

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

SESSION, 2023

H. L. B. 23- 20

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

To amend 10 CMC §2742 and §2743 to establish the Heavy Mobile
Equipment Environmental Impact Fee; and for other purposes.

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

1 **SECTION 1. FINDINGS AND PURPOSE.**

2 The Tinian and Aguiguan Legislative Delegation finds that the U.S. military
3 build-up will occur in the Second Senatorial District over the next five years. The
4 Delegation further finds that the use of heavy mobile equipment will be utilized on
5 Tinian's roadways, thereby greatly impacting Tinian roads and other infrastructure.
6 Therefore, the Tinian and Aguiguan Legislative Delegation finds that it is in the
7 best interest of the Second Senatorial District to establish a fee for heavy mobile
8 equipment rentals on the island of Tinian. The purpose of this Local Act is to create
9 a Heavy Mobile Equipment Environmental Impact Fee and to apply said fee to the
10 maintenance of Tinian roads.

11 **SECTION 2. AMENDMENT.** 10 CMC § 2472 is hereby amended to read as

1 follows:

2 **“§ 2472. Tinian Vehicular and Heavy Mobile Equipment**
3 **Environmental Impact Fee.**

4 There is hereby established a local fee of two dollars for each scooter rental
5 and five dollars for each car rental, all-terrain vehicle (“ATV”), tour bus or van,
6 within the Second Senatorial District. There is also hereby established a local fee
7 of one hundred dollars for each heavy mobile equipment rental within the Second
8 Senatorial District. The Tinian Vehicular and Heavy Mobile Equipment
9 Environmental Impact Fee is due and payable to the Tinian Municipal Treasury at
10 the end of each quarter. The Tinian Director of DLNR and DPW, along with the
11 Tinian Municipal Treasurer, may promulgate mutually agreed upon regulations to
12 implement the Act, if necessary, which shall include but not be limited to a
13 prohibition on said funds derived from 10 CMC Sections 2472 and 2473 being
14 reprogrammed by the Mayor or the Delegation.

15 Provided further that a separate subaccount administered in accordance
16 with 10 CMC Section 2472 shall be established wherein the fees shall be assessed
17 to the business operator to account for every user. Said fees shall be collected by
18 the respective business operator or vendor and submitted to the Tinian Municipal
19 Treasury to account for each individual or corporation, no more than one time per
20 visit or use, up to thirty days who:

- 1 a) Utilizes Tinian roadways as a passenger on a tour bus or van
2 (\$5.00 per person);
3 b) Utilizes a scooter on the island of Tinian or Aguiguan (\$2.00);
4 c) Utilizes an all-terrain vehicle on the island of Tinian or
5 Aguiguan (\$5.00);
6 d) Utilizes heavy mobile equipment (\$100.00). For purposes of
7 this section, heavy mobile equipment means heavy duty
8 machines designed for construction tasks, most frequently
9 involving earthwork operations, including constructing or
10 resurfacing roads and not registered as a motor vehicle.
11 Examples include but are not limited to road graders, backhoes,
12 excavators, front end loaders, bulldozers and all terrain forklifts
13 and cranes.

14 For purpose of this section day trips shall not constitute an additional visit
15 or result in additional fees.”

16 **SECTION 3. AMENDMENT.** 10 CMC § 2473 is hereby amended to read as
17 follows:

18 “§ 2473. **Tinian Tourism and Beautification Fund and Tinian Vehicular**
19 **and Heavy Mobile Equipment Environmental Impact Fee.**”

1 There is hereby established a Tinian Tourism and Beautification Revolving
2 Fund and a Tinian Vehicular and Heavy Mobile Equipment Environmental Impact
3 Fee.

4 (a) The Tinian Municipal Treasurer shall establish an account into
5 which all revenues from the Tinian Tourism and Beautification
6 Revolving Fund and the Tinian Vehicular and Heavy Mobile
7 Equipment Environmental Impact Fee shall be deposited.

8 The expenditure authority for the Tinian Tourism and Beautification
9 Revolving Fund and the Tinian Vehicular and Heavy Mobile Equipment
10 Environmental Impact Fee shall be the Director of the Tinian Department of Public
11 Works. No funds derived from 10 CMC Sections 2472 and 2473 shall be
12 reprogrammed for any other purpose.”

13 **SECTION 4. SEVERABILITY.**

14 If any provision of this Act or the application of any such provision to any
15 person or circumstance should be held invalid by a court of competent jurisdiction,
16 the remainder of this Act or the application of its provisions to persons or
17 circumstances other than those to which it is held invalid shall not be affected
18 thereby.

19 **SECTION 5. SAVINGS CLAUSE.**

20 This Act and any repealer contained herein shall not be construed as
21 affecting any existing right acquired under contract or acquired under statutes

1 repealed or under any rule, regulation or order adopted under the statutes. Repealers
2 contained in this Act shall not affect any proceeding instituted under or pursuant to
3 prior law. The enactment of the Act shall not have the effect of terminating, or in
4 any way modifying, any liability, civil or criminal, which shall already be in
5 existence on the date this Act becomes effective.

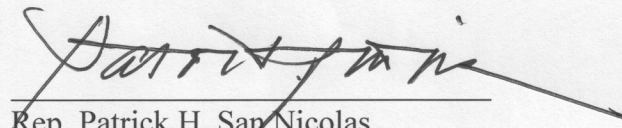
6 **SECTION 6. EFFECTIVE DATE.**

7 This Act shall take effect upon its approval by the Governor or its becoming
8 law without such approval.

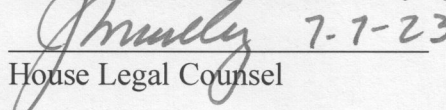
Prefiled: 7/7/2023

Date: 7/7/23

Introduced by:


Rep. Patrick H. San Nicolas

Reviewed for Legal Sufficiency by:


House Legal Counsel