



RALPH DLG. TORRES
Governor

VICTOR B. HOCOG
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

28 SEP 2018

Honorable Jude U. Hofschneider
Chairman, Tinian and Aguiguan Legislative Delegation
Twentieth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Honorable Edwin M. Hofschneider
Chairman, Sixteenth Tinian and Aguiguan Municipal Council
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Chairmen Hofschneider and Hofschneider:

This is to inform you that I have signed into law Tinian Local Bill No. 20-3, D1, entitled, "To make limited appropriations for personnel and operations of the Tinian Casino Gaming Control Commission, the Office of the Mayor of Tinian, and the Tinian Municipal Treasury for Fiscal Year 2019 pursuant to 10 CMC § 2571 [Part VI, Section 50 of the Revised Tinian Casino Gaming Control Act of 1989] and 1 CMC § 1405(a) [Public 11-17]." The bill was passed by the Twentieth Tinian and Aguiguan Legislative Delegation and the Sixteenth Tinian and Aguiguan Municipal Council.

This bill becomes **Tinian Local Ordinance No. 20-3**. Copies bearing my signature are forwarded for your reference.

Sincerely,

RALPH DLG. TORRES
GOVERNOR

cc: Lt. Governor, Speaker of the House, President of the Senate, Press Secretary, Office of the Mayor of Tinian and Aguiguan, Tinian Municipal Treasurer, Department of Finance, Special Assistant for Management and Budget, Commonwealth's Law Revision Commission, Special Assistant for Programs and Legislative Review



TINIAN & AGUIGUAN LEGISLATIVE DELEGATION
Second Senatorial District
Twentieth Northern Marianas Commonwealth Legislature
P. O. Box 500129
Saipan, MP 96950

Senator Jude U. Hofschneider, Chairman
Senator Francisco Q. Cruz, Vice Chairman

Representative Edwin P. Aldan, Floor Leader
Senator Francisco M. Borja, Legislative Secretary

September 25, 2018

Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern
Mariana Islands
Saipan, MP 96950

Dear Governor Torres:

I am honored to transmit for your action *Tinian Local Bill 20-3, D1*, entitled:

**A LOCAL APPROPRIATION BILL FOR AN ACT
FOR THE SECOND SENATORIAL DISTRICT**

"To make limited appropriations for personnel and operations of the Tinian Casino Gaming Control Commission, the Office of the Mayor of Tinian, and the Tinian Municipal Treasury for Fiscal Year 2019 pursuant to 10 CMC § 2571 [Part VI, Section 50 of the Revised Tinian Casino Gaming Control Act of 1989] and 1 CMC § 1405(a) [Public 11-17]."

This bill was passed unanimously by the Tinian and Aguiguan Legislative Delegation, Twentieth Northern Marianas Commonwealth Legislature on First and Final Reading, a quorum duly present, during its Second Day, Fourth Regular Session 2018 held on September 17, 2018.

Respectfully submitted,

A handwritten signature in blue ink that reads "Chanele C. Cabrera".

Chanele C. Cabrera
Delegation Assistant

Enclosures



**TINIAN & AGUIGUAN LEGISLATIVE DELEGATION
SECOND SENATORIAL DISTRICT
TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FOURTH REGULAR SESSION, 2018**

TINIAN LOCAL ORDINANCE NO. _____

TINIAN LOCAL BILL NO. 20-3, D1

**A LOCAL BILL FOR AN ACT
FOR THE SECOND SENATORIAL DISTRICT**

To make limited appropriations for personnel and operations of the Tinian Casino Gaming Control Commission, the Office of the Mayor of Tinian, and the Tinian Municipal Treasury for Fiscal Year 2019 pursuant to 10 CMC § 2571 [Part VI, Section 50 of the Revised Tinian Casino Gaming Control Act of 1989] and 1 CMC § 1405(a) [Public 11-17].

Offered by

Senator Jude U. Hofschneider

on

September 7, 2018

SENATE ACTION

Transmitted to Tinian & Aguiguan Legislative Delegation for action on September 17, 2018.

