§ 2314. Powers and Duties of the Commission.

The Commission shall have all the powers and authority necessary to carry out the purposes of this chapter, including, without limitation, the responsibility:

(a) To conduct hearings pertaining to the violation of this chapter or regulations promulgated hereto; including hearings for the purpose of approving casino licenses and other business allowed under this chapter.

(b) To promulgate such rules and regulations, as may be necessary to fulfill the intent, policies and purposes of this chapter. The Commission may use such rules and regulations to interpret, enlarge upon, except provisions defining the authority and powers of the Commission, or define, or any provision of this chapter to the extent that such provision is not specifically defined by this chapter. The rules and regulations shall, at a minimum, provide for the following:

(1) A code of ethics for the members of the Commission and its officers and employees.

(2) Supervision, monitoring and investigation or other means to ensure the suitability and compliance with the legal, statutory and contractual obligations of owners, operators, and employees of casinos and other persons licensed under this chapter.

(3) The examination, supervision and monitoring of the continuing fiscal and financial capability of casino owners, operators, concessionaires and other parties with any direct relation to the sole casino and to protect the public in the event that such capability is significantly diminished.

(4) To collaborate in the definition, coordination and execution of the economic policies for the operations of the casino games of fortune and other ways of gaming, pari-mutuels, wagering and casino gaming activities offered to the public.

(5) To authorize and certify all the equipment and utensils used by the operations of the concessionaires approved in the respective concessions.

(6) To issue licenses for “junket” promoters of casino games of fortune or other casino gaming activities.

(7) To examine, supervise and monitor the eligibility of the single or collective junket promoter(s), their partners and principal employees.

(8) To examine, supervise and monitor the activities and promotions of the junket promoters in relation to their compliance with legal, statutory, and contractual obligations, and other responsibilities stipulated in the applicable legislation and contracts.

(9) To investigate and penalize any administrative infractions practiced according to the appropriate substantial and procedural legislations.

(10) To ensure that the relationship of the licensed gaming operators with the government and the public is in compliance with the Commission’s regulations and provides the highest interest to Commonwealth.

(11) The exclusion and removal of undesirable persons from the sole casino.

(12) Civil penalties for the violation of provisions or regulations imposed under this chapter.

(13) Penalties for the late payment of applicable fines, or fees.

(c) To levy fines and penalties for the violation of provisions of this chapter and the regulation promulgated by the Commission.

(d) To require and demand access to and inspect, examine, photocopy, and audit all papers, books and records of the casino operator on its premises or elsewhere as practical, including inspecting the gross income produced by the casino operators, gaming business and verification of their income, and all other matters affecting the enforcement of the Commission's policy or as required pursuant to this chapter.

(e) For the types of gaming and games to be covered by the casino license and their structure.

(f) The Commission shall also regulate sports betting, pari-mutuel betting, and other wagering which relies on events occurring within or without the casinos regulated by the Commission.

(g) The Commission shall not regulate betting or wagering associated with cockfighting.

(h) The Commission shall not have the authority to issue a license to the exclusive casino licensee. The power to issue such sole casino operator license lies with the Commonwealth Lottery Commission. The license shall not be suspended or revoked absent finding of clear and convincing evidence during a hearing pursuant to 1 CMC § 9101 *et seq.* by unanimous vote of the Commonwealth Casino Commission. The statute of limitation shall prohibit filing of violations not decided within six months of the alleged incident or action.*

(i) Information, data deemed confidential; exceptions.

(1) Except as otherwise provided in this chapter, all information required by the Commission to be furnished pursuant to this chapter or the regulations promulgated hereunder, or which may be otherwise be obtained, relative to the internal controls or to the earnings or revenue of any applicant or licensee shall be considered to be confidential and shall not be revealed in whole or in part except in the course of the necessary administration of this chapter, or upon the lawful order of a court of competent jurisdiction, or, with the approval of the Attorney General, to a duly authorized law enforcement agency.

(2) All information and data pertaining to an applicant's criminal record, family, and background furnished to or obtained by the division or the Commission from any source shall be considered confidential and shall be withheld in whole or in part, except that any information shall be released upon the lawful order of a court of competent jurisdiction or, with the approval of the Attorney General, to a duly authorized law enforcement agency.

