

SIXTH SPECIAL SESSION, 1990

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**A LOCAL ACT  
FOR THE FIRST SENATORIAL DISTRICT (ROTA)**

To establish the Rota cockfighting Board to regulate cockfighting in the **First** senatorial District; and for other purposes.

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

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1           Section 1. Source of Lesal Authority. This Act is  
2 enacted pursuant to the authority found in Article II, 96 of  
3 the Commonwealth Constitution; Title 1, CMC, Division 1,  
4 Chapter 4, §1402(a)(9) .

5           Section 2. Short Title. This Act may be known and  
6 cited as the "Rota Cockfighting Act of 1990".

7           Section 3. Cockfighting Board Formed; Term;  
8 Compensation; Removal; Oualifications.

9           (a) There is hereby established for the First  
10 Senatorial District (Rota) a Cockfighting Board,  
11 hereinafter referred to as the "Board". The Board  
12 shall be composed of three (3) members appointed by the  
13 Mayor of Rota with the advice and consent of the Rota  
14 Municipal Council.

15           (b) Board members shall serve a term of (2)  
16 years.

17           (c) Board members shall serve without pay, but  
18 shall be reimbursed for reasonable and necessary  
19 expenses incurred in the performance of their duties  
20 pursuant to 1 CMC §8247.

1           (d) Any Board member may be removed by the Mayor  
2           on the grounds of gross neglect of duty, conviction of  
3           a felony, or mental or physical incapacity.

4           (e) In addition to other qualifications required  
5           by law (1 CMC §2901, P.L. 1-8, as modified), Board  
6           members shall be registered voters of the First  
7           Senatorial District, and shall not be holders of a  
8           cockfighting franchise license or a referee established  
9           by this Act.

10          (f) The mayor shall request the Legislature to  
11          appropriate funds to be expended by the Board for the  
12          purpose of implementing this Act.

13          Section 4. Duties of Board; Rules and Regulations;  
14 Disputes; Cockfighting Referee. The Board shall have all  
15 powers reasonably necessary and incidental to the  
16 fulfillment of its purposes and duties, including but not  
17 limited to the following:

18           (a) To render assistance to organizations and  
19           individuals interested in the promotion of a better and  
20           efficient cockfight.

21           (b) To promulgate rules and regulations  
22           pertaining to the organization of the Board and to  
23           cockfighting and cockfight gaming, as may be necessary  
24           to enable the Board to carry out the intent of this  
25           local Act. Such regulations shall be consistent with  
26           Commonwealth law.

27           (c) To receive, review, and decide any dispute  
28           arising from cockfighting, including but not limited to  
29           the revocation of a franchise license granted pursuant

1 to this Act. The decisions of the Board shall be  
2 final, except that an aggrieved party may seek review  
3 of the Board's decision in a court of competent  
4 jurisdiction by filing an action in such court within  
5 thirty (30) days of the Board's final decision.

6 (d) To license the referee who shall perform such  
7 duties as the Board, by regulation, may prescribe.

8 (e) To designate, by regulations, the time,  
9 hours, and permissible location of cockfight gaming  
10 activities.

11 Section 5. Franchise: Term of License.

12 (a) The Board shall issue a cockfighting  
13 franchise license to the highest, responsible bidder,  
14 who is shown to possess a minimum of two fighting cocks  
15 and taking into consideration the local preference  
16 created by this Act.

17 (b) The exclusive franchise license to operate a  
18 cockfight business shall be for an initial fifteen year  
19 franchise with subsequent terms limited to three years.

20 (c) The successful bidder of a franchise license,  
21 upon being awarded the franchise license, shall design  
22 and construct a building for cockfighting purposes on  
23 public lands and the design shall be approved by the  
24 Board and the Rota Public Works in direct consultation  
25 with the Mayor. The land and building shall be the  
26 property of the Commonwealth under the jurisdiction of  
27 the Mayor but shall be leased to the franchise licensee  
28 during the term of the franchise unless the franchise  
29 license is revoked as provided herein.

1           (d) The franchise licensee shall employ and pay  
2           the salary of the referee.

3           Section 6. Notice of Bids for Franchise. Notice of  
4 invitation to bid for the award of a franchise license to  
5 operate a cockfight shall be released by the **Mayor's** office  
6 and made public, with copies of the notice posted at public  
7 buildings and other conspicuous places and placed in a  
8 newspaper of general circulation in the Commonwealth, to  
9 appear in three consecutive issues. Except for the first  
10 year in which this Act becomes effective, such notice shall  
11 be posted and published, starting 45 days before the  
12 expiration of the existing franchise.

