

PUBLIC LAW NO. 9-1

NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

H.B. NO. 9-92, H.D.3

FIRST REGULAR SESSION, 1994

AN ACT

To make appropriations for certain capital improvement projects, and for other purposes.

BE IT ENACTED BY THE NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Short Title. This Act may be cited as the "Special Capital Improvement Projects Appropriation Act of 1994."

Section 2. Findings and Purpose. The Legislature finds that the Commonwealth has certain funds available to it for capital improvement projects, namely, 27.72 million dollars in Covenant funding, as authorized under the Grant Pledge Agreement and U.S. Public Law 102-381, and an additional 6.93 million dollars in matching funds, which is derived from bond interest and is presently on deposit at the Bank of New York, for a total of 34.65 million dollars. The purpose of this Act is to appropriate these funds for capital improvement projects for the Commonwealth.

Section 3. General Provisions. Pursuant to 1 CMC Section 7401(g), the expenditure authority for all appropriations set forth in this Act shall rest in the Director of the Department of Public Works.

The spreadsheet attached to this bill, detailing the various appropriations, is hereby incorporated by reference into this bill; excepting that:

(a) in the event of a conflict between the language of this act and the spreadsheet, the language of this Act shall prevail.

Section 4. Specific Appropriations. Notwithstanding the provisions of 1 CMC Section 7201(d), the Legislature hereby makes the appropriations enumerated in this section:

(a) First Senatorial District

(1) \$900,000 is appropriated for the Water Cave dam design.

(2) \$500,000 is appropriated for water line design for Sinapalo 1 and 2.

(3) \$1,281,250 is appropriated for the construction of Sinapalo 1 and 2 water lines.

(4) \$500,00 is appropriated for design work on the Rota harbor.

(5) \$616,000 is appropriated for the construction of the Sinapalo Road; an additional \$34,000 is appropriated for construction management.

(6) \$500,000 is appropriated for a physical and economic master plan for

Rota.

(b) Second Senatorial District.

(1) \$4,021,375 is appropriated for the design and construction of a high school on Tinian.

(2) \$50,000 is appropriated for the construction of the fire station.

(3) \$259,875 is appropriated for construction management of both projects.

(c) Third Senatorial District.

(1) \$4,000,000 is appropriated for the design and construction of an elementary and secondary school in Kagman.

(2) \$528,000 is appropriated to the Youth Center; an additional \$32,000 is appropriated for construction management.

(3) \$162,100 is appropriated to the CHC Radiology and Respiratory Mechanical Works.

(4) \$16,000,000 is appropriated for the construction of the sanitary landfill project.

(5) \$1,950,000 is appropriated to Phase V of the Chalan Pale Arnold road project; an additional \$180,000 is appropriated for construction management.

(6) \$600,000 is appropriated for the construction of traffic lights of which \$100,000 is reserved for the installation of traffic lights at the Shell Dandan Gas Station intersection; and an additional \$60,000 is appropriated for construction management. In the event that Federal Funds become available under the Highway Act, the amount or remaining amount appropriated by this paragraph shall be reprogrammed to complete the paving of Afetna Road to Isabel Cabrera Road.

(7) \$289,900 is appropriated for improvements to Garapan Elementary School; an additional \$18,000 is appropriated for construction management.

(8) \$94,000 is appropriated for the construction of a library for San Vicente School; an additional \$6,000 is appropriated for construction management.

(9) \$94,000 is appropriated for the construction of a library for San Antonio School; an additional \$6,000 is appropriated for construction management.

(10) \$52,000 is appropriated for the Special Education project at Marianas High School; an additional \$3,000 is appropriated for construction management.

(11) \$633,400 is appropriated for the Marianas High School Gymnasium; an additional \$38,000 is appropriated for construction management.

(12) \$380,000 is appropriated for the construction of classrooms at Oleai Elementary School; an additional \$20,000 is appropriated for construction management.

(13) \$153,100 is appropriated to Tanapag Elementary School to correct deficiencies affecting accreditation status with any remaining balance to be used for construction of new classrooms at the school; an additional amount of \$8,000 is appropriated for construction management.

(14) \$500,000 is appropriated for the construction of water tanks at all public schools.

(15) \$170,000 is appropriated for the construction of headstart classrooms at William S. Reyes Elementary School; an additional \$10,000 is appropriated for construction management.

(16) The Director of Finance shall establish a Special Third Senatorial District Capital Improvements Projects Account for any and all funds appropriated pursuant to this subsection (c) that remain unexpended or unobligated upon completion of the respective projects. These funds shall be reprogrammed for road pavement in Election Precinct One.

Section 5. Reporting Requirement. The official with expenditure authority for all and any funds appropriated to a specific project under this act shall submit to the Legislature a detailed financial report of the funds expended upon the completion of the project.

Section 6. Reprogramming. Any funds remaining after the completion of a project may be reprogrammed by the Governor pursuant to 1 CMC Section 7302 to other capital improvement projects only within the election precinct where the initial project occurred.

Section 7. CIP Contract Eligibility. Any company, organization, partnership, or person who has previously been awarded a Commonwealth Government contract for a capital improvement project and who has, without reasonable justification, failed to complete that contract within 180 days after the contract's completion date shall not be awarded any contract or subcontract for any capital improvement project funded by any appropriation pursuant to this act. Any company, organization, partnership or business of any kind which is more than 25% owned, controlled or financed by any person, company, organization, partnership, or business of any kind which is ineligible to receive a capital improvement project under this section shall not be eligible to receive any contract or subcontract for any capital improvement project funded by any appropriation pursuant to this act.

Section 8. Criminal Penalties. The criminal penalties set forth in the Planning and Budgeting Act of 1983, as amended (1 CMC Section 7701 et seq.), shall apply to this act.

Section 9. Audit Authority. The audit powers granted to the federal auditor and the Commonwealth Public Auditor pursuant to the Planning and Budgeting Act of 1983, as amended (1 CMC Section 7701 et seq.), shall apply to all projects funded under this act.

Section 10. 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 11. 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 12. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:

/s/ Diego T. Banavente
DIEGO T. BENAVENTE
Speaker of the House

/s/ Evelyn C. Fleming
EVELYN C. FLEMING
House Clerk

Approved this 25th day of February, 1994

/s/ Jesus R. Sablan
~~FROILAN C. TENORIO~~ JESUS R. SABLAN
Acting Governor
Commonwealth of the Northern Mariana Islands