# TITLE 10 LOCAL LAWS

## LIST OF SECTIONS AFFECTED (WITH DATES)
## SEPT. 1, 2007 – DEC. 31, 2010

standard type: amended section; **bold** type: new or reenacted section;
~~strikeout~~ type: repealed section; underlined type: renumbered section; *italics* type: corrected section

| Title | § | PL/LL & Section # | Eff'v Date |
|---|---|---|---|
| 10 CMC | 1403(c) | LL(Rota) 17-8 3 | 8/24/10 |
| | 1407(a)(1) | 4 | |
| | 1407(a)(2) | 4 | |
| | ~~1509(a)~~ | PL 15-129 4 | 2/8/08 |
| | **1509(a)** | **4** | |
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| | **1509(c)** | **4** | |
| | 1801 | LL (Rota) 15-8 2 | 1/3/08 |
| | 1802 | 3 | |
| | 1901 | LL (Rota) 17-2 2 | 5/14/10 |
| | **12101** | **Loc.Init. 1 (Rota) 1** | 12/03/07 |
| | **12102** | **Loc.Init. 1 (Rota) 2** | |
| | **12103** | **Loc.Init. 1 (Rota) 16** | |
| | ~~12103(a)~~ | PL 16-4 4 | 4/8/08 |
| | **12103(a)** | **4** | |
| | **12104** | **Loc.Init. 1 (Rota) 17** | 12/03/07 |
| | **12111** | **Loc.Init. 1 (Rota) 3(a),(b),(e)** | |
| | **12112** | **Loc.Init. 1 (Rota) 3(f)** | |
| | **12113** | **Loc.Init. 1 (Rota) 3(c), (d)** | |
| | **12114** | **Loc.Init. 1 (Rota) 3(g)** | |
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| | **12118** | **Loc.Init. 1 (Rota) 5** | |
| | **12131** | **Loc.Init. 1 (Rota) 6(a)** | |
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| | **12135** | **Loc.Init. 1 (Rota) 6(e)** | |
| | **12136** | **Loc.Init. 1 (Rota) 6(f)** | |
| | **12141** | **Loc.Init. 1 (Rota) 7(a)** | |
| | 12141(b) | PL 16-37 2 | 4/15/09 |
| | **12142** | **Loc.Init. 1 (Rota) 7(b)** | 12/03/07 |
| | **12143** | **Loc.Init. 1 (Rota) 7(c)** | |
| | ~~12143~~ | PL 16-37 3 | 4/15/09 |
| | **12143** | **3** | |
| | **12144** | **Loc.Init. 1 (Rota) 7(d)** | 12/03/07 |
| | **12145** | **Loc.Init. 1 (Rota) 8** | |
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| | **13101** | **LL (Rota) 16-4 2(2)** | 9/26/08 |
| | **13111** | **2(Art.2)** | |
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| | ~~2709(c)~~ | 5 | |
| | **2709(c)** | **5** | |
| | **3159(m)** | **LL (Sai) 15-30 2** | 12/21/07 |
| | 3319(a) | PL 15-129 3 | 2/8/08 |
| | 3319(c) | 3 | |
| | 3511 | LL (Sai) 17-2 2-4 | 6/17/10 |
| | ~~3511-3517~~ | LL 15-29 (Sai) 3 | 12/21/07 |
| | **3511** | **4** | |
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| | **3513** | **4** | |
| | ~~3511-3513~~ | LL 16-06(Sai) 3 | 12/5/08 |
| | **3511-3513** | **4** | |
| | 3602 | LL (Sai) 17-5 2 | 12/5/10 |
| | 3604 | 5 | |
| | 3608 | 3 | |
| | 3610 | 4 | |
| | 3618 | 5 | |
| | 3921(c) | LL 16-8(Sai) 2 | 3/31/09 |
| | 3921(e) | 3 | |
| | *3921(a), (b), (d) Commission correction ("act" now "article")* | | |
| | 3922 | LL 16-8(Sai) 4 | 3/31/09 |
| | ***3924(a), (b), (n)*** *Commission correction ("act" now "article")* | | |
| | ***3924(k)*** *Commission correction renumbered* | | |
| | 3925(b) *Commission correction ("act" now "article")* | | |
| | 3927 *Commission correction* | | |

# DIVISION 1: FIRST SENATORIAL DISTRICT (ROTA)

## CHAPTER 4. ROTA COCKFIGHTING ACT.

**§ 1403. Rota Gaming Board Formed; Term; Compensation; Removal; Qualifications.**

(a)-(b) [unchanged]

(c) Board members shall receive $50.00 per regularly scheduled, regularly reoccurring meeting and may receive compensation for meeting attendance, travel and extraordinary expenses pursuant to 1 CMC § 8247. All compensation shall come from the special account established by 10 CMC § 1419.

(d)-(g) [unchanged]

**Source:** . . . (c) amended by RLL 17-8 § 3 (August 28, 2010).

**Commission Comment:** . . . Rota Local Law 17-8 (effective August 28, 2010) included severability and savings provisions and the following:

Section 1. Short Title. This Act may be cited as the Rota Cockfighting Amendment of 2010.

Section 2. Findings and Purpose. The Rota Delegation finds in this time of economic struggle, cockfighting is one of many areas where we can encourage growth by minimizing capital expenditures thereby encouraging spending. Current law requires cockfighting entrepreneurs to invest a minimum of $75,000 to build a facility, a sum most investors are unwilling to commit. We seek to lower this figure to encourage this industry and spending by citizens and visitors alike. By lowering the total minimum investment to $5,000, we find that the right to an exclusive franchise should be appropriately lowered from 15 to 3 years.

Also, members of the Rota Gaming Board (Board), the regulators of cockfighting and other games of chance, are not properly incentivized to devote substantial amounts of the time necessary to comprehensively oversee areas under their charge. Meetings are often day long, and require incidental expenses not easily reimbursed under current law. We, therefore, seek to provide each member of the Board $50 dollars per regularly scheduled, regularly reoccurring meeting.

**§ 1407. Exclusive Franchise License — Indemnity of Government.**

(a) Cockfighting — Construction of Cockpit — Lease Back. The board shall issue a cockfighting franchise license to the highest, responsible bidder.

(1) Due to the financial burden of erecting a cockpit facility, the exclusive franchise to operate a cockpit shall be for an initial 3 year period so that the initial licensee has ample time to recover the cost of building the facility required by this chapter. All subsequent cockfighting licenses shall be bidden out and limited to one year.

(2) Within one year of award of a franchise license, the winning bidder of the initial franchise license shall construct a structure for cockfighting. The design shall be approved by the board and the Rota Public Works Department, in direct consultation with the mayor. The board shall have exclusive authority to determine an appropriate location on public land for a cockpit. The cockpit shall be a structure costing not less than $5,000. During the construction period (not to exceed one year), the licensee is authorized to operate a temporary cockfight facility at a location(s) approved by the board.

(3) [unchanged]

(b)-(c) [unchanged]

**Source:** . . . (a)(1) and(a)(2) amended by RLL 17-8 § 4 (August 28, 2010), modified.

**Commission Comment**: The commission changed capitalization for conformity pursuant to 1 CMC § 3806(f).

## CHAPTER 5. ROTA CURFEW ACT.

**§ 1509. Penalties.**

(a) Any person not covered by subsections (b) and (c) of this section violating the terms of this chapter may be imprisoned for a period not to exceed 30 days, and up to 250 hours of community service.

(b) [unchanged]

(c) Any parent, guardian, or other adult person having the lawful custody, permanent or temporary, of any minor who suffers or permits or lets, either willfully or negligently, such minor to violate the provisions of this chapter shall be fined not more than $750.

**Source:** . . . (a) and (c) repealed and reenacted by PL 15-129, § 4.

**Commission Comment:** Public Law 15-129 took effect on February 8, 2008, and contained the following in addition to contained severability and savings provisions:

Section 1. Short Title. The following act shall be known as "The Youth Congress Curfew Bill of 2007."

Section 2. Findings and Purpose. The Youth Congress finds that there are numbers of youths staying out pass curfew hours, possibly breaking other laws too. One way to discontinue this breaking of the curfew law is for stricter enforcement and penalties. Yearly, curfew violation has rapidly increased, in 2001 about 120 youth were caught including youth in Tinian and Rota.

## CHAPTER 8. CONSERVATION AREAS AND RESERVES.

**Article 1. Sabana Wildlife Conservation Area.**

§ 1801. Prohibitions.
§ 1802. Enforcement.

**§ 1801. Prohibitions.**

(a) All persons are hereby prohibited from taking, or in any way, harassing or disturbing all varieties of non-game wildlife, including but not limited to, fruit bats, Bridled White Eye, Marianas Crow, and other endangered species; all plant life, including any fungi, forest vegetation or grasses, with the exception of those plants that possess medicinal properties, and/or those that have been used in traditional healing practices, and/or those that are being utilized through normal agricultural activities; and any soil, including soil, sand or rock, within or from the areas in Rota known and referred to as Sabana Heights, Talakhaya and I Chenchon Park, excluding private land and areas

designated for homesteading purposes (Exhibit A).

(b) For the purpose of this article, "*taking*" shall be given its common meaning and shall include but not be limited to: hunting by any method, unless in the designated season; fishing by any method; trapping by any method; and/or harvesting, logging and/or gathering by any method, whether such act affects the entire plant form or any part thereof.

(c) For the purposes of this article, "*harassing or disturbing*" shall be given its common meaning and shall include but not be limited to: darting, driving or herding the animals out of the area by any means; destruction of nesting areas; excavation of surface /and for the removal of any type of soil or plant life; mining operations; and/or any other activities which result in the disruption of normal patterns of behavior or growth of any wildlife within in the area or the destruction of plant life or soil/rock/coral composition. Further, any activities, including recreational, commercial, and agricultural activities, which are not specifically listed above and that the Director of the Department of Natural Resources, in consultation with the Chief of Fish and Wildlife and the Resident Director of the Department of Natural Resources, deems to be detrimental to the aquifer within or adjacent to the Sabana Heights area is hereby prohibited.

**Source:** . . . amended by Rota LL 15-8, § 2, modified.

**Commission Comment:** . . . The commission designated subsections (a) through (c), which were not designated in the original. The commission replaced "this bill" with "this article" and changed "act effect" to "act affects" to correct a manifest error in subsection (b) pursuant to 1 CMC § 3806.

Rota Local Law 15-8, effective January 3, 2008, contained severability and savings provisions and the following:

Section 1. Findings. The Rota Legislative Delegation finds that the Talakhaya area of Rota is an integral part of the Sabana watershed. The Delegation further finds that including Talakhaya in the conservation boundaries established by Rota Local Law 9-1 will provide increased protection of the area and allow government agencies to leverage conservation funds for restoration and revegetation activities. As a legally protected conservation area the site will be given higher priority and ensure the sustainability and health of the Talakhaya watershed.

Over the years the Talakhaya area has been subjected to repeated wildland fires intentionally set by poachers and hunters. These fires have decreased soil stability and led to extensive erosion in the Talakhaya watershed and riparian habitats. Moreover, runoff of these soils into the coastline below has had devastating effects on the health of the reefs and marine life in and around Apanon Beach. Therefore, it is the purpose of this local bill to include Talakhaya in the Rota Wildlife Conservation area so as to prohibit persons from engaging in certain activities that may have an adverse impact on the local environment.

**§ 1802. Enforcement.**

The Director of the Department of Natural Resources, in consultation with the Chief of the Department of Fish and Wildlife and the Resident Director of the Department of Natural Resources, is hereby charged with the enforcement of this article. The Director shall submit a detailed map setting forth the boundary of the area to the Rota Legislative Delegation and the Mayor for their approval by a vote of simple majority. Failure of the Rota Legislative Delegation to either reject or approve the map within fifteen days of its submission shall result in the map being deemed as approved thereof. Upon such approval, the Resident Director shall publish said map in a newspaper of local circulation and post the same at the Rota Mayor's Office, the Rota Round House, the Rota Post office and the Rota International Airport for a period of not less than thirty days. Within sixty days of the effective date of this article, the Director shall, in compliance with 1 CMC § 9101, et. seq., promulgate rules and regulations and prohibitions set forth in 10 CMC § 1801.

**Source:** . . . amended by Rota Local Law 15-8, § 3, modified.

**Commission Comment:** . . . The commission replaced a public section reference with the corresponding code section; changed "local Act" to "article;" removed figures that repeated words; and changed capitalization, pursuant to 1 CMC § 3806(c), (d), (e) and (f).

## CHAPTER 9. LICENSING FEES.

### Article 1. Pachinko and Poker License Fees.

#### § 1901. First Senatorial District: Pachinko Slot and Poker Machine Annual Local License Fees.

Pursuant to 4 CMC § 1503 and 1 CMC § 1402(c)(5) there is established an annual local license fee of $4,500 for each poker machine licensed under 4 CMC § 1503(a)(2) and for each pachinko slot machine licensed under 4 CMC § 1503(a)(5) commencing on January 1, 2011. The annual local license fee shall increase to $5.000 per machine commencing on January 1, 2012: provided that 50% of both increases shall be reserved for the Rota Municipal Scholarship Foundation and the other 50% shall be reserved for the compensation of affected individuals under Public Law 7-31.

**Source:** . . . Rota Local Law 17-2 § 2 (May 14, 2010).

**Commission Comment:** . . . Rota Local Law 17-2 (enacted on May 14, 2010) included findings and purpose, severability and savings provisions.

## CHAPTER 12. ROTA CASINO GAMBLING. [New chapter]

Article 1. General Provisions.
Article 2. Administration.
Article 3. Licenses.
Article 4. Fees, Taxes and Investigations.
Article 5. Detention, Exclusion, Removal and Entry.
Article 6. Required Employee Benefits, Prohibitions and Penalties.

### Article 1. General Provisions.

§ 12101. Short Title.
§ 12102. Definitions.
§ 12103. Local Appropriations.

#### § 12101. Short Title.

This chapter provides for and may be cited as the Rota Casino Act of 2007.

**Source:** Rota Local Initiative 1 (2007), § 1, modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(d). The commission substituted "chapter" for "act." Rota Local Initiative 1 (2007) took effect on November 17, 2007. It contained a savings provision and the following effective date provision:

Section 19. Effective Date: This Act shall become effective when approved by the voters and the results certi

The commission determined the effective date of the Rota Casino Act based on the date when the November 2007 general election results were certified. Article IX of the CNMI Constitution provides that "[a]n initiative petition that has been approved by the voters shall take effect thirty days after the date of the election unless the petition provides otherwise." Section 19 provides otherwise (the day the results are certified); therefore, November 17, 2007 is the effective date of the Rota Casino Act of 2007.

**§ 12102. Definitions.**

As used in this chapter, the term –

(a) "Casino" means a place, area, structure, subject to license under 10 CMC § 12131 for the conduct and playing of one or more games, including associated activities, such as money counting, surveillance, accounting, and storage, related to such conduct and playing. Provided, that such term shall not include areas of a resort complex or other facility exclusively devoted to other activities, such as a hotel, golf course, etc., in which no game is conducted or played;

(b) "Casino service provider" means a person subject to license under 10 CMC § 12132 that offers goods or services directly related to gaming, including such persons as gaming equipment manufacturers, importers, distributors, or repairers; schools that teach gaming, including playing, dealing, or other techniques; and casino security services;

(c) "Commission" means the Rota Casino Gaming Commission established by 10 CMC § 12111;

(d) "Commissioner" means a commission member of the Rota Casino Gaming Commission;

(e) "Commission officer" or "employee" means any person appointed as a member, an officer or employee of the Rota Casino Gaming Commission whose duties and responsibilities are related to or are in support of the effectual administration of this chapter;

(f) "Commonwealth" means the Commonwealth of the Northern Mariana Islands;

(g) "Council" means the Rota Municipal Council;

(h) "Domicile" means that place in which a person maintains a residence with the intention of continuing that residence for an unlimited or indefinite period, and to which that person has the intention of returning whenever absent, even for an extended period. Recourse shall be had to the relevant provision of the Northern Mariana Islands Election Reform Act of 2000 for further assistance on the term "domicile."

(i) "Executive Director" means the Executive Director of the Rota Casino Gaming Commission;

(j) "Financial year" means the period of 12 months ending on 30 September in any year or, where the Rota Casino Gaming Commission approves some other date as the terminating date of a financial year in a particular case, the period of 12 months ending on a date so approved.

(k) "Game" means any activity that includes elements of prize, consideration, and chance;

(l) "Gaming" means the playing of any game;

(m) "Mayor" means the Mayor of Rota;

(n) "Municipality" means the Municipality of Rota in the First Senatorial District, Commonwealth of the Northern Marianas;

(o) "Operator" means a person that actually provides the overall management of the operations of a casino, whether by ownership, lease, contract, agreement, or otherwise; and

(p) "Person" includes a natural person, as well as a partnership, corporation, association, joint venture, or other business entity;

(q) "Rota Casino Gaming Commission" or "Commission" means the regulatory agency of local government established by this chapter;

(r) "Technical amendment" means changes in the Rota Casino Act necessary to bring into conformance with constitutional principles and/or Commonwealth-wide law as interpreted by the Commonwealth Court System or necessary to remove ambiguities, which may be amended for clarification pursuant to the Local Law Act of 1983 [1 CMC §§ 1401-1408], as presently constituted or hereafter amended.

(s) "Treasurer" means the Rota Municipal Treasurer.

**Source:** Rota Local Initiative 1 (2007), § 2, modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(c), (d), (f) and (g). The commission substituted "chapter" for all occurrences of "act " or "title," changed section references to agree with renumbered code sections, changed capitalization and inserted the bracketed citation. The commission added a semi-colon at the end of subsection (g) to correct a manifest error.

**§ 12103. Local Appropriations.**

(a) All license fees and gambling revenue taxes derived under this chapter shall be local revenues to be expended for local public purposes, as specified herein. The Mayor of Rota shall submit a budget for consideration and approval of the Rota Municipal Council, which shall thereafter transmit said budget with any amendments to the Rota Legislative Delegation for consideration, amendment and enactment pursuant to the "Local Law Act of 1983" - 1 CMC Div. 1 (as amended) [1 CMC §§ 1401-1408].

(b) The revenues derived under this chapter shall first be appropriated for the operations of the Commission and for repayment of any start-up appropriations pursuant to the Local Law Act of 1983.

