



## COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Ralph DLG. Torres**  
Governor

**Victor B. Hocog**  
Lieutenant Governor

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

21 JAN 2016

Honorable Francisco M. Borja  
Senate President, The Senate  
Nineteenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 19-87, HD1, SD1, entitled, "To amend Title 4 CMC § 5526 to add a new Section 8 Special Casino Liquor License, and Special Electronic Gaming Liquor License, and to amend, repeal and re-enact certain sections of Title 4, Division 5, Chapter 5 of the Commonwealth Code; and for other purposes", which was passed by the House of Representatives and the Senate of the Nineteenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 19-30**. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph DLG. Torres".

RALPH DLG. TORRES

cc: Lt. Governor; Attorney General's Office; Judicial Branch; Commonwealth Casino Commission; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



# House of Representatives

19<sup>th</sup> NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586  
SAIPAN, MP 96950

December 28, 2015

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

Dear Acting Governor Torres:

I have the honor of transmitting herewith for your action **H. B. No. 19-87, HD1, SD1**, entitled: "To amend Title 4 CMC § 5526 to add a new Section 8 Special Casino Liquor License, and Special Electronic Gaming Liquor License, and to amend, repeal and re-enact certain sections of Title 4, Division 5, Chapter 5 of the Commonwealth Code; and for other purposes.", which was passed by the House of Representatives and the Senate of the Nineteenth Northern Marianas Commonwealth Legislature.

Sincerely yours,



Linda B. Muña  
House Clerk

Attachment



*Nineteenth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*

**IN THE HOUSE OF REPRESENTATIVES**

**Sixth Special Session**

**July 16, 2015**

Representative Joseph Lee Pan T. Guerrero, of Saipan, Precinct 1 (*for himself*.) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

**H. B. No. 19-87, HD1, SD1**

**AN ACT**

**TO AMEND TITLE 4 CMC § 5526 TO ADD A NEW SECTION 8 SPECIAL CASINO LIQUOR LICENSE, AND SPECIAL ELECTRONIC GAMING LIQUOR LICENSE, AND TO AMEND, REPEAL AND RE-ENACT CERTAIN SECTIONS OF TITLE 4, DIVISION 5, CHAPTER 5 OF THE COMMONWEALTH CODE; AND FOR OTHER PURPOSES.**

The Bill was referred to the House Committee on Commerce and Tourism, which submitted Standing Committee Report 19-36; adopted 9/27/15.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON  
FIRST AND FINAL READING, SEPTEMBER 29, 2015;**  
*with amendments* in the form of H. B. 19-87, HD1 and transmitted to the  
**THE SENATE.**

The Bill was not referred to a Senate Committee.

**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, NOVEMBER 3, 2015;**  
*with amendments* in the form of H. B. 19-87, HD1, SD1.

The House of Representatives accepted the Senate amendments and passed H. B. 19-87, HD1, SD1 during its 10th Day, Second Regular Session on December 17, 2015.

**THE BILL WAS FINALLY PASSED ON DECEMBER 17, 2015.**

  
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**Linda B. Muña, House Clerk**



*Nineteenth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*  
**IN THE HOUSE OF REPRESENTATIVES**

Tenth Day, Second Regular Session

December 17, 2015

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**H. B. No. 19-87, HD1, SD1**

**AN ACT**

**TO AMEND TITLE 4 CMC § 5526 TO ADD A NEW SECTION 8 SPECIAL CASINO LIQUOR LICENSE, AND SPECIAL ELECTRONIC GAMING LIQUOR LICENSE, AND TO AMEND, REPEAL AND RE-ENACT CERTAIN SECTIONS OF TITLE 4, DIVISION 5, CHAPTER 5 OF THE COMMONWEALTH CODE; AND FOR OTHER PURPOSES.**

**Be it enacted by the Nineteenth Northern Marianas Commonwealth Legislature:**

1           Section 1. Findings and Purpose. The Commonwealth Legislature finds that the  
2 provisions set forth on Public Law 18-56 that authorizes, establishes, and regulates an  
3 exclusive casino gaming license in the Commonwealth did not address the provision with  
4 respect to the hours of sale and consumption of alcoholic beverages within the casino  
5 premises. Traditionally, the hours of operation on casino premises are operated for twenty-  
6 four (24) hours per day. Therefore, the Legislature finds that it is rational to implement a  
7 special casino liquor license that allows for the 24 hours operation of sale and consumption  
8 of alcoholic beverages within the designated casino premises within the Commonwealth  
9 (Saipan, Tinian, Rota) that caters to our gaming and tourism industries. However, while the  
10 Legislature recognizes the potential negative impact that may occur by allowing the sale and  
11 consumption of alcoholic beverages for twenty-four (24) hours per day, the authorization and

