



GOV. COMM. 21-73
(HOUSE)

RALPH DLG. TORRES
Governor

ARNOLD I. PALACIOS
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

18 SEP 2019

The Honorable Roman C. Benavente
Acting Chairman
Saipan and Northern Islands Legislative Delegation
Twenty-First Northern Marianas
Commonwealth Legislature
Capitol Hill
Saipan, MP 96950

Rep. JP Sablan
RECEIVED
9/18/19 APC
Jm

The Honorable John Paul P. Sablan
Acting Speaker
House of Representatives
Twenty-First Northern Marianas
Commonwealth Legislature
Capitol Hill
Saipan, MP 96950

Dear Mr. Acting Chairman and Mr. Acting Speaker:

This is to inform you that I have signed into law **House Local Bill No. 21-10, D1** entitled, "To amend the Saipan Zoning Law of 2013, 10 CMC § 3511 to include hospitals as a conditional use in Village Commercial Zoning Districts; and for other purposes.", which was passed by the Saipan and Northern Islands Legislative Delegation of the Twenty-First Northern Marianas Commonwealth Legislature.

Although I have signed **H.L.B. 21-10, D1** into law, the Attorney General has expressed issue regarding vague language that exists in the bill of which I urge the Delegation to address in forthcoming legislation. In particular, Section 3 of **H.L.B. 21-10, D1** purports to establish a definition of "hospital" within the Saipan Local Law of 2013 as a new Section 721.

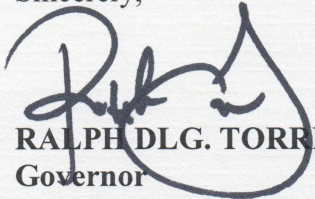
In addition to the absence of proper language that would effectuate the amendment and codification of new Section 721, the language also fails to describe what are the minimum standards of hospital certification regulations. No such regulations are in existence in the CNMI Administrative Code. While federal statutes relating to Medicare and Medicaid do exist pursuant to Title XVIII of the Social Security Act, the reference to 42 CFR § 1861 et seq., is incorrect as it is nowhere to be found in the Code of the Federal Regulations. A proper and unambiguous definition of the term "hospital" must be articulated with regard to the amendment of the Saipan Zoning Law of 2013 because it exclusively relates to the conditional establishment of hospitals in zones designated as Village Commercial. Thus, I strongly recommend that the Delegation expeditiously make the necessary amendments to appease the Attorney General's concerns.

Delegation Clerk
RECEIVED
DATE BY 9-18-19 CCB
@ 5:50 pm

HOUSE CLERK'S OFFICE
RECEIVED BY
DATE 9/26/19 TIME 9:10 a

This bill becomes **Saipan Local Law No. 21-9**. Copies bearing my signature are forwarded for your reference.

Sincerely,



RALPH DLG. TORRES
Governor

cc: Lt. Governor; Press Secretary; Attorney General's Office; Secretary of Finance; Office of Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review; Mayor of Saipan; Mayor of the Northern Islands; CNMI Zoning Board



**SAIPAN AND NORTHERN ISLANDS LEGISLATIVE DELEGATION
TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
SECOND REGULAR SESSION, 2019**

HOUSE LOCAL BILL NO. 21-10, D1

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

To amend the Saipan Zoning Law of 2013, 10 CMC § 3511 to include hospitals as a conditional use in Village Commercial Zoning Districts; and for other purposes.

Offered by

Representatives Joseph Leepan T. Guerrero, Luis John DLG. Castro and Ralph N. Yumul

on

March 12, 2019

HOUSE ACTION

Transmitted to Saipan and Northern Islands Legislative Delegation for action on
April 30, 2019

DELEGATION ACTION

Referred To	:	SNILD Committee on Judiciary and Governmental Operations
Comments Solicited	:	Mayor of Saipan; Mayor of Northern Islands; Chairman, SNI Municipal Council (4/30/19)
Comments Received	:	Mayor of Saipan; (5/10/19 – ref. Mayor’s Comm. 21-7) Mayor of Northern Islands; (5/13/19 – ref. Mayor’s Comm. 21-8)
Standing Committee Report	:	None
Passed First & Final Reading	:	August 26, 2019 [as D1]

A handwritten signature in blue ink, appearing to read "Chanele C. Borja".

Chanele C. Borja, Acting Delegation Clerk



SAIPAN AND NORTHERN ISLANDS LEGISLATIVE DELEGATION
Third Senatorial District
Twenty-First Northern Marianas Commonwealth Legislature

SECOND REGULAR SESSION, 2019

HOUSE LOCAL BILL NO. 21-10, D1

**A LOCAL BILL FOR AN ACT
FOR THE THIRD SENATORIAL DISTRICT**

To amend the Saipan Zoning Law of 2013, 10 CMC § 3511 to include hospitals as a conditional use in Village Commercial Zoning Districts; and for other purposes.

**BE IT ENACTED BY THE THIRD SENATORIAL DISTRICT DELEGATION PURSUANT TO
CHAPTER 4, DIVISION 1, TITLE 1 OF THE COMMONWEALTH CODE:**

SECTION 1. FINDINGS AND PURPOSE.

The Saipan and Northern Islands Legislative Delegation finds that it is appropriate to allow hospitals to be a conditional use in zoning districts designated as Village Commercial.

SECTION 2. AMENDMENT.

Article 4, Section 404, Table 1, page 27, of the Saipan Zoning Law of 2013 incorporated by 10 CMC § 3511, is hereby amended as follows:

“The use, ‘Hospital’ is to have a ‘C’ for conditional use in the column for ‘Village Commercial’.”

SECTION 3. AMENDMENT.

Section 721. **Hospital.** When the applicant for a conditional use is a Hospital, the applicant shall meet in minimum standards of hospital certification regulations promulgated pursuant to Title XVIII of the Social Security Act and Title 42 CFR Section 1861, *et. seq.*

1 Health Insurance Portability and Accountability Act; and Emergency Medical Treatment and
2 Active Labor Act.

3 **SECTION 4. SEVERABILITY.**

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

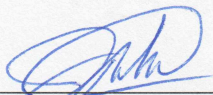
8 **SECTION 5. SAVINGS CLAUSE.**

9 This Act and any repealer contained herein shall not be construed as affecting any
10 existing right acquired under contract or acquired under statutes repealed or under any rule,
11 regulation or order adopted under the statutes. Repealers contained in this Act shall not affect
12 any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not
13 have the effect of terminating, or in any way modifying, any liability, civil or criminal, which
14 shall already be in existence on the date this Act becomes effective.

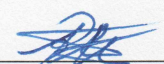
SECTION 6. EFFECTIVE DATE.

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

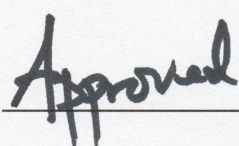
CERTIFIED BY:

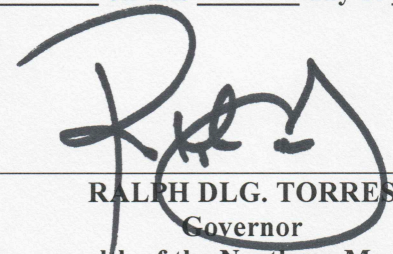


JOHN PAUL P. SABLAN
Chairman
Saipan & Northern Islands
Legislative Delegation



BLAS JONATHAN "BJ" T. ATTAO
Speaker
House of Representatives

 on this 18th day of September, 2019.



RALPH DLG. TORRES
Governor
Commonwealth of the Northern Mariana Islands