

AN ACT

To appropriate funds for Capital Improvement Projects; and for other purposes.

BE IT ENACTED BY THE TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Short Title. This Act maybe cited as the “Capital Improvement Projects Act of 2001”.

Section 2. Findings. The Legislature finds that the Commonwealth is prepared to proceed with its funding of many of its vital capital improvement projects from the net proceeds of the CDA bonds issuance authorized by Public Law 11-102 and Covenant Section 702 CIP Funding.

Section 3. Appropriation. Fifty Million One Hundred Eighty Seven Thousand and Six Hundred Thirty One Dollars (\$50,187,631.00) is hereby appropriated for capital improvement projects as provided in Section 5 of this Act. Notwithstanding any other provision of law, the funds appropriated herein shall be available for the sources identified under Section 4 of this Act. Any shortfall in receipt or collection of the funds identified under 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 by the amount appropriated for projects in the respective senatorial districts bearing on the total amount appropriated by this Act. Funds shall be drawn from the sources 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. No public officer or other person shall allot, obligate, or expend funds appropriated in Section 4 under the Covenant Section 702 until the amounts indicated have been realized.

Section 4. Source of Funds. The funds appropriated under section 3 of this Act shall be drawn from the following sources, as they become available:

A. CDA Bond proceeds	\$24,013,521.00
(Bond issuance authorized by P.L. 11-102)	
B. CDA Bond Interest	\$ 1,200,000.00
C. Covenant Section 702 Funding	<u>\$24,974,110.00</u>
Total	<u>\$50,187,631.00</u>

Section 5. Appropriation of Funds. The funds identified in Section 4 and appropriation in Section 3 of this Act shall be available for expenditure for capital improvement projects and shall be further specified in a resolution, consistent with or in lieu of the Revised CNMI 702 CIP Master Plan, adopted by the local legislative delegation for each senatorial districts, such expenditure not to exceed the following:

A. For the First Senatorial District	\$18,455,000.00
B. For the Second Senatorial District	\$11,945,000.00
(\$6.6 million was previously appropriated for the Tinian Airport Expansion Project)	
C. For the Third Senatorial District	<u>\$17,787,631.00</u>
Total	<u>\$48,187,631.00</u>

Section 6. Reprogramming. Funds appropriated under Section 3 of this Act shall not be reprogrammed except in accordance with this section. By resolution, the legislative delegation for the senatorial district for which the funds are appropriated may reprogram such funds, all or in part, among the projects funded by this Act to any other project included in or in lieu of the Revised CNMI 702 CIP Master Plan.

Section 7. Special Appropriation: Expenditure Authority.

(a) There is hereby authorized a special appropriation for the construction and completion of the following capital improvement projects:

(1) New Department of Public Health

Building and Dialysis Center:

Line Item Vetoed

~~(a) First Senatorial District~~ ~~\$1,000,000.00~~

~~(b) Second Senatorial District~~ ~~\$1,000,000.00~~

(c) Third Senatorial District \$8,280,000.00

(2) CNMI Adult Prison Facility

(Third Senatorial District)

\$15,092,890.00

Total \$25,372,890.00

Funds for this special appropriation as authorized to be expended from the unappropriated bond proceeds in the amount of \$10,000,000 under the Capital Improvement Projects Bond Authorization Act of 1999 (PL 11-102) and from the interim financing as provided for in subsection (d) of this section provided that funds appropriated in Section 5 shall have priority from the bond proceeds.

- (b) Expenditure authority over funds appropriated pursuant to this section shall be the Secretary of Public Works.
- (c) Funds appropriated under this section or any funds balances remaining may not be reprogrammed until the projects are complete and all funds have been accounted for by the Department of Finance in a report to be submitted to the Chair of the House Standing Committee on Ways and Means and the Chair of the Senate Standing Committee on Fiscal Affairs. No funds may be reprogrammed except by law.
- (d) The Commonwealth Development Authority is hereby authorized to borrow \$13,372,890.00 from a financial institution to be used as interim financing of the special appropriation under this section. Repayment of the funds borrowed under this subsection shall be made from the interests realized from the bond issuance authorized by PL 11-102.

Line Item
Vetoed

- ~~(e) Any Federal Highway Administration monies appropriated for the CNBMI in a given fiscal year shall be distributed as follows:
First Senatorial District _____ 25%
Second Senatorial District _____ 25%
Third Senatorial District _____ 50%~~

Section 8. Audit Authority. The audit powers granted to the federal auditors and the Public Auditor pursuant to the Planning and Budgeting Act of 1983 as amended (1CMC § 7101 et seq.) shall apply to this Act.

Section 9. Project Accounting. The Secretary of Finance shall establish separate accounting for all CIP projects covered by 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 TO BY:

/s/ _____

BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

/s/ _____

EVELYN C. FLEMING
HOUSE CLERK

Approved this 14th day of September, 2001

/s/ _____

PEDRO P. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS