

ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SEVENTH SPECIAL SESSION, 1999

PUBLIC LAW NO. 11-119

H. B. NO. 11-496, H.D.4

AN ACT

To appropriate the funds generated by the Commonwealth Development Authority under a bond anticipation note authorized under Public Law 11-102 to finance the cost for capital improvement projects; and for other purposes.

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

Section 1. Short Title. This Act may be cited as the Capital Improvement Projects Appropriations Act of 2000.

Section 2. Findings and Purpose. On September 28, 1999, Governor Tenorio signed Public Law 11-102, the Capital Improvements Projects Bond Authority Act of 1999. Public Law 11-102 authorized the Commonwealth Development Authority to obtain interim bridge financing in the amount of \$30 million in the form of a bond anticipation note pending issuance of bonds in the amount of \$60 million to finance capital improvement projects.

The primary purpose of this Act is appropriate the \$30 million currently available under the bond anticipation note to commence capital improvement projects vitally important to the Commonwealth and to refinance the local portion of on going previously funded capital improvement projects. Appropriation of these amounts will enable the Commonwealth to become current with expending the funding available from the U.S. Federal Government under the Covenant Section 702 agreement.

The projects contained in this Act are listed in the Covenant Section 702 CIP Projects Plan for the FY 1996-2002 Grant Period ("CIP Plan") or are projects that are formally being added to the plan amendment process. The remaining projects to be funded will be appropriated in subsequent legislation.

Section 3. Appropriation of Funds. There is hereby appropriated for Fiscal Year 2000 an aggregate amount of \$30,000,000. Any other provision of law with respect to such funds notwithstanding, the funds appropriated herein shall be available from the sources identified

under Section 4 of this Act for the specific line item appropriations for capital improvement projects enumerated in Section 5 of this Act. Any shortfall in receipt or collection of the funds identified in Section 4 shall not affect any particular appropriation under this Act but any shortfalls in available funds shall be borne by all three senatorial districts in proportion to the amount the funds appropriated for projects in the respective senatorial districts bears to the total amount appropriated by this Act. Funds shall be drawn from the source in Section 4 without fiscal year limitation until the amounts indicated have been realized, and the funds appropriated by this Act shall likewise remain available without fiscal year limitation until expended.

Section 4. Source of Funds. The funds appropriated under Section 3 of this Act shall become available from the following sources:

A.	Commonwealth Funds as follows:		
	1) CDA Bond Anticipation Note Authorized under Public Law 11-102.		
		SUBTOTAL	\$30,000,000
B.	Covenant Section 702 Funding		<u>\$20,800,000</u>
		TOTAL	\$50,800,000

Section 5. Appropriation and Application of Funds. The source of funds identified by Section A herein are hereby appropriated and shall be available for design engineering and construction of the various capital improvement projects and other items as follows:

(A)	<u>First Senatorial District</u> .		
	(1) Airport Runway Sealant		\$ 1,900,000
	(2) New Public Library-Tatachog		\$ 1,000,000
	(3) New Man-Amko Center- Sinapalo I Village		\$ 1,100,000
	(4) Courthouse (partial)-Tatachog Village		<u>\$ 1,200,000</u>
	Total First Senatorial District		\$ 5,200,000

(B)	<u>Second Senatorial District.</u>	
(1)	Carolinas Homestead Water Distribution System	\$ 910,000
(2)	Carolinas Heights Roads And Drainage Improvements	\$ 3,320,000
(3)	High Rise Fire Engine and Rescue Equipment	<u>\$ 970,000</u>
	Total Second Senatorial District	\$ 5,200,000
(C)	<u>Third Senatorial District.</u>	
(1)	New Adult Prison/Juvenile Detention/Immigration Facility	\$ 10,000,000
(2)	New Public Health Building-Phase I	\$ 3,500,000
(3)	Kagman Homestead-Waster System	\$ 10,00,000
(4)	Kagman Homestead/Papago Area -Power and Water Distribution	\$ 1,000,000
(5)	Kagman Homestead-Booster Station and 1 MG Reservoir	\$ 2,000,000
(6)	Garapan Tourist District Revitalization Project, area beautification, and other tourism related improvements	\$ 2,000,000
(7)	New Saipan Cemetery	\$ 1,200,000
(8)	Chalan Kanoa/Susupe flood control and drainage system	\$ 500,000
(9)	Chinatown and Chalan Laulau Water Reservoir under the expenditure authority of the Executive Director of CUC	<u>\$ 1,000,000</u>
	Total Third Senatorial District	\$ 31,200,000

(D) Refinancing the following amounts of the local portion of the following ongoing previously funded capital improvement projects all of which were appropriated under Public law 10-38:

(1) First Senatorial District.

