

RALPH DLG. TORRES
Governor



GOV. COMM. 21-41
(HOUSE)

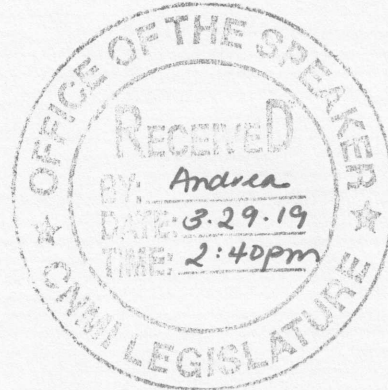
ARNOLD I. PALACIOS
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

The Honorable Jude U. Hofschneider
Chairman, Tinian Legislative Delegation
Twenty-First Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

29 MAR 2019

The Honorable Blas Jonathan "BJ" T. Attao
Speaker
House of Representatives
Twenty-First Northern Marianas
Commonwealth Legislature
Capitol Hill
Saipan, MP 96950



Dear Mr. Chairman and Mr. Speaker:

This is to inform you that I have signed into law with disapproved items, **House Local Bill 21-9, D1** entitled, "To appropriate funds allotted to the Second Senatorial District under Public Law 18-30 (e-gaming license fees), as amended; and for other purposes." which was passed by the Tinian Legislative Delegation of the Twenty-First Northern Marianas Commonwealth Legislature.

Taking into consideration the legal concerns I have regarding Section 4 of this bill, I have disapproved the following part of the enactment for the foregoing reasons:

VETOED PART OF THE ENACTMENT

SECTION 4. MANAGEMENT OF FUNDS.

This provision sought to allow the Secretary of the Department of Finance to transfer the funds appropriated under Section 2 of this Act, notwithstanding any law to the contrary, an account set up by the Tinian Municipal Treasurer within ten calendar days of the effective date of this Act. Additionally, Section 4 required that the Tinian Municipal Treasurer regulate and control the funds appropriated under this Act so that no activity may spend contrary to this Act or fiscal management policies of the Municipality or Commonwealth of the Northern Mariana Islands.

Citing the Attorney General's comments on **H.L.B. 21-9, HD1**, this transfer provision violates 4 CMC § 1511 (d) which directs the deposit of these funds into a segregated account for the Second Senatorial District. Section 1511 (d) does not authorize transferring the funds to the Tinian Municipal Treasurer. As a Commonwealth statute, Section 1511 (d) *supersedes* **House Local Bill 21-9, D1**, Section 4 if signed into law. Thus, no such transfer can occur because it contradicts Section 1511 (d) which requires that these funds be kept in a segregated account under

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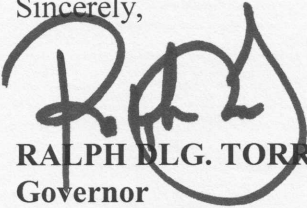
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Ralph DLG. Torres | CNMI Office of the Governor

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the management and authority of the Secretary of Finance. For this reason, I must exercise my constitutional authority to line-item veto this provision. Consequently, the management and authority of these appropriated funds will remain with the Secretary of Finance.

With the exception of the vetoed portions, this bill becomes **Tinian Local Law No. 21-3**. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Torres', is written over a circular stamp. The stamp is partially visible and contains the text 'RALPH DLG. TORRES' and 'Governor'.

RALPH DLG. TORRES
Governor



**TINIAN & AGUIGUAN LEGISLATIVE DELEGATION
SECOND SENATORIAL DISTRICT
TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FIRST REGULAR SESSION, 2019**

HOUSE LOCAL BILL NO. 21-9, D1

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

To appropriate funds specifically allotted to the Second Senatorial District under Public Law 18-30, as amended; and for other purposes.

