a single  
4 budget reserved for the purposes of Medicaid Agency, Medicaid Reimbursement,  
5 and Medicaid Enterprise Systems. The Director of the Commonwealth Medicaid  
6 Agency may reallocate the funds appropriated in this Act to any of the expenditure  
7 categories, including, but not limited to, Agency, Reimbursement, and Medicaid  
8 Enterprise Systems. Provided further that for the Fiscal Year 2023, pursuant to the  
9 request of CNMI Medicaid, with the concurrence of the Office of Personnel  
10 Management, notwithstanding any other law to the contrary, all of the 12 NOPs for  
11 the Medicaid Enterprise Systems & Health Information Technology funded under  
12 BU 1981 shall be excepted service contract employees.

13           (f) For programs and activities not specifically mentioned, the expenditure  
14 authority shall be the Secretary of Finance.

15           **Section 711. Department of Public Lands.**

16           Pursuant to 1 CMC §2803, \$5,407,896 is appropriated to the Department of  
17 Public Lands. In addition to the 83 NOPs set forth in the PL 22-22 Budget Act  
18 allotted to the Department of Public Lands (DPL) inclusive of the Saipan-based  
19 NOPs assigned to DLNR's Division of Parks and Recreation pursuant to the  
20 Memorandum of Agreement between DPL and the Department of Lands and  
21 Natural Resources (DLNR), DPL shall also assume all costs and personnel

1 obligations associated with seven (7) existing and current NOPs with the funds  
2 appropriated to DPL. These seven (7) NOPs shall consist of four (4) NOPs for the  
3 Division of Parks and Recreation Rota and three (3) NOPs for the Division of Parks  
4 and Recreation Tinian, provided further, these NOPs shall remain assigned to  
5 DLNR Division of Parks and Recreation.

6 **Section 712. Reporting Requirements.**

7 The expenditure authorities of the foregoing activities listed in Chapter VII  
8 shall submit a detailed financial report to the presiding officers of the legislature,  
9 within 30 days after the end of each month beginning March 31, 2023.

10 **Section 713. Access Provided to Legislature.**

11 Notwithstanding any provision of law to the contrary, current “read only”  
12 access shall be provided to the Speaker of the House and the Senate President of  
13 the CNMI Legislature and their designees, the Fiscal Analysts, for budgetary  
14 purposes at a level equal to that of the CNMI Office of Management and Budget.  
15 Provided that said access shall also be available consistent with the following:

16 (A) the Munis Financial Management Information System or other  
17 financial and accounting system to obtain the following: monthly  
18 collections and expenditures, including but not limited to funds status, and  
19 detailed expenditure reports in a format that is exportable or convertible to  
20 Excel files; and

1 (B) the following reports in a format that is exportable or convertible  
2 to Excel files shall be provided to the CNMI Legislative Fiscal Analysts 30  
3 days after the effective date of this Act:

4 (i) All revolving accounts;

5 (ii) All business activities listed in Schedule A;

6 (iii) All accounts listed as earmarks in the Budget Authority  
7 Act;

8 (iv) All debt service payments, including payments to the  
9 Settlement Fund, and Series A and Series B Funds;

10 (v) All revenue accounts in the First, Second, and Third  
11 Senatorial Districts that are identified as budgetary resources in the  
12 Budget Authority Act;

13 (C) Any other financial information, not legally privileged or protected,  
14 relating to the CNMI Government's expenditure of public funds, as needed and  
15 requested, in writing, within 10 days of said request.

16 **CHAPTER VIII. OUTSIDE SOURCES**

17 Section 801. Administrative Provisions.

18 (a) Notwithstanding 1 CMC § 7204, the outside source funds appropriated  
19 for FY 2023 shall be allotted monthly; except programs that require one-time  
20 payments may receive advance allotments.

1 (b) Notwithstanding any law to the contrary, the Secretary of Finance shall  
2 submit to the presiding officers of the Legislature, at the end of each quarter, a fund  
3 status report on the outside-sourced funds that are transferred in and out of  
4 government business units and their respective accounts, pursuant to Section 802  
5 of this Act.

6 (c) All salaries of elected officials that are waived under 1 CMC § 8442  
7 shall be transferred by the Secretary of Finance to the Scholarship Trust Account  
8 and the funds from the account shall be spent for scholarship purposes only, without  
9 further appropriation, and without fiscal year limitation.

10 **Section 802. Outside Sources.**

11 (a) **Tobacco Settlement Funds.** Pursuant to 3 CMC §2173 and the funds  
12 allocated in this section pursuant to the submittal of a program and expenditure plan  
13 to the Secretary of Finance, the Tobacco Settlement funds in the amount of  
14 \$540,000, not subject to reprogramming or fiscal year limitation, shall be allocated  
15 as follows:

16	(1) Division of Public Health 40%:	\$216,000
17	(2) Public School System 20%:	\$108,000
18	(3) Youth Affairs Office 12.5%:	\$67,500
19	(4) Coalition of Private Schools 7.5%:	\$40,500
20	(5) Rota Mayor 10%:	\$54,000
21	(6) Tinian and Aguiguan Mayor 10%:	\$54,000





1           **Section 902. Savings Clause.** This Act and any repealer contained herein  
2 shall not be construed as affecting any existing right acquired under contract or  
3 acquired under statutes repealed or under any rule, regulation or order adopted  
4 under the statutes. Repealers contained in this Act shall not affect any proceeding  
5 instituted under or pursuant to prior law. The enactment of this Act shall not have  
6 the effect of terminating, or in any way modifying, any liability civil or criminal,  
7 which shall already be in existence at the date this Act becomes effective.

8           **Section 903. Effective Date.** This Act shall take effect upon its approval  
9 by the Governor, or it becoming law without such approval.

Prefiled: 317/2023

Date: \_\_\_\_\_

Introduced by: /s/ Rep. Ralph N. Yumul  
/s/ Rep. Vincent R. S. Aldan  
/s/ Rep. Blas Jonathan "BJ" T. Attao  
/s/ Rep. Roman C. Benavente  
/s/ Rep. Angelo A. Camacho  
/s/ Rep. Joel C. Camacho  
/s/ Rep. Vicente C. Camacho  
/s/ Rep. Manny G. T. Castro  
/s/ Rep. Joseph A. Flores  
/s/ Rep. Marissa R. Flores  
/s/ Rep. Julie M. A. Ogo  
/s/ Rep. John Paul P. Sablan  
/s/ Rep. Edmund S. Villagomez  
/s/ Rep. Denita Kaipat Yangetmai

Reviewed for Legal Sufficiency by:

/s/ Joseph L.G. Taijeron, Jr.  
House Legal Counsel