

TITLE 4: ECONOMIC RESOURCES
DIVISION 2: TOURISM

§ 2313. Establishment of Regulatory Commission.

(a) The Commonwealth Casino Commission is hereby established as an autonomous public agency of the government of the Commonwealth of the Northern Mariana Islands. As an autonomous public agency, it shall establish and maintain its own bank accounts, process the payroll of its members and employees, process payment for its operational expenses, and handle procurement matters pursuant to regulations consistent with Commonwealth law enacted therefore. The Commission shall enact its own procurement policy, personnel policy, personnel classification structure, and a salary schedule for its employees consistent with Commonwealth law; provided that 1 CMC §8246 and §8248 shall not apply to any employee of the Commonwealth Casino Commission.

(b) *Appointment of Commissioners and Term.* The Commission shall consist of five commissioners.

(1) The governor shall appoint all five commissioners subject to the advice and consent of the Senate. The governor shall appoint one commissioner from the First Senatorial District, one commissioner from the Second Senatorial District, and three commissioners from the Third Senatorial District. This section shall apply to all commissioners appointed after the effective date of this act.

(2) Each member shall serve a term of six years, except that of the members first appointed, two shall serve a term of four years, and three shall serve a term of six years, however, each member shall serve one term. A term of a member is defined as the time a member serves as a Commissioner regardless of the duration. This provision shall be effective as of May 1, 2014.

(3) The first members of the Commission shall be appointed as provided in this section before May 2, 2014. The terms of all the members first appointed shall begin from May 1, 2014, regardless of the actual date of appointment.

(4) Any vacancy shall be filled by the governor appointing a qualified person for the unexpired term thereof or for a new six year term. No member shall serve more than one term. A member removed from the Commission for cause shall not be re-appointed to the Commission.

(c) *Qualifications of Commissioners.*

(1) Each member shall be a citizen or national of the United States and shall be a resident of and registered to vote in the Senatorial District from which they were appointed.

(2) A Commission member must be an adult, and possess a good moral character, a bachelor's degree in any field of study from a postsecondary educational institution accredited in the United States or must have at least five years work experience in the following areas: business management, government management, or financial management.

(3) No person may be appointed who has been convicted of a crime, excepting traffic offenses, in any jurisdiction of the United States, the Commonwealth or any foreign country carrying a maximum sentence of more than six months,

TITLE 4: ECONOMIC RESOURCES
DIVISION 2: TOURISM

or any crime or offense involving moral turpitude unless a full pardon has been granted.

(4) No member shall serve in any other positions established by this chapter or shall be an employee or official of the Commonwealth, or of a municipality, agency, corporation, or other instrumentality or branch of the Commonwealth, or of any agency of local government of the Commonwealth, except that a member may serve without additional compensation on a task force or other temporary body the work of which is related to the work of the Commission.

(5) No individual may serve as a member of the Commission, if such individual, or a parent or child of such individual, holds or is an applicant for any license under this title or holds any direct or indirect financial interest in any person or entity that holds or is an applicant for any license under this title.

(6) The gender and ethnicity requirements of [1 CMC § 2901](#) shall not apply to the Commission.

(d) *Removal of Commissioner for Cause Only.* The Governor may, for cause only, suspend or remove any Commission member, without regard to who appointed said member, subject to judicial review by the Superior Court, which may stay such removal or suspension pending such review.

(e) Membership on the Commission shall be automatically forfeited upon violation of subsection (c) of this section, upon conviction of a felony, or upon conviction of any crime or offense involving moral turpitude.

(f) The Commission shall not be considered an agency of local government for purposes of Article VI, Section 8, of the Constitution.

(g) *Compensation.* Members of the Commission shall each be compensated at the rate of \$40,000.00 for the first year of the Commission's existence. After the first year of the Commission's existence, Commissioners shall be compensated at the rate of \$65,000.00 per annum; provided that each Commissioner must attend all scheduled meetings unless excused by the Chairperson of the Commission. All travel will be subject to [1 CMC § 7407](#).

(h) The members of the Commission shall elect their chairman, vice chairman, secretary and treasurer for terms of one year, beginning from the effective date of their term.

(i) *Meetings and Quorum.*

(1) Meetings of the Commission will be held at the discretion of the Chairperson at such times and places as he or she may deem necessary and convenient, or at the call of a majority of the members of the Commission.

(2) Except as provided in this chapter, the Commission shall in all respects comply with the provisions of the CNMI Open Government Act as set forth in 1 CMC § 9901 *et seq.*

(3) The minimum number of members needed to constitute a quorum for the conduct of Commission business shall be three members. The Commission is encouraged to adopt rules and regulations to provide for the appearance at meetings telephonically or via videoconference by members who are not physically present at the meeting. A member who appears telephonically or

TITLE 4: ECONOMIC RESOURCES
DIVISION 2: TOURISM

via videoconference pursuant to Commission rule or regulation shall be deemed present to constitute a quorum.

(j) The members of the Commission are not employees of the Commission or the Commonwealth government.*

(k) Commonwealth Casino Commission agents deemed essential. Notwithstanding any other provision of law to the contrary, in the event of a budgetary or other crisis which necessitates a temporary closure of the nonessential commonwealth agencies of the Commonwealth the members, employees, and agents of the Commission shall be deemed to be essential and shall continue to perform their duties.

* See Commission Comment.

Source: PL 18-38 § 5(203) (Mar. 21, 2014), modified; subsections (a) and (g) amended and subsection (j) added by PL 18-43 §§ 10, 18, and 11 (Apr. 1, 2014), modified; repealed by PL 18-56 § 2 and reenacted by PL 18-56 § 7(2313); (a) and (b)(4) amended by PL 19-24 § 6 (Dec. 4, 2015); (g) and (i) amended by PL 19-24 § 7 (Dec. 4, 2015); subsections (a) and (b) amended by PL 21-38 § 8 (Jan. 7, 2021); subsection (k) added by PL 21-38 § 9 (Jan. 7, 2021).

Commission Comment: The Commission capitalized the terms “commissioner,” “commission,” and “chairperson” in subsections (g) and (i) pursuant to 1 CMC § 3806(f).

* PL 19-24 § 15 (Dec. 4, 2015), as received by the Commission, reads as follows:

~~**Section 15. Amendment.** Subject to codification by the CNMI Law Revision Commission, the Commonwealth Code is hereby amended by the addition of a section as follows:~~

~~**§ xxx. Commonwealth Casino Commission and its agents deemed essential.**~~

~~Notwithstanding any other provision of law, in the event of a budgetary or other fiscal crisis which necessitates a temporary closure of the nonessential commonwealth agencies of the Commonwealth, the Commonwealth Casino Commission and its agents shall be deemed essential employees and shall continue to perform their duties.~~

See also, Commission Comment to 4 CMC §§ 2301 and 2305.