



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos

Governor

Jude U. Hofschneider

Lieutenant Governor

10 8 OCT 2013

Honorable Joseph P. Deleon Guerrero
Speaker, House of Representatives
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Honorable Ralph DLG. Torres
Senate President, The Senate
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 18-116, entitled, "To amend 2 CMC Article 3 Public Roads section 4132 (a) Definitions; and for other purposes," which was passed by the House of Representatives and the Senate of the Eighteenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 18-23**. Copies bearing my signature are forwarded for your reference.

Sincerely,



JUDE U. HOFSCHEIDER
Acting Governor

cc: Governor; Governor's Legal Counsel; Lt. Governor's Legal Counsel; Attorney General's Office; Press Secretary; Department of Public Works; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



House of Representatives

18th NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586
SAIPAN, MP 96950

September 9, 2013

The Honorable Eloy S. Inos
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Inos:

I have the honor of transmitting herewith for your action **H. B. No. 18-116**, entitled: "To amend 2 CMC Article 3 Public Roads section 4132 (a) Definitions; and for other purposes.", which was passed by the House of Representatives and the Senate of the Eighteenth Northern Marianas Commonwealth Legislature.

Sincerely yours,



Linda B. Muña
House Clerk

Attachment



*Eighteenth Legislature
of the
Commonwealth of the Northern Mariana Islands*

IN THE HOUSE OF REPRESENTATIVES

Second Regular Session

August 27, 2013

Representative Lorenzo I. Deleon Guerrero, of Saipan, Precinct 5 (*for himself*) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 18-116

AN ACT

**TO AMEND 2 CMC ARTICLE 3 PUBLIC ROADS SECTION 4132
(A) DEFINITIONS; AND FOR OTHER PURPOSES.**

The Bill was not referred to a House Committee.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, AUGUST 27, 2013;**
without amendments and transmitted to the
THE SENATE.

The Bill was not referred to a Senate Committee.
THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, AUGUST 29, 2013;
without amendments
and returned to the House of Representatives.

THE BILL WAS FINALLY PASSED ON AUGUST 27, 2013.

A handwritten signature in black ink, appearing to read "L. B. Muña", written over a horizontal line.

Linda B. Muña, House Clerk



Eighteenth Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

Second Day, Second Regular Session

August 27, 2013

H. B. No. 18-116

AN ACT

**TO AMEND 2 CMC ARTICLE 3 PUBLIC ROADS SECTION 4132 (A)
DEFINITIONS; AND FOR OTHER PURPOSES.**

**Be it enacted by the Eighteenth Northern Marianas Commonwealth
Legislature:**

1 **Section 1. Findings and purpose.** The Commonwealth Legislature finds that the
2 economic, population, and development growth within the Commonwealth of the Northern
3 Mariana Islands has, in part, resulted in streets and roads being cut into or trenched to lay
4 sewer, water pipes, or repair leaks. The impacts are that the portion of the street or road that
5 was excavated or trenched into is not properly restored to its original safe condition. The
6 Department of Public Works has identified more than 100 portions of streets and roads that
7 are not properly restored or have not been repaired. In many cases, Government agencies are
8 responsible for many of the road cutting and trenching without proper restoration.

9 The Commonwealth Legislature also finds that the Commonwealth of the Northern
10 Mariana Islands receives annual federal funding from State Agencies to construct and

HOUSE BILL 18-116

1 improve designated Territorial Routes within the Commonwealth. Furthermore, with the
2 current road cutting conditions and enforcement challenges, the Commonwealth stands to be
3 at financial risk of future federal funds for non-compliance with federal regulations regarding
4 the Commonwealth's responsibility for the proper maintenance and management of
5 designated routes.

6 The Commonwealth Legislature further finds that the agency responsible for majority
7 of these improperly patched up road or street sections are government agencies and officials.
8 The Commonwealth legislature finds that such destruction of public property is against the
9 best interest of the Commonwealth and public welfare when all forms of public
10 transportation must always be kept safe and clean. Therefore, the Commonwealth
11 Legislature finds that it is reasonable and appropriate to amendment 2 CMC section 4132 (a)
12 Definitions since it does not apply to Government agencies causing challenges for the
13 Commonwealth to carry out the enforcement authority as it relates to road cutting standards,
14 policies, and requirements.

15 **Section 2. Amendment.** 2 CMC Section 4132 (a) is amended to read as follows:

16 “(a) Person means a person, individual, partnership, corporation, and the
17 Commonwealth government, including its agencies, governmental corporations and
18 political subdivisions.”

19 **Section 3. Severability.** If any provisions of this Act or the application of any such
20 provision to any person or circumstance should be held invalid by a court of competent
21 jurisdiction, the remainder of this Act or the application of its provisions to persons or
22 circumstances other than those to which it is held invalid shall not be affected thereby.

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1 **Section 4. Savings Clause.** This Act and any repealer contained herein shall not be
2 construed as affecting any existing right acquired under contract or acquired under statutes
3 repealed or under any rule, regulation, or order adopted under the statutes. Repealers
4 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
5 The enactment of the Act shall not have the effect of terminating, or in any way modifying,
6 any liability, civil or criminal, which shall already be in existence on the date this Act
7 becomes effective.

HOUSE BILL 18-116


1 **Section 5. Effective Date.** This Act shall take effect upon its approval by the
2 Governor, or its becoming law without such approval.

Attested to by:



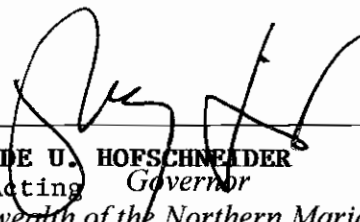
Linda B. Muña, House Clerk

Certified by:



SPEAKER JOSEPH P. DELEON GUERRERO
House of Representatives
18th Northern Marianas Commonwealth Legislature

Approved this 8th day of October, 2013



JUDE U. HOFSCHEIDER
Acting Governor
Commonwealth of the Northern Mariana Islands