

SIXTH SPECIAL SESSION, 1998

AN ACT

To amend Public Law 9-1, Section 4(c)(4) by re-appropriating \$3.8 million dollars from the construction of a sanitary landfill to construction of new schools in Kagman and Dan Dan and for other purposes.

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

Section 1. Short Title. This Act shall be cited as the “PSS Special Capital Improvement Re-Appropriation Act of 1998.”

Section 2. Purpose. The purpose of the bill is to re-appropriate \$3.8 million dollars from PL 9-1 to Public School System for Kagman and Dan Dan for the construction of new schools, classrooms, collateral equipment and other related facilities.

Section 3. Re-appropriations. Repeal and reenact Public Law 9-1, Section 4(c)(4) to read as follows:

“(4) Out of the \$16 million dollars, \$2.5 million dollars is hereby re-appropriated to the Public School System for the construction of new schools, classrooms, collateral equipment and other facilities at Kagman and \$1.3 million dollars is hereby re-appropriated for the Dan Dan School, provided however, that the 3.8 million shall be reinstated to the Sanitary Landfill Project from FY 96 Covenant Section 702 Funding.”

Section 4. Reporting Requirement. The official with expenditure authority for all and any of the funds appropriated to the projects under this Act shall submit to the Legislature a detailed financial report of the funds expended upon completion of the projects.

Section 5. Reprogramming. Any funds remaining after completion of a project may be reprogrammed by the Governor pursuant to 1 CMC Section 7302 to other capital improvement projects such as sewerage system and drainage in the Public School System.

Section 6. CIP Project 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 the 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 7. 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 8. 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 9. Expenditure Authority. The expenditure authority shall be vested under the Commissioner of Education.

Section 10. Severability. If any Section of this Act should be declared invalid by a court of competent jurisdiction, the remainder of this Act 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. Repealer 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. Benavente
DIEGO T. BENAVENTE
Speaker
House of Representatives

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

Approved this 14th day of August, 1998

/s/ Pedro P. Tenorio
PEDRO P. TENORIO
Governor
Commonwealth of the Northern Mariana Islands