

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE
IN THE HOUSE OF REPRESENTATIVES

SESSION, 2022

H. L. B. 22- 30

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

To make limited appropriations for the personnel and operations of the Tinian Casino Gaming Control Commission for Fiscal Year 2022 pursuant to 10 CMC § 2581 [Tinian Local Law 21-9] 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
2 Delegation (TALD) is cognizant of the Delegation's obligation to enact a Tinian
3 Local Budget for fiscal year 2022 on or before October 1, 2021. However, the
4 TALD did not receive any notice of estimated gaming revenue projection for fiscal
5 year 2022 until March 1, 2022. The Office of the Tinian Municipal Treasurer
6 transmitted a communication dated March 1, 2022 to the TALD identifying local
7 revenue for fiscal year 2022 in the amount of \$254,500.00 that is available for
8 appropriation following a payment of a casino license fee. Pursuant to 10 CMC §
9 2581(b)(3), as established by Tinian Local Law 21-9, casino licensees are required
10 to renew their licenses upon its expiration. Failure to renew a conditional or plenary

1 license upon expiration shall be grounds for the revocation, suspension or
2 termination of a casino license.

3 The Tinian and Aguiguan Legislative Delegation finds that the identified
4 local revenue for fiscal year 2022 is insufficient to satisfy in full all the personnel
5 and operation expenses of the Tinian Casino Gaming Control Commission
6 (TCGCC), Office of the Mayor of Tinian & Aguiguan, and the Tinian Municipal
7 Treasurer up to the end of the fiscal year on September 30, 2022. Accordingly, the
8 TALD finds that it is necessary to appropriate the identified local revenue for the
9 personnel and operation expenses of the Commission Division and the Division of
10 Enforcement – Administration of the TCGCC for the months of July 1, 2022 to
11 September 30, 2022. Any remaining funds available after September 30, 2022 shall
12 be carried forward to fund the operations of TCGCC-Commission Division and
13 Division of Enforcement – Administration in fiscal year 2023.

14 **SECTION 102. PURPOSE.** This Act appropriates limited local funds
15 generated pursuant to 10 CMC § 2581 [Tinian Local Law 21-9, the Revised Tinian
16 Casino Gaming Control Act of 1989], for the personnel and operations of the Tinian
17 Casino Gaming Control Commission – Commission Division and Division of
18 Enforcement – Administration for the months of July 1, 2022 to September 30,
19 2022. Any remaining funds available after September 30, 2022 shall be carried
20 forward to fund the personnel and operations of TCGCC-Commission Division and
21 Division of Enforcement – Administration in fiscal year 2023.

1 **SECTION 103. ESTIMATED LOCAL REVENUES.** Pursuant to
 2 Delegation Matter 21-06, the estimated local revenues deposited pursuant to 10
 3 CMC §§ 2581 [Tinian Local Law 21-9, the Revised Tinian Casino Gaming Control
 4 Act of 1989], for the Municipality of Tinian and Aguiguan for Fiscal Year 2022 are
 5 hereby identified and classified as resources in this local appropriations Act.

6 **Local Funds Available for Appropriation for Fiscal Year 2022:**

7	1. Casino license fee	\$250,000.00
8	2. Casino Service Industry Fee (FY2022) \$	1,500.00
9	3. Lapses from FY2021	\$ 3,000.00
10	Total:	<u>\$254,500.00</u>

11 **SECTION 104. MUNICIPAL GOVERNMENT LIMITED**
 12 **APPROPRIATIONS.**

13 (a) The amount of **\$185,706.00** for the personnel and operations of the
 14 Tinian Casino Gaming Control Commission – Commission Division and the
 15 Division of Enforcement - Administration is hereby appropriated as set forth in the
 16 worksheet attached hereto as “*Schedule A*” and incorporated by reference in this
 17 Act.

18 (b) The amount appropriated in subsection (a) of this Section shall include
 19 the personnel and operations of the Tinian Casino Gaming Control Commission –
 20 Commission Division and Enforcement Division – Administration beginning July
 21 1, 2022 and ending on October 1, 2022.

1 (c) Notwithstanding any law or regulation to the contrary, the amount of
2 **\$68,794.00** is hereby appropriated and carried forward to fund the personnel and
3 operations the Tinian Casino Gaming Control Commission, Commission Division
4 and Division of Enforcement – Administration in fiscal year 2023.

