

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN MARIANA ISLANDS

VOLUME 15 NUMBER 10



OCTOBER 15, 1993

COMMONWEALTH

REGISTER

COMMONWEALTH REGISTER
VOLUME 15 NUMBER 10
OCTOBER 15, 1993

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**NOTICE OF EMERGENCY
AND
ADOPTION OF RULES AND REGULATIONS
FOR THE OPERATION OF THE CNMI LOTTERY**

Emergency: The Commonwealth of the Northern Mariana Islands (CNMI) Lottery Commission finds that pursuant to Title 1 CMC Division 9, Chapter 1, and in particular 1 CMC §9104(b) that the public interest requires the adoption, on an emergency basis, of Rule and Regulations pursuant to which the various games of the CNMI Lottery can be implemented. The CNMI Lottery Commission further finds that the public interest requires that these Rules and Regulations shall become effective immediately upon concurrence of the Governor and filing with the Registrar of Corporation; and shall remain effective for a period of 120 days, as more fully hereinafter set forth.

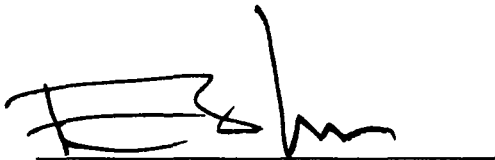
Reason for Emergency: The public interest requires adoption of these Rules and Regulations upon fewer than thirty (30) days notice due to the fact that the CNMI Lottery Commission Act, and in particular 1 CMC §9301, requires the Commission to implement and operate the CNMI Lottery "at the earliest practical time" and in a method that will "produce the maximum amount of net revenue for the Commonwealth". Publication of the attached Rules and Regulations in the Commonwealth Register could occur no sooner than October 15, 1993; and awaiting public comment for a period of thirty (30) days before such Rules and Regulations can be finally adopted, would be contrary to the legislative mandate to the Commission since, the adoption of these Rules and Regulations on an emergency basis will permit the CNMI Lottery to begin to operate at the earliest practical time once all material, equipment and supplies are in place which date is currently estimated to occur not later than October 14, 1993, rather than deferring commencement of the CNMI Lottery to a time subsequent to November 15, 1993.

Contents: These Rules and Regulations provide for a comprehensive plan for the licensing, regulation and operation of the CNMI Lottery. These Rules and Regulations are published immediately following this Notice.


Public Comments: It is the intention of the CNMI Lottery Commission to adopt these Rules and Regulations as permanent Rules and Regulations pursuant to 1 CMC §9104(a)(1) and (2). Therefore, publication in the Commonwealth Register of these proposed Rules and Regulations, this Notice, and an opportunity for public comment pursuant to the requirement of the CNMI Administrative Procedure Act, are hereby provided. Comments on the contents of these proposed regulations may be sent to CNMI Lottery Commission, c/o Elliott A. Sattler, Assistant Attorney General, CNMI Attorney General's Office, Administration Building - 2nd Floor, Capitol Hill, Saipan, MP 96950.

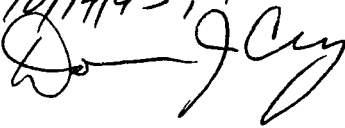
Authority: The CNMI Lottery Commission is authorized to promulgate

these regulations pursuant to 1 CMC §9305(c); 1 CMC §9306 and 1 CMC §9313(c).

Certified by:  10/13/93
Eloy S. Inos
Executive Secretary
CNMI Lottery Commission
Date

Certified by:  10/13/93
LORENZO I. DELEON GUERRERO
Governor
Date

Date of Filing: 14 OCT 1993  10:46 A.M.
SOLEDAD B. SASAMOTO
Registrar of Corporations

*Received in Governor's office
10/14/93, 10:45 AM
*

NOTISIAN EMERGENCY
YAN
MA'ADAPTAN REGULASION YAN AREKLAMENTO
PARA I OPERASION CNMI LOTTERY

Emergency: I Commonwealth of the Northern Mariana Islands (CNMI) Lottery Commission ha sodda' na sigun gi Titu i CMC Dibision 9, Kapitulu 1, yan pattikulatmente i CMC §9104 (b) na ginen interes publiku nisisariu ma'adapta, komu emergency na Regulasion yan Areklamento para hafa siha na klasen huego ni para u fanma implementa gi CNMI Lottery. Lokkue' i CNMI Lottery Commission ha sodda' na sigun gi interes publiku este siha na Regulasion yan Areklamento u fan efektibu ensigidas komu knfotme i Gobietno yan gipun ha file i Registrar of Corporation; ya u efektubu gi halom 120 dias na tetminu.

Rason put Emergency: Sugin gi interes publiku nisisariu para u ma'adapta este siha na Regulasion yan Areklamento menos di trenta (30) dias na nutisia put i rason na i CNMI Lottery Commission Act, yan pattikulatmente sigun gi i CMC §9301, nisisariu na i Commission u implementa yan maneha i CNMI Lottery " gi taftaf yan praktikat na tiempo" yan manera ni para u "guaha mas salape para i Commonwealth". Ma'publikan este siha na Regulasion yan Areklamento gi halom i Commonwealth Register ti u upus Okubre 15, 1993; yan komu manannga komentu siha ginen i publiku gi halo trenta (30) dias na tetminu antes di u fanma'adapta este siha na Regulasion yan Areklamento tieneki ha kontradisi i legislative mandate para i Commission put i rason na gine i ma'adaptan este siha na Regulasion yan Areklamento komu emergency u petmiti para u ma'tutuhon i CNMI Lottery gipun ha manmatto yan ma'planta todú i materiat, trastes yan prubinsion para i fecha yan dia ni ma'planu gi Oktubre 14, 1993, enlugat di u tutuhon gue' i CNMI Lottery gi Nobiembre 15, 1993.

Suhetu: Este siha na Regulasion yan Areklamento ha prubeniya komprediyun na planu para lisensia, regulasion yan operasion i CNMI Lottery. Este siha na Regulasion yan Areklamento u fanmapublika ensigidas despues di malaknos este na nutisia.

Komentu Siha Ginen Publiku: I intension i CNMI Lottery Commission i para u adapta este siha na Regulasion yan Areklamento komu petmanente na Regulasion yan Areklamento sigun gi i CMC §9104 (a) (1) yan (2). Ayu mina, i ma'publikan i manmapropoponi siha na Regulasion yan Areklamento gi halom i Commonwealth Register, este na nutisia, yan opputinidat para u guaha komentu ginen i publiku sigun i ginaga'gao' gi CNMI Administrative Procedure Act, ni manmaprubiniya guine. Komentu siha put suhetun i

mapropooni na Regulasion yan Areklamento siña manmatuge' papa ya u manahanao guatu para i CNMI Lottery Commission, c/o Elliott A. Sattler, Assistant Attorney General, CNMI Attorney General's Office, Administration Building - 2nd Floor, Capitol Hill, Saipan, MP 96950.

Aturidat: I CNMI Lottery Commission ma'aturisa para u fati'nas este siha na regulasion sigun gi i CMC §9306 yan i CMC §9313 (c).

Sinettefika as: _____

Eloy S. Inos
Executive Secretary
CNMI Lottery Commission

Fecha

Sinettefika as: _____

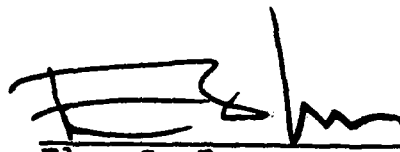
LORENZO I. DELEON GUERRERO
Gobietno

Fecha

Fecha ni ma'file: _____

SOLEDAD B. SASAMOTO
Registrar of Corporations

Certified by:



Eloy S. Inos
Executive Secretary
CNMI Lottery Commission

10/13/93
Date

Certified by:



LORENZO I. DELEON GUERRERO
Governor

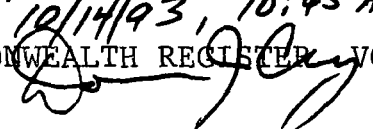
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14 OCT 1993

 10:46 A.M.

SOLEDAD B. SASAMOTO
Registrar of Corporations

*Received in Governor's office
12/14/93, 10:45 AM*


ARONGORONGOL EMERGENCY
ME
ADAPTAAL ALLÉGH REEL
MWOGHUTUGHUTUL CNMI LOTTERY

Emergency: Commonwealth of the Northern Mariana Islands (CNMI) Lottery Commission e schuungi bwe sáangi Title 1 CMC Division 9, Chapter 1 me bwal 1 CMC §9104 (b) bwe sáangi tipeer towap nge e fil bwe rebwe adaptáali allégh kkaal ngáre emergency igha ebwe mmwelil bwélétánilikka elo ilól ukkurul CNMI Lottery. CNMI Lottery Commission e bwal schuungi sáangi tipeer towap nge ebwe kkeayil alléghéló Allégh kkaal ngáre schagh Guberno e angungúuw me ngáre e file me Registrar of Corporation; me ebwe aléghéléghéló ilól 120 rál.

Bwúlúl Emergency: Reel tipeer towap nge e fil bwe rebwe adaptáali Allégh kkaal fitiráló mmwal eliigh (30) rál igha CNMI Lottery Commission Act me 1 CMC §9301, nge e fil bwe Commission ebwe kkáyil amwóghútú CNMI Lottery "ngáre mwetemwetel bwél" me rebwe féerú mwóghutughut ye "ebwe ghi lapeló selaapiyal Commonwealth". Toowowul Allégh kkaal mellól Commonwealth Register nge essóbw luu sáangi Oktubre 15, 1993; nge ngáre re uti bwe ebwe yoor tiip me mángemáng kka ebwe toolong ilól eliigh (30) rál nge ebwe kontraay legislative mandate-il Commission bweigha re adaptáali allégh kkaal ngáre emergency nge e lighiti ngáli CNMI Lottery bwe ebwe kkáyil bwél ngáre schagh alongal peiráaghil, aa ghatch leliyeel nge emmwel schagh ebwele bwélétá wóól Oktubre 14, 1993, memmwal rebwe utiiló mwo bwe ebwe bwélétá CNMI Lottery wóól Nobembre 15, 1993.

Ówtol: Allégh kkaal nge e ayooora plóono kka eghi ffat reel lisensiya, allégh, me mwóghutughutul CNMI Lottery. Allégh kkaal nge ebwe kkáyil toowow mwiril schagh arongorong yeel.

Tiip me Mángemángiir Towlap: Tipeer schóól CNMI Lottery Commission bwe Allégh kkaal nge ebwele ló ngáre Allégh kka aa alléghéló seangi bwángil me ailéeewal mille 1 CMC §9104 (a) (1) me (2). Ila milla, toowowul Allégh kkaal me arongorong yeel mellól Commonwealth Register nge e ayooora mille towap rebwe mmwelil atoolong meta mángemángiir me tipeer reel tingóreeyal mille CNMI Administrative Procedure Act. Mángemáng me tiip reel ówtol Allégh kkaal nge emmwel schagh bwe aramas ebwe ischiitiw nge aa afanga ngáli CNMI Lottery Commission, c/o Elliott A. Sattler, Assistant Attorney General, CNMI Attorney General's Office, Administration Building - 2nd Floor, Capitol Hill, Saipan, MP 96950.

Bwáng: CNMI Lottery Commission nge eyoor bwángil bwe féerúl Allégh kkaal sangi bwángil me ailéewal 1 CMC §9305 (c); 1 CMC §9306 me 1 CMC §9313 (c).

Alléghúuyal: _____

Eloy S. Inos
Executive Secretary
CNMI Lottery Commission

_____ Rái

Alléghúuyal: _____


LORENZO I. DELEON GUERRERO
Guberno

_____ Rái

Ráalil igha e file: _____

SOLEDAD B. SASAMOTO
Registrar Of Corporation

Certified by:


Eloy S. Inos
Executive Secretary
CNMI Lottery Commission

10/13/93
Date

Certified by:


LORENZO I. DELEON GUERRERO
Governor

10/13/93
Date

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14 OCT 1993


SOLEDAD B. SASAMOTO
Registrar of Corporations

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**RULES AND REGULATIONS FOR THE OPERATION
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS LOTTERY**

RULE MAKING AUTHORITY

The Rules and Regulations hereinafter set forth, and from time to time amended, are promulgated pursuant to the authority and directions set forth in the Commonwealth Code including, but not limited to, 1 CMC §9305, 1 CMC §9306, 1 CMC §9313(c) and the Commonwealth Administrative Procedure Act, 1 CMC §9101 et seq.

INTRODUCTIONS AND PURPOSE

The Rules and Regulations as herein set forth, and from time to time amended, are enacted to implement, interpret, prescribe and clarify the policies and procedures required to implement and regulate and supervise the operation of the Commonwealth of the Northern Mariana Islands Lottery. Where permissible or appropriate these Rules and Regulations shall have the force of law. These Rules and Regulations are subject to continuing review and modification and, consistent with the requirements of the Commonwealth Lottery Commission Act, 1 CMC §9301 et seq., may be amended, modified or repealed as deemed appropriate by the Commonwealth of the Northern Mariana Islands Lottery Commission.

DEFINITIONS

Unless otherwise specifically defined within 1 CMC §9301 et seq., the Commonwealth Lottery Commission Act, or specifically defined herein, all words and phrases set forth in these Rules and Regulations shall be given their normal and commonly understood meaning with the masculine including the feminine and neuter, the singular including the plural, the plural including the singular, the present tense including the past and future tense as is appropriate. As used in these Rules and Regulations:

Act: The Act is the CNMI Lottery Commission Act currently codified as 1 CMC §9301 et seq.

Batu: The game of batu is a gambling game whereby a stick is placed on the ground at a certain distance from where the player is standing and the player throws a disc, or other similar object, at the stick in an effort to knock the stick over. The player, and others present, wager whether after a throw of the disc, or a series of throws, the stick will be knocked over.

Beneficial Interest: A beneficial interest in an organization (as organization is defined below) means an interest held by a person (as person is defined below) directly or indirectly; (1) that

entitles such person to control, directly or indirectly, such organization; or (2) which constitutes more than five percent (5%) of the shares of voting stock or other voting securities which control or regulate the operation of the organization; or (3) that entitles such person to more than five percent (5%) of the earnings and profits or distributions of such organization; or (4) that entitles such person to five percent (5%) or more of the assets of such corporation upon the liquidation or dissolution of such organization; or (5) from which such person receives or is legally entitled to receive over a period of time, interest payments, dividends or other payments totalling more than Five Thousand Dollars (\$5,000.00), other than payments with respect to bonds, certificates of deposit, notes or other evidences of indebtedness which are generally offered to members of the public and for which such person paid a fair market value.

Bingo: The game of bingo is a lottery game of chance played at a fixed location with cards containing certain numbers or symbols. These cards are distributed to players and prizes are awarded to a player or players on the basis of designated numbers or symbols, drawn at random, matching the numbers or symbols upon the card of the player. Cards having numbers or symbols similar to a bingo game card but which numbers or symbols are concealed and reprinted in a manner to provide for the distribution of prizes on other than a completely random basis does not constitute the game of bingo; but rather, constitutes an instant lottery ticket subject to licensing and regulation by the CNMI Lottery Commission.

Chance: Chance creates a result that occurs from an unknown or uncertain force or condition whereby the result is reached by some action or means taken in such a manner that human reason, foresight, or design cannot enable a person to know or determine such result until the same has actually been accomplished. Chance, as used in these Rules and Regulations, means that the winner of a particular contest is determined by luck rather than skill. The involvement of some element of skill in the award of any particular prize will not remove such game from the classification as a lottery if chance remains as either a principle or predominate element in the award of such prize.

Charitable Purpose: A charitable purpose is the making of a gift, payment or donation which will: promote the welfare of others; or help those in need; or better the condition of society; or benefit the public at large; or promote or support education; or relieve disease and suffering; or assist people in establishing themselves in life; or erecting and maintaining public buildings or public works; or lessen the burdens of government; or to support other similar benevolent purposes. Support of the operation or day-to-day activities of a non-profit organization is not deemed to be a charitable purpose.

Commission: The Commission is the CNMI Lottery Commission created

pursuant to 1 CMC §9301 et seq. and in particular 1 CMC §9302, and its employees or duly authorized representatives.

Commonwealth Lottery: The Commonwealth Lottery or CNMI Lottery is comprised of one or more lottery games conducted in the Commonwealth of the Northern Mariana Islands pursuant to a license issued to the CNMI Lottery Operator by the CNMI Lottery Commission.

Employee or Officer of the Commission: An employee or officer of the CNMI Lottery Commission is one who is specifically hired by the CNMI Lottery Commission to act either in an employment capacity or management capacity for and on behalf of the Commission; and, who devotes substantially all of his or her time of employment to the business of the Commission; and, who is paid or otherwise compensated from a fund created specifically for such purpose by or on behalf of the CNMI Lottery Commission.

Full-Service Retail Agency: A full-service retail agency is a person or organization to whom the CNMI Lottery Commission has issued a license and with whom the CNMI Lottery Operator has contracted to sell both instant lottery tickets and on-line lottery tickets.

Gift Enterprise: A gift enterprise is a marketing scheme or program whereby participants register or otherwise obtain tickets at a sponsoring store or other location, and the number of tickets awarded to at least some of the participants in the enterprise is based upon the amount of merchandise, property or services which such participant purchases; and such tickets or other similar evidence of participation are then used for the distribution of property by chance among those who have participated in the program. The fact that the consideration to participate in such gift enterprise lottery is not paid exclusively for the chance pursuant to which one can win a prize does not remove such undertaking from regulation by the CNMI Lottery Commission if the number of tickets, or similar indicia of entry, which are awarded to at least some participants is in any way based upon, or related to, the expenditure of funds at the sponsoring location.

Instant Ticket: An instant ticket is a lottery game whereby the player purchases a ticket that has a play area which, in some manner, is hidden from view, which play area contains numbers or symbols which when revealed will determine whether one or more prizes is won by the player; with such numbers or symbols reprinted in such a manner that the distribution of prizes within each game have been pre-determined as to the number and amount of prizes but not as to the random basis upon which prizes are awarded.

Instant Ticket Retailer: An instant retailer is a person or organization to whom the CNMI Lottery Commission has issued a license and with whom the CNMI Lottery Operator has contracted to sell instant lottery tickets to the public. Without affecting the

definition herein, an instant retailer may, at some future date or time, become a full-service retail agency.

License: A license is a permit or authorization issued by the Commission pursuant to the Act and these Rules and Regulations by which a person or organization is entitled to operate the CNMI Lottery or conduct the sale of either CNMI Lottery on-line games and/or CNMI Lottery instant ticket games at one or more locations within the Commonwealth. The operator of the CNMI Lottery shall be issued the CNMI Lottery Operator's License. A person or organization permitted to lawfully sell or otherwise conduct lottery games in the CNMI at one or more locations shall be issued either a Full-Service Agency Lottery Sales License or an Instant Ticket Sales License by the Commission.

Licensee: Any person or organization to whom a Full-Service Agency Lottery Sales License or Instant Ticket Sales License has been issued by the Commission.

Lottery: As used herein "lottery" has the same meaning as the definition set forth in §9301(a)-(c) of the Act for a "public lottery" to wit: "public lottery means" a gambling scheme in which: (a) the players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or some other medium, one or more of which chances are to be designated the winning ones; and (b) the winning chances are to be determined by a drawing or by some other method based on an element of chance; and (c) the holders of the winning chances are to receive something of value.

Lottery Commission: See "Commission" above.

Lottery Licensee: See "Licensee" above.

Lottery Operator: The lottery operator is the party to whom the CNMI Lottery Commission has issued the CNMI Lottery Operator's License to wit: Tattersall Sweep Consultation of East Malvern Victoria, Australia; and The Mail Service Pty. Ltd., the sole accredited agent for Tattersall Sweep Consultation outside of Australia; and Wintech Investments Pty. Ltd.; and each of their agents and employees.

Moral Turpitude: A crime of "moral turpitude" is such crime, whether a felony or misdemeanor, that involves illegal gambling, bookmaking, embezzlement, theft, bribery, use of controlled substance, corruption, abuse of a minor, contribution to the delinquency of a minor, or any other act or conduct that could or may impair a person's ability to perform his or her duties on behalf of the CNMI Lottery or that could or may impair the business or reputation of the CNMI Lottery.

Non-Profit Organization: A non-profit organization is a person or

organization having an existence for at least a period of 180 days which meets one or more of the following requirements: (1) any person or organization which is exempt from taxation under subsection (c)(3) of §501 of the United States Internal Revenue Code and the Northern Marianas Income Tax Act of 1984, 4 CMC §1700 et seq.; or (2) a civic group or similar organization whose primary purpose is other than the operation of a lottery and which donates the net income earned from such lottery exclusively to a charitable purpose with no part of the gross proceeds or net income of such lottery inuring to the benefit of any member of such organization; or (3) the Commonwealth of the Northern Marianas government or the Mayor's Office or Municipal Council of any senatorial district, or any recognized division, department, or agency of such governmental unit; or (4) a recognized political party or individual candidate for election to a political or non-partisan office; or (5) any public or private school having had a continuing existence for a period of at least 180 days or a parent or teacher's group acting for or on behalf of such school; or (6) any other agency or entity that has been in existence for at least 180 days and which acts primarily for a charitable purpose.

On-line Game: An on-line lottery game is one or more types of game(s) which utilize(s) electronic equipment such as a computer system to administer play and in which a player may select: (1) a combination of numbers to be played; (2) the type of game to be played; and (3) the amount of play for one or more specified drawing dates. The CNMI Lottery Operator then conducts a random drawing whereby, pursuant to chance, the winning combination or combinations of numbers are selected with such numbers then used to determine the award of prizes in accordance with the rules of the specific on-line game being played.

Operator of the CNMI Lottery: See "Lottery Operator" above.

Organization: An organization can be either a corporation, partnership, joint stock association, sole proprietorship, joint venture, business association, cooperative association, professional corporation or other entity existing for any purpose.

Person: As used herein "person" has the same meaning as the definition set forth in §9313(b) of the Act, to wit: "person" includes an individual, association, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, or any other person acting in a fiduciary or representative capacity, or any combination of individuals. "Person" includes any department, commission, agency or instrumentality of the Commonwealth, including any municipality or political subdivision and any agency or instrumentality thereof. "Person" excludes any religious or other non-profit organization.

Political Contribution: A political contribution is the giving of money or any other thing of value to: a candidate for election to

any political or non-partisan office; or to any political party; or to a political faction of such political party; or to a political action committee within the Commonwealth.

Political Activity: Means any activity by which a person or organization supports or opposes the election of a candidate for political office; or supports or opposes a political party in an election; or serves as a member of any committee of a political party or faction; or makes or solicits contributions for a political party, faction or candidate; or takes an active part in the management or affairs of a political party, faction or candidate.

Religious Organization: A religious organization is a group having had a continuing existence for at least a period of 180 days and comprised of not less than ten (10) people whose primary purpose is to meet, on a regular basis, in common membership for worship and religious observance.

Retailer: A retailer is any person or organization to whom the CNMI Lottery has issued a license to sell lottery tickets to the public. A retailer may be either an instant ticket retailer as defined herein or a full-service retail agency as defined herein.

Skimming: The skimming of lottery proceeds is the intentional exclusion, or the taking of any action in an attempt to exclude, any money, proceeds or their value from the deposit, counting, collection or computation of the gross revenue or net proceeds of the CNMI Lottery activities.

Tattersall's Rules: Tattersall's Rules are the "Rules and Regulations for Tattersall's Games" as promulgated, and from time to time amended, by the CNMI Lottery Operator including: (1) Tattslotto Regulations, pages 1-16; (2) Tatts 2 Regulations, pages 1-9; (3) Tattersall's Instant Lottery Regulations, pages 1-5; (4) Pacific Instant Lottery Sub-Accreditation Agreement, pages 1-6 and also Schedule A and B attached thereto; (5) Tattersall's Keno Regulations, pages 1-13; Tattslotto Extra Regulations, pages 1-13; each of which are attached hereto and specifically incorporated herein; except as such Tattersall's Rules are specifically modified herein or insofar as such Tattersall's Rules relate to the payment of fees for the playing of each particular game or duties, fees, taxes or other compensation which will be paid by the CNMI Lottery Operator to the CNMI government.

RULE 1 - TYPE OF LOTTERY

- 1 The Commonwealth Lottery shall be comprised of all lottery games set forth in Tattersall's Rules and at any given time shall consist of not less than the Tattslotto lottery game and not less than one instant ticket lottery game offered by Tattersall's Sweep Consultation and/or

their designated, authorized or accredited representatives or agents including, but not limited to, The Mail Service (TMS) and/or Wintech Investments Pty. Ltd. doing business as the Pacific Instant Lottery (PIL). The CNMI Lottery Operator may offer more than one on-line type lottery game and more than one instant ticket lottery game.

- 1.1 In light of the current absence of certain technology in the CNMI and the distance between the CNMI and the primary facilities of the CNMI Lottery Operator in Victoria, Australia, the Commission acknowledges that the playing of all of the various Tattersall's games in the CNMI may be neither technologically nor economically feasible at this time and therefore the designation of the various Tattersall's games as the CNMI Lottery is permissive in nature and does not require the CNMI Lottery Operator to introduce or maintain all Tattersall's authorized games at any particular time; provided that the minimum requirement for lottery games as set forth in paragraph 1 immediately above is met.

RULE 2 - MANNER OF PLAY

- 2 The manner in which the Commonwealth Lottery will be conducted is pursuant to Tattersall's Rules, a copy of which is attached hereto and specifically incorporated herein, save and except as noted in these Rules and Regulations.
- 2.1 The cost for the play of each game of the Commonwealth Lottery as set forth in Tattersall's Rules shall not be binding or controlling as to the amount charged for participation in the Commonwealth Lottery.
- 2.2 The CNMI Lottery Operator, in consultation with the CNMI Lottery Commission, shall establish the cost in United States dollars for the play of each game offered by the Commonwealth Lottery.
- 2.3 Based upon the appropriate conversion of currency between United States dollars and Australian dollars, the CNMI Lottery Operator, in consultation with the CNMI Lottery Commission, may increase or decrease the entry cost for each Commonwealth Lottery game.
- 2.4 The computation of the conversion from Australian dollars to United States dollars and United States dollars to Australian dollars for the purpose of playing the Commonwealth Lottery shall be at a rate or on a basis mutually acceptable to both the CNMI Lottery Operator and the CNMI Lottery Commission. Such conversion rate shall

be deemed fair and reasonable and shall be binding upon all participants in the Commonwealth Lottery.

RULE 3 - THE NUMBER AND SIZE OF PRIZES

3 The number and size of prizes awarded shall be determined by Tattersall's Rules, a copy of which is attached hereto and specifically incorporated herein, save and except as noted in these Rules and Regulations.

3.1 Prizes paid for on-line lottery games in which participants in the Commonwealth Lottery will become members of a prize pool for one or more on-line lottery games that are conducted with, and prizes initially awarded in, the currency of Australian dollars will have such prize amount then converted to United States dollars prior to the payment of any such prize by the Commonwealth Lottery.

3.2 The computation of the conversion from Australian dollars to United States dollars and United States dollars to Australian dollars for the purpose of payment of prizes shall be at a rate or on a basis mutually acceptable to both the CNMI Lottery Operator and the CNMI Lottery Commission. Such conversion rate shall be deemed fair and reasonable and shall be binding upon all participants in the Commonwealth Lottery.

RULE 4 - MANNER OF PAYMENT OF PRIZES

4 The manner of payment of prizes to prize winners shall be dependent upon the game played with such payment for each game being made pursuant to Tattersall's Rules, a copy of which is attached hereto and specifically incorporated herein.

4.1 A lottery retailer shall pay any lottery prize in the amount of US\$51.00 or less after complying with appropriate validation procedures.

4.2 A lottery retailer may pay any prize in the amount greater than US\$51.00 but less than US\$600.00 after complying with appropriate validation procedures.

4.3 Prizes of US\$600.00 or more shall be paid by the CNMI Lottery Operator pursuant to Tattersall's Rules.

4.4 When paying a prize of US\$600.00 or more, the CNMI Lottery Operator shall file the appropriate income tax reporting form with the CNMI Division of Revenue and Taxation.

