

**TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH**

**LEGISLATURE**

**IN THE HOUSE OF REPRESENTATIVES**

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**SESSION, 2023**

**H. L. B. 23-29**

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**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 2024 pursuant to 10 CMC § 2581 [Tinian Local Law 21-9] and 1 CMC § 1405(a) [Public Law 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.**

2           The Tinian and Aguiguan Legislative Delegation (TALD) is cognizant of  
3 the Delegation's obligation to enact a Tinian Local Budget for fiscal year 2024 on  
4 or before October 1, 2023. The Office of the Tinian Municipal Treasurer  
5 transmitted a communication dated September 27, 2023 to the TALD identifying  
6 local revenue for fiscal year 2024 in the amount of \$507,750.00 that is available for  
7 appropriation. Pursuant to 10 CMC § 2581(b)(3), as established by Tinian Local  
8 Law 21-9, casino licensees are required to renew their licenses upon its expiration.

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

3 The Tinian and Aguiguan Legislative Delegation finds that the identified  
4 local revenue for FY2024 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, 2024. 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.**

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

15 **SECTION 103. ESTIMATED LOCAL REVENUES.**

16 Pursuant to Certification of Funds for Tinian Municipal Treasurer, the  
17 estimated local revenues deposited pursuant to 10 CMC §§ 2581 [Tinian Local Law  
18 21-9, the Revised Tinian Casino Gaming Control Act of 1989], for the Municipality  
19 of Tinian and Aguiguan for Fiscal Year 2024 are hereby identified and classified  
20 as resources in this local appropriations Act.

21 **Local Funds Available for Appropriation for Fiscal Year 2024:**

1	1. Casino license fee	\$500,000.00
2	2. Casino Service Industry Fee (FY2023)	\$ 2,000.00
3	3. Casino Key Employee License FEE	\$5,000.00
4	4. Casino Employee License Fee	\$ 750.00
5	Total:	<u>\$507,750.00</u>

6 **SECTION 104. MUNICIPAL GOVERNMENT LIMITED**  
7 **APPROPRIATIONS.**

8 (a) The amount of **\$507,750.00** for programs and activities of the Municipal  
9 Government of Tinian and Aguiguan, including all activities of the Tinian Casino  
10 Gaming Control Commission - Commissioners, the Office of the Mayor, Public  
11 Programs, the Tinian Municipal Council, and the Office of the Tinian Municipal  
12 Treasurer, are hereby appropriated as set forth in the worksheets attached hereto as  
13 “*Schedule A*” and incorporated by reference in this Act.

14 **SECTION 105. PUBLIC PROGRAMS.**

15 Public programs and activities funded by the funds generated pursuant to  
16 10 CMC § 2581 [Tinian Local Law 21-9, the Revised Tinian Casino Gaming  
17 Control Act of 1989] are hereby limited to the programs listed in “*Schedule A*.”

18 **SECTION 106. ADMINISTRATIVE GUIDELINES.**

19 (a) The funds appropriated under Section 104 this Act shall be distributed  
20 and allotted by the Office of the Municipal Treasurer in accordance with the

1 expenditure class codes approved in the individual activities budget worksheet  
2 attached hereto.

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

7 **SECTION 107. REDUCTION IN THE LEVEL OF APPROPRIATIONS.**

8 In order to provide expenditure authorities with flexibility in determining  
9 the allocation of funding for their operations, expenditure authorities must reduce  
10 their expenditures to achieve the level of appropriation under this Act.

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

- 12 (1) A reduction in work hours;
- 13 (2) A reduction in wages;
- 14 (3) Furlough;
- 15 (4) A reduction in force;
- 16 (5) A reduction in expenditures for “all others”; or
- 17 (6) A combination of reductions under subsections (1) through (5).

18 (b) The reduction in work hours shall not apply to inspectors employed by  
19 the Tinian Casino Gaming Control Commission, Division of Enforcement –  
20 Administration, as required by Articles 2 and 10 of Tinian Local Law 21-9, the

1 Revised Tinian Casino Gaming Control Act of 1989, upon the reopening of any  
2 casino.

3 **SECTION 108. APPROPRIATION WORKSHEET.**

4 Unless otherwise provided in this Act, the funds appropriated pursuant to  
5 Section 104 hereof shall be expended in compliance with the appropriations  
6 worksheet attached hereto as “*Schedule A*” and incorporated by reference herein.  
7 In case of any conflict between the attached worksheet and the Administrative  
8 Provisions of this Act, the Administrative Provisions shall prevail.