5 **SECTION 105. PUBLIC PROGRAMS.** Public programs and activities
6 funded by the funds generated pursuant to 10 CMC § 2581 [Tinian Local Law 21-
7 9, the Revised Tinian Casino Gaming Control Act of 1989] are hereby limited to
8 the programs listed in “*Schedule A.*”

9 **SECTION 106. ADMINISTRATIVE GUIDELINES.**

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

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

18 **SECTION 107. REDUCTION IN THE LEVEL OF**
19 **APPROPRIATIONS.** In order to provide expenditure authorities with flexibility
20 in determining the allocation of funding for their operations, expenditure authorities
21 must reduce their expenditures to achieve the level of appropriation under this Act.

1 (a) Expenditure authorities may reduce previous levels of expenditure by:

2 (1) A reduction in work hours;

3 (2) A reduction in wages;

4 (3) Furlough;

5 (4) A reduction in force;

6 (5) A reduction in expenditures for “all others”; or

7 (6) A combination of reductions under subsections (1) through (5).

8 (b) The reduction in work hours shall not apply to inspectors employed by
9 the Tinian Casino Gaming Control Commission, Division of Enforcement –
10 Administration, as required by Articles 2 and 10 of Tinian Local Law 21-9, the
11 Revised Tinian Casino Gaming Control Act of 1989, upon the reopening of any
12 casino.

13 **SECTION 108. APPROPRIATION WORKSHEET.** Unless otherwise
14 provided in this Act, the funds appropriated pursuant to Section 104 hereof shall be
15 expended in compliance with the appropriations worksheet attached hereto as
16 “*Schedule A*” and incorporated by reference herein. In case of any conflict between
17 the attached worksheet and the Administrative Provisions of this Act, the
18 Administrative Provisions shall prevail.

19 **SECTION 109. EXPENDITURE AUTHORITY.**

20 Notwithstanding any law to the contrary, the Mayor of Tinian & Aguiguan
21 shall be the expenditure authority of the funds appropriated to the personnel and

1 operations of the Commission Division and the Division of Enforcement –
2 Administration of the Tinian Casino Gaming Control Commission.

3 **SECTION 110. MANAGEMENT OF FUNDS.**

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

8 (b) Vacant positions or FTEs shall not be announced or filled without
9 certification of available funds by the Tinian Municipal Treasurer and approved for
10 expenditure by the respective expenditure authority. Zero-funded positions or FTEs
11 shall not be filled and funds appropriated herein shall not be reprogrammed to fund
12 zero-funded positions or FTEs.

13 (c) Notwithstanding any law to the contrary and immediately upon approval
14 of this Act, all employment positions or contracts may be amended or adjusted to
15 reflect any increase or change in salary enumerated in the appropriation worksheet
16 set forth in “*Schedule A*” of this Act subject to certification of availability of funds.

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

20 **SECTION 111. REPROGRAMMING AND PROPORTIONATE**
21 **REDUCTION OF FUNDS.** Except as provided in Section 110 of this Act, in the

1 event that the estimated revenue collected is ten (10) percent below the projected
2 or estimated revenue indicated in Section 103 of this Act, the respective expenditure
3 authority shall have full reprogramming authority of all funds in order to properly
4 manage expenditures so as to not create a deficit. In such an event, the Mayor shall
5 proportionately reduce the amounts appropriated herein.

6 **SECTION 112. SUPPLEMENTAL APPROPRIATIONS.** In the event
7 that the Municipal Treasurer determines that the estimated local revenues collected
8 will be increased by \$100,000 or more of the projected or estimated revenue
9 indicated in Section 103 of this Act, the Municipal Treasurer shall transmit within
10 fifteen (15) calendar days a special budget message to the Tinian & Aguiguan
11 Mayor's Office, the Chairman of the Tinian Legislative Delegation and the
12 Chairman of the Tinian Municipal Council proposing to increase the reserve for the
13 fiscal year or provide additional budget authority for the fiscal year. Any increases
14 in revenues shall be held in reserve, unless appropriated by the Tinian and
15 Aguiguan Legislative Delegation.