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**HOUSE BILL 19-87, HD1, SD1**

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1 condition of the special casino Liquor License shall be strictly confined within the licensed  
2 Casino premises. The Secretary of Commerce and his/her designee shall ensure that the  
3 management and staff of the licensed casino establishment must undergo a certification  
4 training in responsibly selling and serving alcoholic beverages provided by the Alcohol  
5 Beverage and Tobacco Control division prior to issuing the special casino liquor license. The  
6 legislature further finds that certain provisions of Title 4, Division 5, Chapter 5 of the  
7 Commonwealth Code need to be amended, repealed and re-enacted that will provide the law  
8 enforcement officers of the Alcohol Beverage and Tobacco Control division with enhanced  
9 enforcement operational support.

10 The purpose of this bill is to amend and repeal certain sections of Title 4, Division 5,  
11 Chapter 5 of the Commonwealth Code and to add a new Class-8 Special Casino Liquor  
12 License to authorize the hours of sale of alcoholic beverages in licensed casino  
13 establishments in the CNMI to operate for 24 hours per day.

14 **Section 2. Amendment.** 4 CMC § 5526 is hereby amended to read as follows:

15 **“§ 5526. Classes and Fees.**

16 The Secretary of Commerce shall have the authority to create a new Class-7  
17 Special Liquor License and a new Class-8 Special Casino Liquor License and a new  
18 Class 9 Special Electronic Gaming Liquor License and to promulgate application  
19 filing and license fees for the following class of licenses only:

20 Class 1 Manufacturer’s License

21 Annual Sampling Fee

22 Class 2 Wholesale Agent’s License

23 Annual Sampling Fee

24 Class 3 Retail Dealer’s On-Sale License:

25 Beer and Wine

26 General

27 General (if Class A Restaurant license holder Annual Sampling Fee

28 Class 4 Retail Dealer’s Off-Sale License:

29 Beer and Wine

HOUSE BILL 19-87, HD1, SD1

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General

Annual Sampling Fee

Class 5 Temporary Beer License

Class 6 Club License

Class 7 Special Liquor License

Class 8 Special Casino Liquor License

Class 9 Special Electronic Gaming Liquor License”

**Section 3. Amendment.** 4 CMC § 5554 is hereby amended by adding a new subsection (d) to read as follows:

**“§ 5554. Hours of Sale: On-Sale Premises.**

(d) The restriction in subsection (a) shall not apply to Class 8 and Class 9 licensees.

(1) The Class 8 Special Casino Liquor License authorizes a licensed casino operator to sell or serve alcoholic beverages specified by the Alcohol Beverage and Tobacco Control Division for twenty-four (24) hours per day within the designated casino premises.

(2) The Class 9 Special Electronic Gaming Liquor License authorizes a licensed casino operator to sell or serve alcoholic beverages specified by the Alcohol Beverage and Tobacco Control Division for twenty-four (24) hours per day within the designated casino premises.”

**Section 4. Repeal and Re-enact.** 4 CMC § 5557 (b) is hereby repealed and re-enacted to read as follows:

**“§ 5557. Election Day: Sale Prohibited.**

(b) The prohibition with respect to the sale or the serving of alcoholic beverages whenever an election is in progress during the hours when the polls are required by law to be opened for voting shall not apply to on-sale licensees operating within the sterile passenger holding areas at commercial airports, hotels, hotel resorts, golf resorts, casino resorts, and any licensee operating at Managaha island, within the Commonwealth of the Northern Marianas Islands.”

