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

To amend 10 CMC §§ 12104 and 12111, to allow legislative amendment to the Rota Casino Act and provide for a limited time to act on the confirmation or rejection of the Rota Mayor's appointment of the Rota Casino Gaming Commission members.

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

1 **Section 1. Findings and Purpose.**

2 The Rota Legislative Delegation (Delegation) acknowledges that the current Rota Casino
3 Gaming Act allows only technical amendments. The Delegation also acknowledges that the
4 CNMI Supreme Court ruled in *Blanco-Maratita v. Borja* that Article XXI of the CNMI
5 Constitution does not prohibit a local law from regulating legal gambling authorized in a
6 senatorial district. *Blanco-Maratita v. Borja*, 2017 MP 6, ¶ 22. The Blanco-Maratita Court held
7 that "a delegation law may regulate gambling, including amending a gambling law enacted by
8 local initiative." *Id.*

9 Therefore, the purpose of this Act is to authorize amendments to the Rota Casino Gaming
10 Act in accordance with the ruling in *Blanco-Maratita v. Borja*, and to provide for a limited time
11 for the Rota Municipal Council to confirm or reject the Rota Casino Gaming Commission
12 members.

13 **Section 2. Amendment.** 10 CMC § 12104 is amended to read:

14 "§ 12104. Amendment. This chapter may be ~~subject to "technical amendment"~~ amended
15 ~~as defined herein~~, by the First Senatorial Delegation, acting pursuant to the Local Law Act of

1 1983 [1 CMC §§ 1401-1408], as that Local Law Act is presently constituted or hereafter
2 amended.”

3 **Section 3. Amendment.** 10 CMC § 12111 is amended to read:

4 “§ 12111. Establishment of Commission.

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

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

22 (c) The council shall, within 45 days from date the council receives the appointment letter
23 from the mayor, act by conducting public hearing on the appointment and to notify the mayor in
24 writing that:

25 (1) It has confirmed an appointee; or

26 (2) It has rejected an appointee.

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

4 **Section 4. Severability.**

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

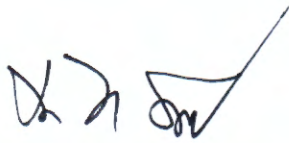
9 **Section 5. Savings Clause.**

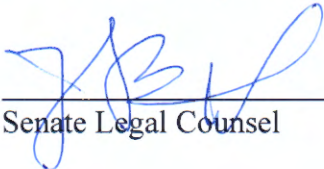
10 This Act and any repealer contained herein shall not be construed as affecting any
11 existing right acquired under contract or acquired under statutes repealed or under any rule,
12 regulation or order adopted under the statutes. Repealers contained in this Act shall not affect
13 any proceeding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

16 **Section 6. Effective Date.**

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

Prefiled: _____
Date: 5/15/17

Introduced By: 
Senator Teresita Santos

Reviewed for Legal Sufficiency by:

Senate Legal Counsel