(c) Of the revenues remaining after the appropriation of funds under subsection (b) of this section, the lesser of five percent or $200,000 shall be appropriated for health programs, including grants to one or more non-governmental organization (including faith-based organizations and mental health providers), to ameliorate any negative social effects of gambling or for other health and welfare purposes.

(d) Of revenues remaining after the appropriation of funds under previous subsections of this section, if any, not less than one-half shall be appropriated for the benefit of the people of Rota only for the purposes of:

(1) Medical health insurance coverage for all legal domiciliary of Rota as defined in 10 CMC § 12102(h);

(2) Scholarships;

(3) Youth and senior citizens programs;

(4) Housing or utilities assistance;

(5) Business development loans.

(e) The remaining half of the revenues referred to in subsection (f) of this section* may be appropriated for any public purposes, as defined, following the issuance of duly promulgated regulations.

* As stated in Initiative § 16(e); however, there is no subsection (f) in § 16 of Rota Local Initiative 1 (2007).

**Source:** Rota Local Initiative 1 (2007), § 16 modified; subsection (a) repealed and reenacted by PL 16-4, § 4, modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(c), (d), (f) and (g). The commission substituted "chapter" for all occurrences of "act " or "title," corrected capitalization and changed section references to agree with renumbered code sections. The commission changed periods to semi-

colons at the end of subsections (d)(3) and (d)(4) to correct manifest errors. The commission inserted the bracketed citation in subsection (a). See the comment to 1 CMC § 1403 for information regarding PL 16-4.

**§ 12104. Amendment**.

This chapter may be subject to "technical amendment" as defined herein, by the First Senatorial Delegation, acting pursuant to the Local Law Act of 1983 [1 CMC §§ 1401-1408], as that Local Law Act is presently constituted or hereafter amended.

**Source:** Rota Local Initiative 1 (2007), § 17, modified.

**Commission Comment:** The commission changed "this Act" to "this chapter" pursuant to 1 CMC § 3806(d). The commission inserted the bracketed citation.

**Article 2. Administration.**

§ 12111. Establishment of Commission.
§ 12112. Eligibility Requirements for Appointment as a Commission Member.
§ 12113. Removal of Commission Members.
§ 12114. Commission Member Compensation.
§ 12115. Chairman of Commission and Meetings on Rota.
§ 12116. Majority of Commission Members Required for Action.
§ 12117. Powers and Duties.
§ 12118. Rules and Regulations.

**§ 12111. Establishment of Commission.**

(a) The Rota Casino Gaming Commission is hereby established and shall consist of five members appointed by the Mayor of Rota with the advice and consent of the Rota Municipal Council. Each member shall serve a term of four years, except that of the members first appointed, one shall serve a term of two years, two shall serve a term of three years, and two shall serve a term of four years, as determined by lottery. Each member shall be a citizen or national of the United States and shall be a bona fide resident of and eligible to vote on Rota. The terms of all the members first appointed shall be from the first day of confirmation by the confirming authority. Any vacancy shall be filled in the same manner as the original appointment and for the unexpired term thereof. A member may be reappointed to the Commission.

(b) No member of the Commission shall otherwise be an employee or official of the Commonwealth, or of a municipality, agency, corporation, or other instrumentality or branch of the Commonwealth, or of any agency of local government of the Commonwealth, except that a member may serve without additional compensation on a task force or other temporary body the work of which is related to the functioning of the Commission. No individual may serve as a member of the Commission, if such individual, or a parent, child, or sibling of such individual, holds or is an applicant for any license under this chapter or holds any direct or indirect financial interest in any person that holds or is an applicant for any license under this chapter.

(c) The Commission, as established by Commonwealth law and as subject to the provisions of 10 CMC § 12113(b), shall not be considered an agency of local government for purposes of Article VI, Section 8, of the Constitution.

**Source:** Rota Local Initiative 1 (2007), § 3(a), (b), (e), modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(b), (c), (d) and (g). The commission rearranged the order of this section from its original location in Rota Local Initiative 1,

substituted "chapter" for all occurrences of "title" in subsection (b) and inserted "10 CMC § 12113(b)" for the reference to "subsection (d) of this section" in subsection (c). The commission changed "on from the fist day" to "from the first day" in subsection (a) to correct manifest errors.

**§ 12112. Eligibility Requirements for Appointment as a Commission Member.**

Eligibility requirements for appointment as a Commission member:

(a) A registered voter in the Municipality of Rota, First Senatorial District and a domiciliary in Rota not less than five years preceding appointment;

(b) A valid police clearance from the appointee's place of residence for the previous five years preceding appointment.

**Source:** Rota Local Initiative 1 (2007), § 3(f), modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(b), (e), and (f). The commission rearranged the order of this section from its original location in Rota Local Initiative 1, removed numbers that repeated words and changed capitalization for conformity.

**§ 12113. Removal of Commission Members.**

(a) A Commission member may be removed from office by the Mayor for cause, subject to appeal to the confirming authority, which may overrule the Mayor, provided, that, pending any such appeal, the Mayor may suspend the members, if the Mayor finds that the public health, safety, and/or welfare otherwise would be compromised significantly. Membership on the Commission shall automatically be forfeited upon violation of 10 CMC § 12111(b), upon conviction of a felony, or upon conviction of a misdemeanor involving moral turpitude.

(b) The Mayor's removal for cause of a Commission member shall be effective 30 days after the Mayor notifies the Chairman of the Commission of the need for such removal, following the request by the Mayor. Removal of a Commission member before the expiration of his/her term shall occur only by majority vote of the Council, sitting as a duly constituted quorum, and on grounds of gross neglect or dereliction of duty, conviction of a misdemeanor or felony, mental or physical incapacity.

**Source:** Rota Local Initiative 1 (2007), § 3(c), (d), modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(b), (c) and (f). The commission rearranged the order of this section from its original location in Rota Local Initiative 1, changed capitalization and created the title of this section. The commission substituted "10 CMC § 12111(b)" for the reference to "subsection (b) of this section" in subsection (a).

**§ 12114. Commission Member Compensation.**

Members of the Commission shall each be compensated at the rate of $60,000 per year, or which amount may be readjusted by an approved regulation only with the concurrence of the Rota Municipal Council and shall be reimbursed for their actual, necessary, and reasonable expenses incurred in the performance of their duties.

**Source:** Rota Local Initiative 1 (2007), § 3(g), modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(b). The commission created the title of this section.

**§ 12115. Chairman of Commission and Meetings on Rota.**

The members of the Commission shall select one of their members to be chairman for terms of two years each reckoned successively from the effective date of appointments of the first members. A

chairman may serve successive or other subsequent terms pursuant to established rules of procedure subsequently adopted by the Commission. Provided however, that all official meetings of the Commission and any of its committees shall take place in Rota following CNMI open public meeting or "Open Government Act laws" [1 CMC §§ 9901-9918].

**Source:** Rota Local Initiative 1 (2007), § 3(h), modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(b). The commission created the title for this section and inserted the bracketed citation.

**§ 12116. Majority of Commission Members Required for Action.**

(a) A majority decision of the five Commissioners being present shall determine any action of the Rota Casino Gaming Commission, provided however, that no casino or interim casino authorization may be issued without the approval of four members, with the exception of 10 CMC § 12113(b) Mayor's removal for cause provision which requires a duly constituted quorum, following the applicable provisions of the CNMI Open Government Act [1 CMC §§ 9901-9918].

(b) In the event that a vacancy has existed in the Commission for more than 30 days, a majority of the full Commission, not less than four members may act with respect to any matter, including the issuance of a casino license or interim casino authorization.

**Source:** Rota Local Initiative 1 (2007), § 3(i), (j), modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(b), (c), (e) and (f). The commission created the title for this section, changed references to agree with renumbered code sections, removed numbers that repeated words, corrected capitalization, and inserted the bracketed citation.

**§ 12117. Powers and Duties.**

(a) The Commission shall have all rightful powers necessary to carry out the purposes of this chapter.

(b) The Commission may, among its other powers –

(1) Issue rules and regulations as provided in 10 CMC § 12118;

(2) Issue licenses as provided in 10 CMC §§ 12131-12136;

(3) Conduct hearings, compel the attendance of witnesses, and administer oaths and affirmations;

(4) Impose license and other fees pursuant to this chapter; and

(5) Issue and enforce administrative orders pertaining to one or more licenses under this chapter.

(c) (1) The Commission shall hire an Executive Director, who shall serve at the pleasure of the Commission. The Commission shall fix the compensation of the Executive Director in accordance with the provisions of 1 CMC § 8246. The Executive Director shall have such duties as may be assigned or delegated by the Commission.

(2) The Commission may hire and employ such other staff as may be necessary to carry out the purposes of this chapter, and such staff shall serve at the pleasure of the Commission or as the Commission may provide by regulation or contract. The positions of such other staff shall be exempt from the Civil Service, provided that such other staff shall be compensated at levels roughly comparable to equivalent positions in the classified Civil Service, taking into consideration their conditions of employment.

**Source:** Rota Local Initiative 1 (2007), § 4, modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(c), (d) and (f). The commission substituted "chapter" for all occurrences of "act," changed references to agree with renumbered code sections and corrected capitalization.

**§ 12118. Rules and Regulations.**

(a) The Commission shall promulgate rules and regulations to carry out the purposes of this chapter. The Commission may, in addition to any other purpose, use such rules and regulations to interpret, enlarge upon, define, further define, or refine any provision of this chapter. Such rules and regulations shall take into consideration the need for companies generally to be able to participate in the gaming industry in the Municipality without jeopardizing their ability to maintain or receive gaming licenses from other United States or foreign jurisdictions.

(b) Subject to the other provisions of this chapter, the rules and regulations shall, at a minimum, provide for the following:

(1) A code of ethics for the members of the Commission and its officers and employees.

(2) Investigation or other means to ensure the suitability of owners, operators, and employees of casinos and other persons licensed under this chapter;

(3) Means to ensure insofar as possible the continuing fiscal capability of casino owners and operators and to protect the public in the event that such capability is significantly diminished.

(4) Means to exclude from the gaming areas of a casino individuals under 18 years of age.

(5) The exclusion and removal of undesirable persons from casinos.

(6) Civil penalties for the violation of provisions of this chapter or of regulations issued pursuant to this chapter.

**Source:** Rota Local Initiative 1 (2007), § 5, modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(d) and (g). The commission substituted "chapter" for all occurrences of "title" and "act." In subsection (a), the commission changed "needs" to "need" to correct a manifest error.

**Article 3. Licenses.**

§ 12131. Casino Licenses.
§ 12132. Casino Service Providers.
§ 12133. Individual Licenses.
§ 12134. Term of Licenses.
§ 12135. Inspection and Monitoring.
§ 12136. Change of Licensee.

**§ 12131. Casino Licenses.**

(a) The Commission shall, by regulation, set forth licensing criteria for the ownership and operation of casinos on Rota, provided that such licensing criteria shall not be designed to give any casino a competitive advantage over any other casino.

(b) There shall be no restrictions on the total number of casino licenses. However, the Commission may establish a cap in the number of licenses should it become necessary, in the interest of public health, safety, and/or welfare.

(c) There shall be no general restrictions on the number of casinos that may be owned or

operated by a single person or group of persons, provided that such restrictions may be imposed on a specific person or group if, as a result of an investigation or other circumstance, the Commission determines that such restrictions are warranted, in the interest of public health, safety and/or welfare.

**Source:** Rota Local Initiative 1 (2007), § 6(a).

**§ 12132. Casino Service Providers.**

The Commission shall, by regulation, determine which types of casino service providers shall require licensing under this chapter and shall, subject to 10 CMC §§ 12131-12136, provide for such licensing.

**Source:** Rota Local Initiative 1 (2007), § 6(b), modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(c) and (d). The commission substituted "chapter" for "title" and "10 CMC §§ 12131-12136" for "Section 6 of this Act."

**§ 12133. Individual Licenses.**

(a) The Commission may, consistent with and in addition to other applicable Commonwealth laws and regulations, license or otherwise regulate the employment of individuals by or in casinos.

(b) The Commission may provide for the licensing of such types of employees of casino service providers as the Commission determines should be licensed, and of other types of individuals (other than patrons) who the Commission determines should be licensed because of their association with or presence in a casino.

**Source:** Rota Local Initiative 1 (2007), § 6(c).

**§ 12134. Term of Licenses.**

(a) Once granted, a license shall remain in force until it is revoked or surrendered under conditions specified in regulations promulgated pursuant to this chapter, except during any period during which it is suspended as provided in such regulations.

(b) No property right shall accrue to any person in or by virtue of any license issued under this chapter.

(c) Notwithstanding the provisions of 10 CMC § 12134(b), in order to induce investment in the Municipality, the Commission may enter into licensing agreements with applicants for casinos to be located within large new development projects or large expansions of existing development pursuant to which the applicant, if it is granted a casino licensing agreement, is guaranteed a minimum term of years during which any law passed pursuant to the Local Law Act of 1983 [1 CMC §§ 1401-1408], as amended, to terminate the operations of the casinos, or any law passed pursuant to the Local Law Act of 1983, as amended or duly promulgated regulation that would work to limit significantly the operation of that casino, shall not apply to that casino. The Commission shall determine the minimum level of new investment required to qualify for such a contract, which shall not be less than $25 million in dollars, and may provide longer guaranteed terms for larger investments, except that no guarantee shall be for longer than 40 years.

**Source:** Rota Local Initiative 1 (2007), § 6(d), modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(c) and (d). The commission substituted "chapter" for "title," changed "paragraphs 2" to "10 CMC § 12134(b)" and inserted

the bracketed citation.

**§ 12135. Inspection and Monitoring.**

The Commission shall provide by regulation, as a condition of a casino or casino service provider license, that the Commission or its authorized representatives may inspect and monitor at any time and with or without notice of any part of a licensed casino, its gaming operations, equipment, records, and related activities and any similar area or activity of a licensed casino service provider, and that a law enforcement officer may enter any such area as provided in 10 CMC § 12154.

**Source:** Rota Local Initiative 1 (2007), § 6(e), modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(c) by changing "Section 12 of this title" to "10 CMC § 12154."

**§ 12136. Change of Licensee.**

No license may be sold, assigned, pledged, transferred, or otherwise alienated or encumbered without the express written permission of the Commission or as the Commission may by regulation provide. A change in the ownership or control of a license shall be considered a transfer of a license under this section. No sale or lease of a casino (or of a larger establishment of which casino is a part) or contract for its operation or management may be entered into, except –

(a) Before a license is granted, if such sale, lease or contract was considered by the Commission in its decision whether to grant the license; or

(b) After a license is granted and after any necessary investigation, with the express written permission of the Commission, which shall not be withheld unreasonably.

**Source:** Rota Local Initiative 1 (2007), § 6(f), modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(c) and (f). The commission changed "this subsection" to "this section" and changed capitalization for conformity.

**Article 4. Fees, Taxes and Investigations.**

§ 12141. Casino License Fees.
§ 12142. Other License Fees.
§ 12143. Rota Gaming Tax.
§ 12144. Rota Municipal Treasurer.
§ 12145. Investigations.

**§ 12141. Casino License Fees.**

(a) The Commission may impose a casino license application fee not to exceed $100,000. Such fee shall not be refundable, except under the circumstances which the Commission may set forth by regulation, and shall be charged only in connection with any casino license.

(b) The Commission may impose annual license fees in connection with casino licenses issued under this chapter. The first such fee shall be paid upon approval of the license application and the license shall issue as of the date such fee is paid. The license year for a casino shall be reckoned from the date the license is issued, and the total license fee for any casino shall not exceed $200,000 for any one license year, except that the Commission may, by regulation, increase such maximum fee not sooner than one year after the first license is issued or one year after the last such increase, if it finds that the demand for licenses so warrants and that the increase will not have a significantly

adverse effect on investment in casinos on Rota, provided, that the fee in effect on the date a casino license becomes effective shall not be increased for that casino during the first three years of that license. If any increase under this paragraph would cause a license fee to exceed $200,000, such increase shall not be for more than 10 percent of the fee then in effect.

**Source:** Rota Local Initiative 1 (2007), § 7(a); (b) amended by PL 16-37 § 2.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(d). The commission substituted "chapter" for "title" in subsection (b).

**§ 12142. Other License Fees.**

The Commission may establish annual fees for licenses and licensing agreements issued under 10 CMC §§ 12132 or 12133.

**Source:** Rota Local Initiative 1 (2007), § 7(b), modified.

**Commission Comment:** The commission changed a reference in this section to agree with a renumbered code section pursuant to 1 CMC § 3806(c). The commission changed "subsection (b) or (c) of Section 6 Act this title" to "10 CMC §§ 12132 or 12133."

**§ 12143. Rota Casino Tax.**

(a) A gross revenue surtax of one percent of gross revenue as provided in 1 CMC § 1402(c)(l) shall be paid each month by each licensee.

(b) A gambling revenue tax pursuant to 1 CMC § 1402(c)(4) equal to ten percent per annum of the casino gross revenues, shall be payable on or before the seventh day of each month.

(c) An annual gambling amusement machine tax pursuant to 1 CMC § 1402(c)(4) for all slot machines and poker machines located on the casino premises and poker machines located on the casino premises, shall be payable in an amount to be determined by the Commission by regulation.

**Source:** Rota Local Initiative 1 (2007), § 7(c); repealed and reenacted by PL 16-37 § 3, modified.

**Commission Comment:** The commission inserted "be" in subsection (b) to correct a manifest error pursuant to 1 CMC § 3806(c). The commission changed "subsection (b) or (c) of Section 6 Act this title" to "10 CMC §§ 12132 or 12133."

**§ 12144. Rota Municipal Treasurer.**

There is hereby established a Rota Municipal Treasurer within the Office of the Mayor whose primary responsibility is to collect and hold all license and registration fees, any taxes levied on a casino pursuant to the initiative and the regulation issued pursuant hereto, excluding taxes and fees levied by the Commonwealth Government. This position shall be a bonded position in an amount set by a duly promulgated regulation.

**Source:** Rota Local Initiative 1 (2007), § 7(d).

**§ 12145. Investigations.**

(a) Prior to issuing any license under this chapter, the Commission shall investigate the applicant for such license and any related person, as the Commission determines, either by regulation or in an individual case, is necessary to protect the public interest. If such person holds a similar license from any other United States jurisdiction, the investigation shall be limited to determining the validity of that license and inquiring of the issuer of such license regarding any germane information

relating to the issuance of such license(s) to such person. The Commission may request the assistance of the United States federal government for investigation, examination or other related questions for any casino applicant, and any applicant shall waive in writing any objection to the release of information from any governmental entity pursuant to the investigation.

