

TITLE 4: ECONOMIC RESOURCES
DIVISION 2: TOURISM

§ 2317. License.

(a) *Casino License.*

(1) *Exclusive License.*

(i) *Number of Authorized License.*

(A) The granting of the exclusive casino license is within the discretion of the Commonwealth Lottery Commission. Only one license may be issued under this chapter. The Commonwealth Lottery Commission must act to deny or approve applications before July 1, 2014 or when the requirements of [4 CMC § 2318](#) have been completed. After approving an application for the exclusive license, the Commonwealth Lottery Commission may negotiate the terms of the exclusive license before it is issued. The license shall be subject to such conditions as the Commonwealth Lottery Commission deems necessary to assure compliance with this chapter, including timelines for construction, commencing operations, and achieving the minimum initial investment requirements. The issuance of the license by the Commonwealth Lottery Commission shall not be subject to judicial review.

(B) In the event that a license is not issued as provided in this chapter, the Commonwealth Lottery Commission shall establish new application timelines and may provide for additional application procedures and requirements that are consistent with this chapter.

(ii) *Term.* Once the exclusive license is granted, it shall be for a period of twenty-five consecutive years with an option to extend the term for fifteen additional years.

(iii) *Criteria:* Other criteria required for the issuance of a license shall be provided for by the Commonwealth Lottery Commission but shall include financial capacity to operate hotel or resort and the casino that serves the best interest of the people of the Commonwealth both short term and long term as intended under this chapter.

(iv) *Restrictions.* The Commonwealth Lottery Commission shall approve the casino licensee's set number of games, such as slot machines or gaming tables, either in total or by category, which will be offered for play for an establishment to constitute a casino. The Commonwealth Lottery Commission shall determine whether a casino shall offer a sports pool, race book, system for pari-mutuel wagering, or similar system dependent on on-premise or off-premises events. Pursuant to this subsection, each casino licensee shall operate a conforming casino in good faith so as to prohibit a license from being held without a good faith casino operation. After the issuance of the license, the Commission may amend by regulation the requirements of 4 CMC Section 2317(a)(1)(iv) as it deems to be in the best interest of the Commonwealth.

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(b) *Casino Service Providers.* The Commission shall, by regulation, determine which types of casino service providers shall require licensing under this chapter and shall, subject to [4 CMC § 2316](#), provide for such licensing.

(c) *Individual Licenses.*

(1) The Commission may, consistent with and in addition to other applicable Commonwealth laws and regulations, license or otherwise regulate the employment of individuals by or in the casino, and set charge fees therefore.

(2) The Commission may provide for the licensing of such types of employees of casino service providers as the Commission determines should be licensed, and of other types of individuals (other than patrons) who the Commission determines should be licensed because of their association with or presence in the casino, and set and charge fees therefore.

(d) *Review.* A license suspension or revocation is reviewable in the Commonwealth Superior Court as a final action of a government body.

(e) *Inspection and Monitoring.* The Commission shall provide by regulation, as a condition of a casino license or casino service provider license, that the Commission or its authorized representatives may inspect and monitor, at any time and with or without notice, any part of the licensed casino, its gaming operations, equipment, records, and related activities and any similar area or activity of the licensed casino service provider, and that a law enforcement officer may enter any such area as requested by the Commission.

(f) *Change of Licensee.* No license may be sold, assigned, pledged, transferred, or otherwise alienated or encumbered without the express written permission of the Commission or as the Commission may by regulation provide. A change in the ownership or control of a licensee shall be considered a transfer of a license under this subsection, except where a change in ownership is as a result of change in stockholders of a publicly held corporation. The seller of the license must pay all taxes due as a result of capital gains as a result of the sale in license. No sale or lease of a casino (or of a larger establishment of which the casino is a part) or contract for its operation or management may be entered into, except as set forth in subsections (f)(1) and (f)(2) herein.

(1) Before the license is granted, if such sale, lease or contract was considered by the Commission in its decision whether to grant the license; or

(2) After a license is granted and after any necessary investigation, with the express written permission of the Commission, which shall not be withheld unreasonably.

(g) *License Not Property Right.* A license granted by the Commonwealth Casino Commission:

(1) Is a purely personal privilege;

(2) Is valid for the period stated in the license, unless sooner revoked;

(3) Is renewable only as provided or allowed by the Commission by Regulation;

(4) Is revocable or suspendable as provided by the Commission by Regulation;

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(5) Is transferable from the premises for which the license was originally issued to another premises subject to the provisions of the gaming laws of the Commonwealth or the regulations promulgated thereunder, and other applicable laws and regulations;

(6) Expires upon the death of the licensee, except as may be provided by the Commission by Regulation;

(7) Does not constitute property;

(8) Is not alienable;

(9) Is not subject to attachment or execution;

(10) Does not descend by the laws of the testate or intestate devolution.

Source: PL 18-38 § 5(207) (Mar. 21, 2014), modified; subsections (a)(1)(i) and (a)(1)(ii) amended by PL 18-43 § 16 (Apr. 1, 2014), modified; repealed by PL 18-56 § 2 and reenacted by PL 18-56 § 7(2317) (July 11, 2014); subsection (g) added by PL 21-38 § 30 (Jan. 7, 2021).

Commission Comment: In codifying PL 21-38, the Commission capitalized the word “Not” and italicized the section title in subsection (g) pursuant to 1 CMC 3806(f) and (g). See also, Commission comment to 4 CMC § 2305.