



HOUSE OF REPRESENTATIVES
SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FOURTH SPECIAL SESSION, 2008

PUBLIC LAW NO. 16-12
H. B. No. 16-107, HD 1

AN ACT

To appropriate \$20,000 from the Developer's Tax Fund collection, Third Senatorial District; to reappropriate \$3,000 from Saipan Local Law 15-10; to reappropriate \$10,000 from Saipan Local Law 15-12; to reappropriate \$10,000 from Saipan Local Law 15-28; and to reappropriate the fund balance in the amount of \$8,620.00 from the completed and closed local projects to fund the replacements of the dilapidated kindergarten classrooms as San Vicente Elementary School; and for other purposes.

BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Findings. The Legislature finds that:

(a) San Vicente Elementary School's enrollment for school year 2007-2008 is 745 students. Of the total enrollment over 76 students are in kindergarten housed in two wooden classroom structures built more than 20 years ago with FEMA funds as a result of Typhoon Kim. Currently these classrooms are so dilapidated that they pose a significant safety hazard to the students especially the kindergarteners. In addition the shortage of classrooms forces the school to be on a double session schedule. The conditions of the classrooms are not conducive to student learning which play a significant role in the success of students throughout their entire educational years.

(b) The Western Association of Schools and Colleges (WASC) Visiting Team Committee Report for San Vicente Elementary School, dated March 10-12, strongly emphasized the need to address the dilapidated kindergarten classrooms.

(c) The need to immediately address and construct the replacements of the dilapidated classrooms is NOW since the public schools are closing during the first week of June 2008 and will open in September 2008.

1 (d) Based on the information gathered from the school principal, the A&E for the
2 replacement of the dilapidated classrooms has been completed waiting for funds to become
3 available.

4 (e) Tan Holdings has donated over \$20,000 towards the replacement of the
5 kindergarten classrooms according to the school principal.

6 (f) Based on the information from the school principal, the school Parent-Teacher
7 Association (PTA) may also donate some of the PTA's fundraising funds towards the
8 kindergarten classroom project.

9 (g) The initial estimate of the kindergarten classroom project is over \$80,000.00
10 according to the school principal.

11 (h) The representatives of Election District 2 and Election District 4 realize the
12 importance of addressing the kindergarten classrooms dilemma at San Vicente Elementary
13 School and pledge portion of Election District 2 local capital improvement project fund in the
14 amount of \$10,000.00 and Election District 4 local capital improvement project fund in the
15 amount of \$10,000.00.

16 (i) Based on the financial status report from the Department of Finance, dated April
17 30,2008, the funds appropriated under this Act are available for appropriation. The Technical
18 Services Division at the Department of Public Works confirmed that the funds appropriated
19 under this Act do not in any way jeopardize any ongoing projects.

20 **Section 2. Purpose.** The purpose of this legislation is to appropriate \$20,000.00 from
21 the Developer's Tax Fund collection, Third Senatorial District; to reappropriate the fund
22 balances of completed and closed local projects in the Third Senatorial District in the amount
23 of \$8,620.00; to reappropriate \$3,000 from Saipan Local Law 15-10; to reappropriate
24 \$10,000.00 from Election District 2 capitol improvement project fund under Saipan Local
25 Law 15-12; and \$10,000.00 from Election District 4 capital improvement project fund
26 allocated under Saipan Local Law 15-28 to finance the replacement of the dilapidated
27 kindergarten classrooms at San Vicente Elementary School.

28 **Section 3. Appropriation/Reappropriation.** Notwithstanding any provision of law,
29 the legislature hereby appropriates \$20,000 from the Developer's Tax Fund collection, and

1 further hereby reappropriates the fund balances in the total amount of \$8,620.00 from the
2 completed and closed projects appropriated under the Developer's Tax Fund in the Third
3 Senatorial District as follows:

4	(a) Saipan Local Law 14-2	(BU 3735)	\$1,062.00
5	(b) SNILD Resolution (SLR) 15-2	(BU 3745)	\$1,921.00
6	(c) Saipan Local Law 15-8	(BU 3746)	\$239.00
7	(d) Saipan Local Law 15-10	(BU 3747B)	\$239.00
8	(e) Saipan Local Law 15-10	(BU 3747D)	\$5,159.00

9 Additionally the legislature hereby further reappropriates \$3,000 from Saipan Local
10 Law 15-10 (BU 3747C); \$10,000 from Saipan Local Law 15-12 (BU 3382A) and \$10,000
11 from Saipan Local Law 15-28 (BU 3379D) to fund the replacement of the dilapidated
12 kindergarten classrooms at San Vicente Elementary School.

13 **Section 4. Expenditure Authority.** The expenditure authority of the funds
14 appropriated under this Act shall be the Commissioner of Education in consultation with the
15 school principal.

16 **Section 5. Fiscal Year and Reprogramming Limitation.** Notwithstanding any
17 provision of law, the funds appropriated under this Act shall not be subject to fiscal year
18 limitation and shall not be reprogrammed for any other purpose other than the intended
19 purpose of this Act.

20 **Section 6. Reporting and Presentation.** The expenditure authority at the completion
21 of the project shall prepare and submit an annual report detailing the expenditures of such
22 funds to the presiding officers of the Legislature. Such report shall be presented orally to the
23 Legislative body during a session. The annual report must be in accordance with generally
24 accepted accounting principals. The annual report also, at a minimum, report on the
25 qualitative and quantitative progress of the program.

26 **Section 7. Savings Clause.** This Act and any repealer contained herein shall not be
27 construed as affecting any existing right acquired under contract or acquired under statutes
28 repealed or under any rule, regulation, or order adopted under the statutes. Repealers
29 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.

1 The enactment of the Act shall not have the effect of terminating, or in any way modifying,
2 any liability, civil or criminal, which shall already be in existence on the date this Act
3 becomes effective.

4 **Section 8. Severability.** If any provision of this Act or the application of any such
5 provision to any person or circumstance should be held invalid by a court of competent
6 jurisdiction, the remainder of this Act or the application of its provisions to persons or
7 circumstances other than those to which it is held invalid shall not be affected thereby.

8 **Section 9. Effective Date.** This Act shall take effect upon its approval by the
9 Governor, or becoming law without such approval.

CERTIFIED BY:

ATTESTED TO BY:

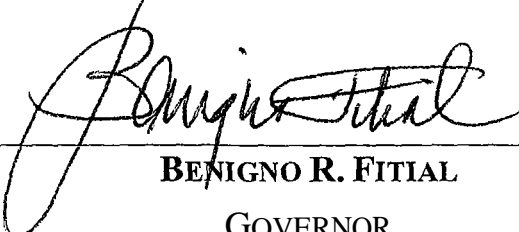


ARNOLD I. PALACIOS
SPEAKER OF THE HOUSE



EVELYN C. FLEMING
HOUSE CLERK

APPROVED on this 15th day of August, 2008



BENIGNO R. FITIAL
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS