

Seventeenth Northern Marianas Commonwealth Legislature

IN THE HOUSE OF REPRESENTATIVES

Session, 2010

H. B. 17-189

**A BILL FOR AN ACT**

To amend 1 CMC § 7831 to exempt the Judiciary from the requirement of the one percent contribution of its appropriated funds to the office of the Public Auditor; and for other purposes.

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

1           **Section 1. Findings and Purpose.** The Legislature finds that as a result  
2 of the financial challenges facing the Commonwealth Government caused by the  
3 economic downturn and decreased revenue collection, appropriations to the  
4 Judiciary in recent years have significantly declined. The Legislature finds that  
5 the \$3.3 Million appropriation to the Judicial Branch under Public Law 17-21  
6 represents a decline in funding of 44% from a peak of \$5.9 Million in fiscal year  
7 1999. The Legislature finds that based on the reduced appropriations, the  
8 Judiciary has implemented cost cutting measures, including a decrease in staffing  
9 levels by 50% since 2003, limiting work hours and using unpaid holidays to create  
10 a 20% reduction in salary for employees in fiscal year 2011, implementing a  
11 hiring freeze for all but the most essential court personnel, and reducing operating  
12 expenses.

1           The Legislature further finds that even with the implementation of  
2   austerity measures, the Judiciary has been unable to fulfill certain financial  
3   obligations, including the timely payment of indigent representation fees. The  
4   Legislature finds that the Judiciary must appoint counsel and guardians ad litem  
5   for indigent persons with a constitutional or statutory right to such representation  
6   in court proceedings. The Legislature finds that appointing representation for  
7   indigent persons is not a matter of discretion for the Judiciary, but rather a specific  
8   right afforded to individuals under CNMI law. The Legislature finds that the  
9   payment of fees for indigent representation is the financial responsibility of the  
10   Commonwealth that has come under the Judiciary's allocated budget. The  
11   Legislature finds that as a result of budget cuts, the Judiciary has been unable to  
12   consistently issue payments for indigent representation fees in recent years.

13           Therefore, it is the intent of this Act to exempt the Judicial Branch from  
14   the one percent contribution to the Office of the Public Auditor as in the case of  
15   the Legislature and the Public School System (PSS). The Legislature finds that  
16   while the one percent savings may not be sufficient to meet all indigent  
17   representation costs, the amount will allow the Judiciary to reduce outstanding  
18   indigent fee obligations and proceed toward a sustainable indigent representation  
19   payment system. The Legislature further finds that the Office of the Public  
20   Auditor had requested a funding level 15% lower for fiscal year 2012 than its  
21   current allotment.

1           **Section 2. Amendment.** A new subsection (f) is added to 1 CMC § 7831  
2 to read as follows:

3                           (f) The Judicial Branch shall be exempt from the withholding  
4                           and payment requirements of subsections (a) and (b) of this  
5                           section; provided that one percent of the budget appropriated to  
6                           the Judiciary shall be used to pay fees and costs associated with  
7                           the appointment of guardians ad litem and counsel for indigent  
8                           persons with a constitutional or statutory right to representation.  
9                           These funds shall be used solely for the purposes of this  
10                          subsection and shall not be reprogrammed for any other  
11                          purpose. The Chief Justice shall be the expenditure authority  
12                          for these funds.

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

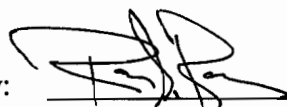
18           **Section 4. Savings Clause.** This Act and any repealer contained herein  
19 shall not be construed as affecting any existing right acquired under contract or  
20 acquired under statutes repealed or under any rule, regulation or order adopted  
21 under the statutes. Repealers contained in this Act shall not affect any proceeding

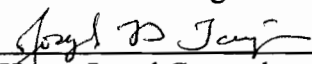
1 instituted under or pursuant to prior law. The enactment of the Act shall not have  
2 the effect of terminating, or in any way modifying, any liability, civil or criminal,  
3 which shall already be in existence on the date this Act becomes effective.

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

*Intro 5/10/11*  
Prefiled: \_\_\_\_\_

Date: 5/3/11 \_\_\_\_\_

Introduced By:  \_\_\_\_\_  
Rep. Ramon S. Basa

Reviewed for Legal Sufficiency by:  
 \_\_\_\_\_  
House Legal Counsel