DELEGATION ACTION

Referred to	:	None
Comments Solicited	:	8/30/18 - Mayor of Tinian & Aguiguan; Chairman, Tinian & Aguiguan Municipal Council
Comments Received	:	9/17/18 - Mayor of Tinian & Aguiguan; Chairman, Tinian & Aguiguan Municipal Council [Oral Testimony]
Standing Committee Report	:	None
Passed First & Final Reading	:	September 17, 2018

Chanele C. Cabrera, Delegation Assistant



**TINIAN & AGUIGUAN LEGISLATIVE DELEGATION
TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
SECOND SENATORIAL DISTRICT**

**TINIAN LOCAL ORDINANCE NO. _____
TINIAN LOCAL BILL NO. 20-3, D1**

**A LOCAL APPROPRIATION BILL FOR AN ACT
FOR THE SECOND SENATORIAL DISTRICT**

To make limited appropriations for personnel and operations of the Tinian Casino Gaming Control Commission, the Office of the Mayor of Tinian, and the Tinian Municipal Treasury for Fiscal Year 2019 pursuant to 10 CMC § 2571 [Part VI, Section 50 of the Revised Tinian Casino Gaming Control Act of 1989] and 1 CMC § 1405(a) [Public 11-17].

**BE IT ENACTED BY THE SECOND SENATORIAL DISTRICT DELEGATION
PURSUANT TO CHAPTER 4, DIVISION 1, TITLE 1 OF
THE COMMONWEALTH CODE:**

1 **Section 101. Findings.** The Tinian and Aguiguan Legislative Delegation is
2 cognizant of the Delegation's obligation to pass a Tinian Local Budget for Fiscal Year
3 2019 on or before October 1, 2018. However, the Tinian Casino Gaming Control
4 Commission's (TCGCC) estimated gaming revenue projection for FY2019 dated August
5 July 6, 2018 cannot be substantiated or confirmed at this time. Since the closure of the
6 casino at Tinian Dynasty in August of 2015, there has been no casino gaming revenue or
7 tax collected by the TCGCC.

8 The Tinian and Aguiguan Legislative Delegation finds that a more conservative
9 estimated gaming revenue projection for FY2019 should be applied and that it is
10 acceptable to appropriate the limited funds for the operations of TCGCC, Office of the
11 Mayor of Tinian, and the Tinian Municipal Treasurer from October 1, 2018 to April 30,

TINIAN LOCAL ORDINANCE NO. _____
TINIAN LOCAL BILL NO. 20-3, D1

1 2019 subject to the availability of the funds and on a pro-rated basis. Upon the
2 identification of additional gaming funds, the Delegation shall immediately appropriate
3 the additional funds for the programs authorized under this Act.

4 **Section 102. Purpose.** This Act appropriates limited local funds generated
5 pursuant to 10 CMC § 2571 [Revised Tinian Casino Gaming Control Act of 1989, Part
6 VI, §§ 50(1), 50(2), and 50(3)] for personnel and operations of the Tinian Casino Gaming
7 Control Commission, the Tinian Municipal Treasury, and the Office of the Mayor from
8 October 1, 2018 to April 30, 2019.

9 **Section 103. Estimated Local Revenues.** Pursuant to Misc. Comm. 20-12 and
10 Mayor’s Comm 20-30, the estimated local revenues generated pursuant to 10 CMC §§
11 2571(a), d(1), d(2), e(1) e(2) and e(3) [Revised Tinian Casino Gaming Control Act of
12 1989, Part VI, §§ 50(2)(a) and (b), and Sections 50(3)(a), (b), and (c)] for the
13 Municipality of Tinian and Aguiguan for Fiscal Year 2019 are hereby identified and
14 classified as resources in this local appropriations Act.

15 **Local Funds Anticipated for Fiscal Year 2019:**

16	1. Casino license fee	\$500,000
17	2. FY2018 local revenue balance	\$ 13,768
18	Total:	\$513,768

19 **Section 104. Municipal Government Limited Appropriations.**

20 (a) The amount of **\$513,768** for programs and activities of the Municipal
21 Government of Tinian and Aguiguan, including all activities of the Tinian Casino
22 Gaming Control Commission - Commissioners, the Tinian Casino Gaming Control
23 Commission – Enforcement Division, the Office of the Mayor, Public Programs, and the
24 Office of the Tinian Municipal Treasurer are hereby appropriated as set forth in this Act

1 and the worksheets attached hereto as “*Appendix A*” and incorporated by reference in
2 this Act.

3 (b) The amount of \$45,000 is appropriated to the Mayor of Tinian for municipal
4 payroll for FY2019.

5 (c) The amount appropriation in subsection (a) of this Section shall include the
6 activities of the Tinian Casino Gaming Control Commission – Commissioners and
7 Enforcement Division beginning October 1, 2018.