- 4.5 When paying a prize of US\$5,000.00 or more, the CNMI Lottery Operator shall withhold appropriate income tax at a rate set by the CNMI Division of Revenue and Taxation.
- 4.6 The prize for any on-line lottery game not otherwise claimed, paid or distributed by the CNMI Lottery Operator within three hundred sixty-five (365) days of the date that such prize is first payable shall be deemed an unclaimed prize and the right of any person or organization to claim such prize shall lapse and all money associated with such prize shall forthwith be transferred to the CNMI Lottery Commission and deposited, for subsequent distribution according to law into the Commonwealth Lottery Fund-General Lottery Account established pursuant to the Act.
- 4.7 The CNMI Lottery Operator shall recognize only one person as a claimant of a particular prize. A claim may be made in the name of a person (other than an individual) or an organization, only if such person or organization possesses a Federal Employer Identification Number (FEIN) issued by the United States Internal Revenue Service or such similar identification number issued by the CNMI Division of Revenue and Taxation and such number is shown on the prize claim form. Groups, family units, clubs, persons or organizations without an FEIN shall designate one individual in whose name the claim of prize is to be filed. If a claim of prize is erroneously entered with the name or names of multiple claimants, the claimants shall designate one of them as the individual recipient of the prize, or, if the claimants fail to so designate an individual recipient, the CNMI Lottery Operator must designate anyone of such claimants as the sole recipient. In either case, the claim shall then be considered as if it were originally entered in the name of the designated individual and payment of any prize won shall be made to that single individual.
- 4.8 Proceeds from ticket sales from either instant or on-line lottery games shall be kept and maintained by the CNMI Lottery Operator and its agents and sub-agents on the following terms and conditions:
- (a) all proceeds from the sale of any CNMI Lottery tickets received by the CNMI Lottery Operator or a licensee shall constitute a trust fund until paid to the CNMI Lottery either directly or through a deposit with the lottery's authorized collection representative such as a designated bank or similar institution;

- (b) the CNMI Lottery Operator, shall have a fiduciary duty to preserve and account for lottery proceeds and the CNMI Lottery Operator shall be liable to the CNMI Lottery for all such proceeds;
 - (c) Lottery Licensees and the agents and sub-agents of the CNMI Lottery Operator shall be personally liable to the CNMI Lottery Operator for all such lottery proceeds and shall account for unsold instant tickets received by the licensee, the cash proceeds for the sale of any CNMI Lottery tickets or lottery-related products (excluding sales commission paid to such licensee and excluding credit for any lottery prize to winners paid by such licensee). Sales proceeds and unused instant lottery tickets shall be delivered on demand made to any licensee or agent or sub-agent of the CNMI Lottery Operator, by either the CNMI Lottery Commission or the CNMI Lottery Operator or their authorized representative.
- 4.9 The CNMI Lottery Operator shall place all lottery proceeds due to the CNMI Lottery Commission in an account in an institution selected by the Commission which institution is insured by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation with such deposit being made not later than the close of the next banking day after the date of the collection of such proceeds.
- 4.10 The CNMI Lottery Operator may require licensees selling instant tickets only, and shall require licensees operating a full-service retail agency, to establish in an institution insured by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation a single separate account (with such account having a capacity for electric funds transfer where available) for the purpose of receiving all monies from the proceeds of the sale of the CNMI Lottery prior to making payments to the CNMI Lottery Operator. Such proceeds shall be kept and maintained separate and apart from all other funds or assets of the licensee and shall not, in any way, become commingled with other funds or assets of the licensee.
- 4.11 A failure to have sufficient funds on deposit in any lottery-related bank account to cover all applicable and appropriate payments to the CNMI Lottery and/or the CNMI Lottery Operator shall be cause for immediate suspension or termination of any license previously issued.

RULE 5 - FREQUENCY OF PLAY

- 5 The frequency of the Commonwealth Lottery games and the date or time at which each game is held shall be determined by Tattersall's Rules, a copy of which is attached hereto and specifically incorporated herein.

RULE 6 - LOCATIONS WHERE LOTTERY MAY BE PERMITTED

- 6 The types of locations at which participation in the Commonwealth Lottery is permitted shall be distinguished between a full-service retail agency and an instant ticket retailer. A full-service retail agency shall provide both on-line lottery games and instant ticket lottery games. The premises of a full-service retail agency shall be substantially dedicated to the conduct of the Commonwealth Lottery. Those locations which are licensed to sell instant ticket lottery games only shall be designated as an instant ticket retailer whose premises shall be substantially dedicated to other types of retail sales.

- 6.1 Selection of Lottery Licensee(s) and the location(s) where each will operate either a full-service retail agency or an instant ticket sales facility shall be at the sole discretion of the CNMI Lottery Operator after consultation with the CNMI Lottery Commission. The receipt of a CNMI Lottery License is a privilege not a right, however any such license once issued is revocable by the CNMI Lottery Commission only for cause. In determining to whom such licenses should be awarded and the location(s) where the Commonwealth Lottery will operate, the CNMI Lottery Commission and CNMI Lottery Operator will consider, by way of illustration only and not limitation, the following:

- (a) The financial responsibility and security of the applicant and the business or activity in which the applicant is engaged. Consideration of this factor may include the analysis of the applicant's credit record, compliance with tax laws of this or other jurisdictions, status of other permits and licenses, results of a criminal background investigation, adequacy of security procedures against theft, the type of construction of the applicant's facility and whether the location is fixed and permanent, whether the applicant can provide appropriate security, and any other factor that may assist the Commission in such evaluation; or

- (b) The location of, and public accessibility to, the

applicant's place of business or activity. Consideration of this factor may include analysis of the applicant's hours of operation, proximity to major transit routes, proximity to large employers, public parking availability, and any other factor that may assist the Commission in such evaluation; or

- (c) The sufficiency of existing licensees to serve the public convenience. Consideration of this factor may include analysis of number and proximity of other licensed lottery retail agents in a given area, with the possibility that additional licenses for any given area may be denied if the area is determined to be adequately served by existing lottery licensees; or
- (d) The volume of expected sales at the applicants place of business or activity; or
- (e) Whether individuals under 18 years of age constitute a majority of the applicant's customers or as customers provide a majority of the applicant's sales volume.

RULE 7 - METHOD TO PROMOTE THE LOTTERY

- 7 Lottery promotion shall include, but is not limited to: advertising in the various local media; educational television presentations; educational informational brochures in both English and the vernacular; and other sales promotion methods as deemed appropriate by the CNMI Lottery Operator.

RULE 8 - LICENSING OF PERSONS TO OPERATE THE LOTTERY

- 8 The receipt of a CNMI Lottery License is a privilege not a right, however any such license once issued is revocable by the CNMI Lottery Commission only for cause. The Commission may grant or deny an application for a license or revoke a license issued to the Lottery Operator or any Lottery Licensee based on any one or more factors listed in Rule 6.1 of these Rules and Regulations. In addition, the Commission may deny an application for a license or revoke a license issued to the Lottery Operator or any Lottery Licensee pursuant to the Act and these Rules and Regulations upon a finding that the applicant or holder of such License:

- (a) has been convicted of a felony, or criminal fraud, or gambling or a gambling-related offense, or any felony or misdemeanor involving moral turpitude, if

less than 10 years has elapsed since the termination of the sentence, parole, mandatory supervision, or probation served for the offense; or

- (b) is or has been a professional gambler. A "professional gambler" is a person whose profession is, or whose major source of income derives from, playing games of chance for profit; or
- (c) is delinquent in the payment of any Commonwealth tax, duty, fee or similar charge or any other debt due the Commonwealth at any time after the application is filed but before the Commission acts to grant or deny the license; or
- (d) has a spouse, child, parent, parent-in-law, or spouse's child who is a person described in paragraph (a), (b), or (c) of this subsection; or
- (e) has violated the CNMI Lottery Commission Act or a Rule or Regulation adopted pursuant to the Act; or
- (f) is not an individual, but an individual described in one or more of paragraphs (a)-(e) of this subsection holds a beneficial interest in the corporation or organization; or
- (g) provided false or misleading information on the application form, or failed to provide information required as part of the application or evaluation process; or
- (h) failed to fully cooperate or to provide any additional or supplemental information which the Commission deems necessary in order to determine whether the applicant is suitable to hold a license; or
- (i) any other factor that is or may be helpful in determining whether the applicant's experience, character, and general fitness are such that the applicant's participation as a sales agent will not detract from the integrity, security, honesty, or fairness of the operation of the lottery. An example of the type of factor considered in this regard is the analysis of the type of product currently sold or form of service currently provided or other business activity currently conducted by the applicant.

8.1 Any information provided to the CNMI Lottery Commission

under these Rules and Regulations or on any application, filing or other instrument submitted to the Commission that subsequently becomes incorrect or misleading, shall immediately be updated by the applicants or licensees providing an explanation thereof to the Commission. Without limiting the foregoing, all applicants or licensees shall notify the Commission immediately if any change in the ownership or beneficial interest or location of the applicant or licensee occurs.

- 8.2 The CNMI Lottery Operator or the CNMI Lottery Commission may develop forms for the retailer applications requesting all such information required by the Act, or by these Rules and Regulations or that is deemed necessary or appropriate to evaluate the retailers' suitability to hold a license. Such application shall be completed, executed, acknowledged and notarized by the applicant as required by the CNMI Lottery Commission.
- 8.3 The CNMI Lottery Operator's License shall be issued for a period of 10 years from its date of issue. The CNMI Lottery Full-Service Agency Lottery Sales License and/or the CNMI Lottery Instant Ticket Sales License shall each expire on December 31st of the year in which such license was issued; with such license being renewable, on an annual basis, unless a different term is provided by the Commission in writing.
- 8.4 The criteria set forth herein as a basis to grant or deny a license shall also be used by the Commission in determining whether to renew a license previously issued.
- 8.5 The Commission may establish and charge a fee for either the filing of an application for, and/or the issuance of, any Lottery License issued pursuant to either the Act or these Rules and Regulations.

RULE 9 - SALE OR PURCHASE OF TICKETS BY MINORS

- 9 No person under the age of 18 years may sell or, in any manner, be directly involved in the sale of any lottery ticket.
- 9.1 No person under the age of 18 years may purchase a lottery ticket. Any ticket so purchased shall be void and any prize otherwise payable pursuant to that ticket is treated as an unclaimed forfeited prize and shall forthwith be transferred to the CNMI Lottery Commission and deposited, for subsequent disposition according to law, into the Commonwealth Lottery Fund - General Lottery Account established pursuant to the Act.

RULE 10 - GIFT ENTERPRISE LOTTERY

- 10 A gift enterprise lottery may be conducted by a merchant providing all of the following terms and conditions are met:
- (a) that the primary business of the merchant conducting the gift enterprise lottery is other than the conduct of a lottery; and
 - (b) that the merchant conducting the gift enterprise lottery has held a CNMI business license and has been in business for at least 180 days; and
 - (c) that the merchant conducting the gift enterprise lottery has one or more permanent or fixed places of business within the Commonwealth and that the gift enterprise lottery is conducted only at such fixed location or locations; and
 - (d) that only merchandise prizes, not cash, be awarded pursuant to the gift enterprise lottery subject to the following limitations:
 - (1) that the grand prize or top prize awarded have a retail value of \$20,000.00 or less;
 - (2) that the aggregate or total retail value of all prizes awarded does not exceed \$25,000.00;
 - (3) that the merchant shall not buy-back, repurchase or award a cash equivalent for any merchandise prize so awarded; and
 - (e) that the duration of any gift enterprise lottery not exceed a term of 90 days from the date of either the announced commencement of the gift enterprise lottery or the date the first entry ticket is awarded (whichever is earlier) until the final drawing at which time any and all prizes advertised must be distributed; and
 - (f) that not more than two gift enterprise lottery promotions be conducted by a merchant in any single calendar year; and
 - (g) that there be at least 90 days between the conclusion of the merchant's previous gift enterprise lottery and the commencement of a second or subsequent gift enterprise lottery.

- 10.2 The CNMI Lottery Commission may develop appropriate forms for the application to conduct and/or disclosure of the results of a gift enterprise lottery conducted by any merchant; with such forms requesting all such information hereinabove set forth and any further or additional information which the Lottery Commission deems necessary or appropriate to evaluate and regulate the conduct of gift enterprise lotteries in the CNMI. The Lottery Commission may further require that all such forms be completed, executed, acknowledged or notarized under oath by an authorized representative of the merchant conducting the gift enterprise lottery.
- 10.3 Failure of a merchant to comply with any of these Rules and Regulations regarding the operation of a gift enterprise lottery in the Commonwealth; or to truthfully, honestly and completely provide to the CNMI Lottery Commission any and all information sought in the gift enterprise lottery application form or disclosure form, will result in the Commission prohibiting such merchant, or any agent, servant or employee operating for or on behalf of such merchant, from engaging in a gift enterprise lottery for a period of not less than 2 calendar years subsequent to such violation.
- 10.4 The Commission may establish and charge a fee for either the filing of an application for, and/or the issuance of, any permit or license issued to the operator of a gift enterprise lottery.

RULE 11 - POLITICAL ACTIVITIES BY CERTAIN LOTTERY LICENSEES

- 11 The CNMI Lottery Operator and any CNMI Lottery Full-Service Agency Lottery Sales Licensee are prohibited from engaging in any one of the following activities:
- (a) soliciting contributions for a political purpose or using or attempting to use its position to encourage, punish or coerce any political activity of any lottery licensee;
 - (b) conducting or performing any political activity on any premises licensed by the CNMI Lottery as a full-service retail agency;
 - (c) making any political contribution.

RULE 12 - SALES COMMISSIONS

- 12 A licensee of CNMI Lottery shall, for the sale of lottery ticket receive and collect, in addition to the selling price of the tickets itself, a sales commission in an

amount established by the CNMI Lottery Operator after consultation with the CNMI Lottery Commission.

12.1 The establishment of a specific sales commission shall not preclude: -

- (a) the payment by the CNMI Lottery Operator of a system of bonuses or similar sales incentives based on such criteria as the volume of business, the sale of the winning ticket or other similar criteria provided that such payments are uniformly offered to all licensees and have been established by the CNMI Lottery Operator with the written approval of the CNMI Lottery Commission; or
- (b) the inclusion of CNMI Lottery tickets in a package of merchandise which is then resold to the public at a profit; provided however, that the selling price of such merchandise package shall have a reasonable relationship to: (1) the cost of such lottery tickets, and (2) the value of the merchandise also included therein; and, (3) a reasonable profit for the selling party.

RULE 13 - SELLING PRICE OF TICKETS

13 No person or organization shall sell, within the Commonwealth, any CNMI Lottery ticket at a price either above or below the price that has been established by the CNMI Lottery Commission.

13.1 Unless otherwise specifically authorized by the Commission in writing, neither the CNMI Lottery Operator nor a CNMI Lottery Licensee shall sell, within the Commonwealth, any Commonwealth Lottery tickets at a price either above or below the price that has been established by the CNMI Lottery Commission.

RULE 14 - RESTRICTIONS ON SALE OF TICKETS

14 No person other than the CNMI Lottery Operator or a person or organization holding a current CNMI Lottery License shall sell CNMI Lottery tickets within the Commonwealth; provided however, that this limitation shall not be construed to prevent a person or organization which has otherwise lawfully purchased a CNMI Lottery ticket from making a gift of such lottery ticket to another.

14.1 Unless otherwise specifically authorized by the Commission in writing, neither the CNMI Lottery Operator

nor a CNMI Lottery Licensee shall sell lottery tickets except from the specific fixed premises or location designated on the CNMI Lottery License.

- 14.2 Lottery tickets validly purchased, may be given by persons or organizations to customers or perspective customers as a means of promoting goods or services; provided however, that the goods or services of the person or organization making such promotional gifts are legal for sale or use in the Commonwealth.
- 14.3 A CNMI Lottery Licensee shall not sell lottery tickets within the Commonwealth by phone, fax or other similar method of communication.
- 14.4 The CNMI Lottery Operator, or a CNMI Lottery Licensee, shall not directly extend credit to the purchaser of any lottery tickets or lottery products; provided however, CNMI lottery tickets may be sold for cash or by use of any credit card or similar instrument, provided that the payment of any fee or commission to the credit card company shall be the sole responsibility of the CNMI Lottery Licensee and any such fee or commission so paid shall in no way reduce the payments from the CNMI Lottery Operator to the Commonwealth.
- 14.5 The CNMI Lottery Operator, or a CNMI Lottery Licensee, shall not accept a food stamp coupon, an NAP coupon or similar item for the purchase of any lottery ticket.

RULE 15 - SECURITY OF TICKETS

- 15 The CNMI Lottery Operator and CNMI Lottery Licensee shall provide reasonable security for all lottery tickets and lottery property.
 - 15.1 The CNMI Lottery Licensee is responsible for all lottery tickets delivered to it. The CNMI Lottery Licensee shall immediately, and in no instance longer than twelve (12) hours after discovery, advise the CNMI Lottery Operator of any lost, stolen, missing or counterfeit tickets.
 - 15.2 The CNMI Lottery Operator may develop procedures whereby a CNMI Lottery Licensee:
 - (a) will be charged a fee, not to exceed \$25.00 per book or package, for not yet activated packs of instant tickets which are lost, stolen or missing; or
 - (b) will be charged full price, less applicable commission, for any activated books or packs of

tickets that are lost, stolen or missing; or

- (c) will be charged the cash equivalent of any prizes paid by such licensee on tickets that are obviously counterfeit, altered, or otherwise deficient and therefore invalid; or
- (d) will be charged an amount which has been paid as a duplicate prize at a second retail location as a result of the failure of the Licensee at the first retail location to deface or otherwise designate the ticket involved as a winning ticket for which a prize has been previously paid.

RULE 16 - ASSIGNMENT OF LICENSE

- 16 No license issued by the CNMI Lottery Commission to the CNMI Lottery Operator, or a CNMI Lottery Licensee shall be transferred or assigned without the express written permission of the CNMI Lottery Operator and the CNMI Lottery Commission.

RULE 17 - CHANGE OF LOCATION OR OWNERSHIP

- 17 Any change in either the location of the business of a CNMI Lottery Licensee or the beneficial interest held in such licensee without the express written approval of the CNMI Lottery Operator and the CNMI Lottery Commission will automatically suspend the CNMI Lottery License for such location. A new application must be filed in the same manner as provided in these Rules and Regulations for the initial application for a Lottery License and the CNMI Lottery License will be reinstated, or issued for a new location, solely at the discretion of the CNMI Lottery Commission. The sale of all lottery tickets is prohibited following either the change in location or a change in beneficial interest of the licensee until a new CNMI Lottery License is issued.

RULE 18 - MERCHANDISING

- 18 Unless otherwise specifically provided in writing by the CNMI Lottery Commission, each CNMI Lottery Licensee shall offer to the public, if otherwise permitted by the CNMI Lottery License held by such licensee, each and every on-line lottery game and/or instant ticket lottery game offered for sale to the public by the CNMI Lottery Operator. No CNMI Lottery Licensee may contract with any other person or organization for lottery goods or services or promotional materials without the express written approval of the CNMI Lottery Operator and the CNMI Lottery Commission.

18.1 Each CNMI Lottery Licensee shall:

- (a) only use the lottery ticket dispenser(s) provided by the CNMI Lottery Operator for the sale of instant lottery tickets; and
- (b) place such instant ticket dispenser(s) in a prominent location in the retail establishment in the cash register or store check-out area; and
- (c) prominently display any and all point of sale materials supplied by the CNMI Lottery Operator including, by way of illustration and not limitation, door decals, game posters, display tickets, banners, flags, danglers, change mats and interior and exterior signage unless otherwise excused, in writing, from compliance with one or more of these requirements by the CNMI Lottery Commission.

18.2 The CNMI Lottery Licensees shall make lottery tickets available and shall provide for the redemption of tickets consistent with the CNMI Lottery Commission Act and these Rules and Regulations.

RULE 19 - SUSPENSION OR REVOCATION OF LICENSE

19 Pursuant to the specific authority of 1 CMC §9313(h) the CNMI Lottery Commission may suspend or revoke any CNMI Lottery License previously issued upon the finding of one or more of the following:

- (a) The determination by the Commission of the existence of any one or any combination of factors previously listed as grounds for denial of issuance of a license under Rule 8 hereinabove set forth under the heading "Licensing of Persons to Operate the Lottery"; or the determination by the Commission that the existence of any one or more factors listed in subsection (b) below directly apply to or relate to the holder of the CNMI Lottery License. Notice of suspension or revocation of license shall, if possible, be given to the licensee in writing setting forth the reasons therefore. A suspended or revoked license shall immediately be surrendered to the Commission; or
- (b) Without in any way limiting or restricting the ability of the CNMI Lottery Commission to consider the factors listed in Rule 8 concerning "Licensing of Persons to Operate the Lottery" as grounds for

suspension or revocation of a License issued by the Commission, the Commission may also suspend or revoke a license held by a Lottery Licensee based upon a finding of one or more of the following:

- (1) that the beneficial interest in the ownership of the business premises has changed or the business location of the retailer has changed without approval of the Commission; or
- (2) that the licensee has permitted a sale of a lottery ticket by a person under 18 years of age or has sold a lottery ticket or paid a prize to a person under 18 years of age; or
- (3) that the licensee has not prominently displayed, at the licensed location, the license issued by the Commission; or
- (4) that the licensee has refused or failed to promote the sale of lottery tickets by failing to prominently display or make accessible and/or available, lottery game tickets, lottery game advertising or other public information material; or
- (5) that the licensee has redeemed a lottery prize in an amount greater or less than the authorized amount; or conditioned redemption of a lottery prize upon the purchase of any other item or service; or imposed any restriction upon the redemption of a lottery prize not specifically authorized by the Commission and the CNMI Lottery Operator; or
- (6) that a licensee has charged a sales commission or similar fee in an amount either greater or less than the amount established by the Commission; or
- (7) that the licensee has violated any directive or instruction issued by either the Commission to the Lottery Operator or Lottery Licensee or issued by the CNMI Lottery Operator to a CNMI Lottery Licensee; or
- (8) that the licensee has violated any express term or condition of its license, the Act or these Rules and Regulations; or
- (9) that the licensee and/or its employee(s) has exhibited discourteous treatment including,

but not limited to, abusive language toward customers or the Commission; or

- (10) that the licensee has assigned or transferred or attempted to assign or transfer its license to another party without the prior written approval of the Commission and the CNMI Lottery Operator; or
- (11) that the licensee has failed to exercise due care in the treatment of the CNMI Lottery property; or
- (12) that the licensee endangered the security of the lottery; or
- (13) that the licensee engaged in fraud, deceit, misrepresentation or other conduct prejudicial to public confidence in the lottery; or
- (14) that the licensee engaged in telecommunication or printed advertising that the Commission determines to have been false, deceptive, or misleading; or
- (15) that the licensee failed to follow instructions and procedures for the conduct of any particular lottery game or lottery special event; or
- (16) that the licensee failed to establish or maintain reasonable security precautions with regard to the handling of lottery tickets and other lottery-related materials; or
- (17) that the licensee has insufficient sale of lottery tickets; or
- (18) that the licensee has engaged in skimming of lottery funds; or
- (19) that the CNMI Lottery Operator or the CNMI Lottery Full-Service Agency Lottery Sales Licensee has engaged in prohibited political activity; or
- (20) the failure to make payments when due by any CNMI Lottery Licensee to the CNMI Lottery Operator; or, by the CNMI Lottery Operator to the CNMI Lottery Commission; or, by failing to handle lottery funds in a prescribed manner consistent with either the Act or these Rules

and Regulations.

RULE 20 - INAPPLICABILITY OF REGULATIONS

- 20 Pursuant to 1 CMC §1402(10) these Rules and Regulations do not apply to the lottery game Bingo and the game of Batu as each is defined in these Rules and Regulations provided that:
- (a) such game of Bingo or Batu is a traditional game played at a fixed location; and
 - (b) that the traditional game of Bingo or Batu has been licensed or otherwise approved pursuant to 1 CMC §1401 et seq., the CNMI Local Law Act of 1983.
- 20.1 Pursuant to 1 CMC §9321 these Rules and Regulations do not apply to a lottery game conducted by:
- (a) a religious organization; or
 - (b) a non-profit organization.
- 20.2 The right of religious or non-profit organizations to conduct or operate lotteries or raffles does not authorize such religious or non-profit organizations to permit, contract, license or otherwise engage or hire any person or organization which is not otherwise qualified as a religious or non-profit organization to conduct a raffle or lottery on behalf of the religious or non-profit organization since such licensing authority is specifically reserved to the Commission by the Act.
- 20.3 The CNMI Lottery Commission may develop appropriate forms for the filing with the Commission by any person or organization which desires to be recognized as a religious organization or non-profit organization whose lottery game(s) are exempt from regulation by the Commission. Such forms shall require the disclosure of all information which the Lottery Commission deems necessary or appropriate to determine whether such applicant is exempt from having its lottery game(s) regulated by the Commission. The Lottery Commission may further require that all such forms be completed, executed, acknowledged or notarized under oath by an authorized representative of the religious organization or non-profit organization seeking such exemption.
- 20.4 The Commission may establish and charge a fee for either the filing of an application for, and/or the issuance of, any permit or other similar certificate exempting the lottery game(s) of such religious organization or non-

profit organization from regulation by the Commission.

RULE 21 - CERTAIN LOTTERIES PROHIBITED

21 No lottery may be conducted within the Commonwealth of the Northern Mariana Islands if:

(a) the distribution of a lottery prize or prizes is determined in whole or in part by the number of total votes cast, or the number of votes received by any candidate, in any local, Commonwealth-wide or national election; or

(b) the lottery is sponsored or funded in whole or in part by, or involves, or in any way promotes any cigarette, cigar, smoking tobacco, pipe tobacco, chewing tobacco, snuff or similar tobacco product; or

(c) the lottery is sponsored or funded in whole or in part by or involves or in any way promotes any alcohol, wine, beer or other similar malt or spiritus beverage.

21.1 Provided however that the prohibitions set forth in paragraphs (b)-(c) immediately above will not preclude a merchant who is operating an otherwise permissible gift enterprise lottery from including monies spent by participants on beer, wine, alcohol or tobacco products in the determination of the number of tickets to be distributed to the participants in such gift enterprise.

RULE 22 - CONFLICT WITH OTHER LAWS


22 Unless specifically set forth herein, these Rules and Regulations are intended to supplement and not to conflict with other Commonwealth law or applicable federal law. Consequently, notwithstanding anything contained herein to the contrary, to the extent that any provision hereof conflicts with any other Commonwealth law or applicable federal law, including the CNMI Lottery Commission Act, and the apparent conflict cannot be reconciled on a basis to permit implementation of the Rules and Regulation set forth herein, such other Commonwealth law or applicable federal law shall control, but only to the extent of such conflict and the remaining provisions of these Rules and Regulations shall remain in full force and effect.

RULE 23 - SEVERABILITY

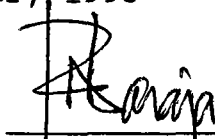
23 If any provision of these Rules and Regulations or any

portion of any particular provision of such Rule or Regulation is held, by a court of competent jurisdiction, to be invalid, illegal, unconstitutional or otherwise unenforceable in any respect; the validity, legality, constitutionality or enforceability of these Rules and Regulations as a whole and the remaining provisions, or remaining portion of any particular provision, shall remain in full force and effect and shall not be affected or impaired by such holding.

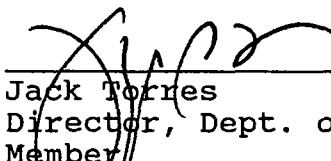
Dated this 13th day of October, 1993



Eloy S. Inos
Director of Finance
Executive Secretary
CNMI Lottery Commission



Robert C. Naraja
Attorney General
Member
CNMI Lottery Commission

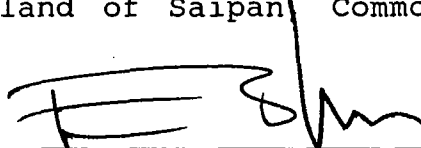


Jack Torres
Director, Dept. of Commerce & Labor
Member
CNMI Lottery Commission

CERTIFICATION OF THE RULES AND REGULATIONS
FOR THE OPERATION OF THE
CNMI LOTTERY

I, Eloy S. Inos, Director of the Department of Finance am also Executive Secretary of the CNMI Lottery Commission which Commission is promulgating the Rules and Regulations for the Operation of the CNMI Lottery by signature below hereby certify that such Rules and Regulations for the Operation of the CNMI Lottery are a true, complete and correct copy of the Emergency Rules and Regulations adopted by the CNMI Lottery Commission.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 13th day of October, 1993 on the island of Saipan, Commonwealth of the Northern Mariana Islands.