16 **SECTION 113. NO CONTINUING APPROPRIATIONS.** The Tinian
17 Casino Gaming Control Commission and the Tinian Municipal Treasurer through
18 the Mayor shall provide revenue projections and proposed appropriations on or
19 before June 1, 2022. The Tinian and Aguiguan Legislative Delegation, shall pass a
20 balanced budget by October 1, 2022 unless all casino operations have shut down or
21 gaming funds are not available. Except as provided in Section 104(c) of this Act,

1 no expenditures shall be made absent an appropriation measure signed into law for
2 fiscal year 2023.

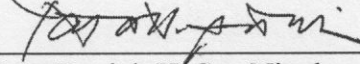
3 **SECTION 114. CRIMINAL PENALTIES.** Without limitation on the
4 applicability of any other part of the Planning and Budget Act of 1983, as amended,
5 the criminal penalties set forth therein (1 CMC § 7701 *et seq.*) shall apply to this
6 Act.

7 **SECTION 115. SEVERABILITY.** If any provision of this Act or the
8 application of any such provision to any person or circumstance should be held
9 invalid by a court of competent jurisdiction, the remainder of this Act or the
10 application of its provisions to persons or circumstances other than those to which
11 it is held invalid shall not be affected thereby.

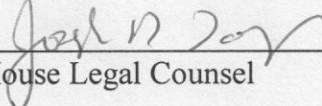
12 **SECTION 116. SAVINGS CLAUSE.** This Act and any repealer contained
13 herein shall not be construed as affecting any existing right acquired under contract
14 or acquired under statutes repealed or under any rule, regulation or order adopted
15 under the statutes. Repealers contained in this Act shall not affect any proceeding
16 instituted under or pursuant to prior law. The enactment of the Act shall not have
17 the effect of terminating, or in any way modifying, any liability, civil or criminal,
18 which shall already be in existence on the date this Act becomes effective.

19 **SECTION 117. EFFECTIVE DATE.** This Act shall take effect upon its
20 approval by the Governor or upon it becoming law without such approval.

Prefiled: 3/17/2022

Date: 3/17/2022 Introduced by: 
Rep. Patrick H. San Nicolas

Reviewed for Legal Sufficiency by:


House Legal Counsel

Office of the Tinian Municipal Treasurer

Municipality of Tinian and Aguiquan

Commonwealth of the Northern Mariana Islands

P.O. Box 520485 Tinian, MP 96952

Tel. No.: (670) 433-2272 • Fax No.: (670) 433-6082

Maria Barbara C. Borja
Municipal Treasurer

Edwin P. Aldan
Mayor

DATE : March 01, 2022

TO : Honorable Patrick H. San Nicolas
Congressman, House of Representative

FROM : Tinian Municipal Treasurer

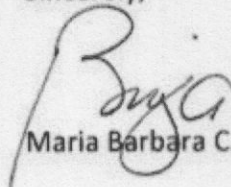
SUBJECT : Local Revenue for FY 2022

This is to inform you that I have received the local revenue for Fiscal Year 2022 as follows:

1. Bridge Investment Group Casino License Fees	\$250,000.00
2. Casino Service Industry Fees (FY 2022)	\$ 1,500.00
- SG Gaming Asia Limited - \$500.00	
- Clear Management Limited - \$500.00	
- Matsui Asia Limited - \$500.00	
3. Lapses from FY 2021	<u>\$ 3,000.00</u>
TOTAL	\$ 254,500.00

The Local revenues in the amount of \$254,500.00 is available for appropriation. For additional information, please do not hesitate to call me at telephone number (670) 433-2275.

Sincerely,


Maria Barbara C. Borja

Office of Rep San Nicolas
RECEIVED
DATE: 3/1/2022 @ 11:21am
Janina

MUNICIPALITY OF TINIAN AND AGUIGUAN
 FY2022 Local Budget
 SCHEDULE A

Activity/Function	BU	NOP	Personnel	Operations	Public Programs	Total	
TCGCC-Commission Division			4	\$50,695	\$0	\$0	\$50,695
TCGCC-Division of Enforcement(Administration)			11	\$105,386	\$29,625	\$0	\$135,011
FY2022 Total budget request			15	\$156,081	\$29,625	\$0	\$185,706
FY2022 Total certified and identified funding sources							<u>(\$254,500)</u>
Available funding sources and reserved for FY2023							<u><u>(\$68,794)</u></u>