

TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2000

PUBLIC LAW NO. 12-2

SENATE BILL

NO. 12-20, HD3

AN ACT

To amend Public Law 11-84; and for other purposes.

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

Section 1. Findings and purpose. The legislature finds despite its best efforts to fulfill its Constitutionally mandated duty to define “Public Purpose” there is still some confusion at the Department of Finance. As there has been no written guidance provided by the Department of Finance, the members have had to rely on past practice and procedure. This has resulted in many expenditures made by members of the 11th Legislature having payment denied by the Department of Finance. As such, we find a necessary to ratify those pending expenditures which would have been paid under past practice, and are not for personal or political gain.

Section 2. Amendment: Public Law 11-84 is hereby amended as follows:

(a) Sections 4 through 7 are hereby renumbered as sections 5 through 8, and a new Section 4 is hereby added as follows:

“Section 4: Ratification. The Legislature does hereby ratify and deem to have expended for a public purpose and the Department of Finance

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shall pay as requested all expenses incurred by members of the 11th Legislature which were incurred and submitted to the Department of Finance. However, the Department of Finance may reasonably require such information necessary for the justification of such expenditures, provided that it shall have the burden to show that an expenditure was incurred for political or personal activities based on clear and convincing evidence before a request is denied.”

(b) A new item 9 is hereby added to Section 3 to read:

“9. Notwithstanding any other provision of this act or other law to the contrary, expenditures authorized and regulated by legislative rules are expressly declared to be for a public purpose, unless proved by clear and convincing evidence that the expenditure in fact was for a personal or political activity.”

Section 3. Severability. If any provision of this Act or the application of any such provision to any person or circumstances 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

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modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes law.

Section 8. Effective Date. Upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:

/s/ Paul A. Manglona
PAUL A. MANGLONA
President of the Senate

/s/ Joaquin G. Adriano
JOAQUIN G. ADRIANO
Senate Legislative Secretary

Approved this 31st day of March, 2000

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