Eloy S. Inos
Executive Secretary
CNMI Lottery Commission

TATTSLOTTO REGULATIONS

TATTSLOTTO REGULATIONS

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TATTSLOTTO REGULATIONS

REGULATION 1 - INTRODUCTION

Authority

- 1.1 The Trustees of the Will and Estate of the late George Adams under the business name of Tattersall Sweep Consultation Care of George Adams conduct and promote sweepstakes in accordance with the Tattersall Consultations Act 1958 of the State of Victoria. A Consultation may include tickets marketed in the Northern Territory under the name of Northern Territory Sportslotto and all tickets so marketed are issued subject to the Northern Territory Sportslotto Regulations.
- 1.2 Prize money payable to winners of Tattslotto and Super 66 Consultations is derived from the Prizes Fund constituted under the Act and into which not less than 60% of all subscriptions received are payable.
- 1.3 Each Consultation will be identified by a number.
- 1.4 Tattersall Sweep Consultation shall determine the day and time of closure of any Consultation:

Objective

- 1.5 The objective of subscribers to a Tattslotto Consultation is to forecast or select 6 winning numbers from the numbers 1 to 45.

Regulations for Participation

- 1.6.1 These Regulations and the Conditions on the current entry coupons shall be binding on all subscribers.
- 1.6.2 There must also be compliance with all directions on the current coupons and the entry ticket.
- 1.7 Unless a subscriber shall have completed the appropriate anonymity request Tattersall Sweep Consultation shall be at liberty to publicise the names of major prize winners. Tattersall Sweep Consultation shall not be liable for any inconvenience loss damage or injury suffered if prize winners details are released contrary to instructions.

TATTSLOTTO REGULATIONS

- 1.8 If it is held by a court of competent jurisdiction that:
- (a) any part of the Regulations are void or illegal or unenforceable; or
 - (b) the regulations would be void voidable illegal or unenforceable in whole or in part unless a part were severed therefrom:
- then that part shall be severable from and shall not effect the continued operation of the remainder of the Regulations.
- 1.9 The Trustees may at any time amend, modify or abrogate these Regulations.
- 1.10 Any liability of Tattersall Sweep Consultation to a subscriber in a consultation, arising from any statement about that consultation made by or any negligence on the part of, an employee, servant, agent or contractor of Tattersall Sweep Consultation, or any other person, shall be limited to the cost of the subscriber's subscription in that consultation.
- 1.11 These Regulations shall be displayed at the Melbourne office of Tattersall Sweep Consultation and at the place of business of Accredited Representatives and may be made public by any other means.
- 1.12 In the event of a subscriber suffering any loss or damage as a result of any unlawful act of an employee, servant, agent or contractor of Tattersall Sweep Consultation or any Accredited Representative or other party, or as a result of any fire, flood, tempest, storm, riot, civil commotion, lockout, strike or equipment failure, any liability of Tattersall Sweep Consultation to that subscriber shall be limited to the cost of that subscriber's subscription in the particular consultation involved.

REGULATION 2 - ENTRY COUPONS

- 2.1 Each entry coupon shall contain game panels for number selection from 1 to 45.
- 2.2 Each properly completed entry coupon shall be processed through an Accredited Representative's on-line computer terminal and except in relation to The Mail Service returned to the subscriber with a ticket of the kind described in Regulation 5.1.
- 2.3 A subscriber on an entry coupon may opt for all or any of the choices available eg. Super 66, advance, 5 or 10 weeks, system; or take 5/4 and must indicate whether the subscription is for an entry in a Saturday Consultation(s) or Midweek Consultation(s), or both.
- 2.4 Additional Regulations governing Season Participation, System Participation, entry through a Supplementary Accreditation or The Mail Service, Super 66, and Advance Participation are annexed as Appendices one to five respectively.

TATTSLOTTO REGULATIONS

REGULATION 3 - FORECAST INSTRUCTIONS

Participation

- 3.1 Subscribers shall mark their selected numbers by hand in each game panel. Their selection must equal the option chosen pursuant to Regulation 2.3. Except with the prior approval of the Trustees, a subscriber shall not mark any selection upon an entry coupon by any mechanical means and no entry coupon in which a selection is marked by any mechanical means shall be considered a properly completed entry coupon for the purposes of the Regulations. Without limiting the generality of the foregoing, with the exception of any entry coupon for which the Trustees' prior approval has been obtained, an Accredited Representative shall not accept for processing pursuant to Regulation 2.2, any entry coupon upon which a selection is marked by any mechanical means.
- 3.2 Multiple 6 number games or combinations may be entered in any game panel using the system or take 5/4 options, subject to Regulation A.2.1.
- 3.3 A subscriber may request a computer assisted entry whereupon the ticket issued containing computer selected numbers shall constitute an accepted entry for the purposes of Regulations 5 and 6.

REGULATION 4 - COST

- 4.1 The fee payable per Tattslotto game shall be 30 cents for a Saturday Consultation and 50 cents for a Midweek Consultation.
- 4.2 The minimum subscription shall be \$1.00 for an entry in a Midweek Tattslotto Consultation and \$1.20 in a Saturday Tattslotto Consultation.
- 4.3 The fee payable per Super 66 entry shall be \$1.00.
- 4.4 The handling charge of the Accredited Representative shall be additional to the fees calculated in this regulation.

REGULATION 5 - ACCEPTANCE OF ENTRIES AT TERMINAL

- 5.1 A subscriber having made a numbers selection and paid the entry fee plus handling charges shall be issued with a ticket or tickets recording:-
 - (i) The Tattersall Register (TR) number, if applicable;
 - (ii) The selected numbers and/or the Super 66 number/s in accordance with Regulation A.4.1.2;
 - (iii) The Tattslotto Consultation Number/s;
 - (iv) The number of the relevant selling point terminal;
 - (v) The subscribers paid ticket cost, including handling charge;
 - (vi) The ticket/s serial number/s.

TATTSLOTTO REGULATIONS

- 5.2 The issued ticket/s, the particulars on which should be checked at the time by the subscriber or the person buying the ticket/s for the subscriber, shall then constitute an accepted entry for the Consultation/s identified thereon. A ticket may only be voided or cancelled on the day of terminal issue, prior to the draw, and only at the terminal of issue. The taking of the ticket/s shall constitute an acknowledgment by the subscriber that subject to Regulation 6.2 the numbers thereon are the subscriber's selection and that all other particulars on the ticket are correct. No entry coupon or oral evidence shall then have validity or be of proof value for the purposes of any Consultation/s thus entered.
- 5.3 If an entry coupon is utilized for both Saturday and Midweek Consultations a separate ticket will be issued for each Consultation with each ticket recording the details in regulation 5.1.

REGULATION 6 - ACCEPTANCE OF ENTRIES BY TATTERSALL SWEEP CONSULTATION

- 6.1 The printing and issuing by a computer terminal of a ticket in accordance with Regulation 5 shall constitute an acknowledgment by Tattersall Sweep Consultation of such entry in the numbered Tattslotto Consultation/s and if applicable the Super 66 Consultation/s under Regulation A.4.1.2.
- 6.2 Where a dispute arises, the subscriber shall be bound by the prize determination founded on the particulars recorded on the pre-draw Government held copy of the computer gaming system master transaction file. No subsequent or manual alteration to a computer ticket shall be made or if made have any validity for any purpose.
- 6.3 A ticket which has been recorded as void or cancelled on the computer gaming system shall be void and of no validity in claiming a prize, and the subscriber shall have no claim against Tattersall Sweep Consultation whether such void recording is at the request of the subscriber, by reason of operator error, or otherwise.

REGULATION 7 - DRAWING OF TATTSLOTTO CONSULTATIONS AND DIVISION OF PRIZES

- 7.1 In each Consultation 8 balls will be drawn from a drawing device containing 45 balls numbered 1 to 45.

Numbers are deemed drawn when a numbered ball rests in the horizontal display section forming part of the drawing equipment. The first six drawn balls are the Winning Numbers and the seventh and eighth drawn balls are the Supplementary Numbers.

TATTSLOTTO REGULATIONS

- 7.2 Each drawing shall be conducted under the supervision of a representative of the Government of Victoria and shall be final for the purpose of determining prize winners for the particular Consultation drawn.
- 7.3 Subject to any revision of the prize structure by the Trustees there shall be 5 prize divisions in each Consultation comprising:
- Firstly subscribers who have correctly forecast the 6 winning numbers in any one game;
- Secondly subscribers who have correctly forecast any 5 of the 6 winning numbers plus one or both of the supplementary numbers in any one game;
- Thirdly subscribers who have correctly forecast any 5 of the 6 winning numbers in any one game;
- Fourthly subscribers who have correctly forecast any 4 of the 6 winning numbers in any one game;
- and Fifthly subscribers who have correctly forecast any 3 of the 6 winning numbers, plus one or both of the supplementary numbers, in any one game.
- 7.4 Subject to Regulation 8.2, if in any Consultation no entry contains the correct 6 winning numbers then the distributable prize money for such an entry in the Consultation shall jackpot to the prize money distributable to the division one prize in the next relevant Consultation. No such addition shall without the approval of the Minister be effected for more than four Consultations. If there is no such prize winner in any of the permitted Consultations the total division one sum allocated in the final permitted draw shall be added to the next lower division in which there are prize winners.
- 7.5 No six number game shall win more than one prize.

REGULATION 8 - PAYMENT OF PRIZES

- 8.1 Subject to a rounding off process for other than the first division to the nearer sum containing a five cent multiple the prize money provided by the Trustees from subscriptions to the particular consultation shall be distributed as nearly as possible in the percentages listed below:-

First Division	- Six winning numbers	- 26.5% thereof
Second Division	- Any five winning numbers plus either of the supplementary numbers	- 7.5% thereof
Third Division	- Any five winning numbers	- 13.5% thereof
Fourth Division	- Any four winning numbers	- 23.5% thereof
Fifth Division	- Any three winning numbers plus either of the supplementary numbers	- 29.0% thereof

TATTSLOTTO REGULATIONS

Whenever the jackpotting provisions of Regulation 7.4 apply the six winning numbers prize money shall include the undistributed six winning numbers prize money from the relevant earlier Consultation or Consultations. The Trustees may at their discretion further increase the distributable prize money by appropriations from the Prizes Fund.

- 8.2 Prize money distributable to Tattslotto and Super 66 winners in the first and second divisions shall be paid following expiration of the claim period specified in Regulation 9 and may be reduced if the approved winners exceed the number publicised as provisional winners.
- 8.3 Subject to Regulations 8.4 and 10 all prizes in the last three divisions in a Tattslotto Consultation and the last three divisions for Super 66 may be collected in the twelve weeks after the draw date at any selling point equipped with a terminal. Uncollected prizes other than those referred to under Regulation 10 shall then be paid at the Melbourne office of Tattersall Sweep Consultation.
- 8.4 Other than payments at Accredited outlets to an amount and time limit specified by the Trustees, all prizes will be paid at the Melbourne office of Tattersall Sweep Consultation. Cash will only be paid to the limit specified by the Trustees and above this payment will be by cheque either personally or by post, or by remittance through a nominated bank account.

The delivery of any prize winning ticket to Tattersall Sweep Consultation is the responsibility and at the expense of the subscriber. Proof of posting or bank lodgement will not be accepted as proof of delivery.

- 8.5 The subscriber shall accept all risks, losses, delays, errors or omissions which may occur in Australia Post or the banking system and Tattersall Sweep Consultation shall be under no obligation to send any remittances by registered, recorded or security post. The cost of the remittance of prize money may be deducted and shall be paid by the prize winner.
- 8.6 Subject to Regulation 8.2, prizes for 6 winning numbers or five winning numbers plus either of the supplementary numbers, including any other prizes on these winning entries, shall be paid at the Melbourne office of Tattersall Sweep Consultation.
- 8.7 If in any division there is more than one winning game the prize money allocated to that division will be apportioned amongst such winning games equally.

TATTSLOTTO REGULATIONS

- 8.8 Subject to Regulation 7.4 if there are no winners in any one division the prize money allocated to that division will be added to the prize money allocated to the next lower division.
- 8.9 Subject to Regulation 8.12 and even though a ticket may bear only the name of a syndicate, Tattersall Sweep Consultation will recognise only the person/s by whom the ticket is surrendered as the absolute owner (and where more than one in equal shares) and except as ordered by a Court of competent jurisdiction shall not be bound to take notice or to see to the execution of any trust whether express, implied or constructive to which any such ticket may be subject. Payment by Tattersall Sweep Consultation to the person/s surrendering the ticket of any prize money payable thereon shall be a good discharge to Tattersall Sweep Consultation, notwithstanding any notice Tattersall Sweep Consultation may have of the right, title, interest or claim of any other person/s to such prize money.
- 8.10 Tattersall Sweep Consultation shall not be bound by any rule or agreement made between syndicate or group entrants.
- 8.11 In order for a ticket to be valid for prize payment the following conditions must be met:
- 8.11.1 The ticket must not be mutilated, altered, reconstituted, counterfeit, stolen, stamped paid, cancelled or a duplicate of another ticket and must have been issued in an authorised manner by Tattersall Sweep Consultation or by an Accredited Representative.
- 8.11.2 The full ticket details matching the record in regulation 6.2 must appear on the ticket which must not be misregistered, defectively printed or printed or produced in error to an extent that it cannot be processed by Tattersall Sweep Consultation.
- 8.11.3 The ticket must pass all other confidential security checks of Tattersall Sweep Consultation and there must not be any breach of these regulations which in the opinion of Tattersall Sweep Consultation justifies disqualification.
- 8.11.4 The ticket held by the subscriber will have no value other than allowing payment of a prize held on the central computer systems, and not previously removed from file by an authorised outlet or by Tattersall Sweep Consultation.
- 8.11.5 Notwithstanding any other provision contained in these Regulations, Tattersall Sweep Consultation may require any subscriber claiming a prize to complete a Statutory Declaration prior to payment of such prize, to the effect that the subscriber is not part of any syndicate associated with any person who has acted in contravention of Section 10A of the Tattersall Consultations Act 1958 (as amended).

TATTSLOTTO REGULATIONS

- 8.12 Subject to the discretion of the Trustees and Regulation 10, no prize money shall be payable in any Consultation save on surrender of the prize winning ticket to Tattersall Sweep Consultation. The ticket name and address section should be completed before presentation for prize validation, and full identification may be required prior to payment.
- 8.13 Any subscribers who believe that their Tattslotto and/or Super 66 prize winning entries have been incorrectly evaluated by Tattersall Sweep Consultation or who are unable to produce their prize winning ticket may lodge written claims at their cost on forms available from the Melbourne office of Tattersall Sweep Consultation.
- 8.14 A terminal produced replacement season ticket supplied on prize payment will be recognised for the next prize validation. The season ticket used for payment ceases to be valid, and only the replacement will be accepted for further prize collection.

REGULATION 9 - CONFIRMATION OF MAJOR PRIZES AND CLAIMS FOR UNCONFIRMED MAJOR PRIZES

- 9.1 Subscribers who believe they are entitled to a prize for 6 winning numbers, or six Super 66 digits in the sequence drawn must contact Tattersall Sweep Consultation for confirmation. In the case of a prize for 5 winning numbers plus either of the supplementary numbers, or a Super 66 second division the subscriber must seek confirmation by presentation of the ticket at any computer equipped outlet. Confirmation must be sought before the expiration of the claim period as defined in regulation 9.4. Claims for unconfirmed major prizes must be lodged within the claim period.
- 9.2 Claim forms shall be provided at the Melbourne office of Tattersall Sweep Consultation. All major prize claims must be forwarded to or lodged at that office and be accompanied by the subscriber's ticket and a self-addressed envelope bearing the correct postage for letter delivery of the Trustees response to the claim.
- 9.3 No major prize claim shall be entertained unless received in accordance with regulation 9.2 and in the claim period. The lodging of claim forms shall be at the cost and responsibility of the claimant and late lodgement will not be accepted.

TATTSLOTTO REGULATIONS

- 9.4 The period for lodging a major prize claim ends on the fourteenth day after the draw date of the consultation in which the prize is claimed. If the fourteenth day, or any day or days immediately preceding it, is a Saturday, Sunday or Public Holiday, the period ends on the last working day prior to the fourteenth day. All such periods end at 3.00 p.m. Eastern Standard Time or Eastern Summer Time as the case may be, on the nominated day.

REGULATION 10 - TATTERSALL REGISTER

- 10.1 Prizes won by a ticket identified with a Tattersall Register number uncollected twelve weeks from the draw date shall be sent by ordinary post to the Tattersall Register member at the address then recorded with the Register and such posting shall be binding on all such subscribers as full and final settlement of the prize sum. A handling fee may be charged against such prize payments.
- 10.2 Payment of such prizes may require where specified by the Trustees either a Statutory Declaration of ownership or that the original ticket be produced.
- 10.3 Where a registered subscriber lodges a written claim under Regulation 8.13 that a registered winning ticket is lost, Tattersall Sweep Consultation may decline to pay the prize to the bearer of that ticket.

REGULATION 11 - PUBLICATION OF RESULTS

11. Tattersall Sweep Consultation will publicise the results of each Consultation drawing as soon as practicable after each drawing.

REGULATION 12 - DECISIONS BY THE TRUSTEES AND DEFINITIONS

- 12.1 The subscribers to a Consultation undertake by subscribing to comply with these Regulations and to accept the decisions made by the Trustees as final and binding including the determination of prize winners and the distribution of prize money and the meaning and effect of these Regulations.

TATTSLOTTO REGULATIONS

- 12.2 "Accredited Representative" means person/s or corporation/s accredited by the Trustees to process entries none of whom shall be deemed to be the agent of Tattersall Sweep Consultation for any of the purposes of a Consultation.

Tattersall Sweep Consultation shall not be responsible to any subscriber for any neglect, omission, delay or failure by an Accredited Representative or Supplementary Representative to process an entry in accordance with these Regulations.

The engagement of an Accredited or Supplementary Representative by a subscriber does not exempt the subscriber from observing these Regulations.

For the payment by a subscriber of a handling charge, an Accredited or Supplementary Representative shall be engaged as the agent of the subscriber for the purpose of processing an entry. Tattersall Sweep Consultation may deal with the ticket purchaser as the principal and a subscriber using an Accredited or Supplementary Representative as their agent will be bound by all acts or omissions of such agents or their servants.

It shall be a term of the engagement of the Accredited Representative by the subscriber that neither the Accredited Representative nor his servant, Supplementary Accreditation nor agent shall be responsible for any loss, damage or expense which may be sustained by the subscriber by reason of any neglect, omission, delay or failure on the part of the Accredited Representative, his servant, Supplementary Accreditation or agent to properly process any entry.

The subscriber is bound by this regulation except in so far as the Trade Practices Act 1974 is deemed to apply.

- 12.3 Supplementary Accreditations are premises where persons associated with an Accredited Representative will for an agreed handling charge be engaged by the Accredited Representative to effect entry via the Accredited Representative's computer terminal.
- 12.4 The Mail Service is an Accredited Representative who processes entries where the subscriber is often remote from the computer terminal, either via the mail or by other means approved by Tattersall Sweep Consultation.
- 12.5 These Regulations shall be effective for consultations drawn on and after the 18th day of February, 1991. The Regulations in force immediately prior to the draw upon which these Regulations take effect are hereby rescinded. Notwithstanding such rescission the previously operative regulations shall continue to apply to any earlier drawn consultation.

TATTSLOTTO REGULATIONS

APPENDIX ONE

SEASON PARTICIPATION

- A.1.1 An entry coupon will have the Week numbers 5 and 10 printed thereon. A subscriber must indicate the number of consecutive Consultations sought to be entered and pay the requisite entry cost plus handling fee.
- A.1.2 The provisions of Regulations 1 and 12 inclusive shall apply to a Season Participation ticket as to each and every Consultation thereby entered and the regulations and all appendices in force at the commencement of the week for which the Season Participation ticket is an entry shall bind the subscriber as to such entry or entries.

APPENDIX TWO

SYSTEM PARTICIPATION

- A.2.1 An entry coupon will have Systems 7, 8, 9-20 and Take 5/4 printed thereon. To participate in a System a subscriber must mark the System to be entered. A subscriber shall not mark more than one of these System numbers. A subscriber may enter up to twelve systems of the one type for systems 7, and take 5/4, up to ten systems of the one type for systems 8 and 9, up to six systems of the one type for Systems 10 to 15 and one only of the one type for Systems 16 to 20 on any one entry coupon.
- A.2.2 A system entry gives multiple games, each game costing the fee covered in Regulation 4.
- A.2.3 A System entry shall be completed by marking the number of numbers corresponding to the System entered by the subscriber (i.e. if System 7 has been marked, seven numbers are marked in Game A: System 8 - eight numbers are marked in Game A and so forth). Ordinary and System participation shall not be accepted if completed on the one Tattslotto coupon.
- A.2.4 Acceptance by a subscriber of a ticket shall constitute an acknowledgment that the System entry numbers recorded thereon are the subscriber's selections subject to Regulation 6.2.
- A.2.5 A subscriber may complete a System entry for season and advance participation. The Regulations set out in Appendix one (Season Participation) or Appendix Five (Advance Participation) shall apply to such participation.
- A.2.6 The provisions of Regulations 1 to 12 inclusive shall apply to a System participation entry as to each and every Consultation thereby entered.

TATTSLOTTO REGULATIONS

APPENDIX THREE

ENTRY THROUGH A SUPPLEMENTARY ACCREDITATION AND THE MAIL SERVICE

- A.3.1 All instructions and notices to Supplementary Accreditations and the Mail Service shall be read and construed as part of these Regulations.
- A.3.2 No person at any Supplementary Accreditation or the Mail Service has authority to verify the accuracy of or completion by a subscriber of any part of an entry or entry coupon. Entry at a Supplementary Accreditation or the Mail Service by a subscriber does not exempt the subscriber from observing these Regulations.
- A.3.3 A subscriber who uses the Mail Service or any Supplementary Accreditation shall accept all risks, losses, delays, errors or omissions which may occur in any manner in relation to such entry or prize payment.

APPENDIX FOUR

PARTICIPATION IN SUPER 66

- A.4.1.1 Super 66 is a supplementary and or elective Consultation based on the six digits selected at random by the computer and printed on the ticket. Numbers are deemed drawn when a numbered ball is seated in each of the six cups forming part of the drawing equipment. Should a ball not be seated in a cup the drawn numbers stand and a redraw takes place for the appropriate chamber. Such 6 digits are hereinafter called the Super 66 number.
- A.4.1.2 The delivery to a subscriber of a ticket printed by a computer terminal and containing the detail specified in Regulation 5.1 shall subject to Regulation 6.2 be acknowledged by Tattersall Sweep Consultation as a valid Super 66 Consultation entry in the Tattslotto draws printed on such ticket when the words "Super 66" are printed on the ticket above the Super 66 number/s.
- A.4.2 For every Super 66 Consultation a 6 digit number from 000000 to 999999 will be drawn. The method, location and time of the drawing will be decided by Tattersall Sweep Consultation. Each drawing shall be conducted under the supervision of a representative of the Government of Victoria and shall be final for the purpose of determining prize winners for the particular Super 66 Consultation.

TATTSLOTTO REGULATIONS

APPENDIX FOUR (continued)

PARTICIPATION IN SUPER 66 (continued)

A.4.3 There shall be five divisions in each Super 66 Consultation and subject to Regulation A.4.1.2 will comprise:

Firstly subscribers holding participating tickets on which the six digits of the Super 66 number are identical with and in the same sequence as the six digit number drawn for the particular Super 66 Consultation.

Secondly subscribers holding participating tickets on which -

- (a) the first five digits of the Super 66 number are identical with and in the same sequence as the first five digits of the six digit number drawn for the particular Super 66 Consultation; or
- (b) the last five digits of the Super 66 number are identical with and in the same sequence as the last five digits of the six digit number drawn for the particular Super 66 Consultation.

Thirdly subscribers holding participating tickets on which -

- (a) the first four digits of the Super 66 number are identical with and in the same sequence as the first four digits of the six digit number drawn for the particular Super 66 Consultation; or
- (b) the last four digits of the Super 66 number are identical with and in the same sequence as the last four digits of the six digit number drawn for the particular Super 66 Consultation.

Fourthly subscribers holding participating tickets on which -

- (a) the first three digits of the Super 66 number are identical with and in the same sequence as the first three digits of the six digit number drawn for the particular Super 66 Consultation; or
- (b) the last three digits of the Super 66 number are identical with and in the same sequence as the last three digits of the six digit number drawn for the particular Super 66 Consultation.

TATTSLOTTO REGULATIONS

APPENDIX FOUR (continued)

PARTICIPATION IN SUPER 66 (continued)

Fifthly subscribers holding participating tickets on which -

- (a) the first two digits of the Super 66 number are identical with and in the same sequence as the first two digits of the six digit number drawn for the particular Super 66 Consultation; or
- (b) The last two digits of the Super 66 number are identical with and in the same sequence as the last two digits of the six digit number drawn for the particular Super 66 Consultation.

A.4.4 Subject to the Act the total prize money distributable for the particular consultation will be paid as follows:-

First Division - the balance of the total prize money provided by the Trustees from subscriptions to the particular consultation after prizes in the second third fourth and fifth divisions have been determined, subject to Regulation A.4.5.

Second Division	-	\$6,666.00	per prize
Third Division	-	\$666.00	per prize
Fourth Division	-	\$66.00	per prize
Fifth Division	-	\$6.60	per prize

A.4.5 A minimum prize amount specified by the Trustees shall be paid to any First Division prize. Such minimum if not achieved by virtue of Regulation A.4.4 shall be drawn from the Prizes Fund.

A.4.6 Subject to Regulation 8.2 if in any Super 66 Consultation there is no first division prize winner then the first division prize money in that Consultation shall jackpot to the prize money distributable in the next Super 66 Consultation. No such jackpot shall without the approval of the Minister be effected for more than four Consultations. If there is no first division winner in any of the permitted Consultations the first division prize money in the final permitted draw shall be allocated to the next lower division in which there are prize winners.

A.4.7 Only one prize in Super 66 can be won by any one six digit number.

TATTSLOTTO REGULATIONS

APPENDIX FOUR (continued)

PARTICIPATION IN SUPER 66 (continued)

- A.4.8 Tattersall Sweep Consultation will publicise the results of each Consultation drawing as soon as possible after each drawing.
- A.4.9 Regulations governing the entry, processing and prize payment for Tattslotto Consultation entries shall apply also to Super 66 Consultation entries including Regulation 9.
- A.4.10 These Regulations shall take effect simultaneously with and be subject to the same provisos as Tattslotto Regulation 12.5.

APPENDIX FIVE

ADVANCE ENTRY

- A.5.1 A subscriber may nominate a future draw number of his choice up to 9 weeks ahead of the current draw for any type of consultation entry embraced by these regulations.
- A.5.2 The provisions of Regulation 1-12 inclusive shall apply to an advance sale entry as to each and every Consultation thereby entered and the regulations and all appendices in force at the commencement of the week for which the advance sale ticket of whatever character is an entry shall bind the subscriber as to such entry or entries.

