

RALPH DLG. TORRES
Governor



VICTOR B. HOCOG
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

07 MAR 2018

The Honorable John Paul P. Sablan
Chairman
Saipan and Northern Islands Legislative Delegation
Twentieth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

The Honorable Rafael S. Demapan
Speaker, House of Representatives
Twentieth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Chairman and Mr. Speaker:

This is to inform you that I have signed into law House Local Bill No. 20-47, S1, D1, entitled, "To amend the Saipan Zoning Law of 2013 to allow adult gaming machines to be operated within certain areas zoned mixed commercial.", which was passed by the Saipan and Northern Islands Legislative Delegation of the Twentieth Northern Marianas Commonwealth Legislature.

This bill becomes **Saipan Local Law No. 20-21**. Copies bearing my signature are forwarded for your reference.

Sincerely,

RALPH DLG. TORRES

cc: Lt. Governor; Press Secretary; Mayor of Saipan; Mayor of Northern Islands; Chairman of SNI Municipal Council; Saipan Higher Education Funding Act; Department of Finance; Zoning Administrator; Saipan Zoning Office; Commonwealth Lottery Commission; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



Saipan & Northern Islands Legislative Delegation

Third Senatorial District

Twentieth Northern Mariana Islands Commonwealth Legislature

P. O. Box 500586

Saipan, MP 96950

Representative John Paul P. Sablan, Chairman

Senator Sixto K. Igisomar, Vice Chairman

Representative Joseph P. Deleon Guerrero

Floor Leader

February 26, 2018

Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern
Mariana Islands
Saipan, MP 96950

Dear Governor Torres:

I am honored to transmit for your action *House Local Bill No. 20-47, S1, D1*, entitled,

“To amend the Saipan Zoning Law of 2013 to allow adult gaming machines to be operated within certain areas zoned mixed commercial. “

The bill was passed unanimously by the Saipan and Northern Islands Legislative Delegation of the Twentieth Northern Mariana Islands Commonwealth Legislature on First and Final Reading, a quorum duly present, during its Second Day, Third Regular Session, 2018 held on February 16, 2018.

Respectfully,

A handwritten signature in cursive script, appearing to read "Alicia DLG. Leon Guerrero".

Alicia DLG. Leon Guerrero

Delegation Clerk

Enclosures



**SAIPAN AND NORTHERN ISLANDS LEGISLATIVE DELEGATION
TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
THIRD REGULAR SESSION, 2018**

HOUSE LOCAL BILL NO. 20-47, S1, D1

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

To amend the Saipan Zoning Law of 2013 to allow adult gaming machines
to be operated within certain areas zoned mixed commercial.

Offered by

Representatives John Paul P. Sablan, Francisco C. Aguon, Joseph Leepan T. Guerrero,
Alice S. Igitol, Janet U. Maratita, Gregorio M. Sablan, Jr.

on

November 17, 2017

HOUSE ACTION

Transmitted to Saipan and Northern Islands Legislative Delegation for action
on December 5, 2018

DELEGATION ACTION

Referred To	:	None
Comments Solicited	:	12/5/17 - Mayor of Saipan; Mayor of Northern Islands; Chairman, SNI Municipal Council
Comments Received	:	12/13/17 – Mayor of Saipan 12/15/17 - Mayor of Northern Islands
Standing Committee Report	:	None
Passed First & Final Reading	:	February 16, 2018 [as S1, D1]

Alicia DLG. Leon Guerrero, Delegation Clerk



SAIPAN AND NORTHERN ISLANDS LEGISLATIVE DELEGATION
Third Senatorial District
Twentieth Northern Marianas Commonwealth Legislature

SECOND REGULAR SESSION, 2017

HOUSE LOCAL BILL NO. 20-47, S1, D1

A LOCAL BILL FOR AN ACT
FOR THE THIRD SENATORIAL DISTRICT

To amend the Saipan Zoning Law of 2013 to allow adult gaming machines to be operated within certain areas zoned mixed commercial.

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

1 **SECTION 1. FINDINGS.**

2 On October 25, 2013, Saipan Local Law 18-5 made it illegal for adult gaming machines
3 to be owned and operated in certain zones within the Third Senatorial District. Specifically,
4 Section 1210 (a) of Saipan Local Law 18-5, entitled, "Nonconforming Adult Gambling Machine
5 Businesses", provides:

6 " (a) Any legally established adult gambling machine business that is in a
7 location in which such business would not be permitted as a new business under
8 the Law shall be considered a nonconforming use."

9 By enacting this legislation, legally established businesses that provided significant
10 funding to the Saipan Higher Education Funding Act (SHEFA), would be considered to be
11 "non-conforming" through absolutely no fault of their own. Millions of dollars of scholarship
12 funding was placed at risk without a viable substitute source. In addition, from a business
13 perspective, long term lease contracts were rendered virtually useless for some businesses who
14 were obligated to continue paying their rent despite not being able to conduct poker operations
15 as they had initially intended on the leased land.

1 In recognition of these issues, the Delegation did see fit to add subsection 1210 (b). This
2 subsection provided a four (4) year grace period to allow the affected legal businesses a short
3 time to re-locate. Subsection 1210 (b) provides:

4 “(b) Within four years of the effective date of this Law, at the end of the last
5 full renewal period of its license from the Department of Finance prior to the
6 deadline, all nonconforming adult gambling machine businesses shall be located
7 in the Adult Business Park, Tourist Resort, Mixed Commercial, Garapan Core,
8 Garapan East, or Beach Road Zoning Districts, in accordance with Section
9 612(b), so long as the establishment is located 200 feet from any other adult
10 gambling machine business, and any church, Laundromat, public and private
11 school, park or playground.”