8 **Section 105. Public Programs.** Public programs funded by the funds generated
9 pursuant to 10 CMC § 2571 [Revised Tinian Casino Gaming Control Act of 1989, Part
10 VI, §§ 50(1), 50(2), and 50(3)] are hereby limited to the programs listed in “*Appendix*
11 *A.*”

12 **Section 106. Administrative Guidelines.**

13 (a) The funds appropriated under Section 104 this Act shall be distributed and
14 allotted by the Office of the Municipal Treasurer in accordance with the expenditure class
15 codes approved in the individual activities budget worksheet attached hereto.

16 (b) The funds appropriated herein shall be allotted at the beginning of each month
17 to each budget activity at a pro-rated rate of the amount appropriated subject to the
18 availability of funds and approval of the respective expenditure authorities as provided in
19 Section 109 of this Act;

20 **Section 107. Reduction in the Level of Appropriations.** In order to provide
21 expenditure authorities with flexibility in determining the allocation of funding for their
22 operations, expenditure authorities must reduce their expenditures to achieve the level of
23 appropriation under this Act.

24 Expenditure authorities may reduce previous levels of expenditure by:

25 (1) A reduction in work hours;

26 (2) A reduction in wages;

- 1 (3) Furlough;
- 2 (4) A reduction in force;
- 3 (5) A reduction in expenditures for “all others”; or
- 4 (6) A combination of reductions under subsections (1) through (5).

5 The reduction in work hours shall not apply to inspectors employed by the Tinian
6 Casino Gaming Control Commission – Enforcement Division, as required by Parts II and
7 X of the Revised Tinian Casino Gaming Control Act of 1989 upon the reopening of the
8 Tinian Dynasty Hotel & Casino.

9 **Section 108. Appropriation Worksheet.** Unless otherwise provided in this Act,
10 the funds appropriated pursuant to Section 104 hereof shall be expended in compliance
11 with the appropriations worksheet attached hereto as “*Appendix A*” and incorporated by
12 reference herein. In case of any conflict between the attached worksheet and the
13 Administrative Provisions of this Act, the Administrative Provisions shall prevail.

14 **Section 109. Expenditure Authorities.**

15 (a) The Mayor of Tinian and Aguiguan shall be the expenditure authority of the
16 funds appropriated to the Office of the Mayor, the Office of the Municipal Treasurer, and
17 the Public Programs.

18 (b) Notwithstanding any law to the contrary, the Chairman of the Tinian Casino
19 Gaming Control Commission (TCGCC) shall be the expenditure authority of the funds
20 appropriated to the Commissioners and the Enforcement Division of the Tinian Casino
21 Gaming Control Commission.

22 **Section 110. Management of Funds.**

23 (a) The Tinian Municipal Treasurer shall regulate and control the expenditure
24 of public funds that are appropriated and allocated by this Act, so that no activity may
25 expend appropriated funds contrary to this Act or fiscal management policies; and

TINIAN LOCAL ORDINANCE NO. _____
TINIAN LOCAL BILL NO. 20-3, D1

1 (b) Vacant positions or FTEs shall not be announced or filled without
2 certification of available funds by the Tinian Municipal Treasurer and approved for
3 expenditure by the respective expenditure authority. Zero-funded positions or FTEs shall
4 not be filled and funds appropriated herein shall not be reprogrammed to fund
5 zero-funded positions or FTEs.

6 (c) Notwithstanding any law to the contrary and immediately upon approval of this
7 Act, all employment positions or contracts may be amended or adjusted to reflect any
8 increase in salary enumerated in the appropriation worksheet set forth in "*Appendix A*"
9 of this Act subject to certification of availability of funds.

10 (d) Notwithstanding any law to the contrary, the funds appropriated pursuant to
11 this Act shall not be used to increase the salary of any employee or position from its
12 current level or new level as set forth and appropriated by this Act.

13 **Section 111. Reprogramming and Proportionate Reduction of Funds.** Except
14 as provided in Section 110 of this Act, in the event that the estimated revenue collected is
15 ten (10) percent below the projected or estimated revenue indicated in Section 103 of this
16 Act, the respective expenditure authority shall have full reprogramming authority of all
17 funds in order to properly manage expenditures so as to not create a deficit. In such an
18 event, the Mayor shall proportionately reduce the amounts appropriated herein.