EFFECTIVE 11/3/91

TATTS 2

REGULATIONS

EFFECTIVE 11/3/91

**TATTERSALL SWEEP CONSULTATION
TATTS 2 REGULATIONS**

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**TATTERSALL SWEEP CONSULTATION
TATTS 2 REGULATIONS**

REGULATION 1 - INTRODUCTION

Authority and Prize Funding

- 1.1 The Trustees of the Will and Estate of the late George Adams under the business name of Tattersall Sweep Consultations care of George Adams conduct and promote sweepstakes in accordance with the Tattersall Consultations Act 1958 of the State of Victoria.
- 1.2 Sweepstakes conducted as two (2) number selection sweeps ("Tatts 2") are Consultations in which a subscriber must forecast or select two winning numbers from the numbers 1 to 99.
- 1.3 Prize money payable to winners in a Tatts 2 Consultation is derived from the Prizes Fund constituted under the Act and into which not less than 60% of all subscriptions received are payable.
- 1.4 For the purpose of determining the prize moneys payable in any Consultation, and the award of special prizes which may be declared by the Trustees, there shall be constituted a Tatts 2 Prize Pool Reserve drawn from the PRIZES FUND consisting of 2% of each Tatts 2 Consultation entry and prize moneys uncollected 12 weeks from the draw date.
- 1.5 The Trustees may at any time award special prizes in a Consultation payable from the Tatts 2 Prize Pool Reserve. All such awards shall be publicised to subscribers at the point of sale and by other means.
- 1.6 The balance in the Tatts 2 Prize Pool Reserve shall be the sum defined in Regulation 1.4 less special prizes awarded under Regulation 1.5 and the operation of Regulation 6.2.
- 1.7 In each Consultation the Opening Tatts 2 Prizes Fund Balance shall be the balance derived following transfers to the Tatts 2 Prize Pool Reserve and the award of prizes in the preceding Consultation.

Regulations for Participation

- 1.8 These Regulations shall apply to each Consultation and shall be binding on all subscribers.
- 1.9 The Trustees may at any time amend, modify or abrogate these Regulations.
- 1.10 These Regulations shall be displayed at the Melbourne office of Tattersall Sweep Consultation and at the place of business of Accredited Representatives and may be made public by any other means.

**TATTERSALL SWEEP CONSULTATION
TATTS 2 REGULATIONS**

REGULATION 1 - INTRODUCTION (continued)

Ordinary Participation

- 1.11 Multiple two (2) number games or two (2) number game combinations (systems) may be selected and entered.

Season Participation

- 1.12.1 A simultaneous entry may be made in up to 24 successive consultations from and including the draw current at the time of entry.
- 1.12.2 The provisions of regulations 1 to 9 inclusive shall apply to a Season Participation for each and every Consultation entered and the regulations in force at the commencement of each draw day for which the Season entry ticket is an entry shall bind the subscriber for each entry.

Advance Participation

- 1.12.3 A subscriber may nominate a single draw day up to 5 draw days ahead of the current draw day.
- 1.12.4 The provisions of regulations 1 to 9 inclusive shall apply to an Advance Participation for each and every Consultation entered and the regulations in force at the commencement of the draw day for which the Advance Participation ticket is an entry shall bind the subscriber for that entry.

System Participation

- 1.12.5 A subscriber may make any number of System 3, 4, 5, 6 or 7 entries.
- 1.12.6 The following table shows the number of games in which a system subscriber participates, i.e. the Game Equivalent of any particular System entry.

SYSTEM	GAME EQUIVALENT
3	3
4	6
5	10
6	15
7	21

TATTS 2 REGULATIONS

REGULATION 1 - INTRODUCTION (continued)

System Participation (continued)

- 1.12.7 The following table sets out the number of winning combinations for each System entry in the event of either one or two of the numbers entered by the system subscriber being winning numbers.

WINNING NUMBERS	PRIZE DIVISIONS	SYSTEM - NUMBER OF PRIZES				
		3	4	5	6	7
1 correct	2	2	3	4	5	6
2 correct	1 2	1 2	1 4	1 6	1 8	1 10

- 1.12.8 The provisions of Regulations 1 to 9 inclusive shall apply to a System Participation for each and every Consultation entered.

Computer Assisted Entry

- 1.13 A subscriber may request a computer assisted entry whereupon the ticket issued containing computer selected numbers shall constitute an accepted entry for the purposes of Regulations 3 and 4.

REGULATION 2 - COST

- 2.1 The fee payable per game shall be 50c.
- 2.2 The handling charge of the Accredited Representative shall be additional to the fee calculated under Regulation 2.1.

REGULATION 3 - ACCEPTANCE OF ENTRIES AT TERMINAL

- 3.1 A subscriber having made a numbers selection and paid the entry fee plus handling charges shall be issued with a ticket or tickets recording:
- (i) The Tattersall Register (TR) number, if applicable;
 - (ii) The subscriber or computer selected Tatts 2 numbers;
 - (iii) The Tatts 2 Consultation draw date/s;
 - (iv) The number of the relevant selling point terminal;
 - (v) The subscriber paid ticket cost and serial number.

**TATTERSALL SWEEP CONSULTATION
TATTS 2 REGULATIONS**

REGULATION 3 - ACCEPTANCE OF ENTRIES AT TERMINAL (continued)

- 3.2 The issued ticket, the particulars on which should be checked at the time by the subscriber, shall then constitute an accepted entry for the Tatts 2 Consultation identified thereon. A ticket may only be voided or cancelled on the day of issue, prior to the draw, and only at the terminal of issue. The taking of the ticket shall constitute an acknowledgment by the subscriber that subject to Regulation 4.2 the Tatts 2 numbers thereon are the subscriber's selection and that all other particulars on the ticket are correct.

REGULATION 4 - ACCEPTANCE OF ENTRIES BY TATTERSALL SWEEP CONSULTATION

- 4.1 The printing and issuing by a computer terminal of a ticket in accordance with Regulation 3.1 shall constitute an acknowledgment by Tattersall Sweep Consultation of such entry in the dated Tatts 2 Consultation Draw or Draws.
- 4.2 Where a dispute arises, the subscriber shall be bound by the prize determination founded on the particulars recorded on the Government held copy of the computer gaming system master transaction file.
- 4.3 Tattersall Sweep Consultation shall determine the day and time of closure of any Consultation.

REGULATION 5 - DRAWING OF CONSULTATIONS AND PRIZE DIVISIONS

- 5.1 In each Consultation 2 balls will be drawn from a barrel containing 99 balls numbered 1 to 99. Numbers are deemed drawn when the first two numbered balls come to rest in the curved tube of the drawing equipment. Each drawing shall be conducted under the supervision of a representative of the Government of Victoria and shall be final for the purpose of determining prize winners for the particular Consultation drawn.
- 5.2 There shall be 2 prize winning Divisions in each Consultation comprising:
- Division 1 - being subscribers who have correctly forecast the 2 winning numbers in any one consultation.
- Division 2 - being subscribers who have correctly forecast either of the 2 winning numbers, in any one consultation.
- 5.3 Only one prize shall be won by any one 2 number entry.

**TATTERSALL SWEEP CONSULTATION
TATTS 2 REGULATIONS**

**REGULATION 5 - DRAWING OF CONSULTATIONS AND PRIZE DIVISIONS
(continued)**

- 5.4 If in any Consultation there is no Division 1 prize winner, then the amount payable to 1st Division prize winners in that Consultation, shall jackpot to the 1st Division prize in the next Consultation. No such addition shall without the approval of the Minister be effected for more than four Consultations. If there is no winner in Division 1, in any of the permitted Consultations the total Division 1 sum allocated shall be added equally to the Division 2 prizes in the final permitted Consultation.

REGULATION 6 - PRIZE PAYMENT

- 6.1 No-Division 2 prize winner shall receive less than \$3 as prize money.
- 6.2 A Division 1 winner shall receive as a prize not less than \$500, plus an equal share with all other Division 1 winners of a portion of the Tatts 2 Daily Surplus, if any.

The Tatts 2 Daily Surplus is the sum remaining after deducting \$500 for each 1st Division prize, and \$3 for each 2nd Division prize from 58% of the subscriptions to that day's Consultation.

The amount of the Tatts 2 Daily Surplus to be shared among Division 1 winners in each Consultation is calculated by the following formula:

- (i) Where the progressive Opening Tatts 2 Prizes Fund Balance is positive, all of the Tatts 2 Daily Surplus.
 - (ii) Where the progressive Opening Tatts 2 Prizes Fund Balance is zero, 70% of the Tatts 2 Daily Surplus.
 - (iii) Where the progressive Opening Tatts 2 Prizes Fund Balance is a deficit and equals or is more than the Tatts 2 Weekly Average (a weekly average based on subscriptions to draws in the prior year) 20% of the Tatts 2 Daily Surplus.
 - (iv) Where the progressive Opening Tatts 2 Prizes Fund Balance is a deficit less than the Tatts 2 Weekly Average, such percentage of the Tatts 2 Daily Surplus between 20% and 70% as is derived by rateably comparing the Opening Tatts 2 Prizes Fund Balance with the Tatts 2 Weekly Average.
- 6.3 Other than payments at Accredited outlets to an amount and time limit specified by the Trustees, all prizes will be paid at the Melbourne office of Tattersall Sweep Consultation. Cash will only be paid to the limit specified by the Trustees and above this payment will be by cheque either personally or by post, or by remittance through a nominated bank account.

The delivery of any prize winning ticket to Tattersall Sweep Consultation is the responsibility of the subscriber who shall bear the cost thereof irrespective of the method of such delivery. Proof of posting or bank lodgement will not be accepted as proof of delivery.

**TATTERSALL SWEEP CONSULTATION
TATTS 2 REGULATIONS**

REGULATION 6 - PRIZE PAYMENT (continued)

- 6.4 The subscriber shall accept all risks, losses, delays, errors or omissions which may occur in Australia Post or the banking system and Tattersall Sweep Consultation shall be under no obligation to send any remittances by registered, recorded or security post.
- 6.5 Subject to the discretion of the Trustees and Regulation 6.8, no prize money shall be payable in any Consultation save on surrender of the prize winning receipted ticket to Tattersall Sweep Consultation. The ticket name and address section should be completed before presentation for prize validation, and full identification may be required prior to payment.
- 6.6. In order for a ticket to be valid the following conditions must be met:
- 6.6.1 The ticket must not be mutilated, altered, reconstituted, counterfeit, stolen or cancelled or a duplicate of another ticket and must have been issued in an authorised manner by Tattersall Sweep Consultation or by an Accredited Representative.
- 6.6.2 The full ticket details listed in Regulation 3.1 must appear on the ticket which must not be misregistered, defectively printed or printed or produced in error to an extent that it cannot be processed by Tattersall Sweep Consultation.
- 6.6.3 The ticket must pass all other confidential security checks of Tattersall Sweep Consultation and there must not be any other breach of these regulations which in the opinion of Tattersall Sweep Consultation justifies disqualification. In all cases of doubt the determination of Tattersall Sweep Consultation shall be final and binding.
- 6.6.4 The ticket held by the subscriber will have no value other than allowing payment of a prize held on the central computer system, and not previously removed from file by an authorised outlet or by Tattersall Sweep Consultation.
- 6.6.5 The outstanding prize file held on the central computer system will be binding on all subscribers.
- 6.7 Subject to Regulation 6.5 and 6.8, and notwithstanding that a ticket may bear only the name of a Syndicate Tattersall Sweep Consultation will recognise only the person(s) by whom the ticket is surrendered as the absolute owner (and where more than one in equal shares) and except as ordered by a Court of competent jurisdiction shall not be bound to take notice or to see to the execution of any trust whether express, implied or constructive to which any such ticket may be subject. Payment by Tattersall Sweep Consultation to the person(s) surrendering the prize winning ticket of any prize money payable thereon shall be a good discharge to Tattersall Sweep Consultation, notwithstanding any notice Tattersall Sweep Consultation may have of the right, title, interest or claim of any person(s) to such prize money.

**TATTERSALL SWEEP CONSULTATION
TATTS 2 REGULATIONS**

REGULATION 6 - PRIZE PAYMENT (continued)

- 6.8 Prizes won by a ticket identified with a Tattersall Register number uncollected 12 weeks from the draw date shall be sent by ordinary post to the Tattersall Register member at the address then recorded with the Register and such posting shall be binding on all such subscribers as full and final settlement of the prize sum. A handling fee may be charged against such prize payments and the Trustees may require either a Statutory Declaration of ownership or that the original ticket be produced.
- 6.9 The cost of remittance of prize money may be deducted from the prize money paid and shall be borne by the prize winner.

REGULATION 7 - NOTIFICATION OF RESULTS

- 7.1 Tattersall Sweep Consultation will publicise the results of each Consultation drawing as soon as possible after each drawing.

REGULATION 8 - GENERAL

- 8.1 Tattersall Sweep Consultation shall not be bound by any rule or agreement made between syndicate or group entrants.

REGULATION 9 - DECISIONS BY THE TRUSTEES AND DEFINITIONS

- 9.1 The subscribers to a Consultation undertake by subscribing to comply with these Regulations and to accept the decisions made by the Trustees as final and binding upon them, including the determination of prize winners and the distribution of prize money and the meaning and effect of these Regulations.

- 9.2 "Accredited Representative" means person/s or corporation/s accredited by the Trustees to process entries none of whom shall be deemed to be the agent of Tattersall Sweep Consultation for any of the purposes of a Consultation.

Tattersall Sweep Consultation shall not be responsible to any subscriber for any neglect, omission, delay or failure by an Accredited Representative or Supplementary Representative to process an entry in accordance with these Regulations.

The engagement of an Accredited or Supplementary Representative by a subscriber does not exempt the subscriber from observing these Regulations.

**TATTERSALL SWEEP CONSULTATION
TATTS 2 REGULATIONS**

REGULATION 9 - DECISIONS BY THE TRUSTEES AND DEFINITIONS
(continued)

For the payment by a subscriber of a handling charge, an Accredited or Supplementary Representative shall be engaged as the agent of the subscriber for the purpose of processing an entry. Tattersall Sweep Consultation may deal with the ticket purchaser as the principal and a subscriber using an Accredited or Supplementary Representative as their agent will be bound by all acts or omissions of such agents or their servants.

It shall be a term of the engagement of the Accredited Representative by the subscriber that neither the Accredited Representative nor his servant, Supplementary Accreditation nor agent shall be responsible for any loss, damage or expense which may be sustained by the subscriber by reason of any neglect, omission, delay or failure on the part of the Accredited Representative, his servant, Supplementary Accreditation or agent to properly process any entry.

The subscriber is bound by this regulation except in so far as the Trade Practices Act 1974 is deemed to apply.

- 9.3 Supplementary Accreditations are premises where persons associated with an Accredited Representative will for an agreed handling charge be engaged by the Accredited Representative to effect entry via the Accredited Representative's computer terminal.
- 9.4 The Mail Service is an Accredited Representative who processes entries where the subscriber is often remote from the computer terminal, either via the mail or by other means approved by Tattersall Sweep Consultation.
- 9.5 All instructions and notices to Supplementary Accreditations and the Mail Service shall be read and construed as part of these Regulations.
- 9.6 No person at any Supplementary Accreditation or the Mail Service has authority to verify the accuracy of or completion by a subscriber of any part of an entry or entry coupon. Entry at a Supplementary Accreditation or the Mail Service by a subscriber does not exempt the subscriber from observing these Regulations.
- 9.7 A subscriber who uses the Mail Service or any Supplementary Accreditation shall accept all risks, losses, delays, errors or omissions which may occur in any manner in relation to such entry or prize payment.
- 9.8 These Regulations shall be effective on or after the 11th day of March, 1991.

**TATTERSALL'S INSTANT LOTTERY
REGULATIONS**

EFFECTIVE 28/02/89

MASS INSTANT LOTTERY

REGULATIONS

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REGULATIONS

REGULATION 1 - AUTHORITY

- 1.1 The Trustees of the Will and Estate of the Late George Adams under the business name of Tattersall Sweep Consultation Care of George Adams conduct and promote and sweepstakes in accordance with the Tattersall Consultations Act 1958 of the State of Victoria.
- 1.2 A sweepstake conducted as an Instant Lottery is a consultation without a fixed drawing date but in which the number of entries has been pre-determined.
- 1.3 The prize money payable to winners in an Instant Lottery Consultation is derived from a Prizes Fund constituted under the Act and into which not less than 60% of all subscriptions, the ticket cost less handling charge in Regulation 2.1, are payable.
- 1.4 These Regulations and the conditions and instructions printed on each Instant Lottery ticket shall be binding on all subscribers.
- 1.5 The Trustees may at any time amend, modify or abrogate these Regulations.
- 1.6 These Regulations shall be displayed at the Melbourne office of Tattersall Sweep Consultation and at the premises of Accredited Representatives and may be made public by any other means.

REGULATION 2 - PARTICIPATION

- 2.1 The ticket cost in an Instant Lottery shall be the subscription entry fee, plus an Accredited Representative handling charge, except when a free ticket is won as a prize.
- 2.2 In Instant Lottery Consultations any prize won shall be revealed on removal of the ticket's opaque covering.
- 2.3 Any ticket which is ILLEGIBLE, UNISSUED, MUTILATED, ALTERED, STAMPED PAID, MARKED VOID, STOLEN, MISPRINTED, INCOMPLETE, COUNTERFEIT, RECONSTITUTED OR DEFECTIVE will be declared void, and thus ineligible for any prize. Liability, if any, for a defective ticket is limited to the ticket cost.
- 2.4 The total number and value of prizes and the total quantity of tickets in each Instant Lottery Consultation will be publicised prior to the sale of tickets.

REGULATIONS

REGULATION 2 - PARTICIPATION (continued)

- 2.5 A prize winning ticket in any previously marketed Instant Lottery Consultation may be presented for payment at any time. The ticket holder's prize entitlement shall be fully satisfied by payment of the prize disclosed on removal of the opaque covering, regardless of any reference to some further prize chance.
- 2.6 The Trustees may from time to time introduce further prize chances in addition to those referred to in 2.2 and 2.4. Such further prize chances will be publicised at selling outlets and by other means.

REGULATION 3 - PAYMENT OF PRIZES

- 3.1 Other than payments at Accredited outlets to an amount and time limit specified by the Trustees, all prizes will be paid at the Melbourne office of Tattersall Sweep Consultation. Cash will only be paid to the limit specified by the Trustees and above this payment will be by cheque either personally or by post, or by remittance through a nominated bank account.
- The delivery of any Instant ticket to Tattersall Sweep Consultation is the responsibility of the subscriber who shall bear the cost thereof irrespective of the method of such delivery. Proof of posting or bank lodgement will not be accepted as proof of delivery.
- 3.2 The Subscriber shall accept all risks, losses, delays, errors or omissions which may occur in Australia Post or in the banking system and Tattersall Sweep Consultation shall be under no obligation to send any remittances by registered, recorded or security post.
- 3.3 The cost of remittance of prize money may be deducted and this shall be paid by the prize winner.
- 3.4 Subject to the discretion of the Trustees no prize money shall be payable in any Consultation save on surrender of the prize winning ticket to Tattersall Sweep Consultation. The ticket name and address section should be completed before presentation for prize validation, and full identification may be required prior to payment.
- 3.5 The ticket held by the subscriber will have no value other than allowing payment of a prize not previously paid, and not previously removed from the central computer system by an authorised outlet or by Tattersall Sweep Consultation.

REGULATIONS

REGULATION 4 - DECISIONS BY THE TRUSTEES AND DEFINITIONS

- 4.1 The subscribers to an Instant Lottery Consultation undertake by subscribing to comply with these Regulations and to accept the decisions made by the Trustees as final and binding upon them, including the determination of prize winners, the distribution of prize money and the meaning and effect of these Regulations.
- 4.2 "Accredited Representatives" means person(s), or corporation(s) accredited by the Trustees to sell Instant Lottery Tickets none of whom shall be deemed to be an agent of Tattersall Sweep Consultation for the purpose of forwarding prize winning Instant Lottery Tickets to Tattersall Sweep Consultation or for the purpose of verifying a prize winning Instant Lottery Ticket.
- 4.3 Tattersall Sweep Consultation shall not be responsible to any subscriber for any neglect, omission, delay or failure on the part of an Accredited Representative or supplementary accreditation in handling a ticket. For the payment by a subscriber of a handling charge, the Accredited Representative shall be engaged by the subscriber for the purpose of selling an Instant Lottery Ticket.

It shall be a term of the engagement of the Accredited Representative by the subscriber, that unless the Accredited Representative is a corporation, neither the Accredited Representative nor his servant, supplementary accreditation or agent shall be responsible for any loss, damage or expense which may be sustained by the subscriber by reason of any neglect, omission, delay or failure on the part of the Accredited Representative his servant, supplementary accreditation or agent.

The engagement of an Accredited Representative by the subscriber does not exempt the subscriber from observing these Regulations.

- 4.4 Supplementary Accreditations are premises where persons associated with an Accredited Representative will for an agreed handling charge be engaged by the Accredited Representative to effect entry in an Instant Lottery Consultation.
- 4.5 These Regulations shall be effective as from the Twenty Eighth day of February 1989.

REGULATIONS

REVISION SCHEDULE

Regulation	Issue Date	Previous Date
1 - 4	28th February, 1989	10th June, 1986

DATED

SCHEDULE B

Pacific 
Instant
Lottery

T.M.S. (P.L.L.) LIMITED

• AND •

SUB-ACCREDITATION AGREEMENT

REGION:

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THIS AGREEMENT is made the

day of

199

BETWEEN: T.M.S. (P.I.L.) LIMITED

("T.M.S. (P.I.L.)").

AND: THE PARTY referred to in Schedule A of this Agreement

("the Sub-Accredited Representative").

WHEREAS:

- A. Wintech Investments Pty Ltd ("Wintech") of 6 Monterey Road, Dandenong, Australia conducts the Pacific Instant Lottery ("PIL") and
- B. Wintech has entered into an agreement with T.M.S. (P.I.L.) for T.M.S. (P.I.L.) to appoint Sub-Accredited Representatives to sell tickets in PIL in the country referred to in Schedule A of this Agreement ("the jurisdiction") and
- C. The Sub-Accredited Representative carries on business at the Outlet and has applied to T.M.S. (P.I.L.) for accreditation to sell tickets in PIL from the Outlet and
- D. T.M.S. (P.I.L.) and the Sub-Accredited Representative have agreed that, subject to the terms and conditions contained in this Agreement, T.M.S. (P.I.L.) shall grant such accreditation to the Sub-Accredited Representative to act as agent as the purchasers of such entries.

NOW IT IS AGREED AS FOLLOWS:

1. INTERPRETATION

- 1.1 In this Agreement, unless the context otherwise requires:-

"Outlet" means the Sub-Accredited Representative's place of business as described in Schedule B.

"ticket" means the "scratch" ticket constituting an entry coupon in PIL, produced by Wintech.

Words of one gender include each other gender.

The singular number includes the plural and vice versa.

- 1.2 Each party includes its successors and permitted assigns.

2. TERM

- 2.1 This Agreement shall commence upon the date hereof and shall be for a term of one (1) year.

- 2.2 If the Sub-Accredited Representative continues to act pursuant to this Agreement following the expiration of the term of this Agreement, the parties agree that the provisions of this Agreement or such subsequent Sub-Accreditation Agreement as is at that time used by T.M.S. (P.I.L.), shall apply to the continued accreditation.

3. OPERATION OF THE OUTLET

- 3.1 T.M.S. (P.I.L.) shall sell to the Sub-Accredited Representative at a price determined by T.M.S. (P.I.L.) tickets in PIL and any other entry material required for the purposes of this Agreement.
- 3.2 The Sub-Accredited Representative shall, at the Sub-Accredited Representative's expense, provide at the Outlet all necessary facilities for the public to purchase tickets in PIL during usual business hours and shall keep a complete record of all such entries. Tickets in PIL shall be sold by the Sub-Accredited Representative at a price determined by T.M.S. (P.I.L.) from time to time.
- 3.3 All costs and expenses in connection with sales promotion from or at the Outlet shall be borne and paid by the Sub-Accredited Representative.
- 3.4 The Sub-Accredited Representative shall keep all tickets in PIL, other entry material, records for all entries and any other document relating to the business carried on under this Agreement in a fire-proof container whilst the same are in the custody and control of the Sub-Accredited Representative. Such records and documents shall be provided to T.M.S. (P.I.L.) upon request.
- 3.5 The Sub-Accredited Representative shall make prize payments in PIL from the Outlet to a value as may be prescribed from time to time by T.M.S. (P.I.L.).
- 3.6 During the term of this Agreement and during any holdover period the Sub-Accredited Representative shall conduct business at the Outlet in a reputable and business like manner and without limiting the generality of the foregoing the Sub-Accredited Representative shall;
- (a) Comply with the requirements made by T.M.S. (P.I.L.) from time to time, in respect of lighting, signage, and decor in the Outlet, including the shop front.
 - (b) Comply with all laws, statutes, by-laws, regulations or the like, applicable to the conduct of business including the sale of PIL tickets, at the Outlet in the jurisdiction and
- 3.7 The Sub-Accredited Representative shall comply with the directions of T.M.S. (P.I.L.) from time to time with respect to minimum security standards to be maintained in the operation of the Outlet. Such compliance shall be attained within three months of the date of advice each direction or such further time as T.M.S. (P.I.L.) may allow.

4. PURCHASE PRICE OF PIL

- 4.1 T.M.S. (P.I.L.) shall open and shall thereafter maintain, at a Bank in the jurisdiction, an account(s) styled "Pacific Instant Lottery Account(s)", for the purpose of receiving therein the purchase price of tickets in PIL payable by the Sub-Accredited Representative.
- 4.2 As frequently as directed by T.M.S. (P.I.L.), the Sub-Accredited Representative shall pay into the account(s) referred to in sub-clause 4.1 a sum or sums equal to the purchase price of tickets in PIL ordered by the Sub-Accredited Representative from T.M.S. (P.I.L.). Such payments shall be made in such manner as directed by T.M.S. (P.I.L.), including but not limited to cash, cheque, or order.

4.3 If the Sub-Accredited Representative fails to deposit funds as directed by T.M.S. (P.I.L.) pursuant to sub-clause 4.2, then without limitation to any other remedy available to T.M.S. (P.I.L.), T.M.S. (P.I.L.) shall not be obliged to deliver any tickets in PIL to the Sub-Accredited Representative until the requisite payment has been made.

5. SUB-ACCREDITED REPRESENTATIVE SHALL NOT ASSIGN

The Sub-Accredited Representative shall not assign, transfer, charge, mortgage, otherwise encumber or in any way part with the benefit of this Agreement, otherwise than with the approval of T.M.S. (P.I.L.), which may be granted or withheld in the absolute discretion of T.M.S. (P.I.L.).

6. CORPORATIONS

6.1 At the time of execution of this Agreement by Sub-Accredited Representative, if the Sub-Accredited Representative is a body corporate T.M.S. (P.I.L.) may require the Sub-Accredited Representative to procure the execution of the Guarantee and Indemnity contained in Schedule C of this Agreement by such person or persons as nominated by T.M.S. (P.I.L.).

6.2 In addition to or substitution for the said Guarantee and Indemnity T.M.S. (P.I.L.) may require the Sub-Accredited Representative to provide a Bank Guarantee in favour of T.M.S. (P.I.L.), for an amount, in a form and from a Bank acceptable to T.M.S. (P.I.L.).

6.3 If the Sub-Accredited Representative is a company or the trustee of any trust and any change occurs in;

- (a) the membership of T.M.S. (P.I.L.) or any holding company of the Sub-Accredited Representative and/or
- (b) the beneficial ownership of any shares in the capital of the Sub-Accredited Representative or any holding company of the Sub-Accredited Representative and/or
- (c) the beneficial ownership of the business or assets of the Sub-Accredited Representative or part thereof as a result of which the voting, income or capital participation rights in the Sub-Accredited Representative, or the voting rights at meetings of directors of the Sub-Accredited Representative are after the change effectively controlled by a person or persons who at the date hereof did not effectively control the same,

T.M.S. (P.I.L.) may act upon such a change as if the change is an event referred to in Clause 5 of this Agreement.

6.4 From time to time, as requested by T.M.S. (P.I.L.), a Sub-Accredited Representative being a body corporate shall produce to T.M.S. (P.I.L.) any Statutory Register, Rules or other documents which the Sub-Accredited Representative is required by law to maintain, and the business accounts of the Sub-Accredited Representative if the Sub-Accredited Representative is the trustee of a trust.

7. FORCE MAJEURE

Notwithstanding any provision of this Agreement a party shall not be liable for any failure or delay in performance in any of its obligations under this Agreement if or to the extent that such failure or delay results from causes beyond the reasonable control of that party, including but not limited to, transportation delays, natural calamity including fire, flood, tempest, explosion, earthquake and the like, out-break of war, insurgency, riots, any criminal acts, any action of any government including changes in the law, orders, decrees or directions of any competent authority or Court, strikes, lockouts or other labour disputes or the delay in supply of any items the subject of this Agreement.