(b) The Commission shall, at the request of the holder of any license under this chapter, investigate any person involved in the potential sale, lease, transfer, change in ownership, or other change related to the license as necessary to protect the public interest in future activities under such license.

(c) The Commission may require that the applicant reimburse the Commission for its expenses incurred in the conduct of an investigation under 10 CMC § 12145(a) or (b), provided that no expense for any member or staff of the Commission, including any travel or transportation expense of such a member or staff, shall be reimbursed. The Commission may require the applicant to deposit the estimated amount of such expenses with the Commission before the investigation begins and shall return any unused balance to the applicant when the investigation is completed or otherwise terminated. The Commission may require additional deposits, if previous deposits are insufficient to cover the actual cost of the investigation. Any amount reimbursed under this subsection shall be deposited as a credit against the applicable appropriation account and shall once again be available for obligation without further appropriation.

(d) The Commission may at any time investigate the holder of any license under this chapter or any related person, with or without notice to such holder or person, when it determines that such investigation is warranted, but the expenses of such an investigation shall not be subject to reimbursement.

**Source:** Rota Local Initiative 1 (2007), § 8, modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(c), (d) and (g). The commission substituted "chapter" for "title" and changed references to agree with renumbered code sections. The commission changed "gain" to "again" in subsection (c) to correct a manifest error.

**Article 5. Detention, Exclusion, Removal and Entry.**

§ 12151. Detention of Violators.
§ 12152. Exclusion or Removal.
§ 12153. Immunity for Detention, Exclusion or Removal.
§ 12154. Entry by Law Enforcement Officers.

**§ 12151. Detention of Violators.**

The operator of a casino, any employee or agent of such operator, or any person inspecting or monitoring a gaming establishment on behalf of the Commission, may, upon probable cause, detain in a suitable place in such gaming establishment (or elsewhere in a resort complex or other facility of which the gaming establishment is a part) any person who, on the premises of such gaming establishment, is or may be violating this chapter or any regulation promulgated pursuant to this chapter, or who is or may be committing a related crime (such as a crime against property set out in Part 2 of 6 CMC, Division 1), using such force as is reasonably necessary for that purpose, until the arrival of a law enforcement officer. The detaining person shall take such steps as are necessary to ensure that a law enforcement officer is summoned and arrives with as little delay as possible.

**Source:** Rota Local Initiative 1 (2007), § 9, modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(d). The commission substituted "chapter" for "title."

**§ 12152. Exclusion or Removal.**

A casino operator or any employee or agent of such operator may exclude or remove any undesirable person from a casino pursuant to the regulations promulgated pursuant to 10 CMC § 12118 and may use reasonable force to carry out such exclusion or removal. A casino may establish and enforce a dress code for its patrons, and any person who fails to comply with such code on the premises of such gaming establishment may, at the discretion of the casino operator, be deemed an undesirable person for purposes of this section. Any action taken under this section shall comply with any applicable federal or Commonwealth law that prohibits discrimination against any protected class of individuals.

**Source:** Rota Local Initiative 1 (2007), § 10, modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(c). The commission inserted "10 CMC § 12118" for "Section 5 of this Act."

**§ 12153. Immunity for Detention, Exclusion or Removal.**

No civil or criminal action shall lie against any person for action reasonably taken pursuant to 10 CMC §§ 12151 or 12152.

**Source:** Rota Local Initiative 1 (2007), § 11, modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(c). The commission inserted "10 CMC §§ 12151 or 12152" for "Section 9 or 10 of this Act."

**§ 12154. Entry by Law Enforcement Officers.**

A law enforcement officer may, without warrant, notice, or explanation, enter any area of a casino to which a patron of the casino or the public has access and, for such purpose, such area is public place in which the officer may exercise any power or discharge any duty which may be exercised or discharged in a public place under this chapter or any other provision of law. A law enforcement officer may enter any other area of a casino or any area of a casino service provider at the request of any person inspecting or monitoring such area on behalf of the Commission under 10 CMC § 12135 or as otherwise authorized by law.

**Source:** Rota Local Initiative 1 (2007), § 12, modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(c), (d) and (g). The commission substituted "chapter" for "title" and inserted "10 CMC § 12135" for "Section 6(e) of this title." The commission changed "is public place" to "is a public place" to correct a manifest error.

**Article 6. Required Employee Benefits, Prohibitions and Penalties.**

§ 12161. Employee Benefits.
§ 12162. Gambling by Commission and License Prohibited.
§ 12163. Administrative Penalties.

**§ 12161. Employee Benefits.**

(a) As a condition of any casino license issued under this chapter, each employee of any casino so licensed shall be granted personal and sick leave at a rate equivalent to the grant of such

leave to civil service employees of the Commonwealth. Such employee shall be given reasonable opportunity to use such leave or, at the option of the employee, shall be paid the then-current value of such leave at the end of the employment of the employee in the Commonwealth by the casino, under the same terms and conditions of civil service employees of the Commonwealth.

(b) As a condition of any casino license issued under this chapter, each employee of any casino so licensed shall be provided with adequate health insurance or similar coverage provided to civil service employees of the Commonwealth. The casino shall pay the entire cost of such coverage, except that a casino may deduct from the wages of an employee not more than one-third of the actual cost of such coverage, if the employee is compensated at not less than the United States minimum wage, provided, that if the casino employs any nonresident worker subject to this provision and another law of the Commonwealth forbids such deduction for nonresident workers or limits such deduction to less than one-third, such provisions shall apply to all employees of the casino including resident workers in the same job category as the nonresident worker. A casino shall submit a plan of coverage to the Commission, as the Commission shall by regulation provide, and obtain the approval of such plan by the Commission.

(c) The Commission may, by regulation, provide for the exemption of certain high-level employees from any other provisions of this section, except as may otherwise be required by law, provided, that if such law provides for such provision to be applicable for high-level nonresident workers, any exemption provided pursuant to this subsection shall not apply to similar resident workers.

**Source:** Rota Local Initiative 1 (2007), § 15, modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(d) and (g). The commission substituted "chapter" for all occurrences of "title." The commission changed "shall be regulation" to "shall by regulation" in subsection (b) to correct a manifest error.

### § 12162. Gambling by Commission and License Prohibited.

(a) No member, officer, employee, or agent of the Commission shall play any game in –

(1) Any casino under the jurisdiction of the Commission;

(2) Any other gaming establishment reasonably associated with any such gaming establishment; or

(3) Any gaming establishment the owner, lessee operator, or manager of which is an applicant for a license from the Commission, or is a potential applicant that has entered into discussions with the Commission prior to such application and has not clearly abandoned its interest in a license, or is reasonably associated with such an applicant or potential applicant.

(b) No member, officer, employee or agent of the Commission shall knowingly be an employee of or have any business or financial association with or interest in any casino or casino service provider licensee under this chapter or any business reasonably related to such licensee.

(c) No owner, lessee, operator, manager, officer, employee, agent, or other person associated with a casino licensed under this chapter shall play any game in such casino.

**Source:** Rota Local Initiative 1 (2007), § 13, modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(d). The commission substituted "chapter" for all occurrences of "title."

### § 12163. Administrative Penalties.

The Commission may, by regulation, provide civil penalties for the violation of this chapter or

of any regulation or order issued pursuant to this chapter. No penalty may exceed $50,000, and a range of lesser penalties shall be provided for minor or intermediate violations. Such regulations may specify conditions under which a natural person who causes any other person to commit a violation shall also be liable for such violation. The Commission may suspend, reduce, or compromise any penalty imposed pursuant to this section.

**Source:** Rota Local Initiative 1 (2007), § 14, modified.

**Commission Comment:** The commission modified this section pursuant to 1 CMC § 3806(d). The commission substituted "chapter" for all occurrences of "title."

## CHAPTER 13. ACTING MAYOR; ACTING CHAIRPERSON OF MUNICIPAL COUNCIL. [New chapter]

Article 1. Rota Acting Mayor.
Article 2. Municipal Council Acting Chairperson.

### Article 1. Rota Acting Mayor.

**§ 13101. Acting Mayor.**

Whenever the Mayor of Rota is to be physically absent from the First Senatorial District, the chairperson of the Rota Municipal Council shall be Acting Mayor. If the chairperson is also absent, then the vice-chairperson shall be Acting Mayor. In the event that both the chairperson and vice-chairperson of the Municipal Council are absent, then the remaining council member shall be the Acting Mayor. In the event that all members of the Municipal Council are absent, then the Mayor shall
designate who shall be the Acting Mayor to carry out the duties of the office of mayor until the Mayor or any member of the Municipal Council physically returns.

**Source:** Rota LL 16-4, § 2(2).

**Commission Comment:** Rota Local Law 16-4, effective September 26, 2008, contained findings and purpose, severability and savings clause provisions and the following short title section:

Short Title. This article shall be known and be cited as the "Rota Acting Mayor and Municipal Council Acting Chairperson Act of 2008."

