

TITLE 4: ECONOMIC RESOURCES
DIVISION 10: COMMONWEALTH DEVELOPMENT AUTHORITY

§ 10416. Public Debt Authorization.

The Commonwealth Development Authority is hereby authorized, subject to the approval of the board of trustees of the Marianas Public Land Trust, to borrow up to \$2,000,000 to be used for improvements and beautification of American Memorial Park; provided, that:

(a) Payments of interest and repayment of principle on such loan shall be made solely from interest earned subsequent to the effective date of this section on funds presently held in the Marianas Public Land Trust arising from Section 803(e) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America and Part 5(B) of the Technical Agreement and N.M.I. Const. art. XI, § 6(d); and

(b) The proceeds of such loan shall be expended for the purposes of this section by the trustees of the Marianas Public Land Trust or in such manner and by such persons as the trustees may provide.

Source: PL 11-72, § 2, modified.

Commission Comment: PL 11-72, which created new 4 CMC § 10416, took effect March 15, 1999. PL 11-72 contained findings and purpose, severability, savings, and art. X, sect. 3 certification clauses as follows:

Section 1. Findings and Purpose. The Legislature finds that American Memorial Park is in need of improvement and repair. Pursuant to Section 803(e) of the Covenant to Establish Commonwealth of the Northern Mariana Islands in Political Union with the United States of America and Part 5(B) of the Technical Agreement and Article XI, Section 6(d) of the Commonwealth Constitution, a portion of the funds held by the Marianas Public Land Trust (MPLT) is held in trust to produce income for the development and maintenance of American Memorial Park. This portion of the income from the Marianas Public Land Trust is unaffected by Public Law 10-29 and Sections 519 and 520 of Public Law 11-41 since it is reserved by Article XI, Section 6(d) of the Commonwealth Constitution. The Constitution provides that the trustees of MPLT shall use this money for the development and maintenance of the park.

The amounts received from the United States pursuant to the Covenant and the Technical Agreement cannot legally be expended but must remain in the Marianas Public Land Trust; only the income from this original amount can be expended. The Legislature believes that it is in the best interests of the Commonwealth that the present corpus of the trust arising from the aforesaid provisions of the Covenant and Constitution be preserved; however, the interest generated by this portion of the funds held by MPLT would be well used to finance the needed repairs and improvements to the park. Accordingly, this Act authorizes public debt to be repaid with the interest earned from these funds subsequent to the effective date of this Act. Since Article XI, Section 6(d) of the Commonwealth Constitution gives the MPLT trustees the authority and responsibility to use interest on the amount received from the United States for the lease of property at Tanapag Harbor for the development and maintenance of the park, this Act provides (1) that the borrowing is

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subject to the approval of the trustees, and (2) that expenditure of the proceeds of the borrowing authorized by this Act shall be by or at the direction of the trustees.

. . .

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

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

Section 5. Article X, Section 3 Certification. Upon passage of this bill by both houses of the Legislature, by a vote of at least two-thirds of the members in each house, the Speaker of the House of Representatives and the President of the Senate shall certify and the House Clerk and Senate Legislative Secretary shall attest to the passage of this bill by such two-thirds vote in accord with Article X, Section 3 of the Commonwealth Constitution. Such certification and attestation shall form a part of the engrossed bill for transmission to the Governor.