8. GENERAL

- 8.1 During the currency of this Agreement, the Sub-Accredited Representative will keep confidential all matters pertaining to this Agreement and shall not disseminate, distribute or otherwise convey to any person the contents of this Agreement or any part or copy thereof without the prior written approval of T.M.S. (P.I.L.).
- 8.2 Nothing in this Agreement shall create or be taken as creating any relationship of agency or master and servant as between T.M.S. (P.I.L.) and the Sub-Accredited Representative. The Sub-Accredited Representative shall be the agent of the public in providing the Outlet as a place in which the public may have access to tickets in PIL and proceeds from the sale of tickets in PIL retained by the Sub-Accredited Representative shall not be or be taken as a commission paid by T.M.S. (P.I.L.) to the Sub-Accredited Representative. The Sub-Accredited Representative shall not hold out or represent to any person that it is the agent of T.M.S. (P.I.L.).
- 8.3 The parties acknowledge and agree that this Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and except as expressly incorporated herein by reference, schedule or annexure, all antecedent representations, negotiations and agreements are hereby superseded.
- 8.4 This Agreement shall be governed and construed in accordance with the law for the time being in force in the jurisdiction.
- 8.5 If at any time the Sub-Accredited Representative is constituted by two or more persons, all obligations and liabilities of the Sub-Accredited Representative arising hereunder shall be joint and several as between those persons.
- 8.6 If a provision of this Agreement is void or voidable by either party or illegal or unenforceable, but would not be if it were read down and it is capable of being read down, it shall be read down accordingly. If, notwithstanding such reading down any provision is still void, voidable, illegal or unenforceable:
- (a) if the provision would not be void, voidable, illegal or unenforceable if a word or words were omitted, such word or words are hereby severed and
 - (b) in any other case the whole of any such provision is hereby severed, and the remainder of this Agreement retains full force and effect.

8.7 Any delay or failure on the part of either party in exercising or relying upon any of its rights herein contained shall not constitute a waiver or abandonment of such right, provided the same is thereafter capable of being exercised or relied upon.

9. **DEFAULT BY SUB-ACCREDITED REPRESENTATIVE**

9.1 In the event that the Sub-Accredited Representative:

- (a) fails to observe or perform any of the obligations on its part contained in this Agreement or
- (b) without the approval of T.M.S. (P.I.L.) displays or offers for sale tickets relating to any art union, sweep, raffle or other type of competition or,
- (c) acts in any manner which in a bona fide opinion of T.M.S. (P.I.L.) may damage or injure T.M.S. (P.I.L.)'s business and/or reputation or,
- (d) being a Body Corporate has an order made or a resolution effectively passed for the winding up of the Sub-Accredited Representative or,
- (e) goes into liquidation or makes an assignment for the benefit of or enters into an arrangement or composition with its creditors or stops payment or is unable to pay its debts or if a receiver or receiver and manager of the business or the property of the Sub-Accredited Representative is appointed

the Sub-Accredited Representative shall be deemed to have made default under this Agreement and T.M.S. (P.I.L.) may pursue such remedies as are available.

9.2 In the event of a default by the Sub-Accredited Representative as aforesaid, without limiting other remedies which may be available to T.M.S. (P.I.L.), T.M.S. (P.I.L.) may:

- (a) issue a notice to the Sub-Accredited Representative requiring rectification of such default within the period of fourteen (14) days from the date of such notice and failing such rectification may terminate this Agreement upon the expiration of such period, or
- (b) if such default is a failure on the part of the Sub-Accredited Representative to make any payment or deposit of funds due pursuant to this Agreement or if such default is a default which threatens loss of or damage to T.M.S. (P.I.L.)'s property or reputation then, or if such default is a default under Clause 9.1 (a) or 9.1(e), T.M.S. (P.I.L.) may terminate this Agreement forthwith upon any such default coming to the notice of T.M.S. (P.I.L.).

9.3 Notwithstanding any termination of this Agreement T.M.S. (P.I.L.) shall be entitled to recover damages against the Sub-Accredited Representative in respect of the repudiation or breach of any of the provision hereof for the damage suffered by T.M.S. (P.I.L.) during the entire term of this Agreement which would have subsisted but for such termination. Without limiting the generality of the foregoing such damages shall include damages for the loss of benefits which due observance and performance of the provisions hereof would have conferred upon T.M.S. (P.I.L.).

10. NOTICE

10.1 Any notice, order, demand or other instrument required or authorised to be given or served by T.M.S. (P.I.L.) pursuant to the Agreement shall be in the English language and in writing and signed by T.M.S. (P.I.L.) or its representative or by their Solicitors and may be served by personal delivery or by pre-paid mail and shall be deemed given when delivered personally or sent with the proper postage affixed at or to the address shown for the Sub-Accredited Representative herein.

10.2 Any order, notice, demand or other instrument required or authorised to be given or served by the Sub-Accredited Representative pursuant to this Agreement shall be in the English language and in writing and signed by the Sub-Accredited Representative and may be served by personal delivery or by pre-paid mail and shall be deemed given when delivered personally or sent with the proper postage affixed at or to the address of T.M.S. (P.I.L.) shown herein or as may be notified from time to time.

IN WITNESS WHEREOF the parties have set their hands and seals (where applicable) the day first mentioned herein:

**THE COMMON SEAL and/or SIGNATURE)
of T.M.S. (P.I.L.) LIMITED was hereunto)
affixed in accordance with its Articles of)
Association in the presence of:)**

.....Director

.....Director/Secretary

THE COMMON SEAL and/or SIGNATURE)

of)

was hereunto affixed in accordance with its)

Articles of Association in the presence of:)

.....Director

.....Director/Secretary

SCHEDULE A

THE SUB-ACCREDITED REPRESENTATIVE

NAME:

ADDRESS OF REGISTERED OFFICE:

THE JURISDICTION:

SCHEDULE B

THE OUTLET

ADDRESS:

REGISTERED BUSINESS NAME OF THE VENUE:

* Where the Outlet occupies part of a building only, a plan should be included clearly showing the area of the building occupied by the Outlet.

PACIFIC INSTANT LOTTERY

CLIENTS' AGENCY INFORMATION

BUSINESS NAME :

ADDRESS :

.....

POSTAL ADDRESS :

.....

TELEPHONE : FAX NO. :

PROPRIETOR :

ADDRESS :

.....

TELEPHONE : FAX NO. :

CONTACT PERSON :

POSITION :

TELEPHONE : FAX NO. :

BANKING DETAILS

BANK :

BRANCH NAME : BRANCH NO. :

ACCOUNT NAME :

ACCOUNT NUMBER :

P. I. L. BANK DEPOSIT REFERENCE NUMBER :

NOTES :

KENO REGULATIONS

EFFECTIVE 01/09/89

KENO CONSULTATION REGULATIONS

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REVISION SCHEDULE

<u>REGULATION</u>	ISSUE DATE	PREVIOUS DATE
Regulations 1-10	1st September, 1989	3rd April, 1989

REGULATION 1 - INTRODUCTION

Authority

- 1.1 The Trustees of the Will and Estate of the late George Adams under the business name of Tattersall Sweep Consultation care of George Adams conduct and promote sweepstakes in accordance with the Tattersall Consultations Act 1958 of the State of Victoria.

Objective

- 1.2 KENO Consultations are consultations in which a subscriber must forecast or select three to ten numbers ("Spots") from the numbers 1 to 80 to match with ("Match") any of 20 numbers from 1 to 80 drawn by an appropriate method of random selection.

Regulations for Participation

- 1.4.1 These Regulations and the Conditions on the current entry coupons shall be binding on all subscribers.
- 1.4.2 There must also be compliance with all directions on the current coupons and the entry ticket.
- 1.5 The Trustees may at any time amend, modify or abrogate these Regulations.
- 1.6 These Regulations shall be displayed at the Melbourne office of Tattersall Sweep Consultation and at the place of business of Accredited Representatives and may be made public by any other means.

Publication of Prize Winners' Names

- 1.7 Unless a subscriber shall have completed the appropriate anonymity request the Trustees shall be at liberty to publicise the names of major prize winners.

KENO CONSULTATION REGULATIONS

REGULATION 2 - DEFINITIONS AND ENTRY CONDITIONS

- 2.1 "Spot" is the subscriber's choice of between three and ten numbers from the range 1-80. For example, a Spot five selection is a forecast that the five numbers chosen will be amongst the twenty drawn.
- 2.2 "Match" is the result of subscribers matching their selections to the twenty numbers drawn. For example, a correct forecast of five of the numbers drawn is a Match five.
- 2.3 "An Entry Coupon" is a form (a facsimile of which is produced below) containing all relevant numbers and instructions to effect an entry in a Keno Consultation via a computer terminal.

KENO ENTRY FORM

MULTI-DAY ENTRY	MARK SPOT NUMBER																																							
	3	4	5	6	7	8	9	10	3	4	5	6	7	8	9	10	3	4	5	6	7	8	9	10	3	4	5	6	7	8	9	10	3	4	5	6	7	8	9	10
2	1	11	21	31	41	51	61	71	1	11	21	31	41	51	61	71	1	11	21	31	41	51	61	71	1	11	21	31	41	51	61	71	1	11	21	31	41	51	61	71
3	2	12	22	32	42	52	62	72	2	12	22	32	42	52	62	72	2	12	22	32	42	52	62	72	2	12	22	32	42	52	62	72	2	12	22	32	42	52	62	72
4	3	13	23	33	43	53	63	73	3	13	23	33	43	53	63	73	3	13	23	33	43	53	63	73	3	13	23	33	43	53	63	73	3	13	23	33	43	53	63	73
5	4	14	24	34	44	54	64	74	4	14	24	34	44	54	64	74	4	14	24	34	44	54	64	74	4	14	24	34	44	54	64	74	4	14	24	34	44	54	64	74
6	5	15	25	35	45	55	65	75	5	15	25	35	45	55	65	75	5	15	25	35	45	55	65	75	5	15	25	35	45	55	65	75	5	15	25	35	45	55	65	75
7-24	6	16	26	36	46	56	66	76	6	16	26	36	46	56	66	76	6	16	26	36	46	56	66	76	6	16	26	36	46	56	66	76	6	16	26	36	46	56	66	76
ADVANCE ENTRY	7	17	27	37	47	57	67	77	7	17	27	37	47	57	67	77	7	17	27	37	47	57	67	77	7	17	27	37	47	57	67	77	7	17	27	37	47	57	67	77
	8	18	28	38	48	58	68	78	8	18	28	38	48	58	68	78	8	18	28	38	48	58	68	78	8	18	28	38	48	58	68	78	8	18	28	38	48	58	68	78
	9	19	29	39	49	59	69	79	9	19	29	39	49	59	69	79	9	19	29	39	49	59	69	79	9	19	29	39	49	59	69	79	9	19	29	39	49	59	69	79
	10	20	30	40	50	60	70	80	10	20	30	40	50	60	70	80	10	20	30	40	50	60	70	80	10	20	30	40	50	60	70	80	10	20	30	40	50	60	70	80

DO NOT CREASE. Mark numbers using black pencil or black or dark blue biro, like this



KENO CONSULTATION REGULATIONS

REGULATION 2 - DEFINITIONS AND ENTRY CONDITIONS (continued)

- 2.4 "A Game Panel" is the area on an entry coupon containing 8 boxes numbered 3-10, and 80 boxes numbered 1-80, on which subscribers must mark in the manner shown on the entry coupon the Spot selected, and the numbers comprising that Spot.
- 2.5 "An Entry Ticket" is a terminal issued payment acknowledgment for a subscription to a Keno Consultation(s) containing all the particulars listed in Regulation 4.
- 2.6 "Accredited Representative" is a person/s or corporation accredited by the Trustees to process entries, none of whom shall be deemed to be an agent of Tattersall Sweep Consultation for any of the purposes of a Keno Consultation.
- 2.7 "Supplementary Accreditations" are premises where persons associated with an Accredited Representative will for an agreed handling charge be engaged by the Accredited Representative to effect entry via Tattersall's computer terminal.
- 2.8 "The Mail Service" is an Accredited Representative who processes entries where the subscriber is remote from Tattersall's computer terminal, either via the mail or by other means approved by Tattersall Sweep Consultation.
- 2.9 "Tattersall Register" is a register of names and addresses maintained by Tattersall Sweep Consultation which for a fee effects payment under Regulation 7.1.4.
- 2.10 "Average Prize Pool" is 60% of the daily Keno Consultation sales averaged over the preceding 60 draws.

KENO CONSULTATION REGULATIONS

REGULATION 2 - DEFINITIONS AND ENTRY CONDITIONS (continued)

- 2.11.1 Subscription to a KENO Consultation may be made through an outlet of an Accredited Representative equipped with an on-line computer terminal.

Ordinary Participation

- 2.11.2 The subscriber shall sequentially on the game panels and in the manner shown on an entry coupon record the Spot selected between 3 and 10, and mark from the numbers 1-80 sufficient numbers to equal the spot selected.
- 2.11.3 No more numbers than the Spot selected may be recorded from the numbers 1-80 on each game panel.

Season (Multiple Day) Participation

- 2.11.4 Simultaneous entries may be made in the manner shown on the entry coupon in up to twenty four successive consultations from and including the draw current at time of entry.
- 2.11.5 Wherever applicable the provisions of regulations 1 to 10 shall apply to a Season Participation entry and to each Consultation entered.

Advance Entry

- 2.11.6 A subscriber may in the manner shown on the entry coupon nominate a single draw day up to 5 draw days ahead of the current draw day.
- 2.11.7 Wherever applicable the provisions of regulations 1 to 10 shall apply to an Advance Entry and to each Consultation entered.

Computer Assisted Entry

- 2.11.8 A subscriber may request a computer assisted entry whereupon the ticket issued containing computer selected numbers shall constitute an accepted entry for the purposes of Regulation 4 and 5.

KENO CONSULTATION REGULATIONS

REGULATION 3 - COST

- 3.1 The fee payable for each single game panel shall be 94c. The minimum entry shall be one single game panel.
- 3.2 The handling charge of the Accredited Representative shall be additional to the fee calculated under Regulation 3.1.

REGULATION 4 - ACCEPTANCE OF ENTRIES AT TERMINAL

- 4.1 A subscriber having made a numbers selection and paid the entry fee plus handling charges shall be issued with a ticket recording:-
- (i) The Tattersall Register (TR) number, if applicable;
 - (ii) The selected spots and numbers;
 - (iii) The KENO Consultation date(s);
 - (iv) The number of the relevant selling point terminal;
 - (v) The subscriber paid ticket cost, including handling charges;
 - (vi) The ticket serial number.
- 4.2 The issued ticket, the particulars on which should be checked at the time by the subscriber or their agent, shall then constitute an accepted entry for the KENO Consultation identified thereon. A ticket may only be voided or cancelled on the day of terminal issue, prior to the draw, and only at the terminal of issue. The taking of the ticket shall constitute an acknowledgment by the subscriber that subject to Regulation 5.2 the KENO numbers thereon are the subscriber's selection and that all other particulars on the ticket are correct. No entry coupon shall then have validity or be of proof value for any of the purposes of a Keno Consultation.
- 4.3 Subscribers shall mark their selected numbers by hand in each game panel. Their selection must equal the option chosen pursuant to Regulation 1.2. Except with the prior approval of the Trustees, a subscriber shall not mark any selection upon an entry coupon by any mechanical means and no entry coupon in which a selection is marked by any mechanical means shall be considered a properly completed entry coupon for the purposes of the Regulations. Without limiting the generality of the foregoing, with the exception of an entry coupon for which the Trustees' prior approval has been obtained, an Accredited Representative shall not accept for processing pursuant to Regulation 4.1, any entry coupon upon which a selection is marked by any mechanical means.

~~CONSULTATION REGULATIONS~~
KENO CONSULTATION REGULATIONS

REGULATION 5 - ACCEPTANCE OF ENTRIES BY TATTERSALL SWEEP CONSULTATION

- 5.1 The printing and issuing by a computer terminal of a ticket in accordance with Regulation 4 shall constitute an acknowledgment by Tattersall Sweep Consultation of such entry in the dated KENO Consultation Draw(s).
- 5.2 Where a dispute arises, the subscriber shall be bound by the prize determination founded on the particulars recorded on the Government held copy of the computer gaming system master transaction file.
- 5.3 Tattersall Sweep Consultation shall determine the day and time of closure of any Consultation.

REGULATIONS 6 - DRAWING OF CONSULTATIONS AND DIVISION OF PRIZES

- 6.1 In each KENO Consultation the first 20 numbers drawn shall constitute the winning numbers. Numbers are deemed drawn when a numbered ball is seated in each of the twenty cups which form part of the drawing equipment. Each drawing shall be conducted under the supervision of a representative of the Government of the State of Victoria and shall be final for the purpose of determining prize winners for the particular KENO Consultation.
- 6.2 The highest Match achieved against the numbers drawn shall determine the prize value of a winning game panel. Prizes shall be won by the following Matches only :

Spots	Matches
3	3,2
4	4,3
5	5,4
6	6,5
7	7,6,5
8	8,7,6
9	9,8,7,6
10	10,9,8,7,0

- 6.3 Only one prize may be won by any one game panel.

Tattslotto Extra

REGULATIONS

EFFECTIVE 4/11/91

KENO CONSULTATION REGULATIONS

REGULATION 7 - PRIZES AND PRIZE FUNDS

7.1 PRIZES

7.1.1 The sum payable as prize money for a prize Match except in the circumstance invoking Regulation 7.1.9/10/11 shall be fixed as follows :

SPOT/MATCH	PRIZE
3/2	\$ 2
3/3	\$ 20
4/3	\$ 5
4/4	\$ 100
5/4	\$ 25
5/5	\$ 350
6/5	\$ 80
6/6	\$ 2,000
7/5	\$ 25
7/6	\$ 250
7/7	\$ 5,000
8/6	\$ 90
8/7	\$ 1,200
8/8	\$ 25,000
9/6	\$ 30
9/7	\$ 250
9/8	\$ 3,500
9/9	\$100,000
10/0	\$ 5
10/7	\$ 50
10/8	\$ 500
10/9	\$ 5,000
10/10	A guaranteed minimum of \$250,000 subject to 7.1.2.

7.1.2 In each draw the 10/10 Spot Jackpot Prizes Fund shall be not less than \$250,000. If not paid to a single entrant or jackpotted it shall be shared equally amongst all entries with a 10/10 spot match, with rounding to the nearest whole number of dollars where necessary.

7.1.3 All prizes payable from the 10/10 Spot Jackpot Prizes Fund shall be subject to a 14 day claim period from the relevant draw date, and shall be payable on the first normal business day after expiration of the claim period.

KENO CONSULTATION REGULATIONS

REGULATION 7 - PRIZES AND PRIZE FUNDS (continued)

Subscribers who believe they are entitled to a prize for the 10/10 Spot Jackpot must contact Tattersall for confirmation as soon as practical after the related draw. In all cases confirmation must be sought before the expiration of the claim period.

Claims for unconfirmed prizes must be lodged on a claim form within the claim period. Claim forms shall be provided at the Melbourne office of Tattersall Sweep Consultation.

- 7.1.4 Subject to the provisions of Regulation 7.1.5, KENO Consultation prizes may be collected at any selling point equipped with a terminal upon surrender of the subscriber's prize winning ticket.

Prizes won by a ticket identified with a Tattersall Register number uncollected twelve weeks from the Keno Consultation draw date shall be sent by ordinary prepaid post to the Tattersall Register member at the address then recorded with the Register and such posting shall be binding on all such subscribers as full and final settlement of the prize sum. A handling fee may be charged against such prize payments.

Payment of such prizes above a level specified by the Trustees may require a Statutory Declaration of ownership or that the original ticket be produced.

- 7.1.5 Other than payments at Accredited outlets to an amount and time limit specified by the Trustees, all prizes will be paid at the Melbourne office of Tattersall Sweep Consultation. Cash will only be paid to the limit specified by the Trustees and above this payment will be by cheque either personally or by post, or by remittance through a nominated bank account.

The delivery of a prize winning ticket to Tattersall Sweep Consultation is the responsibility and at the expense of the subscriber. Proof of posting or bank lodgement will not be accepted as proof of delivery.

- 7.1.6 The subscriber shall accept all risks, losses, delays, errors or omissions which may occur in Australia Post or in the banking system and Tattersall Sweep Consultation shall be under no obligation to send any remittances by registered, recorded or security post. The cost of remittance of prize money may be deducted and shall be paid by the prize winner.

KENO CONSULTATION REGULATIONS

REGULATION 7 - PRIZES AND PRIZE FUNDS (continued)

- 7.1.7 Subject to the discretion of the Trustees, and Regulation 7.1.4 no prize money shall be payable in any Consultation save on surrender of the prize winning ticket to Tattersall Sweep Consultation. The ticket name and address section should be completed before presentation for prize validation, and full identification may be required prior to payment.
- 7.1.8.1 In order for a ticket to be valid the following conditions must be met:
- 7.1.8.2 The ticket must not be mutilated, altered, reconstituted, marked paid, counterfeit, stolen or cancelled or a duplicate of another ticket and must have been issued in an authorised manner by Tattersall Sweep Consultation or by an Accredited Representative.
- 7.1.8.3 The full ticket details matching the record in Regulation 5.2 must appear on the ticket which must not be misregistered, defectively printed or printed or produced in error to an extent that it cannot be processed by Tattersall Sweep Consultation.
- 7.1.8.4 The ticket must pass all other confidential security checks of Tattersall Sweep Consultation and there must not be any breach of these regulations which in opinion of Tattersall Sweep Consultation justifies disqualification.
- 7.1.8.5 The ticket held by the subscriber will have no value other than allowing payment of a prize held on the central computer systems, and not previously removed from file by an authorised outlet or by Tattersall Sweep Consultation.
- 7.1.8.6 Any subscribers who believe that their Keno prize winning entry has been incorrectly evaluated by Tattersall Sweep Consultation or who are unable to produce their prize winning ticket may lodge written claims at their cost on forms available from Tattersall Customer Service.
- 7.1.8.7 A terminal produced replacement season ticket supplied on prize payment will be recognised for the next prize validation. The season ticket used for payment ceases to be valid, and only the replacement will be accepted for further prize collection.
- 7.1.9 If the prize liability calculated in accordance with 7.1.1 excluding 10/10 Spot prizes exceeds the greater of \$3,000,000 or 10 times the Average Prize Pool, the Trustees may effect a pro rata reduction of some or all prizes excluding the 10/10 Jackpot prize(s).

KENO CONSULTATION REGULATIONS

REGULATION 7 - PRIZES AND PRIZE FUNDS (continued)

- 7.1.10 All prizes so reduced will be decreased in value by the same ratio which will be that ratio by which the prizes have to be reduced to make the total amount of the prizes won (excluding the 10/10 Spot Jackpot prize(s)) equal to the greater of ten times the average prize pool, or \$3,000,000. All pro rata reduced prizes will then be rounded to the nearest \$1.
- 7.1.11 When prizes in a draw are subject to a pro rata reduction the 10/10 Spot Jackpot Prizes Fund will not be augmented.
- 7.2 PRIZE FUNDS
- 7.2.1 Sixty per cent of subscriptions to each Keno draw shall be paid to the Prizes Fund established in accordance with the Tattersall Consultations Act the Statutory Rules made pursuant to the Act and the Licence issued to the Trustees under the Act and shall be allocated:
- (i) to a 10/10 Spot Jackpot Prize Fund within the Prizes Fund to fund 10/10 Spot prizes;
 - (ii) to payment of prizes in the draw to which the subscriptions relate;
 - (iii) in the case of any residual, to a Keno Prizes Reserve Fund within the Prizes Fund.
- 7.2.2 Subject to the discretion of the Trustees and Regulation 7.1.11, the allocation to the 10/10 Spot Jackpot Prize Fund will be 10 per cent of subscriptions to the 10 Spot.
- 7.2.3 Prizes for the particular draw will be determined in accordance with Regulation 7.1 and the 10/10 Spot Jackpot Prizes Fund will jackpot until won.
- 7.2.4 The Keno Prizes Reserve Fund is available for prize supplements and may be called on to meet prize payments in cases where the prizes determined for a Keno draw exceed the prize funds available from subscriptions to that draw.

KENO CONSULTATION REGULATIONS

REGULATION 8 - NOTIFICATION OF RESULTS

- 8.1 Tattersall Sweep Consultation will publicise the results of each KENO Consultation drawing as soon as possible after each draw.

REGULATION 9 - GENERAL

- 9.1 Tattersall Sweep Consultation shall not be bound by any rule or agreement made between syndicate or group entrants.
- 9.2 Subject to Regulation 7.1.7 and notwithstanding that a ticket may bear only the name of a Syndicate, Tattersall Sweep Consultation will recognise only the person/s by whom the ticket is surrendered as the absolute owner (and where more than one in equal shares) and except as ordered by a Court of competent jurisdiction shall not be bound to take notice or to see to the execution of any trust whether express, implied or constructive to which any such ticket may be subject. Payment by Tattersall Sweep Consultation to the person/s surrendering the ticket of any prize money payable thereon shall be a good discharge to Tattersall Sweep Consultation notwithstanding any notice Tattersall Sweep Consultation may have of the right, title, interest or claim of any other person/s to such prize money.
- 9.3 Tattersall Sweep Consultation shall determine the time of closure of any KENO Consultation.

REGULATION 10 - MISCELLANEOUS

- 10.1 The subscribers to a KENO Consultation undertake by subscribing to comply with these Regulations and to accept the decisions made by the Trustees as final and binding including the determination of prize winners and the distribution of prize money and the meaning and effect of these Regulations.
- 10.2 Notwithstanding any other provision contained in these Regulations, Tattersall Sweep Consultation may require any subscriber claiming a prize to complete a Statutory Declaration prior to payment of such prize, to the effect that the subscriber is not part of any syndicate associated with any person who has acted in contravention of Section 10A of the Tattersall Consultations Act 1958 (as amended).

KENO CONSULTATION REGULATIONS

REGULATION 10 - MISCELLANEOUS

- 10.3 Tattersall Sweep Consultation shall not be responsible to any subscriber for any neglect, omission, delay or failure on the part of an Accredited Representative to process any entry in accordance with these Regulations. For the payment by a subscriber of a handling charge, the Accredited Representative shall be engaged by the subscriber for the purpose of processing an entry. It shall be a term of the engagement of the Accredited Representative by the subscriber that unless the Accredited Representative is a corporation, neither the Accredited Representative nor his servant, supplementary accreditation, or agent shall be responsible for any loss, damage or expense which may be sustained by the subscriber by reason of any neglect, omission, delay or failure on the part of the Accredited Representative, his servant, supplementary accreditation or agent to properly process any entry. The engagement of an Accredited Representative by the subscriber does not exempt the subscriber from observing these Regulations.
- 10.4 All instructions and notices to Supplementary Accreditations and the Mail Service shall be read and construed as part of these Regulations.
- 10.5 No person at any Supplementary Accreditation or the Mail Service has authority to verify the accuracy of or completion by a subscriber of any part of an entry or entry coupon. Entry at a Supplementary Accreditation or the Mail Service by a subscriber does not exempt the subscriber from observing these Regulations.
- 10.6 A subscriber who uses the Mail Service or any Supplementary Accreditation shall accept all risks, losses, delays, errors or omissions which may occur in any manner in relation to such entry or prize payment.
- 10.7 These Regulations shall be effective on and after 1st September, 1989.

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REGULATION 1 - INTRODUCTION

Authority

- 1.1 The Trustees of the Will and Estate of the late George Adams("the Trustees"), under the business name of Tattersall Sweep Consultation, Care of George Adams, conduct and promote Consultations in accordance with the Tattersall Consultations Act 1958 of the State of Victoria and the licence issued thereunder.
- 1.2 Tattslotto Extra is a Consultation conducted pursuant to the said Act and Licence and the Trustees are empowered to make Regulations for the conduct of same.
- 1.3 Prize money payable to winners of Tattslotto Extra Consultations is derived from the Prizes Fund constituted under the said Act and into which not less than 60% of all subscriptions received are payable.
- 1.3 Each Tattslotto Extra Consultation will be identified by a number.
- 1.4 The Trustees shall determine the day and time of closure of any Consultation.

