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 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 Constitutional 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 empower 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. HOCOG]
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
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, SI*, 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,

Dolores S. Bermudes
Acting Delegation Clerk

Enclosures
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


DELEGATION ACTION

Refereed 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
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:

SECTION 1. FINDINGS AND PURPOSE.

The purpose of this Act is to appropriate funds specifically allotted to the Second Senatorial District under Public Law No. 18-56. It is also the expressed specific purpose of this Act to ensure the payment of funds due to the Marianas Public Land Trust for its investment loan to the Second Senatorial District in assisting with the satisfaction of the judgment due to the United States in U.S. v. Borja.

SECTION 2. APPROPRIATION.

Notwithstanding any provision, statutes, laws or regulations to the contrary, the Tinian and Aguiguan Legislative Delegation hereby appropriates the amount of Two Million US
Dollars ($2,000,000.00) of the funds allotted to the Second Senatorial District under Public Law No. 18-56 as follows:

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

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

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

(1) To supplement any shortfall in revenue supporting locally funded personnel under the Office of the Mayor of Tinian & Aguiguan and the Tinian Municipal Treasurer $158,000.00

(2) For the Mayor of Tinian & Aguiguan's Contingency Account $50,000.00

(3) For the Mayor of Tinian & Aguiguan for Professional Services $50,000.00

(4) Monthly subsistence allowance of $200.00
per patient for dialysis, cancer, multiple sclerosis,

debilitating epilepsy seizure disorder,

dermatomyositis, arrhythmia, post cerebral

vascular accident patients from Tinian $70,000.00

(5) For the payment of hotel accommodations for

medical referral patients $10,000.00

(6) Tinian Municipal Scholarship $65,000.00

(7) Tinian Municipal Council for operations

and supplies. $7,000.00

(8) To defray operational costs of the Tinian

and Aguiguan Legislative Delegation. $40,000.00

TOTAL: $450,000.00

SECTION 3. EXPENDITURE AUTHORITY.

(a) For the funds appropriated under Sections 2(a) and (b) of this Act, the Secretary of

Finance shall be the expenditure authority.

(b) For the funds appropriated under Section 2(c)(1) - (5) of this Act, the Mayor of

Tinian and Aguiguan shall be the expenditure authority. For the funds appropriated under

section 2(c)(6) of this Act, the Chairman of the Tinian Municipal Scholarship Board shall be

the expenditure authority. For the funds appropriated under Section 2(c)(7) of this Act, the

Chairman of the Tinian Municipal Council shall be the expenditure authority. For the funds

appropriated under Section (2)(c)(8) of this Act, the Chairman of the Tinian & Aguiguan

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.
SECTION 7: CONTINUING APPROPRIATION OF FUNDS TO MPLT:

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

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

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

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

SECTION 8. 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 9. 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.

SECTION 16. EFFECTIVE DATE.

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

CERTIFIED BY:

Jude U. Hoisennet
Chairman
Tinian & Aguguan Legislative Delegation

Rafael S. Demapan
Speaker
House of Representatives

Approved this 18th day of February 2016.

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