

NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

THIRD REGULAR SESSION, 1995

H. B. NO. 9-357, H. D. 1

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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 1995.

Section 2. Findings and Purpose. The Legislature finds that the Commonwealth has certain funds available to it for capital improvement projects, namely, \$24.72 million in Covenant funding, as authorized under the Grant Pledge Agreement and U.S. Public Law 102-381, and an additional \$9.0 million in matching funds, which is derived from bond interest and is presently on deposit at the Bank of Guam, for a total of \$33.72 million. The purpose of this Act is to appropriate these additional 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 with the Department of Public Works.

Section 4. Specific Appropriations. The Legislature hereby makes the appropriations enumerated in this Section.

(a) First Senatorial District.

\$5,300,000 is appropriated for the design and construction of sewer, water, road, storm drain, and other projects in the First Senatorial District.

(b) Second Senatorial District.

\$5,275,000 is appropriated for the design and construction of sewer, water, road, storm drain, and other projects in the Second Senatorial District.

(c) Third Senatorial District.

The sum total of \$23,145,000 is appropriated for the design and construction

of sewer, water, road, storm drain, and other projects in the Third Senatorial District, including the following projects for the island of Anatahan: multi-purpose centers; water tanks; and road clearing and grading.

Section 5. Reporting Requirements. 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 the project may be reprogrammed by the Governor pursuant to 1 CMC Section 7302 to other capital improvement projects only within the senatorial district and specific 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 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. Expenditure Authority. For projects in the First and Third Senatorial Districts, expenditure authority shall rest with the Director of Public Works. For projects in the Second Senatorial District, expenditure authority shall rest in the Mayor, subject to the approval of the Second Senatorial District's Legislative Delegation.

Section 11. 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 12. 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 13. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

**CERTIFIED BY:**

/s/ Diego T. Benavente  
DIEGO T. BENAVENTE  
Speaker  
House of Representatives

**ATTESTED BY:**

/s/  
EVELYN C. FLEMING  
House Clerk

APPROVED this 24th day of JANUARY, 1995

/s/ Jesus C. Borja  
~~FROILAN C. TENORIO~~ JESUS C. BORJA  
Acting Governor  
Commonwealth of the Northern Mariana Islands