### Article 2. Municipal Council Acting Chairperson.

**§ 13111. Municipal Council Acting Chairperson.**

Whenever the chairperson of the Municipal Council is to be physically absent from the First Senatorial District of Rota Island, the vice- chairperson of the Municipal Council shall be the Acting Chairperson of the Municipal Council. If the vice-chairperson is also absent, then the remaining council member shall be the Acting Chairperson of the Municipal Council. In the event that all members of the Municipal Council are absent, then the chairperson of the Municipal Council shall designate who shall be the Acting Chairperson until any member of the Municipal Council physically

returns.

**Source:** Rota LL 16-4, § 2(Art.2).

# DIVISION 2: SECOND SENATORIAL DISTRICT (TINIAN AND AGUIGUAN)

## CHAPTER 3. TINIAN MAYOR'S OFFICE AND TINIAN MUNICIPAL COUNCIL.

~~**Article 1. Tinian Acting Mayor.**~~ [*repealed and reenacted by Tinian LL 15-15*]
~~§ 2311. Short Title.~~
~~§ 2312. Acting Mayor.~~

**Article 1. Tinian Acting Mayor and Tinian Municipal Council.**

§ 2311. Short Title.
§ 2312. Acting Mayor.
§ 2313. Municipal Council Acting Chairperson.

**§ 2311. Short Title.**

This article shall be known and be cited as the "Tinian Acting Mayor and Municipal Council Acting Chairperson Act of 2007."

**Source:** . . . repealed and reenacted by Tinian LL 15-15, § 2(2311).

**Commission Comment:** . . . Tinian Local Law 15-15, effective February 6, 2008, included findings and purpose, severability and savings clause provisions.

**§ 2312. Acting Mayor.**

Whenever the Mayor of Tinian is to be physically absent from the Second Senatorial District of Tinian and Aguiguan islands, the presiding officer or chairperson of the Municipal Council shall be Acting Mayor. If the presiding officer or chairperson is also absent, then the vice- chairperson of the Municipal Council shall be Acting Mayor. In the event that both the chairperson and vice chairperson of the Municipal Council are absent, then the remaining council member shall be the Acting Mayor. In the event that all members of the Municipal Council are absent, then the Mayor shall designate whom shall be the Acting Mayor to carry out the duties of the Office of Mayor until the Mayor or any member of the Municipal Council physically returns.

**Source:** . . . repealed and reenacted by Tinian LL 15-15, § 2(2312).

**§ 2313. Municipal Council Acting Chairperson.**

Whenever the chairperson of the Municipal Council is to be physically absent from the Second Senatorial District of Tinian and Aguiguan islands, the vice chairperson of the Municipal Council shall be the Acting Chairperson of the Municipal Council. If the vice chairperson is also absent, then the remaining council member shall be the Acting Chairperson of the Municipal Council. In the event that all members of the Municipal Council are absent, then the chairperson of the Municipal Council shall designate whom shall be the Acting Chairperson until any member of the Municipal Council physically returns.

**Source:** Tinian LL 15-15, § 2(2313).

## CHAPTER 6. CASINO GAMBLING.

### Article 10. Exclusion From Casino.

**§ 25101. Entry to and Exclusion of Entry From Casino.**

**Case Annotations:** *Guerrero v. Tinian Dynasty Hotel*, 2006 MP 26, 7 N.M.I. 388 (2006).

**§ 25103. Authority of Commonwealth Director of Public Safety to Exclude Entry.**

**Case Annotations:** *Guerrero v. Tinian Dynasty Hotel*, 2006 MP 26, 7 N.M.I. 388 (2006).

**§ 25104. Direction to Exclude.**

**Case Annotations:**

**LOCAL LAWS**

**Local Law Act**

**– Generally**

The purpose of 10 CMC §25104, insofar as the applicable provisions used for jury instructions, is to provide a casino with the ability to remove disruptive persons from its premises to maintain order within the casino. *Guerrero v. Tinian Dynasty Hotel*, 2006 MP 26 ¶ 33, 7 N.M.I. 388, 398 (2006).

## CHAPTER 7. TINIAN CURFEW HOURS FOR MINORS ACT.

**§ 2709. Penalties.**

(a) Any person not covered by subsections (b) and (c) of this section violating the terms of this chapter may be imprisoned for a period not to exceed 30 days, and up to 250 hours of community service.

(b) [unchanged]

(c) Any parent, guardian, or other adult person having the lawful custody, permanent or temporary, of any minor who suffers or permits or lets, either willfully or negligently, such minor to violate the provisions of this chapter shall be fined not more than $750.

**Source:** . . . (a) and (c) repealed and reenacted by PL 15-129, § 5.

**Commission Comment:** Public Law 15-129 took effect on February 8, 2008, and contained the following in addition to contained severability and savings provisions:

Section 1. Short Title. The following act shall be known as "The Youth Congress Curfew Bill of 2007."

Section 2. Findings and Purpose. The Youth Congress finds that there are numbers of youths staying out pass[sic] curfew hours, possibly breaking other laws too. One way to discontinue this breaking of the curfew law is for stricter enforcement and penalties. Yearly, curfew violation has rapidly increased, in 2001 about 120 youth were caught including youth in Tinian and Rota.

# DIVISION 3: THIRD SENATORIAL DISTRICT (SAIPAN AND NORTHERN ISLANDS)

## CHAPTER 1. PUBLIC ROADS, STREETS, AND FACILITIES.

### Article 5. Street Naming and Numbering.

**§ 3159. Naming of Road.**

(a)-(l) [unchanged]

(m) The unnamed road, Lot 055 D 07 R/W, adjacent to Gloria Drive in Navy Hill, Saipan is hereby named as "Basilio Lane."

**Source:** . . . (m) added by Saipan LL 15-30, § 2.

**Commission Comment:** . . .

SLL 15-30 was enacted on December 21, 2007, and contained findings, administering authority, severability, and savings provisions.

## CHAPTER 3. CURFEW HOURS FOR MINORS.

**§ 3319. Penalties.**

(a) Any person not covered by subsections (b) and (c) of this section violating the terms of

this chapter may be imprisoned for a period not to exceed 30 days, and up to 250 hours of community service.

(b) [unchanged]

(c) Any parent, guardian, or other adult person having the lawful custody, permanent or temporary, of any minor who suffers or permits or lets, either willfully or negligently, such minor to violate the provisions of this chapter shall be fined not more than $750.

**Source:** . . . (a) and (c) amended by PL 15-129, § 3.

**Commission Comment:** Public Law 15-129 took effect on February 8, 2008, and contained the following short title and findings and purpose, in addition to contained severability and savings provisions:

Section 1. Short Title. The following act shall be known as "The Youth Congress Curfew Bill of 2007."

Section 2. Findings and Purpose. The Youth Congress finds that there are numbers of youths staying out pass curfew hours, possibly breaking other laws too. One way to discontinue this breaking of the curfew law is for stricter enforcement and penalties. Yearly, curfew violation has rapidly increased, in 2001 about 120 youth were caught including youth in Tinian and Rota.

## CHAPTER 5. LAND USE.

### Article 1. Saipan Zoning Law.

~~§ 3511. Saipan Zoning Law Approved.~~ [REPEALED BY SLL 15-29, § 2]
~~§ 3512. Repealer and Amendment.~~ [REPEALED BY SLL 15-29, § 2]
~~§ 3513. Copies.~~ [REPEALED BY SLL 15-29, § 2]
~~§ 3514. Applicability to Public Lands.~~ [REPEALED BY SLL 15-29, § 2]
~~§ 3515. Application of Saipan Zoning Law to Agricultural and Private Residential Uses.~~ [REPEALED BY SLL 15-29, § 2]
~~§ 3516. Zoning Law Amendment.~~ [REPEALED BY SLL 15-29, § 2]
~~§ 3517. Savings Clause.~~ [REPEALED BY SLL 15-29, § 2]

§ 3511. Saipan Zoning Law. [REPEALED AND REENACTED BY SLL 16-6]
§ 3512. Publication. [REPEALED AND REENACTED BY SLL 16-6]
§ 3513. Amendments. [REPEALED AND REENACTED BY SLL 16-6]

**§ 3511. Saipan Zoning Law.**

The Saipan Zoning Law, consisting of pages 1-146 with attached map appendix, is enacted and codified by reference as if fully set forth.

**Source:** . . . repealed and reenacted by Saipan LL 15-29, §§ 3 and 4, respectively; repealed and reenacted by SLL 16-6, §§ 3 and 4(3511), respectively; Zoning Map and § 404 of SLL 16-6 amended by SLL 17-2 §§ 2-4 (June 17, 2010) .

**Commission Comment:** . . .

Saipan Local Law 15-29 was enacted on December 21, 2007, and contained the following pertinent sections in addition to severability and savings provisions:

Section 1. Short Title. This Act may be cited as the "Saipan Zoning Law of 2007."

Section 2. Findings and Purpose.

(a) The Saipan and Northern Islands Legislative Delegation finds that:

(1) Since the Saipan Zoning Law was enacted in 1993, there have been significant changes to:

(A) Economic, social, and environmental conditions on Saipan, including the shift from garment manufacturing to virtually a tourism-only economy;

(B) Administrative law, including the Administrative Procedures Act; and

(C) Permit processes for development, including attempts to streamline and increase efficiency.

