

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

SESSION, 2022

H. L. B. 22-37

**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 2023 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 Delegation
2 (TALD) is cognizant of the Delegation's obligation to enact a Tinian Local Budget
3 for fiscal year 2023 on or before October 1, 2022. However, the TALD did not
4 receive any notice of estimated gaming revenue projection for fiscal year 2023 until
5 October 6, 2022. The Office of the Tinian Municipal Treasurer transmitted a
6 communication dated October 6, 2022, to the TALD identifying local revenue for
7 fiscal year 2023 in the amount of \$502,030.00 that is available for appropriation.
8 Pursuant to 10 CMC § 2581(b)(3), as established by Tinian Local Law 21-9, casino
9 licensees are required to renew their licenses upon its expiration. Failure to renew

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

3 The Tinian and Aguiguan Legislative Delegation finds that the identified
4 local revenue for FY2023 is insufficient to satisfy in full all the personnel and
5 operation expenses of the TCGCC, Office of the Mayor of Tinian, and the Tinian
6 Municipal Treasurer up to the end of the fiscal year on September 30, 2023. Upon
7 the identification of additional gaming funds, the Delegation shall immediately
8 appropriate the additional funds for the programs authorized under this Act.

9 **SECTION 102. PURPOSE.** This Act appropriates limited local funds
10 generated pursuant to 10 CMC § 2581 [Tinian Local Law 21-9, the Revised Tinian
11 Casino Gaming Control Act of 1989], for the personnel and operations of the Tinian
12 Casino Gaming Control Commission, the Tinian Municipal Treasury, Tinian
13 Municipal Council and the Office of the Mayor.

14 **SECTION 103. ESTIMATED LOCAL REVENUES.** Pursuant to
15 Miscellenaous Communication 22-24, the estimated local revenues deposited
16 pursuant to 10 CMC §§ 2581 [Tinian Local Law 21-9, the Revised Tinian Casino
17 Gaming Control Act of 1989], for the Municipality of Tinian and Aguiguan for
18 Fiscal Year 2023 are hereby identified and classified as resources in this local
19 appropriations Act.

20 **Local Funds Available for Appropriation for Fiscal Year 2023:**

21	1. Casino license fee	\$500,000.00
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1 to the availability of funds and approval of the respective expenditure authorities as
2 provided in Section 109 of this Act;

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

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

8 (1) A reduction in work hours;

9 (2) A reduction in wages;

10 (3) Furlough;

11 (4) A reduction in force;

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

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

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

19 **SECTION 108. APPROPRIATION WORKSHEET.** Unless otherwise
20 provided in this Act, the funds appropriated pursuant to Section 104 hereof shall be
21 expended in compliance with the appropriations worksheet attached hereto as

1 “*Schedule A*” and incorporated by reference herein. In case of any conflict between
2 the attached worksheet and the Administrative Provisions of this Act, the
3 Administrative Provisions shall prevail.

4 **SECTION 109. EXPENDITURE AUTHORITY.**

5 (a) Notwithstanding any law to the contrary, the Mayor of Tinian and
6 Aguiguan shall be the expenditure authority of the funds appropriated to the Office
7 of the Mayor, the Office of the Municipal Treasurer, and Public Programs.

8 (b) Notwithstanding any law to the contrary, the Chairman of the Tinian
9 Casino Gaming Control Commission (TCGCC) shall be the expenditure authority
10 of the funds appropriated to the Commissioners Division and the Enforcement
11 Division of the Tinian Casino Gaming Control Commission.

12 (c) Notwithstanding any law to the contrary, the Chairperson of the Tinian
13 Municipal Council (TMC) shall be the expenditure authority of the funds
14 appropriated to the operations of the Tinian Municipal Council.

15 **SECTION 110. MANAGEMENT OF FUNDS.**

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

20 (b) Vacant positions or FTEs shall not be announced or filled without
21 certification of available funds by the Tinian Municipal Treasurer and approved for

1 expenditure by the respective expenditure authority. Zero-funded positions or FTEs
2 shall not be filled and funds appropriated herein shall not be reprogrammed to fund
3 zero-funded positions or FTEs.

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

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

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

18 **SECTION 112. SUPPLEMENTAL APPROPRIATIONS.** In the event
19 that the Municipal Treasurer determines that the estimated local revenues collected
20 will be increased by \$100,000 or more of the projected or estimated revenue
21 indicated in Section 103 of this Act, the Municipal Treasurer shall transmit within

1 fifteen (15) calendar days a special budget message to the Tinian & Aguiguan
2 Mayor's Office, the Chairman of the Tinian Legislative Delegation and the
3 Chairman of the Tinian Municipal Council proposing to increase the reserve for the
4 fiscal year or provide additional budget authority for the fiscal year. Any increases
5 in revenues shall be held in reserve, unless appropriated by the Tinian and
6 Aguiguan Legislative Delegation.

7 **SECTION 113. NO CONTINUING APPROPRIATIONS.** The Tinian
8 Casino Gaming Control Commission and the Tinian Municipal Treasurer through
9 the Mayor shall provide revenue projections and proposed appropriations on or
10 before June 1, 2023. The Tinian and Aguiguan Legislative Delegation, shall pass a
11 balanced budget by October 1, 2023 unless all casino operations have shut down or
12 gaming funds are not available. Except as provided in Section 104(c) of this Act,
13 no expenditures shall be made absent an appropriation measure signed into law for
14 fiscal year 2024.

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

19 **SECTION 115. SEVERABILITY.** If any provision of this Act or the
20 application of any such provision to any person or circumstance should be held
21 invalid by a court of competent jurisdiction, the remainder of this Act or the

1 application of its provisions to persons or circumstances other than those to which
2 it is held invalid shall not be affected thereby.

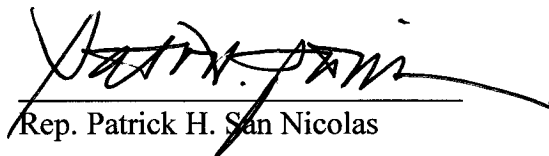
3 **SECTION 116. SAVINGS CLAUSE.** This Act and any repealer contained
4 herein shall not be construed as affecting any existing right acquired under contract
5 or acquired under statutes repealed or under any rule, regulation or order adopted
6 under the statutes. Repealers contained in this Act shall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

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

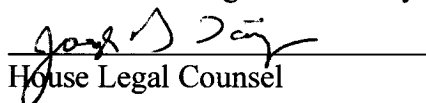
Prefiled:

Date: 10/12/22

Introduced by:


Rep. Patrick H. San Nicolas

Reviewed for Legal Sufficiency by:


House Legal Counsel

MUNICIPALITY OF TINIAN AND AGUIGUAN
FY2023 Local Budget
SCHEDULE A

Activity/Function	BU	NOP	Personnel	Operations	Public Programs	Total
Tinian Mayor				\$502,030		\$502,030
Total budget request				\$502,030		\$502,030