HOUSE BILL 19-87, HD1, SD1

1           **Section 5. Repeal and Re-enact.** 4 CMC § 5578 is hereby repealed and re-enacted to  
2 read as follows:

3                   **“§ 5578. Appropriation of Licensing Fees and Civil Fines.**

4                   (a) The Secretary of Commerce or his designee shall cause all licensing fees  
5 and civil fines received to be paid to the Commonwealth Treasurer. All licensing and  
6 application filing fees collected by the Department of Commerce, Alcoholic Beverage  
7 and Tobacco Control Division, shall be allocated to that Division for the purpose of  
8 the administration of alcoholic beverage licensing, enforcement, training and  
9 prevention programs. Said filing fees may be administered for personnel  
10 compensation such as overtime and night differential during special operations with  
11 justification provided by the Director of the Alcohol Beverage and Tobacco Control  
12 Division and approved by the Secretary of Commerce. The expenditure authority  
13 shall lie with the Secretary of Commerce, while the Mayors of Tinian and Rota shall  
14 be the expenditure authority from their respective municipalities, to ensure alcohol  
15 and tobacco enforcement programs are carried out. All such license and application  
16 filing fees collected shall be deposited into a revolving fund and any unused funds at  
17 the end of a fiscal year shall not lapse and shall be available without fiscal year  
18 limitation. Said funds shall not be earmarked, reprogrammed, or transferred back to  
19 the general fund, or any other account.

20                   (b) Appropriation of Civil, Criminal Fines and Penalties. All civil, criminal  
21 fines and penalties imposed under Title 4, Division 5, Chapter 5 of the  
22 Commonwealth Code as a result from collaborative enforcement efforts conducted by  
23 the Department of Commerce, Alcohol Beverage and Tobacco Control Division and  
24 the Department of Public Safety, shall be deposited directly to the Commonwealth  
25 Treasurer. 50% shall be allocated to the Department of Commerce, Alcohol Beverage  
26 and Tobacco Control Division, and 50% shall be allocated to the “Public Safety  
27 Enhancement Account” as established under 3 CMC § 5803. Said funds shall not be  
28 earmarked, reprogrammed, or transferred back to the general fund or any other  
29 account.

## HOUSE BILL 19-87, HD1, SD1

1           **Section 6. Amendment.** 4 CMC § 5590 is hereby amended to read as follows:

2                   **“§ 5590. Enforcement Powers.**

3                   The Department of Commerce, Alcohol Beverage and Tobacco Control  
4                   Division, shall have all the powers of peace officers in the enforcement of the  
5                   provisions of this chapter and the regulations of the department adopted under the  
6                   provision of this chapter. Law Enforcement Officers under the Alcohol Beverage and  
7                   Tobacco Control Division shall have full arresting authority, carry firearms, and must  
8                   meet the standards as set forth in 6 CMC § 2208 (a),(b),(c),(d). All law enforcement  
9                   officers under the Alcohol Beverage and Tobacco Control Division shall obtain  
10                  training certification and safety standards provided by the range master of the  
11                  Department of Public Safety to responsibly, safely and properly handle or carry  
12                  firearms. It shall be the duty of an Alcohol Beverage and Tobacco Control Division  
13                  Law Enforcement Officer, in addition to enforcing and upholding the CNMI laws, to  
14                  investigate and make arrests for violations of the CNMI Business and Professions  
15                  Code in the areas within their primary jurisdiction which are licensed by the Alcohol  
16                  Beverage and Tobacco Control Division. With the exception of existing or actively  
17                  employed Alcohol Beverage and Tobacco Control Division Law Enforcement  
18                  Officers which shall be grandfathered from the provisions of this chapter, any future  
19                  hiring of Alcohol Beverage and Tobacco Control Division law enforcement officers,  
20                  after this Act becomes law, shall be required to attend the combined law enforcement  
21                  academy prior to employment, except for prospective applicants who have previously  
22                  taken and graduated from the combined law enforcement academy or police  
23                  academy.”

24                  **Section 7. Repeal and Re-enact.** 4 CMC § 5591(b) is hereby repealed and re-enacted  
25                  to read as follows:

26                   **“§ 5591. Inspection Authority.**

27                   (b) The Department of Commerce, Alcohol Beverage and Tobacco Control  
28                   Division, through an Memorandum of Understanding with the Department of Public  
29                   Safety, may use persons under the age of 21 years in the enforcement of this section



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**HOUSE BILL 19-87, HD1, SD1**