Objective

- 1.5 The objective of subscribers to a Tattslotto Extra Consultation is to forecast the 6 winning Tattslotto Extra numbers from the numbers 1 to 45, inclusive.

Regulations for Participation

- 1.6 These Regulations and any conditions on the current entry coupons shall be binding on all subscribers, who must also comply with all entry coupon and ticket directions.
- 1.7 Unless a subscriber shall have completed the appropriate anonymity request the Trustees shall be at liberty to publicise any subscriber's name as a prizewinner. In any event the Trustees shall not be liable for any inconvenience, loss, damage or injury suffered if prize winners details are released contrary to instructions.
- 1.8 If it is held by a court of competent jurisdiction that:
 - (a) any part of the Regulations are void or illegal or unenforceable; or
 - (b) the Regulations would be void voidable illegal or unenforceable in whole or in part unless a part were severed therefrom:

then that part shall be severable from and shall not effect the continued operation of the remainder of the Regulations.

- 1.9 The Trustees may at any time amend, modify or abrogate these Regulations. If such amendment, modification or abrogation results in the invalidity of any ticket already issued, the holder of such ticket may apply for a refund of the subscription paid in respect of that ticket but the Trustees shall not be liable for any other loss or damage suffered by the subscriber.
- 1.10 Any liability of the Trustees to a subscriber in a Consultation, arising from any statement about that Consultation made by or any negligence on the part of an employee, servant, agent or contractor of the Trustees or any other person, shall be limited to the cost of the subscriber's subscription in that Consultation.
- 1.11 In the event of a subscriber suffering any loss or damage as a result of any unlawful act of an employee, servant, agent or contractor of the Trustees or any Accredited Representative or other party or as a result of any fire, flood, tempest, storm, riot, civil commotion, lockout, strike or equipment failure, any liability of the Trustees to that subscriber shall be limited to the cost of that subscriber's subscription in the particular Consultation involved.
- 1.12 These Regulations shall be displayed at the Melbourne office of Tattersall Sweep Consultation and at the place of business of Accredited Representatives and may be made public by any other means.

REGULATION 2 - ENTRY COUPONS

- 2.1 Each entry coupon shall contain game panels for number selection from 1 to 45.
- 2.2 Each properly completed entry coupon shall be processed through an Accredited Representative's on-line computer terminal and, except in relation to The Mail Service, returned to the subscriber with a ticket of the kind described in Regulation 5.1.
- 2.3 Only an entry coupon that is provided or approved by the Trustees shall be capable of constituting a properly completed entry coupon for the purposes of the Consultation. Notwithstanding any other provision contained in these Regulations, no prize shall be payable to any subscriber who uses an entry coupon that is not provided or approved by the Trustees.
- 2.4 On each entry coupon completed by a subscriber, the subscriber may select from the options shown including the Season Participation option as described in Appendix One hereto, the System entry as described in Appendix Two hereto and the Advance Sale entry as described in Appendix Four hereto, and must indicate that the subscription is for an entry in Tattsлото Extra.

REGULATION 3 - FORECAST INSTRUCTIONS

Participation

- 3.1 Subscribers shall mark their selected numbers, by hand, in each game panel. Their selection must equal the option chosen pursuant to Regulation 2.3. Except with the prior approval of the Trustees, a subscriber shall not mark any selection upon an entry coupon by any mechanical means or means other than by hand and no entry coupon in which a selection is marked by any such means shall be considered a properly completed entry coupon for the purposes of the Regulations. Without limiting the generality of the foregoing, with the exception of any entry coupon for which the Trustees' prior approval has been obtained, an Accredited Representative shall not accept for processing, pursuant to Regulation 2.2, any entry coupon upon which a selection is marked by any such means and any subscriber claiming a prize as a result of an entry coupon containing such means of selection having been accepted by such Accredited Representative shall not be entitled to payment of that or any prize.
- 3.2 Multiple 6 number games or combinations may be entered in any game panel using a systems entry subject to Regulation A.2.1.
- 3.3 A subscriber may request a computer assisted entry whereupon the ticket issued containing computer selected numbers shall constitute an accepted entry for the purposes of Regulations 5 and 6.

REGULATION 4 - COST

- 4.1 The fee payable per Tattslotto Extra game shall be 94 cents, and the system participation fee payable shall be 94 cents times the number of six number games that the systems entry represents.
- 4.2 The handling charge of the Accredited Representative shall be additional to the game fees calculated in this Regulation.

REGULATION 5 - ACCEPTANCE OF ENTRIES AT TERMINAL

- 5.1 A subscriber having made a selection of numbers and paid the entry fee, plus handling charges, shall be issued with a ticket recording:
 - (i) The Tattersall Register (TR) number, if applicable;
 - (ii) The Consultation description;
 - (iii) The selected numbers;
 - (iv) The Tattslotto Extra Consultation Number;
 - (v) The number of the relevant selling point terminal;
 - (vi) The entry cost, including handling charge;
 - (vii) The ticket serial number.

- 5.2 An issued ticket, shall constitute an accepted entry for the Consultation identified thereon. A subscriber wishing to cancel a ticket may only do so on the day of issue of the ticket, at a time prior to draw closure, and only at the terminal of issue. The taking of the ticket shall constitute an acknowledgment by the subscriber that, subject to Regulation 6.2, the numbers thereon are the subscriber's selection and that all other particulars on the ticket are correct. No entry coupon or oral evidence shall then have validity or be of proof value for the purposes of any Consultation thus entered.
- 5.3 If an entry coupon is utilized for Consultations other than Tattslotto Extra a separate ticket will be issued for each Consultation. The particular Regulations governing each Consultation entered shall apply.
- 5.4 Notwithstanding any provision of these Regulations, a ticket that is issued as the result of processing an entry coupon that fails to comply in any way with these Regulations, shall not constitute an accepted entry for any Consultation.

REGULATION 6 - ACCEPTANCE OF ENTRIES BY THE TRUSTEES

- 6.1 Subject to these Regulations, a ticket issued in accordance with Regulation 5 shall constitute an acknowledgment by the Trustees of such entry in the relevant Tattslotto Extra Consultation.
- 6.2 Where any dispute arises, the subscriber shall be bound by the prize determination founded on the particulars recorded on the official Government copy of the Trustees' computer gaming system master transaction file. No subsequent or manual alteration to a ticket shall be made or, if made, have any validity for any purpose.
- 6.3 A ticket which is recorded as void or cancelled on the Trustees' computer gaming system master transaction file shall be void and of no validity in claiming any prize, and the subscriber shall have no claim against the Trustees whether such record is made at the request of the subscriber, by reason of operator error, or otherwise.

REGULATION 7 - DRAWING OF TATTSLOTTO EXTRA CONSULTATIONS AND PRIZE DIVISIONS

- 7.1 In each Tattslotto Extra Consultation 8 balls will be extracted from a drawing device containing 45 balls numbered 1 to 45. Numbers are extracted when a numbered ball rests in the horizontal display section forming part of the drawing equipment. The third, fourth, fifth, sixth, seventh, and eight balls thus extracted are deemed drawn and are the six Winning Numbers in Tattslotto Extra. No other balls can be deemed drawn for the purposes of Tattslotto Extra.

- 7.2 Each drawing shall be conducted under the supervision of a representative of the Government of Victoria and shall be final for the purpose of determining prize winners for the particular Tattslotto Extra Consultation drawn. The Tattslotto Extra Consultation will be based on the balls drawn in the Saturday Tattslotto Consultation draw or any other Consultation conducted by the Trustees.
- 7.3 Subject to any revision of the prize structure by the Trustees there shall be four prize divisions in each Consultation comprising:
- Firstly, subscribers who have correctly forecast the 6 winning numbers in any one game;
- Secondly, subscribers who have correctly forecast any 5 of the 6 winning numbers in any one game;
- Thirdly, subscribers who have correctly forecast any 4 of the 6 winning numbers in any one game;
- and, Fourthly, subscribers who have correctly forecast any 3 of the 6 winning numbers in any one game.
- 7.4 If, in any Tattslotto Extra Consultation, no entry contains the 6 winning numbers, the distributable prize money for First Division in the Consultation shall be added to the distributable prize money for First Division in the next relevant Tattslotto Extra Consultation to form a jackpot. Subject to Section 5(6) of the said Act, the jackpot shall continue to accrue in this way for so long as no entry contains 6 winning numbers.
- 7.5 No single six number game on a ticket shall win more than one prize.

REGULATION 8 - PAYMENT OF PRIZES

- 8.1 The calculated prizes in divisions two and three shall be rounded to the nearest five cents, and division four shall be a fixed prize of three dollars. Any resulting balance or deficit in divisions two, three and four will be added or deducted from the Prizes Fund. Subject to this or any other adjustment made by the Trustees from time to time, the prize money provided by the Trustees from subscriptions to each Tattslotto Extra Consultation shall be distributed in the following percentages;

First Division	- Six winning numbers	- 62.5% thereof
Second Division	- Any five winning numbers	- 9.0% thereof
Third Division	- Any four winning numbers	- 15.5% thereof
Fourth Division	- Any three winning numbers	- 13.0% thereof

		100.0%

The Trustees may at their discretion further increase the distributable prize money or supplement any prize division by appropriations from the Prizes Fund. Whenever the jackpotting provisions of Regulation 7.4 apply the first division prize money shall be added to the undistributed first division prize money from the relevant earlier Consultation or Consultations.

- 8.2 Prize money distributable to Tattslotto Extra first division winners shall be paid following expiration of the claim period specified in Regulation 9. The Trustees shall not be bound by any publication of the number of division one winners or the amount of the division one prize, if such publication is made before the end of the said claim period.
- 8.3 Other than payments at accredited outlets, to an amount and within a time limit specified by the Trustees, all prizes will be paid at the Melbourne office of Tattersall Sweep Consultation. Cash will only be paid to the limit specified by the Trustees and above this payment will be by cheque, either personally or by post or by remittance through a nominated bank account. The delivery of any prize winning ticket to the office of Tattersall Sweep Consultation is the responsibility and at the expense of the subscriber. Proof of posting or bank lodgement will not be accepted as proof of delivery.
- 8.4 The subscriber shall accept all risks, losses, delays, errors or omissions, which may occur in Australia Post or the banking system and the Trustees shall be under no obligation to send any remittances by registered, recorded or security post. The cost of the remittance of prize money may be deducted and shall be paid by the prize winner.
- 8.5 Subject to Regulation 8.2, prizes for 6 winning numbers, including any other prizes on these winning tickets, shall be paid at the Melbourne office of Tattersall Sweep Consultation.
- 8.6 If, in division one, two or three, there is more than one winning 6 number game the prize money allocated to that division will be apportioned amongst such winning games equally.
- 8.7 Subject to Regulation 7.4, if there are no winners in any one division the prize money allocated to that division will be added to the prize money allocated to the next lower division.
- 8.8 Subject to Regulation 8.11 and notwithstanding that a ticket may bear only the name of a syndicate, the Trustees will recognise only the person by whom a ticket is surrendered, as the absolute owner (and, where more than one, in equal shares) and, except as ordered by a Court of competent jurisdiction, shall not be bound to take notice or to see to the execution of any trust, whether express, implied, resulting or constructive, to which any such ticket may be subject. Payment by the Trustees to a person surrendering a ticket, of any prize money payable thereon, shall be a good discharge to the Trustees, notwithstanding any notice the Trustees may have of the right, title, interest or claim, of any other person to such prize money.

- 8.9 The Trustees shall not be bound by any rule or agreement made between subscribers being members of any syndicate, group or other collective.
- 8.10 In order for a ticket to be valid for prize payment the following conditions must be met:
- 8.10.1 The ticket must have been issued by virtue of Regulation 3.3 or pursuant to the processing of an entry coupon which complied in all respects with these Regulations.
- 8.10.2 The ticket must not be illegible, mutilated, altered, reconstituted, counterfeit, stolen, stamped paid, cancelled, voided, or a duplicate of another ticket and must have been issued in an authorised manner by the Trustees or by an Accredited Representative.
- 8.10.3 The information appearing on the ticket pursuant to Regulation 5.1 must be identical in all respects with the record of the ticket appearing in the Trustees' computer gaming system master transaction file and must be readily identifiable as such.
- 8.10.4 The ticket must pass all other confidential security checks of the Trustees and must not have been issued or obtained by any breach of these Regulations which in the opinion of the Trustees justifies disqualification.
- 8.10.5 The ticket held by the subscriber will have no value, other than allowing payment of a prize recorded on the Trustees' computer gaming system master transaction file which has not previously been paid or declared non-payable.
- 8.10.6 Notwithstanding anything herein contained, the Trustees may require any subscriber, claiming a prize, to complete a Statutory Declaration, prior to payment of such prize, to the effect that the subscriber has not acted and has no knowledge of any act which is or may be in contravention of these Regulations or the said Act.
- 8.11 Subject to the discretion of the Trustees, no prize money shall be payable in any Consultation, save on surrender of a prize winning ticket to the Trustees. The ticket name and address section shall be completed before presentation for prize validation and full identification may be required prior to payment.
- 8.12 Any subscriber who forms the opinion that a Tattslotto Extra ticket has been incorrectly evaluated by the Trustees or is unable to produce a ticket to substantiate a prize claim may lodge a written claim, at the subscribers cost in all things, on forms available from the Melbourne office of Tattersall Sweep Consultation.

- 8.13 A replacement ticket will be issued by the terminal, in lieu of a Season Participation ticket or replacement Season Participation ticket issued in accordance with Appendix One and presented for prize payment, prior to its expiration. The replacement Season Participation ticket issued will record all information referred to in Regulation 5.1 save and except that the entry cost, including handling charge, will be replaced by the word "EXCHANGE". The replacement Season Participation ticket issued on such prize payment will be recognised for any subsequent prize won by the subscriber. The original ticket or any prior replacement Season Participation ticket, thereupon ceases to be valid.

REGULATION 9 - CONFIRMATION OF DIVISION ONE PRIZES

- 9.1 Subscribers who believe they are entitled to a First Division prize must notify Tattersall Sweep Consultation for confirmation. Such notification must be given before the expiration of the claim period as defined in Regulation 9.4.
- 9.2 Where confirmation is not given by the Trustees, claim forms shall be provided at the Melbourne office of Tattersall Sweep Consultation. All claims for such prizes must be forwarded to or lodged at that office and be accompanied by the subscriber's ticket and a self-addressed envelope, bearing the correct postage, for letter delivery of the Trustees response to the claim. The lodging of claim forms shall be at the cost and responsibility of the claimant and late lodgement will not be accepted.
- 9.3 No First Division prize claim shall be entertained unless received in accordance with this Regulation and within the said claim period.
- 9.4 The period for lodging a prize claim ends on the fourteenth day after the draw date of the Consultation in which the prize is claimed. If the fourteenth day is a Saturday, Sunday or Public Holiday, the period ends on the last working day prior to the fourteenth day. All such periods end at 3.00 p.m., Eastern Standard Time or Eastern Summer Time, as the case may be, on the nominated day.

REGULATION 10 - TATTERSALL REGISTER

- 10.1 Any prize won by a ticket identified with a Tattersall Register number, uncollected within the allowed period for payment shall be sent by ordinary post to the Tattersall Register member at the address then recorded with the Register. Such payment of registered prizes shall be binding on all subscribers as full and final settlement of the prize sum. A handling fee may be charged against such prize payments.
- 10.2 Payment of such prizes will require, where directed by the Trustees, either a Statutory Declaration of ownership or that the original ticket be produced, as specified by the Trustees.

- 10.3 Notwithstanding any provision of these Regulations the Trustees may refuse to pay a prize to the bearer of a prize winning ticket if the Trustees have received written notification that a subscriber registered on the Tattersall Register has lost that ticket or had the ticket stolen. If the Trustees determine to pay the bearer notwithstanding such notification, the subscriber shall not have any right to raise any objection or claim for compensation against the Trustees.

REGULATION 11 - PUBLICATION OF RESULTS

11. The Trustees will publicise the results of each Consultation drawn, as soon as practicable, after each draw. Any failure on the part of the Trustees to publicise as aforesaid shall not give rise to any claim for compensation on the part of any subscriber.

REGULATION 12 - ACCREDITED REPRESENTATIVES

- 12.1 The Trustees shall not be liable to any subscriber or any person for any act, neglect, omission, delay or failure on the part of an Accredited Representative or Supplementary Representative, which results in or may result in loss or damage to the subscriber or any person.
- 12.2 The engagement of an Accredited Representative or Supplementary Representative by a subscriber does not exempt the subscriber from complying with these Regulations in all respects.
- 12.3 For the payment by a subscriber of a handling charge, an Accredited Representative or Supplementary Representative shall be engaged by the subscriber as the agent of the subscriber, for the purpose of processing an entry coupon. The Trustees may deal with the subscriber or any person purchasing a ticket as the principal and any subscriber engaging an Accredited Representative or Supplementary Representative will be bound by all acts or omissions of such Representative, their servants, agents or employees.
- 12.4 To the extent permissible by law, the subscriber acknowledges that it is a term of the subscribers' engagement of such Representative that the Representative shall not be liable to the subscriber for any act or omission on the part of the Representative, its servants agents or employees, which results in loss or damage by or to the subscriber.

REGULATION 13 - INTERPRETATION

- 13 In these Regulations, unless the contrary intention appears;

"Accredited Representative" means a person appointed by the Trustees pursuant to the said Act to act as agent of subscriber;

"Supplementary Representative" means a person associated with an Accredited Representative who, for an agreed handling charge, is engaged by the Accredited Representative to effect subscribers' entries via the Accredited Representative's computer terminal;

"Supplementary Accreditation" means the premises where a Supplementary Representative carries on business;

"The Mail Service" means an Accredited Representative who processes subscribers' entries in Consultations, either by mail or by other means approved by the Trustees;

"Regulations" means these Tattsлото Extra Regulations and includes the Appendices hereto;

Reference to one gender includes all other genders;

Reference to the singular shall include the plural and visa versa;

Reference to a person shall include natural persons and corporate persons, context permitting.

REGULATION 14 - EFFECT OF REGULATIONS

14.1 By subscribing to a Consultation, all subscribers acknowledge having read these Regulations and agree to be bound by the same. Except as may otherwise be provided herein, all subscribers shall accept as final and binding, decisions made by the Trustees pursuant to these Regulations in respect of prize eligibility and distribution and decisions made by the Trustees as to the meaning and effect of these Regulations.

14.2 To the extent necessary or desirable to give effect to the same, these Regulations shall form part of any contractual relations between the Trustees and the subscriber and shall prevail over any other term or condition of such contractual relations inconsistent with these Regulations.

14.3 Subject to Regulation 1.9, these Regulations are effective in respect of all Tattsлото Extra Consultations conducted by the Trustees on and after 9th November 1991.

APPENDIX ONE - SEASON PARTICIPATION

A.1.1 All entry coupons will have the Week numbers 5 and 10 printed thereon. A subscriber who wishes to choose Season Participation must indicate the number of consecutive Consultations sought to be entered and pay the requisite entry cost, plus handling fee.

A.1.2 The provisions of Regulations 1 to 14, inclusive, shall apply to all Consultations entered by way of a Season Participation ticket, and subject to Regulation 1.9, the Regulations and all Appendices in force at the commencement of each week for which the Season Participation ticket is an entry, shall bind the subscriber in respect of such entry.

APPENDIX TWO - SYSTEM PARTICIPATION

- A.2.1 All entry coupons will have a Systems 7, 8-20 and Take 5/4 printed thereon. To participate in a System a subscriber must mark the System to be entered in the required manner. A subscriber shall not mark more than one of the System numbers printed on the entry coupon. A subscriber may enter up to twelve systems of the one type for Systems 7 and Take 5/4, up to ten systems of the one type for Systems 8 and 9, up to six systems of the one type for Systems 10 to 15 and one only of the one type for Systems 16 to 20 on any one entry coupon.
- A.2.2 A system entry gives multiple games, each game costing the fee provided for in Regulation 4.1 plus a handling charge.
- A.2.3 A System entry shall be completed by marking the numbers corresponding to the System number entered by the subscriber, so that seven numbers shall be marked in Game A if a System 7 has been chosen, eight numbers shall be marked in Game A if a System 8 has been chosen and so on. Non-System and System participation shall not be marked on the same coupon and if marked, shall not constitute a properly completed entry coupon.
- A.2.4 Acceptance, by a subscriber, of a ticket shall constitute an acknowledgment that the System entry numbers, recorded thereon, are the subscriber's selections, subject to Regulation 6.2.
- A.2.5 A subscriber may complete a System entry for Season Participation and Advance Participation. The Regulations set out in Appendix one (Season Participation) or Appendix Four (Advance Participation), shall apply to such participation.
- A.2.6 The provisions of Regulations 1 to 14, inclusive, shall apply to every Consultation entered by a System entry.

APPENDIX THREE - ENTRY THROUGH A SUPPLEMENTARY ACCREDITATION AND THE MAIL SERVICE

- A.3.1 All instructions and notices to Supplementary Accreditations and The Mail Service, shall be read and construed as part of these Regulations.
- A.3.2 No person at any Supplementary Accreditation or The Mail Service, has authority to verify the accuracy of or completion by a subscriber of, any part of an entry or entry coupon. Entry at a Supplementary Accreditation or The Mail Service, by a subscriber, does not exempt the subscriber from complying with these Regulations in all respects.
- A.3.3 A subscriber who uses The Mail Service or any Supplementary Accreditation, shall accept all risks, losses, delays, errors or omissions which may occur, in any manner, in relation to such entry or prize payment and the Trustees shall have no liability in respect thereof.

APPENDIX FOUR - ADVANCE ENTRY

- A.4.1 A subscriber may nominate and enter any future draw, up to 9 weeks ahead of the current draw, by any means of Consultation entry permitted by the Regulations, except Season Participation.
- A.4.2 The provisions of Regulations 1 to 14, inclusive, shall apply to a Consultation entered by way of an Advance Sale entry, and subject to Regulation 1.9, the Regulations and all Appendices in force at the commencement of the week in which such future draw is held shall bind the subscriber in respect of such entry.



Commonwealth of the Northern Mariana Islands
DISASTER CONTROL OFFICE
Emergency Operation Center

Capitol Hill, Saipan, MP 96950

DATE: 09/24/93

TROPICAL STORM CECIL (23W)

Tel. 322-9274
322-9529
322-9572
Fax: 322-3598
Cable Address:
728726
DCO SPN 726


EXECUTIVE ORDER NO. 05-93

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared TROPICAL STORM CECIL (23W) CONDITION II for the island(s) of SAIPAN, TINIAN, effective 8:00 P.M. 09/24/93 and (Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically **ACTIVATES** the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be **ACTIVATED, EFFECTIVE,** 8:00 P.M. 09/24/93, continuing so long as required (Time and Date) by the disaster emergency situation.


LORENZO I. DE LEON GUERRERO
Governor
Commonwealth of the Northern Mariana Islands



Commonwealth of the Northern Mariana Islands
DISASTER CONTROL OFFICE
Emergency Operation Center

Capitol Hill, Saipan, MP 96950

Tel. 322-9274
322-9529
322-9572
Fax: 322-3598
Cable Address:
728726
DCO SPN 726

DATE: 09/25/93


TROPICAL STORM CECIL (23W)

EXECUTIVE ORDER NO. 06-93

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands has **DOWNGRADED** TROPICAL STORM CONDITION II TO TYPHOON CONDITION III to the island(s) of SAIPAN, TINIAN, _____, effective 6:30 A.M. 09/25/93
(Time and Date)

and WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration **EXTENDS** the execution of such plan as mandated by PUBLIC LAW 1-40; NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) execution be **EXTENDED**, continuing so long as required by the emergency situation.


LORENZO I. DE LEON GUERRERO
Governor
Commonwealth of the Northern Mariana Islands



Commonwealth of the Northern Mariana Islands
DISASTER CONTROL OFFICE
Emergency Operation Center

Capitol Hill, Saipan, MP 96950

DATE: 09/25/93

TYPHOON CECIL (23W)

Tel. 322-9274
322-9529
322-9572
Fax: 322-3598
Cable Address:
728726
DCO SPN 726


EXECUTIVE ORDER NO. 07-93

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared TYPHOON CECIL (23W) CONDITION I for the island(s) of AGRIGHAN, effective 6:30 A.M. 09/25/93 and (Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically **ACTIVATES** the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be **ACTIVATED**, EFFECTIVE, 6:30 A.M. 09/25/93, continuing so long as required (Time and Date) by the disaster emergency situation.


LORENZO I. DE LEON GUERRERO
Governor
Commonwealth of the Northern Mariana Islands



Commonwealth of the Northern Mariana Islands
DISASTER CONTROL OFFICE
Emergency Operation Center

Capitol Hill, Saipan, MP 96950

Tel. 322-9274
322-9529
322-9572
Fax: 322-3598
Cable Address:
728726
DCO SPN 726

DATE: 09/25/93

TYPHOON CECIL (23W)


EXECUTIVE ORDER NO. 08-93

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared an "ALL CLEAR" CONDITION to the island(s) of SAIPAN, TINIAN, AGRIGHAN, effective 1:00 P.M. 09/25/93 and (Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically **DEACTIVATES** the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be **DEACTIVATED**, effective, 1:00 P.M. 09/25/93. (Time and Date)


LORENZO I. DE LEON GUERRERO
Governor
Commonwealth of the Northern Marian Islands

BOARD OF EDUCATION
NOTICE OF PROPOSED POLICY

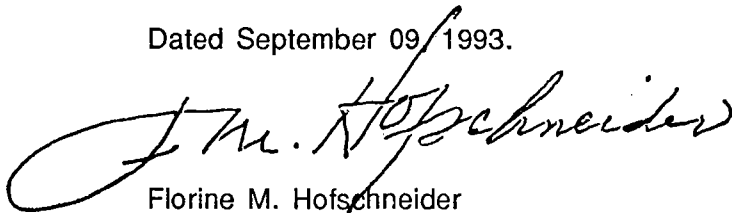
The Board of Education, Commonwealth of the Northern Mariana Islands, hereby notifies the general public of its intention to adopt certain proposed policy. The proposed policy, which would have the force and effect of law, are promulgated pursuant to the authority provided by the Education Act of 1988 and the Administrative Procedures Act.

The policy involve the following subject area:


- | | | |
|-----------------|------|---|
| 1. New Policy | 104 | Sexual Harassment |
| New PSPSRR PART | 3800 | SEXUAL HARASSMENT |
| 2. New PSPSRR | 3801 | Sexual Harassment Prohibited |
| 3. New PSPSRR | 3802 | Definition of Sexual Harassment |
| 4. New PSPSRR | 3803 | Sexual Harassment Complaints |
| 5. New PSPSRR | 3804 | Procedure of Filing Sexual Harassment
Complaints with the Commissioner |
| 6. New PSPSRR | 3805 | Right to Appeal |
| New PSPSRR PART | 4300 | TEACHERS & TEACHER AIDES |
| 7. New PSPSRR | 4301 | 190 Day work Requirement |
| 8. New PSPSRR | 4302 | Lump Sum Payment |

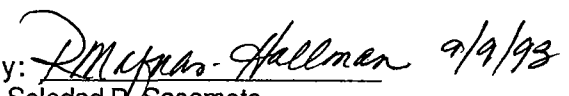
The text of the proposed policies are published following this notice. Anyone interested in commenting on the proposed policy may do so by submitting comments in writing to the Chairperson, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950 within thirty days of the date of publication of this issue of the Commonwealth Register.

Dated September 09, 1993.



Florine M. Hofschneider
Chairperson, Board of Education

Received By:  9/9/93
Donna Cruz, Governor Office

Filed By:  9/9/93
for: Soledad B. Sasamoto
Registrar of Corporations

BOARD OF EDUCATION

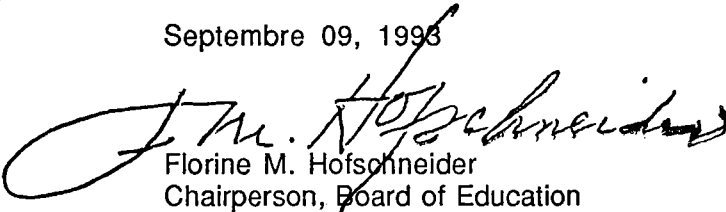
NUTISIA POT I MANNUEBU NI MANMAPROPOPONI NA POLICY


I Board of Education, Commonwealth of the Northern Mariana Islands, ha emfotma i ppubliku pot i entension-na na para u fanadapta nuebu yan amendasion para policy. I manmapropoponi na policies u gai fuetsa taiguihi ha i lai ni macho'gue sigun aturidat i Education Act of 1988 yan i Administrative Procedures Act.

