

A BILL FOR AN ACT

To amend 2 CMC § 3551 to change the expenditure authority, management, and control of the solid waste sub-accounts for the First and Second Senatorial Districts to the mayor of each respective municipality; and for other purposes.

**BE IT ENACTED BY THE TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:**

1           **Section 1. Findings and Purpose.** The Legislature finds that the expenditure  
2 authority of the solid waste sub-accounts for the First and Second Senatorial Districts  
3 should be vested in the mayor of each respective municipality in order to expedite the  
4 disbursement of funds, and procurement of services and equipment for each municipality.  
5 The Legislature further finds that the mayors of each municipality have firsthand  
6 knowledge of the solid waste needs and requirements of their municipalities and should  
7 prioritize the sub-account funding for those purposes. Accordingly, the purpose of this  
8 legislation is to change the expenditure authority of the solid waste sub-accounts for the  
9 First and Second Senatorial Districts.

10           **Section 2. Amendment.** 2 CMC § 3551 is hereby amended to read as follows:

11           **“§ 3551. The Establishment of the Solid Waste Management Revolving Fund.**

12           (a) There is hereby established within the Commonwealth Treasury a Solid Waste  
13 Management Revolving Fund (SWMRF) which shall be accounted for separately from the  
14 General Fund. All funds collected pursuant to this chapter and the interest earned shall be  
15 used exclusively for solid waste-related purposes.

16           (b) All monies received from direct appropriation, or as payment of fees pursuant  
17 to this Act, ~~any~~ except tipping fees as provided in NMIAC 155-30.1-201, collected from  
18 any Commonwealth solid waste management facility, solid waste user fees assessed  
19 directly on residents and businesses, advance disposal fees and any other sources of solid  
20 waste management funding, such as federal grants or loans, shall be deposited into the

1 ~~revolving fund~~ SWMRF. Expenditure authority over the revolving fund is vested in the  
2 Secretary of the Department of Public Works; provided that the expenditure authority for  
3 the sub-accounts of the First and Second senatorial districts shall be the mayor of the  
4 respective municipality. Revolving fund monies shall be available for expenditure on solid  
5 waste-related purposes without further appropriation and without fiscal year limitations.

6 (c) The Secretary of the Department of Finance shall allocate the Solid Waste  
7 Management Revolving Fund into four sub-accounts. Subject to the promulgation of  
8 appropriate rules and regulations prescribing CNMI-wide fees as described in subsection  
9 (b), three sub-accounts shall be established with one for each of the respective Senatorial  
10 Districts. The fourth sub-account shall be for financial assurance requirements for  
11 permitting facilities within the Commonwealth. The sub-accounts of the First and Second  
12 senatorial districts shall be transferred to each respective local account and said funds shall  
13 not be reprogrammed for any other purpose. The mayor of each respective municipality  
14 shall manage the funds in the sub-accounts of the First and Second senatorial districts.

15 (d) Unless specifically exempted or otherwise required by law, any funds  
16 earmarked for deposit into the Solid Waste Management Revolving Fund shall be subject  
17 to the allocation provided under subsection (c) herein. Provided, however, that 10 percent  
18 of the total of any earmarked funds shall be allocated to the sub-account of the First  
19 Senatorial District and 10 percent of the total of any earmarked funds shall be allocated to  
20 the sub-account of the Second Senatorial District. The sub-accounts of the First and Second  
21 senatorial districts shall not be reprogrammed for any other purpose. The mayor of each  
22 respective municipality shall manage the funds in the sub-accounts of First and Second  
23 senatorial districts.

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

26 (f) The Secretary of the Department of Public Works and the mayors of the First  
27 and Second senatorial districts shall provide within 30 days after each fiscal year an annual  
28 report on the SWMRF account to the presiding officers of the legislature and the

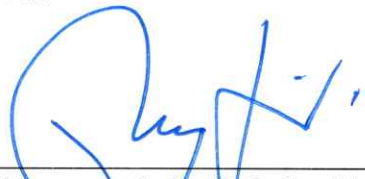
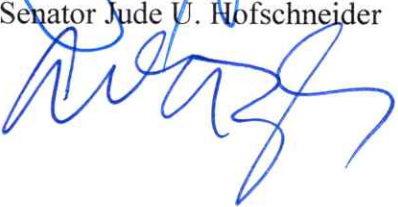
1 chairperson of the House of Representatives Committee on Ways and Means and the  
2 chairperson of the Senate Committee on Fiscal Affairs.”

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

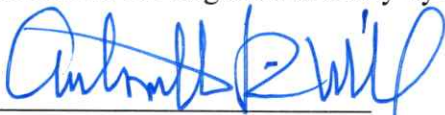
7 **Section 4. Savings Clause.** This Act and any repealer contained herein shall not  
8 be construed as affecting any existing right acquired under contract or acquired under  
9 statutes repealed or under any rule, regulation or order adopted under the statutes.  
10 Repealers contained in this Act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

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

Date: 3/17/2025

Introduced By:   
Senator Jude U. Hofschneider  


Reviewed for Legal Sufficiency by:

  
Senate Legal Counsel