



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Ralph DLG. Torres
Governor

Victor B. Hocog
Lieutenant Governor

18 FEB 2016

Honorable Francisco M. Borja
President of the Senate
Nineteenth Northern Marianas Commonwealth
Legislature
Saipan, MP 96950

Honorable Rafael S. Demapan
Speaker, House of Representatives
Nineteenth Northern Marianas Commonwealth
Legislature
Saipan, MP 96950

Dear Senate President Borja and Speaker Demapan:

This is to inform you that I have signed into law, with the exception of disapproved Section 6, House Local Bill No. 19-45, S1 entitled "to appropriate Two Million US Dollars (\$2,000,000.00) specifically allotted to the Second Senatorial District Under Public Law 18-56; to authorize continuing appropriations from future funds under Public Law 18-56; and for other purposes."

With the approval of this local bill, funding for the Municipality of Tinian and Aguiguan will be available for several important public programs, including \$1.1 million to pay the 25% retirement cut restoration and the first installment payment to satisfy the judgment in *United States v. Borja*.

However, I have disapproved Section 6. Neither 1 CMC § 1402(a)-(c) of the Local Law Act of 1983, as amended, or the Commonwealth Constitution expressly authorizes the legislative delegation to commit the full faith and credit of a municipality to secure a loan by the municipality. There is also no authorization in the Constitution or in the Commonwealth Code that empowers legislative delegations to enter into contractual agreements and incur public debt for their respective senatorial districts. The authority of legislative delegations is limited to local lawmaking. Accordingly, pursuant to the line-item veto authority provided in 1 CMC § 1405(b), I vetoed Section 6.

This local bill, with the exception of the disapproved provisions of Section 6, becomes **Tinian Local Law No. 19-10.**

Sincerely,



VICTOR B. HOCO
Acting Governor

cc: Governor; Press Secretary; Commonwealth's Law Revision Commission, Mayor of Tinian and Aguiguan, Tinian Municipal Council, Special Assistant for Programs & Legislative Review



TINIAN & AGUIGUAN LEGISLATIVE DELEGATION

Second Senatorial District

Nineteenth Northern Marianas Commonwealth Legislature

P. O. Box 500129

Saipan, MP 96950

Senator Jude U. Hofschneider, Chairman
Senator Francisco Q. Cruz, Vice Chairman

Representative Edwin P. Aldan, Floor Leader
Senator Francisco M. Borja, Legislative Secretary

February 12, 2016

Honorable Victor B. Hocog
Acting Governor
Commonwealth of the Northern Mariana Is.
Saipan, MP 96950

Dear Acting Governor Hocog:

I am honored to transmit for your action *House Local Bill No. 19-45, S1*, entitled:

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

“To appropriate Two Million US Dollars (\$2,000,000.00) specifically allotted to the Second Senatorial District under Public Law No. 18-56; to authorize continuing appropriations from future funds under Public Law 18-56; *and for other purposes.*”

The bill was passed unanimously on First and Final Reading by the Tinian and Aguiguan Legislative Delegation of the Nineteenth Northern Marianas Commonwealth Legislature, a quorum duly present, during its Second Day, Third Regular Session, 2016 held on February 12, 2016.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dolores S. Bermudes".

Dolores S. Bermudes
Acting Delegation Clerk

Enclosures



**TINIAN & AGUIGUAN LEGISLATIVE DELEGATION
SECOND SENATORIAL DISTRICT
NINETEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
SECOND REGULAR SESSION, 2015**

HOUSE LOCAL BILL NO. 19-45, S1

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

To appropriate Two Million US Dollars (\$2,000,000.00) specifically allotted to the Second Senatorial District under Public Law No. 18-56; to authorize continuing appropriations from future funds under Public Law 18-56; and for other purposes.

Offered by

Representative Edwin P. Aldan

on

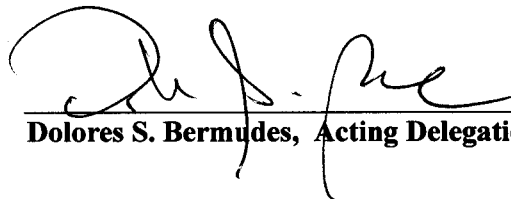
December 21, 2015

HOUSE ACTION

Transmitted to Tinian & Aguiguan Legislative Delegation for action on January 27, 2016.

