



TINIAN LOCAL ORDINANCE NO. 6-1

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

FROILAN C. TENORIO
Governor
The Honorable Joaquin G. Adriano
Chairman, Tinian Legislative Delegation
JESUS C. BORJA
Lt. Governor
Tenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

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14 NOV 1996

The Honorable Edward A. Villagomez
Chairman, Tinian Municipal Council
San Jose Village
Tinian, MP 96952

Dear Chairmen Adriano and Villagomez:

This is to inform you that I have signed into law Local Appropriation Ordinance No 6-02, "To make appropriation of revenues generated pursuant to Part VI Section 50 subsection 1(a) 2(a)(b)(c) 3(a)(b)(c) of the Revised Tinian Casino Gaming Control Commission Act of 1989 for the Second Senatorial District".

Because this bill appropriates revenue that has already been generated, I do not have the same objections to it that I have to Ordinances 6-03 and 6-04.

I do have some concerns about the legal sufficiency of this ordinance. Part VI, Section 50 of the Act states that "The appropriation function of the Tinian Municipal Council with respect to the local revenues generated by the Commission shall be concurrent with the Tinian Legislative Delegation pursuant to the "Local Law Act of 1983" -- 1 CMC Div. 1." However, this language is not consistent with Article II, Section 6 of our Constitution, which reserves the power of local legislation to the local delegations. Article VI, Section 7 does give certain legislative powers to the municipal councils, but does not include the power to pass appropriations legislation.

This area of the law is not very clear at this time. I appreciate that the Tinian Delegation has tried to solve the problem by having the legislative delegation co-sign the ordinance. I think, though, that it might be better to have appropriations passed as a local law, not an ordinance.

Finally, I would very strongly recommend that you consult with the Office of Management and Budget (OMB) before making another revenue estimate. It is OMB's job to make revenue estimates, and they have the necessary expertise. If OMB does not confirm that a revenue projection is plausible, then I will not sign a bill appropriating that revenue. If they do confirm it, then it is possible for me to sign.

If you have any questions, please do not hesitate to contact my office.

Sincerely,
[Signature]
FROILAN C. TENORIO

cc: President of the Senate; Speaker of the House of Representatives; Mayor of Tinian;
Chairman, Tinian Casino Gaming Control Commission

A BILL FOR AN ORDINANCE

TO MAKE APPROPRIATION OF REVENUES
GENERATED PURSUANT TO PART VI SECTION 50
SUBSECTIONS (1) (a) (2) (a) (b) (c) (3) (a) (b) (c) OF THE
REVISED TINIAN CASINO GAMING CONTROL
COMMISSION ACT OF 1989 FOR THE SECOND
SENATORIAL DISTRICT.

BE IT ENACTED BY THE SIXTH TINIAN MUNICIPAL COUNCIL:

1 **Section 101. Purpose.** This Ordinance appropriates local funds generated pursuant to
2 Section 50 subsection (1) (a),(2) (a) (b)(c) (3) (a)(b)(c) of the Revised Tinian Casino
3 Gaming Control Commission Act of 1989 for the Second Senatorial District for Fiscal
4 Year 1996.

5 **Section 102. Definitions.** As used in this Ordinance:

6 (a) "Mayor" for budget and appropriation purposes, means the Mayor of
7 Tinian and Aguiguan.

8 (b) "Local Revenue" means revenues generated pursuant to Section 50
9 Subsection (1) (a) (2) (a)(b)(c) (3) (a)(b)(c) of the Revised Tinian Casino
10 Gaming Control Commission Act of 1989 for the Second Senatorial
11 District.

12 (c) "Position" means an employment position in which only one person can
13 be employed.

14 (d) "Personnel" means appropriations for the base salaries, personnel
15 benefits, and employer's contributions to the Northern Marianas Retirement
16 Fund and other employees' benefits.

17 (e) "Operations" mean appropriations for lawful activities other than
18 personnel.

19 (f) "Fiscal Year" means from October 1st thru September 30th of each
20 calendar year.

21 **Section 103. Anticipated and/or Estimated Revenues.** The estimated local revenues
22 generated pursuant to Section 50 (1)(a) (2) (a)(b)(c) (3)(a)(b)(c) of the Revised Tinian
23 Casino Gaming Control Commission Act of 1989 for the Second Senatorial District for
24 Fiscal Year 1996, are hereby identified and classified as resources in this Local
25 Appropriations Ordinance.