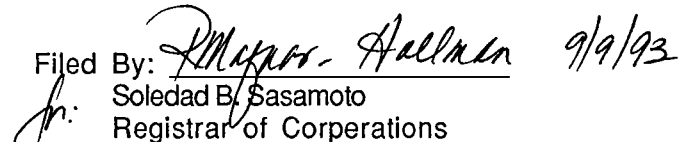
- | | | |
|----------------|------|---|
| 1. New Policy | 104 | <u>Sexual Harassment</u> |
| New PPSRR PART | 3800 | <u>SEXUAL HARASSMENT</u> |
| 2. New PPSRR | 3801 | Ma prohiben i <u>Sexual Harassment</u> |
| 3. New PPSRR | 3802 | Sostansian i <u>Sexual Harassment</u> |
| 4. New PPSRR | 3803 | Makehayen pot <u>Sexual Harassment</u> |
| 5. New PPSRR | 3804 | Areklamenton Kumeha pot <u>Sexual Harassment</u>
guatu gi Komisina |
| 6. New PPSRR | 3805 | Direchu para umapela |
| New PPSRR PART | 4300 | <u>TEACHERS & TEACHER AIDES</u> |
| 7. New PPSRR | 4301 | <u>190 Day Work Requirement</u> |
| 8. New PPSRR | 4302 | <u>Lump Sum Payment</u> |

I intension i ma amenda na amendasion yan i nuebu na policy siempre u fan mapublika huyong despues di malaknos-fia este na notisia. Hayi na petsona malago' mama'tinas rekomendasion pot este siha na policy, siña ha tuge' papa' ya u submiti halom gi Chairperson, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950 gi halom trenta (30) dias despues di mapublika huyong este na notisia gi Commonwealth Register.

Septembre 09, 1993


Florine M. Hofschneider
Chairperson, Board of Education

Received By:  9/9/93
Donna Cruz, Governor Office

Filed By:  9/9/93
Soledad B. Sasamoto
Registrar of Corporations

BOARD OF EDUCATION

ARONGORONG REEL FFEERUL ALLEGH

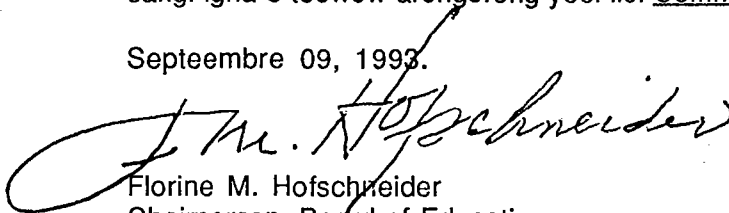
Schóól Board of Education, mellól Commonwealth of the Northern Mariana Islands, rekke arongaar towap reel mángemángiir igha rebwe ááyáá akkáán allégh ffé. Allégh kka rebwe féerúl, nge e pwal yoor bwángil me allégh nge re bwal féerú sáangi bwángil me ailéewal Education Act of 1988 me Administrative Procedures Act.


Líól allégh kkaal nge e bwal toolong ffél kka faal:

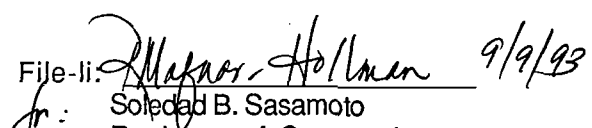
- | | | |
|-----------------|------|---|
| 1. New Policy | 104 | Sexual Harassment |
| New PSPSRR PART | 3800 | SEXUAL HARASSMENT |
| 2. New PSPSRR | 3801 | Sexual Harassment Prohibited |
| 3. New PSPSRR | 3802 | Definition of Sexual Harassment |
| 4. New PSPSRR | 3803 | Sexual Harassment Complaints |
| 5. New PSPSRR | 3804 | Procedure of Filing Sexual Harassment
Complaints with the Commissioner |
| 6. New PSPSRR | 3805 | Right to Appeal |
| New PSPSRR PART | 4300 | TEACHERS & TEACHER AIDES |
| 7. New PSPSRR | 4301 | 190 Day work Requirement |
| 8. New PSPSRR | 4302 | Lump Sum Payment |

Owtol allégh yeel nge ebwe toowow mwiril arongorong yeel. Iyo e mwuschál bwe atotoolong meeta tipal me mángemángil nge ebwe ischiitiw nge aa afanga ngáli Chairperson, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950. Líól eliigh rál sáangi igha e toowow arongorong yeel líól Commonwealth Register.

Septiembre 09, 1993.


Florine M. Hofschneider
Chairperson, Board of Education

Iyo E Risibiiy:  9/9/93
Donna Cruz, Governor Office

Iyo E File-li:  9/9/93
fr: Soledad B. Sasamoto
Registrar of Corporations

Policy 104 Sexual Harassment

The Board of Education affirms the right of all students and staff, regardless of race, color, religion, sex, national origin, or disability, to be treated with respect and to be protected from intimidation, discrimination, physical harm and harassment.

PSPSPRR PART 3800 SEXUAL HARASSMENT

3801 Sexual Harassment Prohibited

Sexual harassment of students or staff will not be tolerated within the Public School System. All persons associated with the Public School System are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment. Violations of this policy will result in disciplinary action, including possible termination of employment.

3802 Definition of Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests of sexual favors, or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, promotion, demotion, or academic standing;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating hostile, or offensive working or academic environment.

Examples of acts that can be considered to be sexual harassment include sexual teasing, jokes, remarks or questions; letters, telephone calls or materials of a sexual nature; deliberate touching, leaning over, cornering or pinching; pressure for sexual favors; pressure for dates; and attempted or actual rape or sexual assault.

3803 Sexual Harassment Complaints

1. Complaints by employees alleging sexual harassment may be submitted under the PSS Grievance Procedure (Part 3700) or may be submitted in writing to the Commissioner of Education under Section 3804.
2. Student allegations of sexual harassment should be reported to the Principal of the student's school. The Commissioner of Education and the Legal Counsel must be notified by the Principal within twenty-four hours of receipt of either a verbal or written complaint.
3. Retaliation against a person making a complaint of sexual harassment or participating in an investigation of alleged harassment is prohibited.

3804 Procedure of Filing Sexual Harassment Complaints with the Commissioner

1. Employee complaints alleging sexual harassment filed with the Commissioner of Education must be in writing and signed by the person making the complaint. The complaint must include the nature of the charge and the name of the alleged offender and must be filed within ten days of the act of alleged harassment.
2. A copy of the complaint shall be provided to the alleged offender within fifteen days. Within fifteen days of receipt of the complaint, the Commissioner of Education or his or her designee shall interview the alleged offender and any witnesses.
3. Within thirty days of receipt of the complaint, the Commissioner of Education shall notify the person making the complaint and the alleged offender of the results of the investigation and any disciplinary actions that will be taken.

3805 Right to Appeal

Disciplinary actions or decisions by the Commissioner of Education under this Part may be appealed under Part 3600 by either party to the Board of Education within fifteen days after receipt of the Commissioner's decision.

PSPSRR PART 4300 TEACHERS & TEACHER AIDES

4301 190 Day Work Requirement

Teachers and teacher aides who work in classrooms are required to work only 190 days which shall include the 180 instructional days as defined by the Board of Education approved school calendar and then (10) (seven days before the opening the school year and 3 days after the closing to the school year) additional days as required by the Board of Education.

Teachers and teacher aides shall receive their annual salary over 26 bi-weekly pay periods. If a teacher or teacher aide is not employed for entire 190 days his or her annual pay shall be reduced by the amount due for the period in which no service is rendered.

4302 Lump Sum Payment

Teachers and teacher aides who are required to work only 190 days may elect to be paid their annual salary over 26 pay period or may request a lump sum payment for the remaining pay periods at the end of the school year. Election for a lump sum payment must be submitted to the Commissioner three months prior to the last day of the school year. Failure to meet the established deadline shall result in the denial of such request.

BOARD OF EDUCATION
NOTICE OF AMENDED POLICY

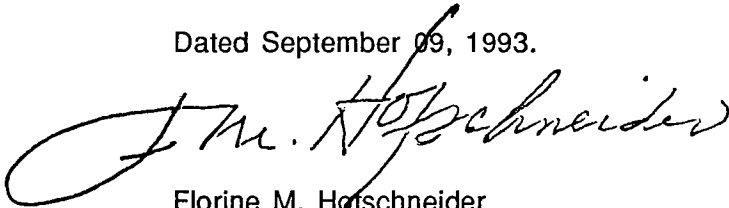
The Board of Education, Commonwealth of the Northern Mariana Islands, hereby notifies the general public of its intention to adopt certain amended policy. The amended policy, which would have the force and effect of law, are promulgated pursuant to the authority provided by the Education Act of 1988 and the Administrative Procedures Act.

The policy involve the following subject area:

1. Amended PSSPR 3-103 Small Purchases
2. Amended PSSPR 3-105 Emergency Procurement
3. Amended PPSRR 4204 Establishing Salary Upon Appointment
4. Amended PPSRR 4215.2 Compensatory Time
5. Amended PPSRR 7105 Leave with Pay

The text of the proposed policies are published following this notice. Anyone interested in commenting on the amended policy may do so by submitting comments in writing to the Chairperson, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950 within thirty days of the date of publication of this issue of the Commonwealth Register.

Dated September 09, 1993.



Florine M. Hofschneider
Chairperson, Board of Education

Received By: Donna Cruz 9/9/93
Donna Cruz, Governor Office

Filed By: Soledad B. Sasamoto 9/9/93
for: Soledad B. Sasamoto
Registrar of Corporations

BOARD OF EDUCATION

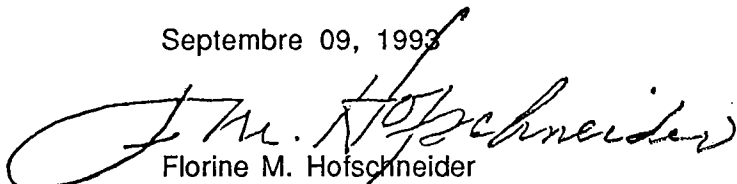
NUTISIA POT I MANMA'AMENDA NA POLICY

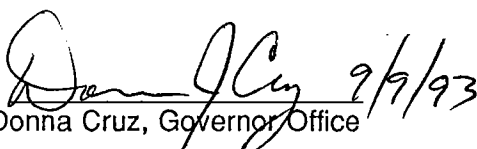
I Board of Education, Commonwealth of the Northern Mariana Islands, ha emfotma i pupbliku pot i entension-na na para u fanadapta nuebu yan amendasion para policy. I manmapropoponi na policies u gai fuetsa taiguihi ha i lai ni macho'gue sigun aturidat i Education Act of 1988 yan i Administrative Procedures Act.

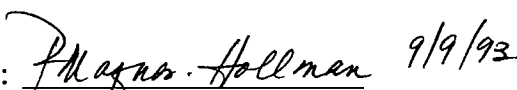
1. Amended PSSPR 3-103 Didide' na Finahan
2. Amended PSSPR 3-105 Emergency Procurement
3. Amended PPSRR 4204 Ma'establesen i suetdo segen si ma'apusta
4. Amended PPSRR 4215.2 Compensatory Time
5. Amended PPSRR 7105 Daskanso ginen i che'cho' yan apas

I intension i ma amenda na amendasion yan i nuebu na policy siempre u fan mapupblika huyong despues di malaknos-fia este na notisia. Hayi na petsona malago' mama'tinas rekomendasion pot este siha na policy, siña ha tuge' papa' ya u submiti halom gi Chairperson, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950 gi halom trenta (30) dias despues di mapupblika huyong este na nutisia gi Commonwealth Register.

Septembre 09, 1993


Florine M. Hofschneider
Chairperson, Board of Education

Received By:  9/9/93
Donna Cruz, Governor Office

Filed By:  9/9/93
Soledad E. Sasamoto
Registrar of Corporations

BOARD OF EDUCATION

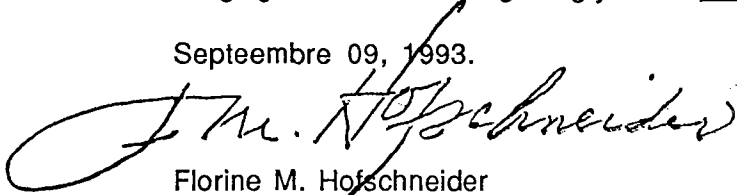
ARONGORONG REEL FFEERUL ALLEGH

Schóól Board of Education, mellól Commonwealth of the Northern Mariana Islands, rekke arongaar towap reel mán gemángiir igha rebwe ááyáá me fféer lliiwel llól jaar allégh. Allégh rebwe féerúl, nge e pwal yoor bwángil me allégh nge re bwal féerú sáangi bwángil me ailéewal Education Act of 1988 me Administrative Procedures Act.

1. Amended PSSPR 3-103 Small Purchases
2. Amended PSSPR 3-105 Emergency Procurement
3. Amended PPSRR 4204 Establishing Salary Upon Appointment
4. Amended PPSRR 4215.2 Compensatory Time
5. Amended PPSRR 7105 Leave with Pay

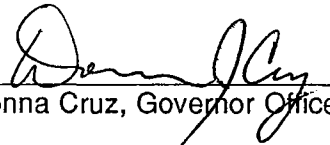
Owtol allégh yeel nge ebwe toowow mwiril arongorong yeel. Iyo e mwuschál bwe atotoolong meeta tipal me mán gemángil nge ebwe ischiitiw nge aa afanga ngáli Chairperson, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950. Llól eliigh rál sáangi igha e toowow arongorong yeel llól Commonwealth Register.

Septiembre 09, 1993.

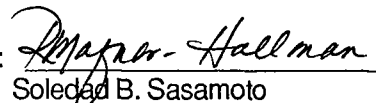


Florine M. Hofschneider
Chairperson, Board of Education

Iyo E Risibiiy:

 9/9/93
Donna Cruz, Governor Office

Iyo E File-li:

 9/9/93
Soledad B. Sasamoto
Registrar of Corporations

PSSPR 3-103 Small Purchases

- (1) Any procurement not exceeding the amounts established herein may be made in accordance with small purchase procedures. However, procurement requirements shall not be artificially divided so as to constitute a small purchase.
- (2) Purchases not exceeding \$1,000.00 may be made without securing bids or price quotations if the Chief of Procurement and Supply considers the price to be reasonable.
- (3) Bidding is not required but is encouraged for procurement over \$2,500 and under \$10,000. Price quotations from at least three vendors must be obtained and the selection based on competitive price and quality for procurement valued at \$1,000 to \$10,000. Any price quotations obtained must be written, documented and submitted to the Chief for approval.
- (4) Purchase orders may be utilized for small purchases in subparagraph (2) and (3) only. In no other instance may purchase orders be utilized instead of contracts.
- (5) This section shall not apply to lease or purchase of vehicles, machinery and equipment or to the purchase of professional services.

PSSPR 3-105 Emergency Procurement

- (1) Notwithstanding any other provision of these regulations, emergency procurement procedures may be used where (a) an unusual and compelling urgency precludes full and open competition, and (b) delay in award of a contract would result in serious injury, financial or other, to the Public School System. An emergency procurement must be as competitive as practicable under the circumstances.
- (2) A written justification of the basis for the emergency and for the selection of the particular contractor must be made by the official with expenditure authority. The justification must include:
 - (a) Description of the action being approved.
 - (b) Description of the supplies or services required to meet the needs, including the estimated value.
 - (c) A description of the efforts made to ensure that offers are solicited from as many potential sources as is practicable.
 - (d) A determination that the anticipated cost to PSS will be fair and reasonable, and
 - (e) Data, estimated cost, or other rationale as to the extent and nature of the harm to PSS.
- (3) The justification must be approved by the Chief of Procurement and Supply and the Commissioner of Education.

PSPSRR 4204 Establishing Salary Upon Appointment

- A. Salary shall be fixed at the first step of the appropriate pay level upon initial appointment. Should a higher rate be deemed necessary to recruit, and is appropriate to the qualifications of the applicant, the salary may be fixed at any succeeding step but not beyond Step 6 the fifth step. Payment of salary above Step 1 of a pay level must be approved by Commissioner of Education.

PSPSRR 4215.2 Compensatory Time

- C. Certified Teachers and teacher aides who are required to work only 190 days under their contracts may not accumulate or use comp time. Overtime hours worked by such teachers and teacher aides shall be recognized by their supervisors in the evaluations of the teachers and teacher aides.

PSPSRR 7105 Leave With Pay

- A. Annual Leave. Annual leave, or vacation, shall be granted for the purpose of rest and relaxation with full calendar year or conduct personal business. Public School System employees who have less than three (3) years of creditable service shall earn annual leave at the rate of four hours per pay period; except that newly appointed employees shall undergo a waiting period of ninety calendar days before being credited with annual leave. Employee with three but less than six years of creditable service shall earn annual leave at the rate of eight hours per pay period. Teachers and teacher aides who are required to work only 190 days shall earn annual leave at the rate of three days per year.
- C. Sick Leave. Employees occupying permanent positions shall accrue sick leave at the rate of one-half day (4 hours) for each biweekly pay period in which they are in pay status for the entire ten days; otherwise there shall be no accrual for such period. Teachers and teacher aides who are required to work only 190 days shall accrue sick leave at the rate of 3 hours per pay period.
- L. Teachers and teacher aides who are required to work only 190 days shall only be authorized to take 3 days of Personal Leave and 9 days of Sick Leave annually. Leave taken beyond this authorization constitutes Leave Without Pay (LWOP).

NUTISIA PUT MA ADAPTAN
BOARD OF EDUCATION POLICIES

I Board of Education gi halom i Northern Mariana Islands ginen este ha nutisia i pupbliku na esta manadapta nuebu yan amendasion para policies i eskuela sigun i ginaga'gao i Education Act of 1988 yan i Administrative Procedures Act.

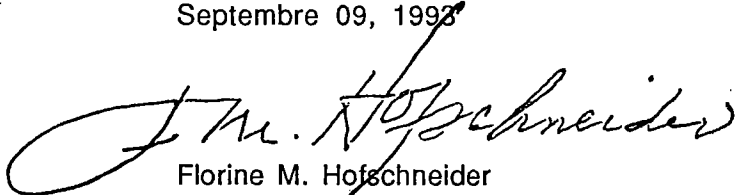
I policies ni manma'adapta manmapupblika huyong gi Commonwealth Register Vol. 15, No. 6 (Junio 15, 1993) gi fotman i mapropoponi para i pupbliku. I Estague' siha i sigieme na manma'adapta na policies siha:

1. Ma'amenda Policy 407 Subject Time Allotment for Elem. Jr. High & High School

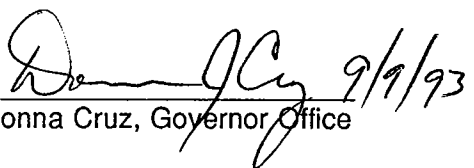
Hayi malago' siña' ha' mañule' kopian este siha na policies gi Ufusinan Commissioner of Education, Public School System, Lower Base, Saipan, MP 96950.

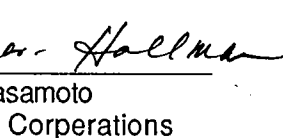
Sigun i fuetsan 1 CMC Sec. 9105 (b), i manma'adapta siha na policies u fanefektibu gi halom dies (10) dias despues di mapupblika huyong este na nutisia gi Commonwealth Register.

Septembre 09, 1993



Florine M. Hofschneider
Chairperson, Board of Education

Received By:  9/9/93
Donna Cruz, Governor Office

Filed By: 
Soledad B. Sasamoto
Registrar of Corporations

ARONGORONGOL ADAPTAAL
ALLEGHUL BOARD OF EDUCATION

Schóol Board of Education mellol Northern Marianas Islands sánigi arongorong yeel ekke arongaar towlap igha aa adapta allégh kka e fféeta me liwelil akkáaw alléghúl gakko sáangi bwángil me aileewal Education Act of 1988 me Administrative Act.

Allégh kka re adataáilil nge aa takkal toowow llól Commonwealth Register Vol. 15, No. 6 (Junio 15, 1993) igha re féerú reel proposed form bwe towlap rebwe iraalong meeta tipeer me mángemángiir.

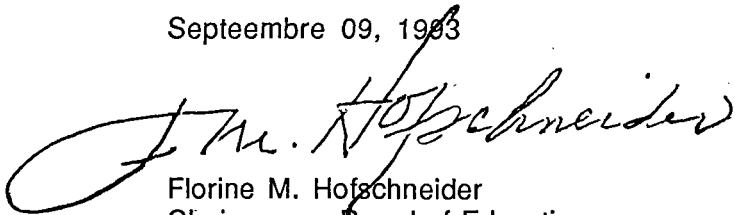
Allégh kka re adaptáilil nge ikka faal:

1. E Lliwel Allégh 407 Subject Time Allotment for Elem.
Jr. High & High School


Kkopiyaal allégh kkaal nge emmwel aramas ebwe ló bweibwogh sáangi Office of the Commissioner of Education, Public School System, Lower Base, Saipan, MP 96950.

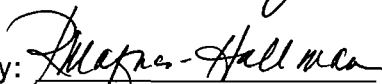
Reel bwángil me aileewal 1 CMC Sec. 9105 (b), nge allégh kka re adaptaalil ebwe aléghéléghéló llól seigh (10) rál sáangi igha e toowow arongorong yeel mellól Commonwealth Register.

Septiembre 09, 1993



Florine M. Hofschneider
Chairperson, Board of Education

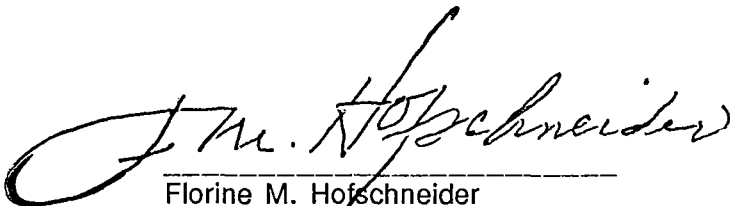
Received By:  9/19/93
Donna Cruz, Governor Office

Filed By: 
fr: Soledad B. Sasamoto
Registrar of Corporations


CERTIFICATION OF RULES REGARDING THE PUBLIC SCHOOL SYSTEM
ADOPTED POLICIES
BOARD OF EDUCATION

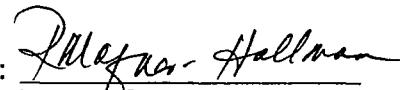
I, Florine M. Hofschneider, Chairperson, Board of Education, which is promulgating the rules regarding the Public School System to be published in the Commonwealth Register **Adopted** Board of Education policy numbers numbers as follows: Amended Policy 407 Subject Time Allotments for Elementary, Jr. High & High School, by signing below hereby certify that such Rules are a true, complete, and correct copy of the policies regarding the Public School System formally **Adopted** by the Board of Education. I further request and direct that this certification be published in the Commonwealth Register and then be attached by both the Office of the Registrar of Corporations and Office of the Governor to the Policies regarding the Public School System referenced above.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 15th day of September 1993 at Saipan, Commonwealth of the Northern Mariana Islands.



Florine M. Hofschneider
Chairperson, Board of Education

Received By:  9/17/93
Donna Cruz, Governor Office

Filed By: 
Soledad B. Sasamoto
Registrar of Coperations



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



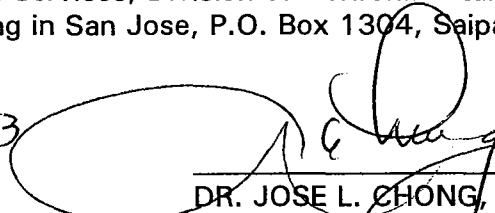
Tels: (670) 234-6114/6984
Fax: (670) 234-1003

PUBLIC NOTICE
ADOPTED REVISIONS TO
INDIVIDUAL WASTEWATER DISPOSAL SYSTEM REGULATIONS
UNDER THE AUTHORITY OF
2 CMC §§ 3101 to 3134 AND 1 CMC §§ 2601 to 2605
by the
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES
DIVISION OF ENVIRONMENTAL QUALITY


The Director of the Department of Public Health and Environmental Services and the Chief of the Division of Environmental Quality, of the Northern Mariana Islands (CNMI), in accordance with 2 CMC §§ 3101 to 3134 and 1 CMC §§ 2601 to 2605 had adopted the revisions to the CNMI's Individual Wastewater Disposal System (IWDS) Regulations.

The revisions to the regulations will apply to all new and existing IWDS systems in the CNMI. A majority of the revisions are being done to clarify the existing regulations. Other materials are allowed for septic tank construction and the enforcement sections has been reworded for 1) clarity and 2) uniformity to other DEQ Regulations.

Copies of the Regulations are available and may be obtained from the Department of Public Health Environmental Services, Division of Environmental Quality, located on the third floor of the Morgen Building in San Jose, P.O. Box 1304, Saipan, MP 96950.

Date: 9/29/93 
DR. JOSE L. CHONG, Director of
Public Health and Environmental Services

Filed by:
Date: 9/29/93 
SOLEDAD B. SASAMOTO
Registrar of Corporations

Received at Governor's Office:
Date: 9/29/93 
DONNA J. CRUZ



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



Tels: (670) 234-6114/6984
Fax: (670) 234-1003

NUTISIAN PUPBLIKU I MANMA ADAPTA SIHA NA AMENDASION PUT REGULASION INDIVIDUAL WASTEWATER DISPOSAL SYSTEM SIGUN GI ATURIDAT

2 CMC § 3101 asta 3134, 1 CMC § 2605 asta 2605 yan 2 CMC § 3311 asta 3333
ginen

DIPATAMENTON PUBLIC HEALTH YAN ENVIRONMENTAL SERVICES,
DIVISION OF ENVIRONMENTAL QUALITY

I Direktot Dipatamenton Public Health yan Environmental Services yan I Chief Division of Environmental Quality, gi halom Commonwealth of the Northern Mariana Islands (CNMI) sigun gi 2 CMC § 3103 asta 3134, 1 CMC § 2601 asta 2605, yan 2 CMC § 3311 asta 3333 i manma adapta siha na amendasion yan ribisa i Regulasion Individual Wastewater Disposal System (IWDS) gi halom CNMI.

I manma adapta siha na amendasion yan ribision gi halom i Regulasion manaplikeple para todo parehu na neubo pat hagasa na sisteman IWDS gi halom CNMI. Lokkue i manma adapta siha na amendasion para u alaba mas materiat para konstraksion septic tanks yan i seksiona put para u manaefektibu matulaika para 1) mas klaridat 2) afakcha yan otro siha na Regulasion DEQ.

Kopian i manma adapta siha na amendasion put i Regulasion, sina hayi interesao na petsona manule gi Dipatamenton Public Health yan Environmental Services, Division of Environmental Quality, mina tres bibenda hulo gi Morgen Building, San Jose, Saipan, MP 96950.

Fecha:


9/29/93


DR. JOSE L. CHONG, Direktot
Public Health yan Environmental Services

Ma file as:

Fecha:

9/29/93


SOLEDAD B. SASAMOTO
Registrar of Corporations

ma risibi gi Ofisinan Gobietno:

Fecha:

9/29/93


DONNA J. CRUZ



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



Tels: (670) 234-6114/6984
Fax: (670) 234-1003

ARONGORONGOL TOWLAP FFÉÉRÚL LLIWEL MELLÓL ÓWTOL ALLÉGHÚL WASTEWATER DISPOSAL SYSTEM SÁNGI BWÁNGIL

2 CMC § 3103 NGÁLI 3134, 1 CMC § 2601 NGÁLI 2605 ME 1 CMC § 3311 NGÁLI 3333
SÁNGI

DIPATAMENTOOL PUBLIC HEALTH ME ENVIRONMENTAL SERVICES DIVISION OF ENVIRONMENTAL QUALITY

Direktoodul Dipatamentool Public Health me Environmental Services fengal me me Chief-il Division of Environmental Quality mellól Commonwealth of the Northern Mariana Islands (CNMI), reel rebwe tabweey ailéewal 2 CMC § 3101 ngáli 3134, 1 CMC § 2601 ngáli 2605, me 2 CMC § 3311 ngáli 3333, nge rekke fféer lliiwel mellól ówtol Alléghúl Individual Wastewater Disposal System (IWDS) mellól CNMI.