DELEGATION ACTION

Referred to : **None**
Comments Solicited : **01/27/16 - Mayor of Tinian & Aguiguan; Chairman,
Tinian & Aguiguan Municipal Council
[Ref. Delegation Matter 19-33 & 19-34]**
Comments Received : **2/08/16**
Standing Committee Report : **None**
Passed First & Final Reading : **February 12, 2016**



Dolores S. Bermudes, Acting Delegation Clerk



TINIAN & AGUIGUAN LEGISLATIVE DELEGATION
Nineteenth Northern Marianas Commonwealth Legislature
Second Senatorial District

SECOND REGULAR SESSION, 2015

House Local Bill No. 19-45, S1

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

To appropriate Two Million US Dollars (\$2,000,000.00) specifically allotted to the Second Senatorial District under Public Law No. 18-56; to authorize continuing appropriations from future funds under Public Law 18-56; 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 purpose of this Act is to appropriate funds specifically allotted to the Second
3 Senatorial District under Public Law No. 18-56. It is also the expressed specific purpose of
4 this Act to ensure the payment of funds due to the Marianas Public Land Trust for its
5 investment loan to the Second Senatorial District in assisting with the satisfaction of the
6 judgment due to the United States in *U.S. v. Borja*.

7 **SECTION 2. APPROPRIATION.**

8 Notwithstanding any provision, statutes, laws or regulations to the contrary, the Tinian
9 and Aguiguan Legislative Delegation hereby appropriates the amount of Two Million US

1 Dollars (\$2,000,000.00) of the funds allotted to the Second Senatorial District under Public
2 Law No. 18-56 as follows:

3 (a) \$1,100,000.00 for the payment of the twenty-five percent (25%) retirement cut
4 restoration for the retirees and survivors of the Second Senatorial District residing in Tinian
5 and outside of Tinian under the expenditure authority of the Secretary of the Department of
6 Finance. At the end of the fiscal year, the Secretary of Finance shall give an accounting of the
7 actual amount paid out for the 25% retirement cut restoration.

8 (b) \$ 450,000.00 for the first annual payment of the \$1,349,367.96 loan from
9 Marianas Public Land Trust, including 5% interest thereon, for satisfaction of *US v. Borja*
10 judgment Payment Installment Agreement. The Secretary of Finance shall transfer these funds
11 no later than fifteen (15) days of receipt to the Marianas Public Land Trust.

12 (c) \$450,000.00 for programs and activities in the Second Senatorial District to be
13 expended as follows:

- 14 (1) To supplement any shortfall in revenue supporting
15 locally funded personnel under the Office of the
16 Mayor of Tinian & Aguiguan and the
17 Tinian Municipal Treasurer \$158,000.00
- 18 (2) For the Mayor of Tinian & Aguiguan's
19 Contingency Account \$50,000.00
- 20 (3) For the Mayor of Tinian & Aguiguan for
21 Professional Services \$50,000.00
- 22 (4) Monthly subsistence allowance of \$200.00

1	per patient for dialysis, cancer, multiple sclerosis,	
2	debilitating epilepsy seizure disorder,	
3	dermatomyositis, arrhythmia, post cerebral	
4	vascular accident patients from Tinian	\$70,000.00
5	(5) For the payment of hotel accommodations for	
6	medical referral patients	\$10,000.00
7	(6) Tinian Municipal Scholarship	\$65,000.00
8	(7) Tinian Municipal Council for operations	
9	and supplies.	\$7,000.00
10	(8) To defray operational costs of the Tinian	
11	and Aguiguan Legislative Delegation.	\$40,000.00
12		TOTAL: <u>\$450,000.00</u>

13 **SECTION 3. EXPENDITURE AUTHORITY.**

14 (a) For the funds appropriated under Sections 2(a) and (b) of this Act, the Secretary of
15 Finance shall be the expenditure authority.

16 (b) For the funds appropriated under Section 2(c)(1) - (5) of this Act, the Mayor of
17 Tinian and Aguiguan shall be the expenditure authority. For the funds appropriated under
18 section 2(c)(6) of this Act, the Chairman of the Tinian Municipal Scholarship Board shall be
19 the expenditure authority. For the funds appropriated under Section 2(c)(7) of this Act, the
20 Chairman of the Tinian Municipal Council shall be the expenditure authority. For the funds
21 appropriated under Section (2)(c)(8) of this Act, the Chairman of the Tinian & Aguiguan
22 Legislative Delegation shall be the expenditure authority.