Offered by Representative Antonio SN. Borja

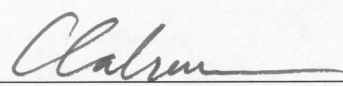
on February 20, 2019

HOUSE ACTION

Transmitted to Tinian & Aguiguan Legislative Delegation for action on February 21, 2019

DELEGATION ACTION

Referred to	:	None
Comments Solicited	:	2/22/19 - Mayor of Tinian & Aguiguan; Chairman, Tinian & Aguiguan Municipal Council [Ref. Delegation Matter 21-11 & 21-12]
Comments Received	:	3/5/19 - Mayor of Tinian & Aguiguan [Ref. Mayor's Comm. 21-13 & Mayor's Comm. 21-14] 3/6/19 – Tinian & Aguiguan Municipal Council [Ref. TAMC Comm. 21-5]
Standing Committee Report	:	None
Passed First & Final Reading	:	March 8, 2019 [as D1]


Chanele C. Cabrera, Acting Delegation Clerk



**TINIAN & AGUIGUAN LEGISLATIVE DELEGATION
TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**

FIRST REGULAR SESSION, 2019

House Local Bill No. 21-9, D1

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

To appropriate funds specifically allotted to the Second Senatorial District under Public Law 18-30, as amended; 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:**

SECTION 1. PURPOSE.

The purpose of this Act is to appropriate Sixty-Two Thousand dollars (\$62,000.00 USD) of the funds specifically allotted to the Second Senatorial District under Public Law No. 18-13 as amended, for personnel and operations of Office of the Mayor of the Municipality of Tinian and Aguiguan and the supplemental medical assistance program.

SECTION 2. APPROPRIATIONS.

There is hereby appropriated Sixty-Two Thousand dollars (\$62,000.00 USD) of the funds allotted to the Second Senatorial District under Public Law No. 18-30 as amended, to be expended by the Office of the Mayor of Tinian and Aguiguan for personnel and operations and the supplemental medical assistance program.

SECTION 3. EXPENDITURE AUTHORITY.

The expenditure authority for all funds appropriated under this Act shall be the Mayor of Tinian and Aguiguan.



~~SECTION 4. MANAGEMENT OF FUNDS.~~

~~Notwithstanding any law to the contrary, the Secretary of the Department of Finance shall transfer the funds appropriated under Section 2 of this Act to an account set up by the Tinian Municipal Treasurer within ten calendar days of the effective date of this Act. The Tinian Municipal Treasurer shall regulate and control the funds appropriated under this Act so that no activity may spend contrary to this Act or fiscal management policies of the Municipality or Commonwealth of Northern Mariana Islands.~~

SECTION 5. FISCAL YEAR.

The funds appropriated under this Act shall be appropriated without fiscal year limitation(s).

SECTION 6. SEVERABILITY.

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

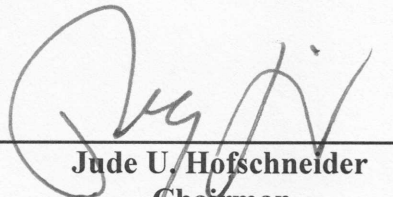
SECTION 7. SAVINGS CLAUSE.

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

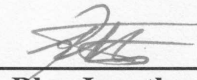
1 **SECTION 8. EFFECTIVE DATE.**

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

CERTIFIED BY:

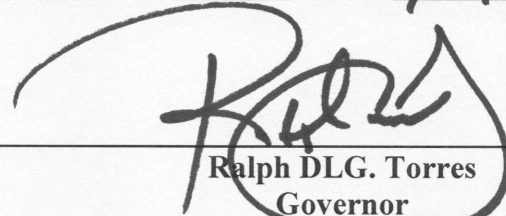


Jude U. Hofschneider
Chairman
Tinian & Aguiguan Legislative Delegation



Blas Jonathan "BJ" T. Attao
Speaker
House of Representatives

Approved this 29th day of MARCH, 2019.



Ralph DLG. Torres
Governor
Commonwealth of the Northern Mariana Islands