12 Significantly, the poker establishments were able to operate pursuant to section 1210 (b)
13 so long as the requirements of Saipan Local Law 18-04 subsection 612 (b) were met. Basically,
14 Saipan Local Law 18-04 set forth specific areas and zones wherein poker machines could be
15 owned and operated. Specifically, poker operations were permitted by Saipan Local Law within
16 the Tourist Resort and Mixed Commercial districts. Significantly, however, the language of
17 subsection 612 (b) created a few notable and relevant exceptions that will be detailed herein.

18 Following the passage of Saipan Local Law 18-04 which amended Article 6, Section
19 612(b) of the Saipan Zoning Law of 2013 and its amendments by Saipan Local Law 18-05, this
20 provision was once again amended on April 29, 2015 by Saipan Local Law 19-4 to read as
21 follows:

22 “(b)(1) Within the Tourist Resort and Mixed Commercial districts on a lot
23 abutting Beach Road between Afetna Road and Chalan Msgr. Guerrero
24 and on Chalan Pale Arnold between Chalan Msgr. Guerrero and
25 Commonwealth Drive, as well as in the Garapan Core, Garapan East, and
26 Beach Road zoning districts, if the business is located 200 feet away from
27 a church, laundromat, public or private school, park, playground, or other
28 adult gambling machine business;

1 “(2) In a hotel with more than 20 rooms if it is located within the
2 Garapan Core, Garapan East, Beach Road, Tourist Resort or
3 Mixed Commercial Zoning Districts; or

4 “(3) The restrictions on adult gambling businesses in Sections (1) and
5 (2) of this subsection shall not apply to the holder of a license
6 issued by the Commonwealth Lottery Commission pursuant to PL
7 18-56.”

8 By enacting the forgoing, subsection 612 (b) (1) effectively created two types of
9 commercial areas within one zone by singling out certain streets within mixed commercial areas.
10 Following Saipan Local Law 19-04, the law was once again amended in the form of Saipan
11 Local Law 20-12 which provided that:

12 “(b) An adult gambling machine business shall only be located:

13 ”(1) Within the Tourist Resort and Mixed Commercial districts on lots
14 abutting or west of Beach Road and Chalan Tomas Sablan from
15 Afetna Road to Chalan Msgr. Guerrero and on lots abutting or west
16 of Chalan Pale Arnold from Chalan Msgr. Guerrero to Dama de
17 Noche St., as well as in the Garapan Core, Garapan East, and Beach
18 Road zoning districts, if the business is located 200 feet away from
19 a church, laundromat, public or private school, park, playground, or
20 other adult gambling machine business; or

21 “(2) In a hotel with more than 20 rooms if it is located within the Garapan
22 Core, Garapan East, Beach Road, Tourist Resort or Mixed
23 Commercial Zoning Districts; and

24 “(3) The restrictions on adult gambling businesses in sections (1) and (2)
25 of this subsection shall not apply to the holder of a license issued by
26 the Commonwealth Lottery Commission pursuant to PL 18-56.”

27 This amendment is based on the recommendations of the Zoning Administrator presented
28 at the December 20, 2017 Saipan and Northern Islands (SNILD) Session to address a deficiency
29 in Saipan Local Law 20-12. The amendment will continue to allow the operation of poker

1 machines in certain portions of areas zoned *Mixed Commercial* which are not near an area zoned
2 *Residential*.

3 **SECTION 2. AMENDMENT.**

4 Article 6. Section 612(b) of the Saipan Zoning Law of 2013, Saipan Local Law 18-04,
5 as amended b Saipan Local Law 20-12, is hereby amended as follows:

6 “(b) An adult gambling machine business shall only be located:

7 “(1) Within the Tourist Resort and Mixed Commercial districts on lots
8 abutting or west of Beach Road and Chalan Tomas Sablan from
9 Afetna Road to Chalan Msgr. Guerrero and on lots abutting or
10 west of Chalan Pale Arnold from Chalan Msgr, Guerrero to
11 Orchid St., as well as in the Garapn Core, Garapan East, and Beach
12 Road zoning districts, if the business is located no less than 200
13 feet away from a church, laundromat, pubic or private school,
14 park, playground, or other adult gambling machine business; or

15 “(2) In a hotel with more than 20 rooms if it is located within the
16 Garapan Core, Garapan East, Beach Road, Tourist Resort or
17 Mixed Commercial zoning districts; and

18 “(3) The restrictions on adult gambling businesses in sections (1) and
19 (2) of this subsection shall not apply to the holder of a license
20 issued by the Commonwealth Lottery Commission pursuant to
21 Public Law 18-56.”

22 **SECTION 3. SEVERABILITY.**

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

1 **SECTION 4. SAVINGS CLAUSE.**

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

8 **SECTION 5. EFFECTIVE DATE.**

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

CERTIFIED BY:

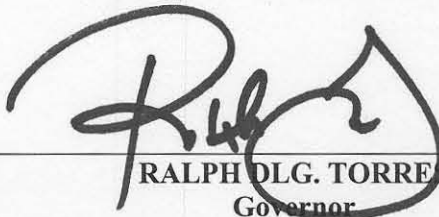


JOHN PAUL P. SABLAN
Chairman
Saipan & Northern Islands
Legislative Delegation



RAFAEL S. DEMAPAN
Speaker
House of Representatives

Approved on this 7th day of March, 2018.



RALPH DLG. TORRES
Governor
Commonwealth of the Northern Mariana Islands