SECTION 4. MANAGEMENT OF FUNDS.

(a) The funds appropriated under Section 2(c) of this Act shall be transferred to an account set up by the Tinian Municipal Treasurer. 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 the Commonwealth of the Northern Mariana Islands.

(b) The funds appropriated under Section 2(c)(4) of this Act shall be restricted to monthly subsistence allowance payments beginning March 2016 forward. The said funds shall not be used to pay monthly subsistence allowance for prior months. The monthly subsistence allowance is contingent on availability of funds for prospective payments only.

SECTION 5: NO REPROGRAMMING OF FUNDS TO BE PAID TO MPLT:

The funds being appropriated to the Marianas Public Land Trust in Section 2(b) above shall not be reprogrammed nor diverted at any time for any purposes. Further, the Secretary of Finance shall not transfer any of the funds being appropriated herein and such future appropriations to the Marianas Public Land Trust.

SECTION 6: FULL FAITH AND CREDIT OF THE TINIAN MUNICIPALITY

The Mayor of Tinian and Aguigan and the Legislative Delegation of the Second Senatorial District, as a chartered municipality so recognized in *U.S. v. Borja*, with authority to enter into contractual agreements and incur a public debt for the Second Senatorial District, hereby pledge the full faith and credit of the Second Senatorial District to fully satisfy all sums due to the Marianas Public Land Trust for the sum of \$1,349,367.96.

Line Item Veto

1 **SECTION ⁶ 6: CONTINUING APPROPRIATION OF FUNDS TO MPLT:**

2 Subject to the 25% priority allocation to the NMI Retirement Fund pursuant to Public
3 Law 18-56, further authorized herein is the continuous appropriation of the following sums for
4 future fiscal years from the \$2,000,000.00 due to the Second Senatorial District until the sum
5 of \$1,349,367.96 plus accrued interest is fully satisfied and discharged:

6 (a) For Fiscal Year 2017: The sum of \$485,000.00 as the second installment payment
7 due to the Marianas Public Land Trust. The Secretary of Finance shall transfer this sum within
8 fifteen (15) days of receipt to the Marianas Public Land Trust.

9 (b) For Fiscal Year 2018: The sum of \$485,000.00 as the third and final installment
10 payment due to the Marianas Public Land Trust. The Secretary of Finance shall transfer this
11 sum within fifteen (15) days of receipt to the Marianas Public Land Trust.

12 No appropriation for other Second Senatorial District operations or purposes shall be
13 made until the foregoing appropriations are first made to the Marianas Public Land Trust.

14 **SECTION ⁷ 7. SEVERABILITY.**

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

19 **SECTION ⁸ 8. SAVINGS CLAUSE.**

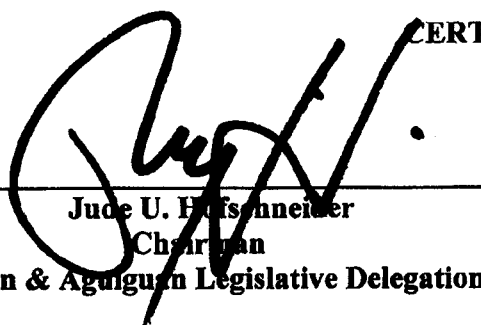
20 This Act and any repealer contained herein shall not be construed as affecting any
21 existing right acquired under contract or acquired under statutes repealed or under any rule,
22 regulation or order adopted under the statutes. Repealers contained in this Act shall not affect

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.

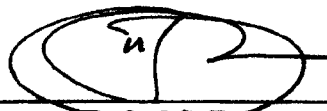
SECTION 10. EFFECTIVE DATE.

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

CERTIFIED BY:

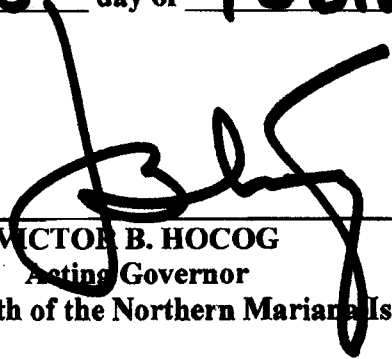


Jude U. Hilschneider
Chairman
Tinian & Agaña Legislative Delegation



Rafael S. Demapan
Speaker
House of Representatives

Approved this 18th day of February 2016.



VICTOR B. HOCO
Acting Governor
Commonwealth of the Northern Mariana Islands