9 **SECTION 109. EXPENDITURE AUTHORITY.**

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

13 (b) Notwithstanding any law to the contrary, the Chairman of the Tinian  
14 Casino Gaming Control Commission (TCGCC) shall be the expenditure authority  
15 of the funds appropriated to the Commissioners Division and the Enforcement  
16 Division of the Tinian Casino Gaming Control Commission.

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

20 **SECTION 110. MANAGEMENT OF FUNDS.**

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

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

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

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

17 **SECTION 111. REPROGRAMMING AND PROPORTIONATE**  
18 **REDUCTION OF FUNDS.**

19 Except as provided in Section 110 of this Act, in the event that the estimated  
20 revenue collected is ten (10) percent below the projected or estimated revenue  
21 indicated in Section 103 of this Act, the respective expenditure authority shall have

1 full reprogramming authority of all funds in order to properly manage expenditures  
2 so as to not create a deficit. In such an event, the Mayor shall proportionately reduce  
3 the amounts appropriated herein.

4 **SECTION 112. SUPPLEMENTAL APPROPRIATIONS.**

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

14 **SECTION 113. NO CONTINUING APPROPRIATIONS.**

15 The Tinian Casino Gaming Control Commission and the Tinian Municipal  
16 Treasurer through the Mayor shall provide revenue projections and proposed  
17 appropriations on or before June 1, 2024. The Tinian and Aguiguan Legislative  
18 Delegation, shall pass a balanced budget by October 1, 2024 unless all casino  
19 operations have shut down or gaming funds are not available. Except as provided  
20 in Section 104(c) of this Act, no expenditures shall be made absent an appropriation  
21 measure signed into law for fiscal year 2025.

1 **SECTION 114. CRIMINAL PENALTIES.**

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

5 **SECTION 115. SEVERABILITY.**

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

11 **SECTION 116. SAVINGS CLAUSE.**

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



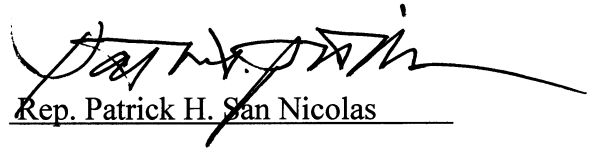
1 **SECTION 117. EFFECTIVE DATE.**

- 2 This Act shall take effect upon its approval by the Governor or upon it becoming  
3 law without such approval.

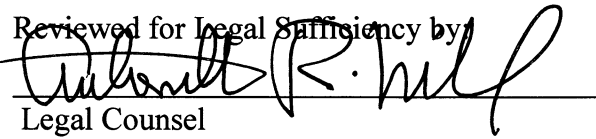
Prefiled: 10/2/2023

Date: \_\_\_\_\_

Introduced by:

  
Rep. Patrick H. San Nicolas

Reviewed for Legal Sufficiency by

  
Legal Counsel

MUNICIPALITY OF TINIAN AND AGUIGUAN  
 FY2024 LOCAL BUDGET  
 SCHEDULE A

<u>Activity/Function</u>	<u>BU</u>	<u>NOP</u>	<u>Personnel</u>	<u>Operations</u>	<u>Public Programs</u>	<u>Total</u>
<u>Tinian Municipal Council</u>						
<u>Tinian Mayor</u>						
<u>Tinian Municipal Scholarship</u>						
<u>Tinian Casino Gaming Control Commission</u>			\$507,750.00			
<u>Total Budget</u>						
<u>Request</u>				\$507,750.00		\$507,750.00

# Office of the Tinian Municipal Treasurer

Municipality of Tinian and Aguiguan  
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** : September 27, 2023

**TO** : Senator Karl King-Nabors  
Chairman, Tinian & Aguiguan Legislative Delegation

Congressman Patrick H. San Nicolas

**FROM** : Tinian Municipal Treasurer

**SUBJECT:** Local Revenue for FY 2024

This is to inform you that I have received the local revenue for Fiscal Year 2024 as follow:

1. Bridge Investment Group - Casino License Fees	\$500,000.00
2. Casino Service Industry Fee (FY 2024)	\$ 2,000.00
• United States Playing Card Co. - \$1,000	
• Matsui Asia, Ltd. - \$500.00	
• Clear Management Group, Ltd. - \$500.00	
3. Casino Key Employee License Fee	\$ 5,000.00
4. Casino Employee License Fee	\$ <u>750.00</u>

**Total Amount \$ 507,750.00**

The Local revenue in the amount of \$507,750.00 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

**ENTERED**  
**DATE:** 28 Sept 2023  
Viewed Zamia