(2) The lack of zoning enforcement since 1994 has resulted in many conflicts among adjacent land uses, including:

(A) Adult businesses located near family- or child-oriented uses;

(B) Unsafe, ugly, and socially undesirable development;

(C) Dangerous parking and traffic conditions;

(D) Hazards to pedestrians; and

(E) Environmental degradation.

(3) The above changes and concerns require that the Saipan Zoning Law be updated to:

(A) Improve coordination with the One Start and other regulatory processes aimed at enhancing [r]egulatory efficiency;

(B) Adjust zoning districts, district boundaries, and development requirements to fit the desired future pattern, type and quality of land use; and

(C) Simplify and streamline the Saipan Zoning Law to fit the realities of Saipan's relatively small, rural, and uncomplicated social, physical and development environment, and the Zoning Board's limited administrative capabilities.

(b) The Delegation further finds that the purpose of this Zoning Law is to use the authority provided by the CNMI Zoning Code to:

(1) Promote the health, safety, welfare, and prosperity of the citizens of Saipan;

(2) Prevent the encroachment of incompatible land uses into residential areas, protect property against blight, preserve property values, and promote desirable living conditions, and stable neighborhoods;

(3) Help develop attractive and functional business and employment areas, and reserve suitable land for industry;

(4) Promote efficient and safe multi-modal transportation;

(5) Promote access to natural light, air, and views;

(6) Protect and preserve sensitive natural areas and vital natural resources, and avoid environmental degradation;

(7) Encourage retention of open space and recreation areas;

(8) Encourage protection of sites with historic and cultural value;

(9) Minimize flooding, soil erosion, and other hazards associated with development;

(10) Protect prime agricultural land;

(11) Encourage energy conservation and development of renewable energy sources;

(12) Reduce or eliminate public nuisances;

(13) Classify land uses, set out land use and overlay districts, establish procedures for the handling of certain land use matters, and provide requirements for land use activities, structures, buildings, and lots;

(14) Define and assign the powers and duties necessary to administer and enforce this Law;

(15) Issue permits in a timely manner and administer them fairly;

(16) Provide a consistent regulatory framework to development of Saipan lands;

(17) Encourage public involvement in land use issues; and

(18) Accomplish those additional purposes and intentions as articulated in the various sections of this Act and the Saipan Zoning Law of 2007.

(c) The Delegation further finds that the Zoning Board should address the following critical public health, safety, and welfare issues:

(1) Adult businesses;

(2) Auto shops and poker establishments in residential areas; and

(3) Off-site signs, including billboards.

(d) The Delegation further finds that the Mayors of Saipan and the Northern Islands have been provided with the opportunity to comment on this legislation and have done so.

Section 3. Repealer. 10 CMC §§ 3511-3517 ("Saipan Zoning Law") and Saipan Local Law 15-22 are hereby repealed in their entirety.

Section 4. Saipan Zoning Law Act of 2007. Pursuant to 2 CMC § 7221(c)(4), the Third Senatorial District delegation hereby enacts the Saipan Zoning Law of 2007, which was officially submitted to the chairman of the Third Senatorial District delegation on December 5, 2007, and is affixed hereto and incorporated by reference, into Division 3 of Title 10 of the Commonwealth Code as follows. . .

Saipan Local Law 16-6, effective on December 5, 2008, contained the following pertinent sections in addition to severability and savings provisions:

Section 1. Short Title. This Act may be cited as the "Saipan Zoning Law of 2008."

Section 2. Findings and Purpose. The Saipan and Northern Islands Legislative Delegation finds that the Saipan Zoning Law of 2007 took effect on February 1, 2008. The Zoning Office has received over 1,200 applications and requests for information and issued over 200 permits and other authorizations. The Zoning Office is seeing improvements in different areas as follows:

(a) Adult businesses are moving into an adult business overlay zone;

(b) Parking lots and road accesses are safer and more attractive;

(c) New buildings are more attractive and pedestrian friendly;

(d) Signs are more durable and interesting;

(e) Commercial development like auto repair is being kept out of villages;

(f) Wind energy systems will be made compatible with neighborhoods;

(g) Neighborhoods, commercial and industrial development are being separated; and

(h) Subdivisions are being designed with streets that are wide enough for cars to pass and with turnaround areas for emergency vehicles.

The Saipan and Northern Islands Legislative Delegation further finds that despite the many improvements in zoning, local businesses, zoning clients, other agencies, an[d] the Zoning Office have identified ways to improve the Saipan Zoning Law of 2007. The Zoning Office has submitted proposed amendments to the Saipan Zoning Law of 2007 in the form of Saipan Zoning Law 2008. These proposed amendments were developed in consultation with the public during two public hearings, two public education sessions, and through press releases, newspaper announcements and comments received from members of the public. Some of the key proposed amendments to the Saipan Zoning Law are as follows:

(a) Revise sign standards and add exemptions and make them easier to use;

(b) Establish a cutoff date for removal of nonconforming banners and portable signs;

(c) Add a procedure for lot line adjustments to streamline processing;

(d) Increase the number of lots in a minor subdivision to simplify review and processing;

(e) Add standards for fences and retaining walls;

(f) Relax road standards and provide more flexibility to address individual circumstances;

(g) Reduce minimum area, width, and yard standards for some residential developments;

(h) Require that adult businesses in adult business overlay zones be separated by 500 feet;

(i) Make it easier to approve microbreweries and home day care;

(j) Formalize the authority of the Zoning Board to approve rezones; and

(k) Make editorial and technical corrections.

Accordingly, the purpose of this legislation is to adopt the proposed amendments to the Saipan Zoning Law of 2007 by repealing Saipan Local Laws 15-29 and 15-22 and enacting the new Saipan Zoning Law of 2008, which is incorporated and codified herein by reference.

Section 3. Repealer. 10 CMC § 3511-3517 ("Saipan Zoning Law") as enacted by Saipan Local

Law 15-29 and Saipan Local Law 15-22 are hereby repealed in their entirety.

Section 4. Saipan Zoning Act of 2008. Pursuant to 2 CMC § 7221(c)(4), the Third Senatorial District delegation hereby enacts the Saipan Zoning Law of 2008, which was officially submitted to the chairman of the Third Senatorial District delegation on July 16, 2008, and is affixed hereto and incorporated by reference, into Article 1 of Chapter 5 of Division 3 of Title 10 of the Commonwealth Code as follows: . . .

Saipan Local Law 17-2 (enacted on June 17, 2010) contained specific amendments to Official Zoning Map of SLL 16-6, dated December 5, 2008. As with earlier versions of Saipan zoning laws, the Commission opted not to codify the specific amendments. Please refer directly to SLL 17-2 for changes to the zoning map sheets, "Allowable Uses in Zoning Districts" and zoning boundaries established by SLL 16-6.

### § 3512. Publication.

The Law Revision Commission shall provide for the publication of the Saipan Zoning Law in the manner it deems appropriate.

**Source:** . . . repealed and reenacted by Saipan LL 15-29, §§ 3 and 4, respectively; repealed and reenacted by Saipan LL 16-6, §§ 3 and 4(3512), respectively.

**Commission Comment:** See the commission comment to 10 CMC § 3511. The commission opted to codify Saipan LL 16-6 §§ 1-4 without codifying the remaining pages (more than 100) of the Saipan Zoning Law of 2008.

### § 3513. Amendments.

The Delegation from the Third Senatorial District reserves the right to amend any zoning law enacted under this section.

**Source:** . . . repealed and reenacted by Saipan LL 15-29, §§ 3 and 4, respectively; repealed and reenacted by Saipan LL 16-6, §§ 3 and 4(3512), respectively.

**Commission Comment:** See the commission comment to 10 CMC § 3511.

## CHAPTER 6. COCKFIGHTING .

### § 3602. Cockpit Board.

There is hereby established a Saipan Cockpit Board, which shall consist of five members to be appointed by the Mayor of Saipan.

**Source:** . . . Saipan LL 17-5 § 2 (December 5, 2010).

**Commission Comment:** Saipan Local Law 17-5 (enacted on December 5, 2010) included the following:

Section 1. Findings and Purpose. The Seventeenth Saipan and Northern Islands Legislative Delegation finds that there is a need to amend the Saipan Cockfighting Act of 1994 by lengthening the period a licensee may hold an operators license. Over the years since the enactment of SLL 9-8, the various past operators have found that the annual license fees paid coupled with the duration of the licensed period is not long enough for the operator to re-coup their investment and to enhance and upgrade their arenas because of a legitimate fear of loosing the licensing rights at the next year's bidding.

### § 3604. Rules and Regulations.

The Mayor of Saipan and the cockpit board shall promulgate, in consultation with cockpit operators, reasonable and necessary rules and regulations for the board to carry out the intent and purposes of this chapter within 60 days of Saipan Local Law 17-5 becoming law, a copy of which shall be provided to the Chairman of the Saipan and Northern Islands Legislature Delegation.

**Source:** . . . Saipan LL 17-5 § 5 (December 5, 2010), modified.

**Commission Comment:** The commission changed "this act" to "Saipan Local Law 17-5" becoming law pursuant to 1 CMC § 3806(d).