(a)	School Projects-Rota H.S. JROTC	\$ 470,215
(b)	Road Projects-Songsong & Sinapalo Villages	\$ 631,575
	Total First Senatorial District Refinancing	\$1,101,709

(2) Second Senatorial District.

(a)	Sewer Projects-Undefined	\$ 179,788
(b)	Power Projects-Power Distribution	\$ 165,958
(c)	Road paving & Drainage Carolina Hts; Other	\$ 248,937
(d)	NMC Tinian Campus	\$ 27,660
(e)	Tinian High School Phase II	\$ 331,916
(f)	Tinian Elem. & JHS Renovation	\$ 50,721
(g)	Marpo Maui Water Well	\$ 96,892
	Total Second Senatorial District Refinancing	\$1,101,872

(3) Third Senatorial District.

(a)	Solid waste management Kalabera Landfill	\$ 2,927,342
(b)	As Matus Road Paving/Drainage	\$ 673,289
(c)	Tanapag Regional Ditch/Retaining Wall	\$ 131,730
(d)	San Roque Police & Fire Substation	\$ 73,184
(e)	MSGR Guerrero Offsite Drainage	\$ 585,468
(f)	Feeder 4 Upgrade	\$ 562,123

(g)	Kagman II Police & Fire Substation	\$ 73,184
(h)	Veteran's Building	\$ 29,273
(i)	Garapan Area Drainage	\$ 131,730
(j)	Dan Dan Baseball field Lighting	\$ 23,419
(k)	Sports Facility Lighting	\$ 29,273
(l)	Paving of Saipan School Parking Lot	\$ 29,273
(m)	60 Classrooms/Dan Dan Elem. School etc.	\$1,112,390
(n)	Power Distribution Upgrade Precinct II	\$ 585,468
(o)	Grace Christian Roads & Drainage	\$ 29,273
	Total Third Senatorial District Refinancing	\$6,996,419

Section 6. Expenditure Authority. Expenditure authority for the funds appropriated by this Act is vested in the Secretary of Public Works except as follows:

- (a) Tinian West Int'l Airport Expansion/Renovation - Phase I and Rota Airport Runway Sealant Projects: Expenditure authority shall be the Secretary of the Department of Public Works with concurrence by the Executive Director of the Commonwealth Ports Authority.
- (b) Kagman Homestead - Wastewater System, Power and Water Distribution and, Booster Station and 1 MG Reservoir Projects: Expenditure authority shall be the Secretary of the Department of Public Works with concurrence of the Executive Director of the Commonwealth Utilities Corporation.
- (c) Expenditure authority for all refinanced projects listed in Section 5(d) will remain as specified in Public Law 10-38. The funds appropriated under Public Law 10-38, which will be refinanced for each of the project as listed in section 5(D) of this Act, shall be returned to the General Fund.

Section 7. Reprogramming. Funds appropriated by this Act shall not be reprogrammed except in accordance with this section. The funds appropriated by this Act may be reprogrammed by an appropriation bill of the CNMI Legislature or pursuant to the process specified in 1 CMC 7302, all or in part among the projects funded by this Act to alternative projects included in the CIP Plan, must comply with the Plan Amendment Process as specified in Section VII of the CIP Plan.

Section 8. Waiver of Procurement Regulations. Notwithstanding any other law or regulation, with respect to the prison project in the Third Senatorial District, a portion of which

was appropriated in Section 6 of this Act, the CNMI Procurement Regulations are waived for the funds which are appropriated under both this act and prior legislation for such project in order to allow the Administration to continue to act quickly to comply with any legal requirements that have been and/or may be placed upon the Commonwealth by law or court action and/or for the benefit of the public safety; provided, however, that any contract entered into shall contain all certifications and be executed by all officials required under Section 2-104 of the CNMI Procurement Regulations. In addition, the Attorney General or his or her designee shall certify, for each new contract, that the items to be procured will be in compliance with all requirements imposed on the Commonwealth pursuant to any court order or consent decree.

Section 9. Audit Authority. The audit powers granted to the federal auditors and the Public Auditor pursuant to the Planning and Budget Act of 1983 as amended (1 CMC Section 7701 et seq.) shall apply to this Act.

Section 10. Projects Accounting. The Secretary of Finance shall establish separate accounting for all CIP projects covered under this Act.

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 on 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 TO BY:

/s/ Evelyn C. Fleming
EVELYN C. FLEMING
HOUSE CLERK

Approved this 25th day of January, 2000

/s/ Pedro P. Tenorio
PEDRO P. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS