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# **TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH**

### LEGISLATURE

#### IN THE HOUSE OF REPRESENTATIVES

Session, 2022

Н. В. 22- 96

## A BILL FOR AN ACT

To limit the duration of an emergency contract to a specific period that does not extend beyond the emergency; and for other purposes.

# BE IT ENACTED BY THE 22<sup>ND</sup> NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Findings and Purpose. Emergency powers are supposed to be 2 temporary, not long term. The current environment, however, has given the CNMI 3 Executive Branch a long-term hold on the power of the purse. Contrary to recent 4 history, there is only one law-making body vested with the "Power of the Purse" 5 pursuant to Article II, Section 5(a) of the NMI Constitution. This constitutional 6 provision states that "Appropriation and revenue bills may be introduced only in the house of representatives..." Although governors typically have some 7 8 immediate spending authority during a state of emergency, this is usually because

the legislatures in most states may not be in session during that emergency. That 1 is not the case of the CNMI Legislature. The CNMI legislature is always in session. 2 Therefore, the purpose of this Act is to enact a provision that shall limit the 3 duration of an emergency contract to a specific period that does not extend beyond 4 5 the emergency. Section 2. Enactment. Subject to codification by the Law Revision 6 Commission, the following provisions are hereby enacted: 7 Notwithstanding any Commonwealth law, executive order, "101. 8 emergency declaration, regulation, or policy to the contrary, the duration of an 9 emergency contract or any contract that fails to abide by non-emergency 10 procurement provision, shall not extend more than 90 days from the execution or 11 commencement of the contract, whichever occurred first. In the event that an 12 extension or renewal is necessary, the Governor may request a House Joint 13 Resolution to grant said extension or renewal to a specific period that does not 14 extend beyond the emergency period or 90 additional days, whichever is less." 15 Section 3. Severability. If any provisions of this Act or the application of 16

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

8 Section 5. <u>Effective Date</u>. This Act shall take effect upon its approval by
9 the Governor, or its becoming law without such approval.

Prefiled: 2/20/2022

Date: 2/20/2025 Introduced by:

Reviewed for Legal Sufficiency by:

Høuse Legal Counsel

Ralph N. Yumul Rep.