

TITLE 6: CRIMES AND CRIMINAL PROCEDURES
DIVISION 3: MISCELLANEOUS OFFENSES

§ 3157. Exemptions: Nonprofit Organizations. [Expired; text left for reference purposes.]

The Director of Finance and the Attorney General shall annually certify any nonprofit corporations or other organizations that desire to wholly own, operate, and engage in gambling activities solely for nonprofit, charitable purposes and not as a business for direct or indirect economic benefit. Such nonprofit corporations or organizations are exempt from 6 CMC §§ 3155 and 3159 and may conduct gambling activities open to the public.

Source: PL 3-73, § 1.

Commission Comment: According to PL 3-73, § 2, this section was to expire on December 31, 1983. With respect to the reference to the “Director of Finance,” see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.

The issue of whether the above section was still in effect was brought to the Commission’s attention sometime in 2006. After reviewing PL 3-73, it is the Commission’s decision to pull from codification the above section. Section 2 of PL 3-73, which was signed into law on September 1, 1983, clearly states:

Section 2. Effective Date. This Act shall take effect upon its approval by the Governor, or upon its becoming law without such approval and shall expire on December 31, 1983.

It is not enough to pull from codification the above section without providing some background about the origins of the Commonwealth Code. In January 1982, the Commonwealth Law Revision Commission was formed to compile, classify, and codify all laws having force and effect in the Commonwealth into a product called the “Commonwealth Code;” prior to the creation of the Commonwealth Code, the CNMI had been dependent upon the Trust Territory Code of the Pacific Islands as the primary basis of its written laws. Once this major task was completed the Commonwealth Code project was submitted to the Legislature for enactment. On December 23, 1983, Public Law 3-90 (H.B. No. 351) officially created and sanctioned the Commonwealth Code. Public Law 3-90 provided that the Commonwealth Code shall take force on or after January 1, 1984; the Commonwealth Code took effect on January 1, 1984. When the project was compiled and submitted to the legislature for official enactment, the above section 3157 was still in effect; the current Commission can only surmise that this was probably the reason the above section was still codified.