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1 to apprehend licensees, employees or agents of licensees, or other persons who sell or  
2 furnish alcoholic beverages to minors provided that no persons under the age of 21  
3 posting as a decoy may so assist or be requested to so assist law enforcement agencies  
4 as a condition of probation or in connection with a court's disposition or sentencing in  
5 any court proceedings. Notwithstanding subdivision (b), any person under the age of  
6 21 years who purchases or attempts to purchase any alcoholic beverage while under  
7 the direction of a peace officer is immune from prosecution for that purchase or  
8 attempt to purchase an alcoholic beverage. Guidelines with respect to the use of  
9 persons under the age of 21 years as decoys shall be adopted and published by the  
10 department in accordance with the rulemaking portion of the Administrative  
11 Procedure Act. Law enforcement-initiated minor decoy programs in operation prior to  
12 the effective date of regulatory guidelines adopted by the department shall be  
13 authorized as long as the minor decoy displays to the seller of alcoholic beverages the  
14 appearance of a person under the age of 21 years. This subsection shall not be  
15 construed to prevent the department from taking disciplinary action against a licensee  
16 who sells alcoholic beverages to a minor decoy prior to the department's final  
17 adoption of regulatory guidelines. During the course of every minor decoy program  
18 performed under this subsection, the law enforcement agency using the decoy shall  
19 notify the licensees in writing of the results whether or not they pass or fail the  
20 compliance checks. When the use of a minor decoy results in the issuance of a  
21 citation, the notification required shall be given to licensees and the department  
22 within 72 hours of the issuance of the citation. The Alcohol Beverage and Tobacco  
23 Control Division or Department of Public Safety may comply with this requirement  
24 by leaving a written notice at the licensed premises addressed to the licensee, or by  
25 mailing such notice to the licensee."

26 **Section 8. Amendment.** 4 CMC § 5603 is hereby amended to read as follows:

27 **“§ 5603. Criminal Penalty for Violations.**

28 Any person who violates, causes or permits a violation or fails or refuses to  
29 comply with any provision of this chapter or any order or regulation of the Alcohol

HOUSE BILL 19-87, HD1, SD1

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1 Beverage and Tobacco Control Division not inconsistent with the provision of this  
2 chapter for which a specific penalty is not provided, is guilty of a misdemeanor,  
3 punishable by the following:

4 (a) *First Offense.* A fine of not less than \$1,000, or by imprisonment of not  
5 more than one year, or by both and shall be required to perform no more than 250  
6 hours of community service.;

7 (b) *Second Offense.* A fine of not less than \$3,000, or by imprisonment of not  
8 more than three years, or both and shall be required to perform no more than 250  
9 hours of community service; and

10 (c) *Third Offense.* A fine of not less than \$5,000, or by imprisonment of not  
11 more than five years, or both and shall be required to perform no more than 250 hours  
12 of community service.”

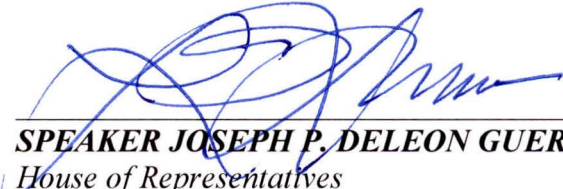
13 **Section 9. Severability.** If any provisions of this Act or the application of any such  
14 provision to any person or circumstance should be held invalid by a court of competent  
15 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
16 circumstances other than those to which it is held invalid shall not be affected thereby.

17 **Section 10. Savings Clause.** This Act and any repealer contained herein shall not be  
18 construed as affecting any existing right acquired under contract or acquired under statutes  
19 repealed or under any rule, regulation, or order adopted under the statutes. Repealers  
20 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.  
21 The enactment of the Act shall not have the effect of terminating, or in any way modifying,  
22 any liability, civil or criminal, which shall already be in existence on the date this Act  
23 becomes effective.

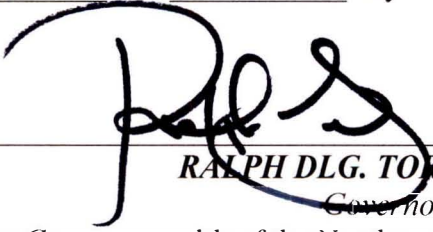
**HOUSE BILL 19-87, HD1, SD1**

1           **Section 11. Effective Date.** This Act shall take effect upon its approval by the  
2 Governor, or its becoming law without such approval.

Attested to by:   
**Linda B. Muña, House Clerk**

Certified by:   
**SPEAKER JOSEPH P. DELEON GUERRERO**  
House of Representatives  
19<sup>th</sup> Northern Marianas Commonwealth Legislature

Approved this 21<sup>st</sup> day of January, 2016

  
**RALPH DLG. TORRES**  
Governor  
Commonwealth of the Northern Mariana Islands