13           Section 7. Bid Procedure; Minimum Bid; Time of  
14 Payment; Local Preference.

15           (a) Except for the first year in which this law  
16 becomes effective, bids must be submitted on or before  
17 15 days from the expiration of an existing franchise.  
18 Each bid shall be sealed and accompanied by a deposit  
19 of twenty percent (20%) of the total amount of the bid,  
20 in the form of cash, postal or express money order,  
21 cashier's check or certified check, or bank draft,  
22 payable to a public officer or employee to be  
23 designated by regulation of the Board.

24           (b) The minimum bid which shall be received or  
25 accepted for a franchise license shall be \$3,000. Any  
26 bid which fails to comply with any of the terms and  
27 conditions as provided herein or by regulation of the  
28 Board, and submit a **proposal/draft** design of the  
29 cockfighting structure and estimate of costs of such,  
30 shall be considered null and void.

1           (c) Payment of the cockfighting license by the  
2 successful bidder must be made within 10 days after the  
3 opening and award of the franchise license by the  
4 Board. The method of payment shall be the same as that  
5 designated for deposits.

6           (d) All bid deposits of all unsuccessful bidders  
7 shall be returned to said bidders. If the successful  
8 bidder fails to make full and final payment in the  
9 manner and time provided by this Act, the Board  
10 reserves the right to award the franchise license to  
11 the second or succeeding, highest, and responsible  
12 bidder. Any deposit may by the original successful  
13 bidder shall be forfeited and proceeds applied as  
14 provided by local revenue law.

15           (e) All bids shall be publicly opened and  
16 announced by the Board. The hour and place of opening  
17 bids shall be stated in the notice of invitation to  
18 bid.

19           (f) The Board reserves the right, by majority  
20 vote, to reject any or all bids for good cause; to make  
21 further invitations for bids in the same manner as the  
22 original invitation; to waive immaterial irregularities  
23 in the bidding process; and to enter into a contract to  
24 let the franchise, without further invitation, if no  
25 bid is received on the first invitation.

26           (g) In awarding the franchise license, the Board  
27 shall give preference to United States citizens or  
28 lawfully admitted permanent residents, or to firms  
29 which are 75% owned by U.S. citizens or lawfully

1 admitted permanent residents, except, the bid by such  
2 U.S. citizen or lawfully admitted permanent resident  
3 must not be less than 20% of the bid by those not  
4 eligible for this preference.

5 Section 8. Revocation of Franchise License. Upon  
6 a hearing provided by the Board, the Board, by majority  
7 vote, may revoke a franchise license, if it finds the  
8 franchise has violated any provisions of this Act, or  
9 violated or allowed violation of any other Municipal or  
10 Commonwealth laws, in the operation of cockfighting  
11 activities.

12 Section 9. Wagers. All wagering shall be done at the  
13 premise designated by the Board in the franchise license.  
14 Wagering shall not be conducted in any place other than that  
15 designated by the Board.

16 Section 10. Minors Not to Wager or Enter Premises.  
17 Minors under eighteen (18) years of age shall be prohibited  
18 from entering the premise allowed for cockfighting, unless  
19 accompanied by an adult. Under no circumstances shall  
20 minors wager.

21 Section 11. Repeal. Any municipal ordinance  
22 inconsistent with the provisions of this Act is hereby  
23 repealed.

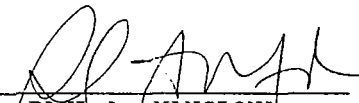
24 Section 12. Severability. If any provisions of this  
25 Act shall be held invalid by a court of competent  
26 jurisdiction, the remainder of this Act shall not be  
27 affected thereby.

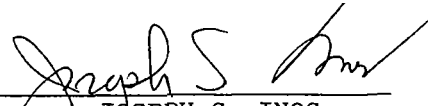
ROTA LOCAL LAW NO. 7-2  
SENATE LOCAL BILL NO. 7-5, S.D.1

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1 Section 13. Effective Date. This Act shall take  
2 effect upon its approval by the Governor, or upon its  
3 becoming law without such approval.

CERTIFIED BY:

  
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PAUL A. MANGLONA  
Chairman  
Rota Legislative Delegation

  
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JOSEPH S. INOS  
President of the Senate

Approved this 7<sup>th</sup> day of May, 1991.

  
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LORENZO I. DE LEON GUERRERO  
Governor  
Commonwealth of the Northern Mariana Islands