

TITLE 10: LOCAL LAWS
DIVISION 2: SECOND SENATORIAL DISTRICT (TINIAN, ETC.)

§ 2512. Definitions.

In this chapter, unless the contrary intention appears:

(a) “Adult” means any person 21 years or older.

(b) “Applicant” means any person who on his own behalf or on behalf of another has applied for permission to engage in any act or activity which is regulated under the provisions of this chapter.

(c) “Application” means a written request for permission to engage in any act or activity which is regulated under the provisions of this chapter.

(d) “Attorney General” means the Attorney General of the Commonwealth of the Northern Mariana Islands.

(e) “Casino” means those areas of a hotel-casino complex identified in a casino license as the areas constituting the casino in a particular case. Without limiting the generality or scope of the foregoing, the term includes where so identified not only areas for the conduct and playing of games but also areas for money counting, surveillance, accounting, storage and other activities related to the operation and functioning of the casino.

(f) “Casino employee” means any natural person employed in the operation of a licensed casino, including, without limitation, boxing; dealers or croupiers; floormen; machine mechanics; casino security employees; count room personnel; cage personnel; slot machine and slot booth personnel; collection personnel; casino surveillance personnel; and data processing personnel; or any other natural person whose employment duties require or authorize access to restricted casino areas, including, without limitation, appropriate maintenance personnel; waiters and waitresses; and secretaries.

(g) “Casino gross revenue” means the total of all sums, including checks whether collected or not, actually received by a casino operator from the conduct of gaming, less the total of all sums paid out as winnings in respect of gaming.

For the purposes of this definition, any sum received in payment for credit extended by a licensee to a patron for purposes of gaming or for the issue of a chip for gaming is a sum received from the conduct of gaming.

(h) “Casino key employee” means:

(1) Any person employed or working in a casino in a managerial capacity or who is empowered to make decisions, involving the exercise of his discretion, that regulate the operation of a casino;

(2) Any person associated with or employee of a casino who, in the opinion of the Tinian Casino Gaming Control Commission, has the power to exercise a significant influence over or with respect to the operation of the casino; or

(3) Any person associated with or employee of a casino who, by reason of his remuneration or policy-making position or by reason of any other criteria determined by the Tinian Casino Gaming Control Commission holds or exercises or is able to exercise authority of such a nature or to such an extent in respect of the operation of the casino as, in the opinion of the Tinian Casino Gaming Control Commission, to render it desirable in the public interest that he be licensed as a casino key employee.

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(i) "Casino lease" means a written lease approved by the Tinian Casino Gaming Control Commission under which the casino licensee leases to the lessee the hotel-casino complex or the casino.

(j) "Casino license" means a license granted by the Tinian Casino Gaming Control Commission on the recommendation of the executive director authorizing the conduct and playing in a casino of such games as may in the particular case be authorized by the commission.

(k) "Casino licensee" means the holder for the time being of a casino license. The term includes a person referred to in this chapter as a casino licensee who, while not at the material time the holder of a casino license, is a person to whom it is proposed to grant a casino license under and in accordance with an agreement as referred to in 10 CMC § 2531.

(l) "Casino management agreement" means a written agreement approved by the Tinian Casino Gaming Control Commission under which the casino licensee or the lessee under a casino lease agrees with the other party to the agreement for the management by that other party of the hotel-casino complex or the casino, as the case may be.

(m) "Casino operator" means:

(1) Where there is no casino lease or casino management agreement, the casino licensee;

(2) Where there is a casino lease and no casino management agreement, the lessee under the casino lease; or

(3) Where there is a casino management agreement, the person who has entered into the agreement with the casino licensee or, where there is also a casino lease, the lessee under the casino lease, as the case may be.

The term includes a person referred to in this chapter as a casino operator who:

(4) In the case of subsection (1) of this subsection, while not at the material time a casino licensee, is a person to whom it is proposed to grant a casino license under and in accordance with an agreement as referred to in 10 CMC § 2531;

(5) In the case of subsection (2) of this subsection, is a lessee under a casino lease entered into prior to the grant of casino license to the casino licensee; or

(6) In the case of subsection (3) of this subsection, is a person who has entered into a casino management agreement with the casino licensee or the lessee under a casino lease prior to the grant of a casino license to the casino licensee.

(n) "Chips" means any tokens used or capable of being used in a casino in the conduct of gaming in the place of money and approved for the purpose by the Tinian Casino Gaming Control Commission.

(o) "Commission officer" or "employee" means any person appointed as a member, an officer or employee of the Tinian Casino Gaming Control Commission whose duties and responsibilities are related to or are in support of the effectual administration of this chapter.