**§ 3608. Bid Proposal.**

A bid proposal for the operation of a cockpit shall be submitted to the office of the Mayor of Saipan any day within a period of 10 days from the date fixed in the notice for the submission of a bid proposal. Each bid shall be accompanied by a non-refundable deposit of $500 payable to the Commonwealth Treasury. All bids submitted must be sealed and will be publicly opened five days after the deadline date for the submission of bids at the time and place stated in the bid notice. The minimum bid which can be received and accepted by the Mayor of Saipan and the cockpit board shall be the sum of $20,000 per year, which shall be paid no later than 24 hours following the bid award.

**Source:** . . . Saipan LL 17-5 § 3 (December 5, 2010).

**§ 3610. Duration of License.**

A cockpit license shall be issued for a period of five years, commencing on July 1 of the first year, and shall end on June 30 of the fifth year, and shall be payable annually on or before July 1st and subject to license revocation if payment is not made on or before said date. Should the 1st of July fall on a weekend, payment must be made on the first work day of the week.

**Source:** . . . Saipan LL 17-5 § 4 (December 5, 2010).

**§ 3618. Violations and Penalties.**

(a) *Violations.*

(1) No person, firm, corporation, partnership, business association or other entity shall operate a cockfight at a time and place where a fee is charged for admission or betting takes place unless licensed pursuant to this chapter.

(2) No person or individual shall engage or participate in cockfighting, at a time and place where a fee is charged for admission or betting takes place, unless that gaming activity is licensed pursuant to this chapter.

(3) No licensee shall permit any person under 18 years of age to attend or be present, unless with parental or adult supervision, or, under any circumstances to wager at a licensed cockpit.

(b) *Penalties*. Any person or individual who willfully or knowingly violates any provision of this chapter or any rule or regulation duly promulgated by the board pursuant to this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not more than $600, or imprisoned not more than three months, or both.

**Source:** . . . renamed and amended by Saipan LL 17-5 § 5 (December 5, 2010), modified.

**Commission Comment:** The commission changed "fine" to "fined" in subsection (b) pursuant to 1 CMC § 3806(g).

## CHAPTER 9. SAIPAN MAYOR'S OFFICE.

**Article 2. Saipan Higher Education Financial Assistance Act. [New article]**

§ 3921. Definitions.
§ 3922. Saipan Higher Education Financial Assistance Board: Establishment.
§ 3923. Persons Eligible for Board.
§ 3924. Powers and Duties.
§ 3925. Saipan Higher Education Financial Assistance Fund.
§ 3926. Municipal Assistance.
§ 3927. Eligibility for Scholarship.
§ 3928. Record of Awards.

**§ 3921. Definitions.**

In this article, unless the context otherwise provided or the context clearly requires a different construction or application, the following definitions shall apply:

(a) "Board" means the Saipan Higher Education Financial Assistance Board established under 10 CMC § 3922 of this article.

(b) "Delegation" means the Saipan and Northern Islands Legislative Delegation as provided under 1 CMC § 1404(a).

(c) "Financial assistance" includes but is not limited to grants, loans, merit- based scholarships and other programs of student financial assistance provided by regulation or statute. The SHEFA financial assistance as defined under 10 CMC § 3921(c) shall also be available for students who have not obtained a high school diploma or its equivalent, yet are simultaneously enrolled in a high school or a high school equivalency program and are enrolled in a trades-type institution such as the Northern Marianas Trades Institute.

(d) "Fund" means Saipan Higher Education Financial Assistance Fund established under 10 CMC § 3925 of this article.

(e) "Resident" means a person who is a United States citizen or a United States permanent resident, who has resided in the municipality of Saipan for at least a year before applying for financial assistance administered by the board and who is attending or has been accepted for enrollment at an institution of higher education or simultaneously enrolled in a high school or a high school equivalency program and a trades-type institution such as the Northern Marianas Trade Institute in the CNMI or outside the CNMI. The residency requirement may be met by proof of a parent residing on Saipan for the requisite period.

**Source:** Saipan LL13-21, § 2, modified; subsection (c) and (e) amended by Saipan LL 16-8 § 2 and § 3, respectively.

**Commission Comment:** The commission made conforming changes to above section within the parameters of 1 CMC § 3806, including replacing occurrences of "this Act" with "this article." SLL 13-21 was enacted on February 2, 2004 and contained a short title, severability, and savings clause provisions. The short title of SLL 13-21 stated:

Section 1. Short Title. This Chapter may be cited as the "Saipan Higher Education Financial Assistance Act of 2003."

Saipan Local Law 16-8, effective March 31, 2009, contained amendment, severability, and savings provisions and the following:

Section 1. Purpose and Findings. The Third Senatorial District Delegation finds that scholarships, SHEFA and CNMI Scholarship, are available for those who have obtained a high school diploma or high school equivalent diploma. However, there is no financial assistance to those who have yet to complete their high school education. The Delegation is cognizant that many in our community are still working to complete their high school education have the strong desire to learn a skill or trade so that they become employable. It is time to focus some attention to those left out and provide the incentive to persuade some, if not all, to enter a trade program. The purpose of this Act is to allow financial assistance for those who have yet to complete their high school education and are enrolled in a trade-type institution. In addition, to provide for the term expiration of the board members by amending 10 CMC § 3922.

**§ 3922. Saipan Higher Education Financial Assistance Board: Establishment.**
There is hereby established, within the Office of the Mayor of Saipan, a Saipan Higher Education Financial Assistance Board, to be composed of five members who shall serve for a term of two years. All members shall be eligible to vote in the CNMI, be at least 21 years of age, and be residents of Saipan for at least three years immediately prior to appointment. The Mayor of Saipan shall appoint members of the board subject to confirmation by the Saipan and Northern Islands Legislative Delegation. The board shall choose a chairperson among its members to preside over board meetings. It also may establish committees necessary for the conduct of its business and prescribe by regulation procedures to govern meetings.

Provided the terms of the initial members shall be staggered when the board is first established. Three members term shall expire in two years, the other two shall expire in three years, except that in the case of a prior vacancy, an appointment shall be only for the length of the unexpired term. Upon the expiration of the term of a board member, the board member shall cease to be a member unless reappointed and confirmed pursuant to this section. The members shall draw lots to determine which term the members shall serve.

**Source:** . . . second paragraph amended by Saipan LL 16-8, § 4.

**§ 3924. Powers and Duties.**
The board shall:

(a) Establish policies pertaining to higher education financial assistance consistent with this article.

(b) Administer the higher education financial assistance program for eligible residents of Saipan as authorized under this article.

(c)- (d) [unchanged]

(e) Enter into such contracts as are necessary or incidental to the performance of the board's duties and in carrying out the functions of the board under this article. The board may designate the chairperson or another member to execute contracts on its behalf subject to the authority and direction of the board.

(f)- (j) [unchanged]

(k) Establish criteria for eligibility for higher education financial assistance with significant attention to those with special needs, which shall include, but not be limited to:

(1) The financial status and capability of the applicants including, the sources of financial support, i.e., the income of parents or guardians;

(2) The fields of study to be pursued by the applicants; and
(3) The tuition, fees, and room and board to be incurred by applicants.
(4) Eligibility to receive other forms of financial aid from the Commonwealth and the Federal governments.
(l)- (m) [unchanged]
(n) Prescribe reasonably necessary rules and regulations pursuant to 1 CMC §§ 9101 through 9115, Administrative Procedure Act, to carry out the intent of this article.
(o) [unchanged]

**Source:** Saipan LL13-21, § 5.

**Commission Comment:** SLL 13-21 contained two sections numbered 5. The commission replaced "section 3921 of this Act" with "10 CMC § 3921" pursuant to 1 CMC § 3806(d).

**§ 3925. Saipan Higher Education Financial Assistance Fund.**
(a) [unchanged]
(b) *Continuing Appropriation*. The sum of $3,200,000.00 is hereby continuously appropriated from the fees collected from the Local Licensing Fee for Poker and Pachinko Machine pursuant to 10 CMC § 3821. The Secretary of Finance shall transfer the amount every fiscal year into the fund established under this article. Provided further that $3,000,000.00 shall be for the Saipan Higher Education Financial Assistance Fund and $200,000.00 for personnel and operations of the Board.

**Source:** Saipan LL13-21, § 5; (b) amended by Saipan LL 14-13, § 2(b); (b) repealed and reenacted by Saipan LL 14-28, § 1, modified.

**Commission Comment:** SLL 13-21 contained two sections numbered 5. See the comment to 10 CMC § 3922 regarding SLL 14-13.
In subsection (b) above, the commission replaced "this act" with "this article" and inserted "10 CMC § 3821" in place of "Saipan Local Law 13-8" pursuant to 1 CMC § 3806(d). Moreover, in the same subsection the commission changed "Saipan Higher Education Financial Assistance funds" to "Saipan Higher Financial Assistance Fund" to correct a manifest error.
SLL 14-28 was enacted on October 19, 2005 and contained severability and savings clauses.

The SHEFA program was given funding priority on April 28, 2006, by SLL 15-3 [codified at 10 CMC § 3822].

**§ 3927. Eligibility for Scholarship.**
No person other than residents of the Municipality of Saipan as defined under 10 CMC § 3921 of this article shall be eligible for or receive assistance from the Saipan Higher Financial Assistance Fund.

**Source:** Saipan LL13-21, § 7, modified.

**Commission Comment:** The commission replaced "section 3921 of this Act" with "10 CMC § 3921" pursuant to 1 CMC § 3806(d).