26 Estimated Revenue from October 1, 1995 thru September 30, 1996 is

27 Two Million One Hundred Fifty Thousand dollars (\$2,150,000).

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2 Section 104 Administrative Guidelines: Funds appropriated under this Ordinance as
3 stated in Part VI, Sec 50, (1) (a) (2)(a)(b)(c) (3)(a)(b)(c) of The Tinian Casino Gaming
4 Control Commission Act of 1989, shall be expended by the Mayor of Tinian and
5 Aguiguan, or his designee, in accordance with the approved budget attached hereto and
6 made a part hereof.

7 (a) The Mayor of Tinian and Aguiguan, or his designee, shall provide to the
8 Chairman of the Sixth Tinian Municipal Council a quarterly Disbursement
9 and Expenditures of Funds Report as appropriated under this Ordinance.

10 (b) The Mayor may reprogram funds from one class code to another.

11 Section 105 Appropriation: The total amount appropriated, from the funds identified in
12 Section 103 of this ordinance, are for personal compensation, operations, benefits, and for
13 other purposes. The amount of this appropriation is Three Hundred Eighty-Six
14 Thousand Four Hundred Dollars (\$386,400.00). This amount covers both actual and
15 projected expenses thru September 30, 1996.

16 Section 106 Supplemental Appropriation: The total amount of Four Hundred Thirty-
17 Nine Thousand Six Hundred Fifty Thousand Dollars (\$439,650.00) as identified in
18 Section 103, subsection (b) is hereby appropriated as supplemental to cover the cost of
19 personnel compensation, benefits and all others for the remaining portion of FY 1996.

20 Section 107 Continuing Resolution: If the annual appropriation ordinance for the next
21 fiscal year is not enacted prior to the beginning of such fiscal year, the appropriation
22 levels and administrative provisions as set forth in this ordinance shall continue to apply,
23 provided that the Mayor shall submit his annual budget request to the Municipal Council
24 on or before July 1st of each year. The Municipal Council shall enact an annual budget
25 before September 30, of each year.

26 Section 108. Severability. If any provision of this Ordinance is held invalid by a court of
27 competent justification, the remainder of this Ordinance shall not be affected thereby.

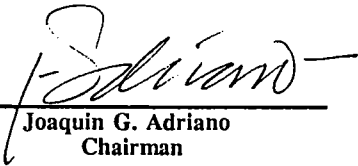
28 Section 109. Effective Date. This Ordinance shall take effect on August 1, 1996 or
329 upon its approval.

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NO. 6-02

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Concurred by the Tinian Joint Legislative Delegation on this 21th day of Oct. 1996.



Joaquin G. Adriano
Chairman

Henry DLG. San Nicolas
Vice Chairman



David M. Cing
Secretary



Esteven M. King
Member

Approved this 14th day of November, 1996.

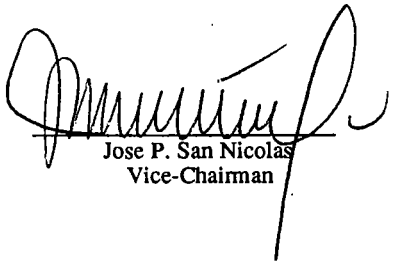


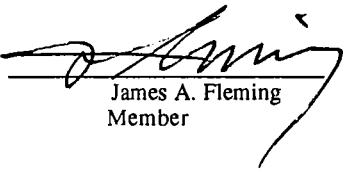
Froilan C. Tenorio
Governor, CNMI

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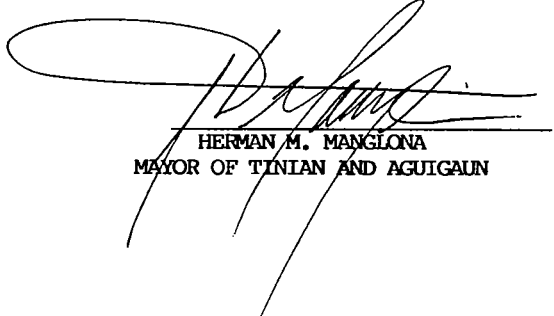
Adopted this 1st day of August 1996


Edward A. Villagomez
Chairman


Jose P. San Nicolas
Vice-Chairman


James A. Fleming
Member

APPROVED THIS 1st DAY OF August, 1996


HERMAN M. MANGLONA
MAYOR OF TINIAN AND AGUIGAUN