(p) "Commonwealth" means the Commonwealth of the Northern Mariana Islands.

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(q) “Complimentary service or item” means a service or item provided at no cost or at a reduced price. The furnishing of a complimentary service or item by a casino licensee shall be deemed to constitute the indirect payment for the service or item by the casino licensee, and shall be valued in an amount based upon the retail price normally charged by the casino licensee for the service or item. The value of a complimentary service or item not normally offered for sale by a casino licensee or provided by a third party on behalf of a casino licensee shall be the cost to the casino licensee of providing the service or item, as determined in accordance with the rules of the commission.

(r) “Council” means the Tinian Municipal Council.

(s) “Creditor” means the holder of any claim, of whatever character, against a person, whether secured or unsecured, matured or unmatured, liquidated or unliquidated, absolute, fixed or contingent.

(t) “Deputy Director” means the Deputy Director of the Tinian Casino Gaming Control Commission.

(u) “Division” or “Enforcement Division” means the Division of Enforcement under the commission referred to in 10 CMC § 2528.

(v) “Dwelling” means a house or apartment where a person resides.

(w) “Employ” or “employment” means to engage or engagement under a contract for services.

(x) “Executive Director” means the Executive Director of the Tinian Casino Gaming Control Commission.

(y) “Financial year” means the period of 12 months ending on September 30 in any year or, where the Tinian Casino Gaming Control Commission approves some other date as the terminating date of a financial year in a particular case, the period of 12 months ending on the date so approved. The term includes, where the Tinian Casino Gaming Control Commission approves some other date aforesaid, a period longer or shorter than 12 months but not exceeding 18 months ending on the date so approved for the purpose of giving effect to an alteration to the terminating date in a particular case.

(z) “Game” means any game specified in a publication, together with an account of the rules for the playing thereof, by the Tinian Casino Gaming Control Commission as a game that may be conducted or played in a casino pursuant to a casino license.

(aa) “Gaming” or “gambling” means the playing in a casino of any game.

(bb) “Gaming equipment” means any electronic, electrical or mechanical contrivance or machine or any other physical item (excluding chips) used or for use in a casino in connection with gaming.

(cc) “Holding company” means any corporation, association, firm, partnership, trust or other form of business organization not a natural person which, directly or indirectly, owns, has the power or right to control, or has the power to vote any significant part of the outstanding voting securities of a corporation which holds or applies for a casino license. For the purpose of this chapter, in addition to any other reasonable meaning of the words used, a “holding company” indirectly has, holds or owns any such power, right or security if it does so through any interest in a subsidiary or successive subsidiaries, however many

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such subsidiaries may intervene between the holding company and the corporate licensee or applicant.

(dd) "Hotel" or "approved hotel" means a building containing not fewer than 300 sleeping units, each of at least 325 square feet measured to the center of perimeter walls, including bathroom and closet space and excluding hallways, balconies and lounges; each containing private bathroom facilities; and each held available and used regularly for the lodging of tourists and guests and conforming in all respects to the agreement referred to in 10 CMC § 2531. In no event shall the main entrance or only access to an approved hotel be through a casino.

(ee) "Hotel-casino complex" means a hotel established within the area of which is a casino and other businesses or amenities identified in an agreement referred to in 10 CMC § 2531.

(ff) "Household" means a dwelling where one or more persons reside. A person's household is his primary residence. No person can have more than one household.

(gg) "Inspector" means:

(1) An inspector appointed by the Tinian Casino Gaming Control Commission;

(2) A commission employee who is appointed to be an inspector by the Tinian Casino Gaming Control Commission;

(3) A person who is appointed as an inspector (whether by use of that term or by use of another name containing that term) by the Tinian Casino Gaming Control Commission; or

(4) Any person who is, ex officio, an inspector under this chapter.

(hh) "Junket" means an arrangement the purpose of which is to induce any person, selected or approved for participation therein on the basis of his ability to satisfy a financial qualification obligation related to his ability or willingness to gamble or on any other basis related to his propensity to gamble, to come to a licensed casino hotel for the purpose of gambling and pursuant to which, and as consideration for which, any or all of the cost of transportation, food, lodging, and entertainment for said person is directly or indirectly paid by a casino licensee or employee or agent thereof.

(ii) "Junket enterprise" means any person who employs or otherwise engages the services of a junket representative in connection with a junket to a licensed casino, regardless of whether or not those activities occur within the Commonwealth.

(jj) "Junket representative" means any natural person who negotiates the terms of, engages in the referral, procurement or selection of persons who may participate in, or accompanies for purposes of monitoring or evaluating the participants in, any junket to a licensed casino, regardless of whether or not those activities occur within the Commonwealth.