19 **Section 112. Supplemental Appropriations.** In the event that the Municipal
20 Treasurer determines that the estimated local revenues collected will be increased by
21 \$100,000 or more of the projected or estimated revenue indicated in Section 103 of this
22 Act, the Municipal Treasurer shall transmit within fifteen (15) calendar days a special
23 budget message to the Tinian Mayor's Office, the Chairman of the Tinian Legislative
24 Delegation and the Chairman of the Tinian Municipal Council proposing to increase the
25 reserve for the fiscal year or provide additional budget authority for the fiscal year. Any

1 increases in revenues shall be held in reserve, unless appropriated by the Tinian and
2 Aguigan Legislative Delegation.

3 **Section 113. No Continuing Appropriations.** The Tinian Casino Gaming
4 Control Commission and the Tinian Municipal Treasurer through the Mayor shall
5 provide revenue projections and proposed appropriations on or before June 1, 2019 The
6 Tinian Municipal Council, together with the Tinian and Aguigan Legislative Delegation,
7 shall pass a balanced budget by October 1, 2019 unless all casino operations have
8 shutdown or gaming funds are not available. With the exception of the Office of the
9 Municipal Treasurer, the gaming inspectors, the licensing officer, and the executive
10 director of the Tinian Casino Gaming Control Commission, no expenditures shall be
11 made absent an appropriation measure signed into law for Fiscal Year 2020. However, in
12 the event that a licensed casino operator closes its casino operations at anytime, the
13 gaming inspectors shall be furloughed until such time that the casino operations opens for
14 business notwithstanding the approval of an appropriation measure.

15 **Section 114. Criminal Penalties.** Without limitation on the applicability of any
16 other part of the Planning and Budget Act of 1983, as amended, the criminal penalties set
17 forth therein (1 CMC § 7701 *et seq.*) shall apply to this Act.

18 **Section 115. Severability.** If any provision of this Act or the application of any
19 such provision to any person or circumstance should be held invalid by a court of
20 competent jurisdiction, the remainder of this Act or the application of its provisions to
21 persons or circumstances other than those to which it is held invalid shall not be affected
22 thereby.

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1 **Section 116. Savings Clause.** This Act and any repealer contained herein shall
2 not be construed as affecting any existing right acquired under contract or acquired under
3 statutes repealed or under any rule, regulation or order adopted under the statutes.
4 Repealers contained in this Act shall not affect any proceeding instituted under or
5 pursuant to prior law. The enactment of this Act shall not have the effect of terminating,
6 or in any way modifying, any liability, civil or criminal, which shall already be in
7 existence on the date this Act becomes effective.

8 **Section 117. Effective Date.** This Act shall take effect upon its approval by the
9 Governor, or its becoming law without such approval.

*Passed this 17th day of SEPTEMBER, 2018, on the island of Tinian,
Commonwealth of the Northern Mariana Islands pursuant to 1 CMC § 1405(a) [Public Law
11-17] by the members of the Tinian and Aguiguan Legislative Delegation, Twentieth
Northern Marianas Commonwealth Legislature.*



Senator Jude U. Hofschneider
Chairman



Senator Francisco Q. Cruz
Vice Chairman



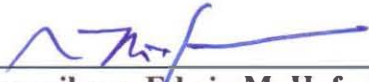
Representative Edwin P. Aldan
Floor Leader



Senator Francisco M. Borja
Legislative Secretary

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*Concurred this 24th day of September, 2018, on the island of
Tinian, Commonwealth of the Northern Mariana Islands by the members of the Sixteenth
Tinian and Aguiguan Municipal Council.*



Councilman Edwin M. Hofschneider
Chairman

Councilman Phillip Mendiola Long
Vice Chairman





Councilman Antonio SN. Borja
Secretary/Treasurer

Certified As A Local Appropriation Bill By:



Representative Rafael S. Demapan
Speaker, House of Representatives

 this 28th day of September, 2018.



Ralph DLG. Torres
Governor
Commonwealth of the Northern Mariana Islands

APPENDIX A

FY2019 BUDGET (TINIAN AND AGUIGUAN MUNICIPALITY)
(REFERENCE: TINIAN LOCAL BILL NO. 20-3, D1)

<u>ACTIVITY</u>	
No.	
1	Children Park/ San Jose Public Cemetery \$ 22,000
2	Man-amko Center – Generator 25,000
3	Mayor’s Discretionary Fund 25,000
4	Gaming Commission (Operations) <u>30,240</u>
	\$ 102,240