(3) Notice of the contents of any information or data released, except to a duly authorized law enforcement agency pursuant to paragraph (1) or (2) of this subsection, shall be given to any applicant or licensee in a manner prescribed by the rules and regulations adopted by the Commission.

(4) The following information to be reported periodically to the Commission by a casino licensee shall not be considered confidential and shall be made available for public inspection:

(A) A licensee's gross revenue from all authorized casino gaming activities as defined in this chapter, and the licensee's gross revenue from simulcast wagering;

(B)(i) The dollar amount of patron checks initially accepted by a licensee, (ii) the dollar amount of patron checks deposited to the licensee's bank account, (iii) the dollar amount of such check initially dishonored by the bank and returned to the licensee as uncollected, and (iv) the dollar amount ultimately uncollected after all reasonable efforts;

(C) The amount of gross revenue tax or investment alternative tax actually paid and the amount of investment, if any, required and allowed, pursuant to Commonwealth law;

(D) A list of the premises and the nature of improvements, costs thereof and the payees for all such improvements, which were the subject of an investment required and allowed pursuant to Commonwealth law;

(E) A list of the premises, nature of improvements and costs thereof which constitute the cumulative investments by which a licensee has recaptured profits pursuant to Commonwealth law;

(F) All quarterly and annual financial statements presenting historical data which are submitted to the Commission, including all annual financial statements which have been audited by an independent certified public accountant licensed to practice in the CNMI; and

(G) The identity and nature of services provided by any person or firm receiving payment in any form whatsoever for professional services in connection with the authorization or conduct of games conducted at a casino establishment.

(j) The Commission may impose reasonable charges and fees for direct costs incurred in the review, redaction, and copying, by the Commission of documents subject to public inspection without regard to whether the document is merely inspected by the requestor or whether copies are requested. Such fees shall be deposited into the CCCRF Fund.

(k) The Commission shall regulate one live training facility of non-permanent duration and all permanent facilities as are consistent with the provisions of the Casino License Agreement granted to the exclusive casino licensee and together shall be operated by the exclusive casino licensee.

(l) The Commission shall submit to the legislature for approval on or before April 1 of each year a proposed annual budget for the next fiscal year in accord with the budgeting and planning procedure applicable to all departments of the

Executive Branch beginning fiscal year 2017. Within its proposed budget, the Commission shall itemize all personnel, travel, and other expenses for the fiscal year in question; the sums required to be expended during the year with respect to its casino regulatory responsibilities; and a detailed statement of all other Commission assets, liabilities, revenues and expenditures.

* See Commission Comment.

Source: PL 18-38 § 5(204) (Mar. 21, 2014), modified; subsections (b) and (b)(13) amended and (e) repealed and reenacted by PL 18-43 §§ 12, 13, and 14 (Apr. 1, 2014); repealed by PL 18-56 § 2 and reenacted by PL 18-56 § 7(2314) (July 11, 2014); subsection (h) amended and subsections (i)–(l) enacted by PL 19-24 § 10 (Dec. 4, 2015), modified.

Commission Comment: The Commission changed the semicolon following "Commission" in subsection (h) to a period pursuant to 1 CMC § 3806(g). The Commission struck the figure "(6)" in subsection (h) pursuant to 1 CMC § 3806(e). The Commission substituted "this chapter" for "this act" in subsection (i)(1) pursuant to 1 CMC § 3806(d), (g). The Commission capitalized the term "commission" throughout this section pursuant to 1 CMC § 3806(f).

* Subsection (h) as received by the Commission in PL 19-24 § 10 (Dec. 4, 2015) reads as follows:

(h) The Commission shall not have the authority to issue a license to the exclusive casino licensee. The power to issue such sole casino operator license lies with the Commonwealth Lottery Commission. The license shall not be suspended or revoked absent finding of clear and convincing evidence during a hearing pursuant to 1 CMC § 9101 *et seq.* by unanimous vote of the Commonwealth Casino Commission; ~~provided that any decision of the Commission to revoke the exclusive casino license shall be submitted to the legislature for approval by a majority of the members of each house of the legislature through a joint resolution.~~ The statute of limitation shall prohibit filing of violations not decided within six months of the alleged incident or action.

See also, Commission Comment to 4 CMC § 2301.