(kk) "License" means a gaming license, manufacturer's or distributor's license.

(ll) "License fees" means any moneys required by law to be paid to obtain or renew a gaming license, manufacturer's or distributor's license.

(mm) "Licensee" means any person to whom a valid gaming license, manufacturer's or distributor's license has been issued.

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(nn) "Mayor" means the Mayor of Tinian and Aguiguan.

(oo) "Member of the police force" means member of the Department of Public Safety of the Commonwealth of the Northern Mariana Islands.

(pp) "Municipality" means the municipality of Tinian and Aguiguan in the Second Senatorial District, Commonwealth of the Northern Mariana Islands.

(qq) "Operation" means the conduct of gaming.

(rr) "Person" includes any body corporate, association, firm, business, or partnership as well as a natural person.

(ss) "Public interest" or "interest of the public" means public interest or the interest of the public having regard to the creation and maintenance of public confidence and trust in the credibility, integrity and stability of casino operations.

(tt) "Property" means real property, tangible and intangible personal property, and rights, claims and franchises of every nature.

(uu) "Publicly traded corporation" means any corporation or other legal entity, except a natural person, which:

(1) Has one or more classes of security registered pursuant to section 12 of the federal Securities Exchange Act of 1934, as amended;

(2) Is an issuer subject to section 15(d) of the federal Securities Exchange Act of 1934 as amended; or

(3) Has one or more classes or securities traded in any open market in any foreign jurisdiction or regulated pursuant to a statute of any foreign jurisdiction which the commission determines to be substantially similar to either or both of the aforementioned statutes.

(vv) "Quarter" or "quarter of the year" means a period of three consecutive months commencing on the first day of January, April, July or October in any year.

(ww) "Resident" means any person who occupies a dwelling within the Municipality of Tinian, has a present intent to remain within the municipality for an indefinite period of time, and manifests the genuineness of that intent by establishing an ongoing physical presence within the municipality together with indicia that his presence within the municipality is something other than merely transitory in nature.

(xx) "Security" means any instrument evidencing a direct or indirect beneficial ownership or creditor interest in a corporation, including but not limited to: stock, common and preferred; bonds; mortgages; debentures; security agreements; notes; warrants; options and rights.

(yy) "Slot machine" means any mechanical, electrical or other device, contrivance or machine which, upon insertion of a coin, token or similar object therein, or upon payment of any consideration whatsoever, is available to play or operate, and the play or operation of which, whether by reason of the skill of the operator or applicant of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash or tokens to be exchanged for cash, or to receive merchandise or any thing of value whatsoever, whether the payoff is made automatically from the machine or in any other manner whatsoever, except that:

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(1) No merchandise or thing of value shall be offered as part of a payoff of any slot machine unless such merchandise or thing of value has a cash equivalent value of at least \$5,000; and

(2) The cash equivalent value of any merchandise or other thing of value shall not be included in the total of all sums paid out as winnings to patrons for purposes of determining gross revenues as defined herein or be included in determining the payout percentage of any slot machine.

The commission shall promulgate rules defining “cash equivalent value” in order to assure fairness, uniformity and comparability of valuation of slot machine payoffs.

A slot machine is a gambling amusement machine as referred to in 1 CMC § 1402(c)(4).

(zz) “Statement of compliance” means a statement by the commission which may be issued to an applicant indicating satisfactory completion of a particular stage or stages of the license consideration process, and which states that unless there is a change of any material circumstances pertaining to such particular stage or stages of license consideration involved in the statement, such applicant has complied with requirements mandated by this chapter and by the commission and is therefore approved for license qualification to the stage or stages for which the statement has been issued.

(aaa) “Subsidiary” means:

(1) Any corporation, any significant part of whose outstanding equity securities are owned, subject to a power or right of control, or held with power to vote, by a holding company or any intermediary company; or

(2) A significant interest in any firm, association, partnership, trust or other form of business organization, not a natural person, which is owned, subject to a person or right of control, or held with power to vote, by a holding company or an intermediary company.

(bbb) “Tinian Casino Gaming Control Commission” or “Commission” means the regulatory body referred to in 10 CMC § 2521.

(ccc) “Transfer” means the sale and every other method, direct or indirect, of disposing of or parting with property or with an interest therein, or with the possession thereof, or of fixing a lien upon property or upon an interest therein, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, payment, pledge, mortgage, lien, encumbrance, gift, security or otherwise. The retention of a security interest in property delivered to a corporation shall be deemed a transfer suffered by such corporation.

Source: Tinian Local Initiative 1, § 4.