

TITLE 1: GOVERNMENT
DIVISION 1: LEGISLATIVE BRANCH

§ 1403. Introduction of Local Bills.

A local bill may be introduced by one or more senators or representatives from the senatorial district to which the bill is intended to apply. Local revenue or appropriation bills shall be introduced in the House of Representatives. Each bill other than local appropriation bills shall lie on the desks of members in the house in which it was introduced for three legislative days during which time any member may move that the bill is not a local matter that may be the subject of laws enacted by members from the respective senatorial district. The objecting member shall state the reasons for the motion. In the event the motion is later adopted by the house in which the bill was introduced, the bill shall be treated as though it had been introduced in the form prescribed by the official rules of the house. In the event the motion is not adopted or no motion is made within the prescribed time, the bill shall be referred to the appropriate legislative delegation, as provided in [1 CMC § 1404](#).

Source: [PL 3-77](#), § 3; amended by [PL 11-17](#), § 2 (added new last sentence of this section); amended by [PL 16-04](#), § 2, modified; repealed and reenacted by [PL 17-02](#) § 3 (May 4, 2010); leading paragraph amended, (b) and (c) repealed by PL 19-34 § 2 (Feb. 11, 2016), modified.

Commission Comment: [PL 11-17](#) took effect June 26, 1998. Section 1 of [PL 11-17](#) set forth purpose and findings as follows:

Section 1. Purpose and Findings. The Legislature finds that there is an inherent conflict between the requirements of the “Local Law Act of 1983” and the Tinian Casino Gaming Control Act, as enacted in 1991 by Tinian Local Initiative 1, and as subsequently revised by Order of the Superior Court, dated August 18, 1993 in CNMI v. Tinian Casino Gaming Control Commission, et al., Civil Action No. 91-690. (“Revised Tinian Casino Gaming Control Act.”) The conflict concerns the procedure by which revenues generated by casino gambling on Tinian may be appropriated.

On one hand, there is “The Local Law Act of 1983” which requires that a local appropriation bill be introduced in the House of Representatives and lie on the desks of the members for three legislative days before it is referred to the appropriate local legislative delegation for action. ([1 CMC § 1403](#).) The purpose of this delay is to provide any member with the opportunity to make an objection to the proposed measure that it is not legitimately a local matter which may be enacted by less than the full legislature. There is a further requirement under [1 CMC § 1405](#) which gives the mayor of the respective senatorial district which is the subject of proposed local legislation 30 days in which to review and comment on the proposed measure.

There is on the other hand, section 50 (5) of the Revised Tinian Casino Gaming Control Act, which appears to require that the Tinian Municipal Council submit the proposed budget for the Tinian Casino Gaming Commission to the Tinian Local Delegation for action. The provision

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gives the Commission an opportunity for expedited judicial relief if the Tinian Local Delegation fails to enact the appropriation within 30 days after submission.

The Legislation finds that these two provisions are mutually exclusive and both cannot meaningfully be given effect. The Legislature also finds that the appropriation of revenues generated by casino gaming on Tinian is clearly a local matter and as such is both constitutionally and statutorily within the purview of the Tinian Legislative Delegation. Therefore the check and balance mechanism built into [1 CMC § 1403](#) is not necessary in this instance. The notice and comment period for the mayor of Tinian is likewise unnecessary since the direct participation of that office is not contemplated by the Revised Tinian Casino Gaming Control Act. For these reasons, it is the purpose of this legislation to exempt the appropriation of revenues generated by casino gaming on Tinian from the procedural strictures of the Local Law Act of 1983 and allow the appropriation of these local revenues by the Tinian Legislative Delegation in concurrence with the Tinian Municipal Council without review either by the House of Representatives or by the mayor of Tinian.

Sections 4 and 5 of [PL 11-17](#) set forth severability and savings clauses as follows:

Section 4. 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 5. 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 this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.

The Commission changed capitalization in this section pursuant to the authority granted by [1 CMC § 3806\(f\)](#). Public Law 16-4 took effect May 8, 2008 and contained a savings provision and the following:

Section 1. Findings and Purpose. The Commonwealth Legislature finds that the residents of the First Senatorial District have implemented casino gambling in their district pursuant to Article XXI of the Commonwealth Constitution. The Legislature finds it must clarify issues regarding the amendment of local laws enacted by initiative. Adjustments to the code are therefore necessary and proper. This Act is a proper use of the legislative power granted by Section 1 of Article II of the Commonwealth Constitution.

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[Public Law 17-2](#) took effect May 4, 2010 and contained severability and savings clause provisions and the following:

Section 1. Short Title. This Act may be referred to as the Local Law Act Amendment of 2010.

Section 2. Findings and Purpose. The Commonwealth Legislature finds that the Local Law Act of 1983 requires that all bills other than gaming appropriations in Tinian & Aguiguan and Rota lie before the house of introduction for three legislative days before they may be acted upon by the local delegations. The Legislature finds that this requirement can delay critical appropriations of local revenues, which are entirely locally-generated and are used for medical referrals and other important purposes.

The purpose of this Act is to remove the three legislative day requirement for appropriations of gambling amusement machine and revenue taxes and local poker and pachinko revenues only.

...

Section 4. Authorization. The CNMI Law Revision Commission shall have the authority to adjust subsections (a) to (c) in Section 3 of this Act to conform to previous codifications of [1 CMC § 1403](#).

The Commission treated the special typeface in [PL 19-34](#) § 2 as drafting marks, pursuant to [1 CMC § 3806\(g\)](#).