Lliiwel kkaal nge e ghil ngáli alongal aweewe schagh fasul me IWDS kka e ffeeta mellól CNMI. Lliiwel kkal nge e lap ngáli schagh igha rebwe ghi attafa allégh kka ighila. Re bwal ayoora lliiwel kkaal igha ebwe liwilil ówtol talil ye e ghil ngáli fféerul septic tank me enforcement bwe ebwe 1) ffat me 2) weewe fengál me akkáaw Alléghúl DEQ.

Kkopiyaal lliiwel kkaal nge emmwel schagh bwe aramas ebweló bweibwogh sáangi Dipatamentool Public Health me Environmental Services, Division of Environmental Quality, aiyeluuwal bibenda mellól Morgen Buildng, San Jose, Saipan, MP 96950.

Ral: 9/29/93
DR. JOSE L. CHONG, Direktoodul
Public Health me Environmental Services

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Ral: 9/29/93
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Registrar of Corporations

Re Risibi mellol Bwulasiyool Gubenko:
Ral: 9/29/93
DONNA J. CRUZ

**ADOPTED REVISIONS TO THE DIVISION OF ENVIRONMENTAL QUALITY,
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES,
INDIVIDUAL WASTEWATER DISPOSAL SYSTEM REGULATIONS**

The following are the adopted changes:

Section 2. Purpose

2.4 As with all of the Department of Public Health and Environmental Services, Division of Environmental Quality Regulations, the design standards and details described in these regulations and in the permitting processes are for minimum standards. The ultimate responsibility and success and failure of a project lies with the applicant. Although the Division sets these minimum standards that applicant's must follow, it takes no responsibility for possible failures of systems it reviews. Each system must be designed for the specific location and use of the system.

Section 3. Definitions

3.22 "Individual Wastewater Disposal System" means a system designed and installed to treat and dispose of sewage from a single structure or group of structures using: 1) a septic tank, together with a leaching field or seepage pit; or 2) Wastewater treatment systems not employing septic tanks together with leaching fields or seepage pits are defined "Other Wastewater Treatment Systems" (OWTS).

3.47 "Used Oil" means any oil that has been refined from crude oil, or synthetic oil, that has been used and as a result of such use may be contaminated by physical or chemical impurities.

SECTION 4. CONSTRUCTION AND OPERATION OF AN IWDS OR OWTS

4.1.3. In addition to the requirements outlined in 4.1.2. and 4.1.3. for the types of activities described in the respective sections, for all buildings, construction and operation of the IWDS must:

- 1) be done in a manner that will not contaminate or degrade the groundwater of the CNMI;
- 2) be done in a manner that will not contaminate or degrade the waters of any bathing beach, shellfish breeding ground, or stream used for public or domestic water supply purposes or for recreational purposes;
- 3) be done in a manner that will not be accessible to insects, rodents, or other possible carriers of disease which may come into contact with food or drinking water;

- 4) be done in a manner that will not pose a health hazard by being accessible to children;
- 5) be done in a manner that will not create a public nuisance due to odor or unsightly appearance;
- 6) be done in a manner that will not violate any other local or federal laws or regulations governing water pollution or sewage disposal; or
- 7) not be operated when an IWDS Failure has occurred;
- 8) be done in a manner to prohibit the disposal of used oil into the system.

4.2.1 For any new residential project serving 100 persons or more, provided: (1) There is no available public sewer; (2) The project owner(s) prove the technical and financial capability to meet the OWTS operational requirements specified in Section 18 of these regulations; (3) The siting and design parameters for an IWDS using a septic tank as outlined in these regulations cannot be met due to limitations of site soil, topography, and/or lot size; and (4) The siting and design parameters for an OWTS outlined in these regulations are met. Residential projects serving less than 100 persons shall not be permitted to construct and operate an OWTS unless otherwise provided for in Paragraph 4.3 below. The number of persons served by a project shall be determined in accordance with Section 8 of these regulations.

SECTION 6. IWDS AND OWTS PERMIT APPLICATION REQUIREMENTS

6.13.2 All proposed septic tanks and seepage pits subject to traffic loads (i.e., those located in parking areas, driveways) MUST submit complete structural design drawings and calculations, certified by a licensed professional engineer. The plans must be in compliance with the Department of Public Works, Building Code requirements.

SECTION 8. IDENTIFY AVERAGE DAILY WASTEWATER FLOW RATE

8.1 For the purposes of these regulations, the unit flow rates are found on TABLE 8.1 below.

TABLE 8.1

QUANTITIES OF SEWAGE FLOWS

<u>TYPE OF DEVELOPMENT</u>	<u>GALS PER UNIT PER DAY</u>	<u>NO. OF PERSONS¹</u>
SINGLE FAMILY OR DUPLEX	150/BR	2/BR
APARTMENT	120/BR	2/BR
CONDOMINIUM/MOTEL/BUSINESS HOTEL	150/BR	2/BR
RESORT HOTELS	225/BR	2/BR
BARRACKS/WORKER'S HOUSING	60/BED	1/BED
RESTAURANTS	40/SEAT	
LOUNGE	10/SEAT	
SCHOOLS	25/STU or FAC	
BOARDING SCHOOL	100/STU or FAC	1/STU or FAC
OFFICE SPACE	15/100 SF GROSS	
RETAIL COMMERCIAL SPACE/WAREHOUSE	10/100 SF GROSS	
FACTORY	15/WORKER SHIFT	
SELF-SERVICE LAUNDRY FACILITY	250/WASHER	
CAR WASH	40/VEHICLE SERVED	
SERVICE STATION	5/VEHICLE SERVED	
SWIMMING POOL/BATH HOUSE	10/PERSON	
THEATER/AUDITORIUM	5/SEAT	

NOTES: (1) Determination made solely for the purpose of assessing service population per the requirements of Section 4 of these regulations.

SECTION 9. SEPTIC TANK DESIGN AND CONSTRUCTION

All IWDS require a septic tank unless the system is an approved OWTS.

9.5 No tank or compartment thereof shall have an inside horizontal dimension of less than four (4) feet for the initial compartment. A second compartment may be less if approved by the Chief.

For all single compartment tanks the minimum dimensions of a septic tank shall not be less than six (6) feet depth including the air space by four (4) feet width by six (6)

feet length. Scum storage shall equal 15% of the total liquid depth and shall be measured from the top of the liquid level to the vertical top of the inlet tee and outlet tee excluding the one (1) inch air space at the top of the tank.

The Chief may approve other designs provided sufficient information is submitted demonstrating that the design will perform at least as effectively as the above referenced design. Information must include sufficient studies to demonstrate the treatment levels of the alternative design are equal to or greater than that of the above referenced standards. Such studies may be based either on settling capabilities or biochemical oxygen demand removal. Studies must be conducted using recognized practices and methods. The applicant for such alternate designs has the burden to prove to the Chief's satisfaction that such a system will adequately treat the waste. A system may not be approved without such sufficient studies as described above.

9.5.1 I.e., for 5-foot liquid depth tanks, the distance from the bottom of the inlet pipe to the inside surface of the top of the septic tank shall be 10 inches.

9.5.2 I.e., for 6-foot liquid depth tanks, the distance from the bottom of the inlet pipe to the inside surface of the top of the septic tank shall be 12 inches.

9.7 The vertical leg of the outlet tee shall extend upward to within one (1) inch of the underside of the cover and downward to a point which is not less than 25% nor greater than 40% of the liquid depth below the liquid surface (see FIGURE 9.1).

9.8. When multi-compartment tanks are used, the volume of the first compartment shall be equal to or greater than that of the second compartment (see FIGURE 9.1).

9.11 The wall of the septic tank shall not be less than 6 inches thick reinforced concrete poured in place; or not less than 6 inches thick load bearing concrete hollow block reinforced at every 16 inches on center, and laid on a solid foundation with mortar joints well filled, and plastered with 1/2 inch concrete mortar in the inside of the tank or other impermeable lining material if approved in writing by DEQ prior to application. The tank covers and floor slabs shall be not less than 4 inch thick reinforced concrete. Septic tank covers may either be poured-in-place or pre-cast. The minimum compressive strength of any concrete septic tank wall, top and covers, or floor shall not be less than 2500 psi (pound per square inch). Other materials may be approved by the Chief on a case by case basis, provided the materials are of comparable strength. The applicant must provide sufficient proof as the Chief deems necessary to prove that a material is of comparable strength.

9.12 All septic tank covers shall be capable of supporting an earth load of not less than 300 pounds per square foot where the maximum coverage does not exceed three (3) feet. Where septic tanks may be subject to traffic and/or live loads of any nature (e.g., parking lot, driveway), the entire structure shall be designed to withstand H-20 loading (AASHTO standard). Placing of any part of an IWDS under a parking lot or driveway must meet all Department of Public Works, Building Code requirements.

SECTION 16. IWDS CERTIFICATION FOR USE

16.2 For OWTS in addition to the Certification for Use:

16.2.1 The applicant must have an operation and maintenance (O&M) manual approved by the Chief. The O&M manual must be revised on a bi-annual basis for the Chief's review and approval. In addition the OWTS will be issued a Permit with specific requirements of operation and monitoring. The permit will be valid for a period not to exceed 3 years. The permittee must apply for a renewal three (3) months prior to the permits expiration. Provided that the permittee applies for the renewal permit in the time period specified, the existing permit shall be considered valid until revised or revoked in writing by the Chief. Other requirements as specified in Section 19 will also apply.

SECTION 19. OWTS DESIGN AND CONSTRUCTION, AND TREATED WASTEWATER EFFLUENT RE-USE

19.4.5 Disinfection, with the ability to maintain a monthly average of not more than 23 colony forming units (cfu)/100 ml of fecal coliform in the treated effluent stream, and to maintain and monitor a chlorine residual of 0.1 mg/l before discharge to the ponding basin.

19.5 All OWTS shall be under the direct supervision (i.e. on-site) of a licensed wastewater treatment plant operator, holding a valid license from any U.S. jurisdiction, and holding the appropriate operator certification level for the size and type of plant proposed. There shall be no exceptions to this standard.

Section 22 has been revised to read as follows:

SECTION 22. PENALTIES, FINES, SUSPENSION, REVOCATION, AND OTHER ORDERS

22.1 The Chief may institute civil actions through the Commonwealth Courts or by Administrative Orders issued by the Chief and the Director.

22.2 Civil actions initiated through the Commonwealth Courts shall be transmitted through and with the approval of the Director and the Attorney General as necessary to enforce these

regulations in consonance with, and in accordance with the applicable laws of the CNMI. The Attorney General will institute legal actions to enjoin a violation, continuing violation or threatened violation of these regulations.

22.3 Any person who is subject to civil penalties, revocation, or suspension pursuant to Section 22 may be served with an Administrative Order and Notice of Violation and may upon written request seek an appeal hearing before the Chief or his/her designee. Request for appeal may be served upon the Division within seven (7) calendar days from receipt of the Administrative Order. Failure to request an appeal within seven (7) calendar days shall result in the person's waiving the right to any appeal or hearing.

22.4 Procedures for Administrative Orders shall be conducted as follows:

22.4.1 The Chief may issue and order any person to pay a civil fine of not more than \$1,000.00 for each violation of the Act, regulations adopted pursuant to the Act, or any permit or license issued pursuant to the Act and such regulations. Each day of continued violation after issuance of written notice by the Chief or designee and the expiration of any reasonable period allowed for corrective action is a separate offense.

22.4.2 The written request for a hearing shall serve as the answer to the complaint. The request for hearing or "answer" shall clearly and directly admit, deny, or explain each of the factual allegations contained in the complaint with regard to which the alleged violator (respondent) has any knowledge. Where respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The answer shall also state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, (2) the facts which respondent intends to place at issue, and (3) whether a hearing is requested. Failure to admit, deny, or explain any material factual allegation contained in the complaint constitutes an admission of the allegations. An oral answer may also be given at the time of hearing should a hearing be requested.

22.4.6 The respondent may also request an informal Settlement Conference. An Informal Settlement Conference shall not affect the respondent's obligation to file a timely request for hearing. If a settlement is reached the parties shall forward a proposed consent order for the approval of both the Chief and the Director.

22.4.7 If a hearing is conducted the Chief or designee will preside over the hearing. The Chief shall control the taking of testimony and evidence and shall cause to be made an audio, audio-video, or stenographic record of the hearing. The type of record made shall be the discretion of the Chief. Evidence presented at such a hearing need not conform with the prescribed rules of evidence, but may be

limited by the Chief in any manner she/he reasonably determines to be just and efficient and promote the ends of justice. The Chief shall issue a written decision within (15) working days of the close of the enforcement hearing. The decision shall include written findings of fact and conclusions of law. The standard of proof for such a hearing and decisions shall be the preponderance of the evidence.

22.4.8 Upon issuance of the written decision, the respondent may seek a discretionary review of the decision by the Director. The request for the discretionary review must be filed within ten (10) working days of the date of issuance of the decision. The request must concisely state the specific objections to the decision. There is no right to a hearing before the Director. A copy of the request of review must be filed with the Chief on the same day it is filed with the Director. The Director may elect to review the case and issue a written decision or affirm the Chief's decision. She/he will issue a written decision within thirty (30) calendar days.

22.4.9 The Director's decision shall be final. An appeal from the final enforcement decision shall be to the Commonwealth Superior Court within thirty (30) calendar days following service of the final agency decision.

22.4.10 For filing deadline purposes counting of the days shall start on the day after issuance or receipt (whichever is specified). If any filing date falls on a Saturday, Sunday, or Commonwealth Holiday, the filing date shall be extended to the next working day.

22.5 The Chief may revoke a Hauler's license for any material misstatement or misrepresentation made by the licensee made for the purposes of obtaining or retaining such license. The Chief may suspend or revoke a Hauler's license for violation of the Act, regulations, license, or permit.

22.5.1 No application for a Hauler's license may be made within one (1) year after revocation of such license by the Chief for the reasons identified above.

22.6 The Chief may suspend, revoke, or modify any permit or license issued by the Division for violation of the Act, any regulations adopted pursuant to the Act, any permit or license issued pursuant to the Act and such regulations.

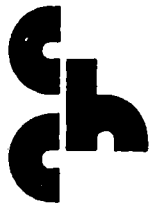
22.7 A person shall be liable for an additional penalty for any amount expended by any agency of the Commonwealth in taking any action necessary to mitigate or reduce any significant adverse effect caused by the person's failure to comply with the Act, regulations, permit, license, or any order issued thereunder.

22.8 Any person who knowingly and willfully commits any act in violation of the Act, regulations, permit, or license, and who is found guilty by a court of competent jurisdiction may be punished

by a fine of not more than \$50,000.00 or by imprisonment for not more than one (1) year, or both. Any other penalties or remedies provided by these regulations and ordered by the Chief shall also remain in effect.

22.9 If the Chief or Chief's designee has probable cause to believe there has been a violation of these regulations, upon receipt of an order or warrant from the Commonwealth Trial Court or the District Court, DEQ may enter upon and search any property, take necessary samples or readings therefrom, seize evidence found therein and examine or impound any book or record found therein or specified in such order or warrant.

22.10 The Chief or Chief's designee may enter property for purposes specified in subpart 22.9 if a violation has occurred or is imminent; the violation poses a serious, substantial and immediate threat to public health or welfare; or the process of obtaining a warrant or order would prolong or increase the threat, impair discovery of evidence of a violation or impair mitigation of the threat.



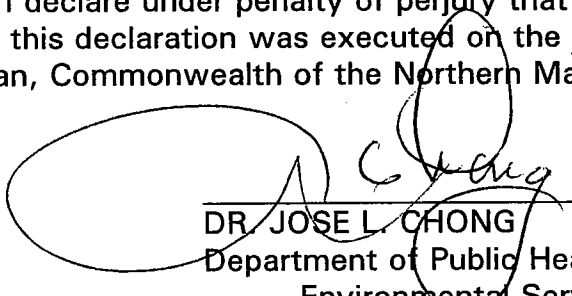
COMMONWEALTH HEALTH CENTER

OFFICE OF THE DIRECTOR

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

CERTIFICATION

I, Dr. Jose L. Chong, the Director of the Department of Public Health and Environmental Services which is promulgating the revisions to the Individual Wastewater Disposal System Regulations as hereinabove set forth, by signature below I hereby certify that such revisions to the regulations are a true, complete, and correct copy of the revisions of the Individual Wastewater Disposal System Regulations formally adopted by the Department of Public Health and Environmental Services. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 29 th day of September 1993 at Saipan, Commonwealth of the Northern Mariana Islands.



DR. JOSE L. CHONG
Department of Public Health and
Environmental Services



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



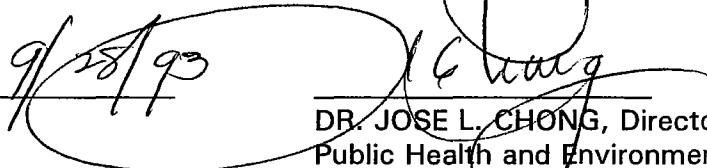
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PUBLIC NOTICE Adopted Amendments to Water Quality Standards UNDER THE AUTHORITY OF 2 CMC §§ 3101 to 3134 and 1 CMC §§ 2601 to 2605 by the DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES

The Director of the Department of Public Health and Environmental Services, of the Northern Mariana Islands (CNMI), in accordance with 2 CMC §§ 3101 to 3134 and 1 CMC §§ 2601 to 2605, is amending the existing CNMI Water Quality Standards. These changes conform with the requirements imposed on the Commonwealth in the Federal Clean Water Act.

The Water Quality Standards establish standards for water quality for all CNMI waters. The standards protect the use and value of CNMI waters for propagation of fish and wildlife, recreational purposes, public water supply use, and navigation. These amendments to the CNMI Water Standards include minor changes in the overall regulations. Adopted amendments are: 1) to include administrative procedures; 2) Part 10.3(f) to include provisions for Storm Water Discharges as specified in 40 CFR Part 122, for Construction Permits for construction sites larger than 5 acres and Industrial Permits for facilities that conduct industrial activities; and 3) to make minor revisions in the regulations for clarity.

Copies of the regulations are available and may be obtained from the Department of Public Health Environmental Services, Division of Environmental Quality, located on the third floor of the Morgen Building in San Jose, Saipan, MP 96950.

Date: 9/28/93 
DR. JOSE L. CHONG, Director of
Public Health and Environmental Services

Filed by:
Date: 9/29/93 
SOLEDAD B. SASAMOTO
Registrar of Corporations

Received at Governor's Office:

Date: 9/29/93 
DONNA J. CRUZ



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
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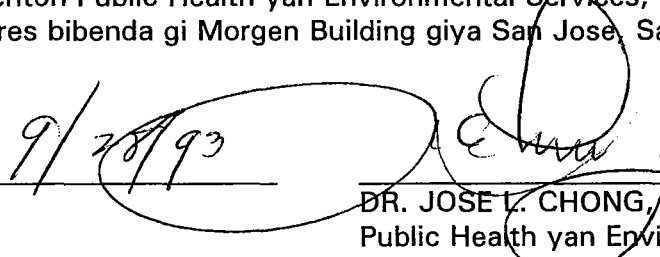


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NUTISIAN PUPBLIKU
I Manma Adapta Siha Na Amendasion Put Kondision Kualidat Hanom
SIGUN GI ATURIDAT
2 CMC § § 3103 asta 3134 yan 1 CMC § § 2601 asta 2605
ginen
DIPATAMENTON PUBLIC HEALTH YAN ENVIRONMENTAL SERVICES

I Direktot Dipatamenton Public Health yan Environmental Services, gi halom Commonwealth of the Northern Mariana Islands (CNMI), sigun gi 2 CMC § § 3101 asta 3134 yan 1 CMC § § 2601 asta 2605, manma adapta siha na amendasion para u presente kondision kualidat hanom gi CNMI. Esta siha na tinulaika put para u akonfotma yan in kondision siha ni ma imposta gi Commonwealth gi halom Federal Clean Water Act. I kondision kualidat hanom para u establese kondision siha para kualidat hanom yan tasi gi todo halom CNMI. I kondision para u protehe i ma usa-na yan bali-na i hanom yan tasen CNMI put i para u guaha inadahe kontra guihan yan ga'ga halom tano siha, intension huego, uson pupbliku, yan nabigasion. I manma adapta siha na amendasion gi kondision kualidat hanom CNMI enklusu minot na tinulaika gi halom todo i Regulasion. I para ma'amenda : 1) enklusu kinalamten administrative; 2) Patte 10.3 (f) para u halom probension Storm Water Discharge komu ma espisifika gi 40 CFR Patte 122, para lisensian kontraksion yanggen para u guaha kontraksion gi lugat ni mas ki singko (5) hektaria yan Lisensian Industria para fasilidat komu para u ma'kondukte aktibidot Industria; yan 3) famatinas minot ne ribision gi halom regulasion para u mas klaru.

Kopian i manma adapta siha na amendasion put regulasion guaha yan sina manma chule gi Dipatamenton Public Health yan Environmental Services, Division of Environmental Quality, gi mina tres bibenda gi Morgen Building giya San Jose, Saipan, MP 96950.

Fecha: 9/28/93 
DR. JOSE L. CHONG, Direktot
Public Health yan Environmental Services

Ha file si:
Fecha: 9/29/93 
SOLEDAD B. SASAMOTO
Regstrar of Corporations

Ma risibi gi Ofisinan Gobietno:
Fecha: 9/29/93 
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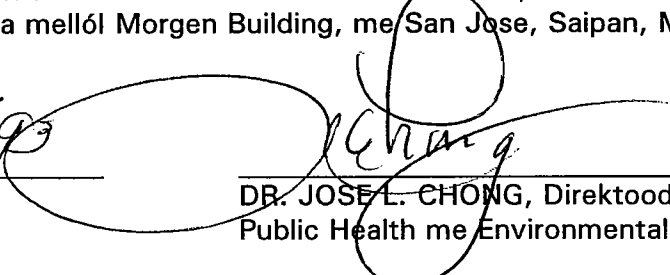
ARONGORONGOL TOWLAP Fféérúl Lliiwel Reel Alléghúl Water Quality Standards REEL BWÁNGIL

2 CMC § § 3101 ngáli 2134 me 1 CMC § § 2601 ngáli 2605
Sáangi

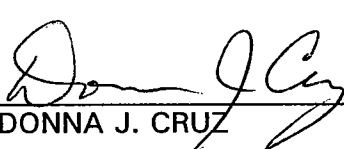
DIPATAMENTOOL PUBLIC HEALTH ME ENVIRONMENTAL SERVICES

Direktoodul Public Health me Environmental Services, mellól Commonwealth of the Northern Mariana Islands (CNMI), sáangi bwángil 2 CMC § § 3101 ngáli 3134 me 1 CMC § § 2601 ngáli 2605, nge ebwe liiwel ówtol mille CNMI Water Quality Standards iye eyoor ighila. Lliiwel kkaal nge ebwe wolopágh fengál me akkúlé ye re isáli ngáli Commonwealth mereel Federal Clean Water Act. Water Quality Standards kkaal nge ebwe ayoora water kkuwólidóód ngáli alongal schalúl CNMI. Standards kkaal nge ebwe ayoora mille rebwe aghatchú me afálliy yáyáál aweewe schagh schaal me saát igha rebwe afállir iigh me malúl leyil wal, mwóó alúl, schaal ngáliir towlap, me yáyáál palúw. Fféérúl lliiwel kkaal nge ebwe yoor eghús lliiwel mellól ówtol Allégh reel CNMI Water Quality Standards. Milikka ebwe lliiwel nge : 1) ebwe atotoolong mwóghutughutul adminstrative; 2) Patti 10.3 (f) rebwe ebwe toolong prubinsiyoon reel Storm Water Discharges iye elo llo 40 CFR Patti 122, reel lisensiyaal Akkayu me akkayu llól bwuley kka 5 ektaariya me lisensiyaal Industry reel fasilidad kka ebwe yoor industry activities llól; me 3) ebwe lliiwel eghús mellól allegh bwe ebwe ffat.

Kkopiyaal fféérúl Allégh kkaal nge emmwel schagh be aramas ebweló bweibwógh mellól Dipatamentool Public Health me Environmental Services, Division of Environmental Quality, aiyeluuwal bibenda mellól Morgen Building, me San Jose, Saipan, MP 96950.

Ral: 9/28/93 
DR. JOSE L. CHONG, Direktoodul
Public Health me Environmental Services

File-Liyol:
Ral: 9/29/93 
SOLEDAD B. SASAMOTO
Registrar of Corporations

Risibi mellol Bwulasiyool Gubenno:
Ral: 9/29/93 
DONNA J. CRUZ

PART 10 WATER QUALITY CERTIFICATION

A water quality certification is required by the CWA, Section 401 of any applicant for a federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States. The Division of Environmental Quality shall issue a water quality certification for any proposed activity which: (1) complies with the applicable provisions of the CWA Sections 301, 302, 303, 306, and 307, (2) complies with applicable provisions of the CNMI Water Quality Standards, (3) will not interfere with the attainment or maintenance of the existing or designated use of the state waters, and (4) all appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on aquatic life and human health, as determined by the Chief.

10.1 Application For Water Quality Certification

An applicant for certification shall submit a complete description of the discharge involved in the activity for which certification is sought, with a request for certification signed by the applicant. Such a description shall include the following:

- (a) The name and address of the applicants;
- (b) A description of the facility or activity, and of any discharge into state waters which may result from the conduct of any activity including, but not limited to, the construction or operation of the facility. This description shall include the characteristic of the discharge, and the location or locations at which such discharge may enter state waters.
- (c) If applicable, a description of the function and operation of equipment or facilities to control discharges, including specification of the methods of control to be used;
- (d) The estimated date or dates on which the activity will begin and end and the date or dates on which the discharge(s) will take place.
- (e) If applicable, a description of the methods and means being used or proposed to monitor the quality and characteristics of the discharge and the operation of equipment or facilities employed in the control of the proposed discharge;
- (f) The Chief may require the submission of additional information after a certification application has been filed. If a certification application is incomplete or otherwise deficient, processing of the application shall not be completed until such time as the applicant has supplied the missing information or otherwise corrected the deficiency. The Chief shall notify the applicant, in writing, within sixty days of the submission of an application, if an application is incomplete or otherwise deficient. A description of the type of additional information necessary to complete

the application or correct the deficiency will be included with such a written notice. Failure to provide additional information or to correct a deficiency shall be sufficient grounds for denial of certification; and

(g) The applicant is required to notify the department, in writing, of changes which may affect the application and certification process.

(h) The applicant will be informed, in writing, by the Chief when a certification application is considered complete. The Chief shall act on a request for certification within a period which shall not exceed six months.

(i) Every applicant for water quality certification shall pay a filing fee of \$2000.00. This filing fee shall be submitted with the water quality certification application and shall not be refunded nor applied to any subsequent water quality certification following final action or denial of a water quality certification. Any Federal or CNMI government agency shall be exempt from paying filing fees.

10.2 Public Notification and Public Hearing

DEQ; in accordance with procedures established by the Governors Office, shall issue a public notification upon receipt of an application for a water quality certification. The notice will include the name and address of the applicant, and a brief description of the activity and of the discharge involved in the activity for which certification is being sought. The public comment period shall be for 30 days from the date of the first publication of the notice. The Chief may, upon request, provide the opportunity for public hearing(s) to consider issuance of a water quality certification. The Chief shall inform the applicant, in writing, that such action has been taken. All publication costs related to public notification(s) hearing(s) shall be paid by the applicant to the necessary and appropriate newspaper agency(ies) prior to publication date.

10.3 Determination of Water Quality Certification

(a) The Chief shall make a determination on a Water Quality Certification based upon evaluation of: (1) the application made by the applicant to the licensing or permitting agency and the information contained in such application which is relevant to water quality considerations, (2) the application materials submitted pursuant to part 10.1, (3) comments received during the public comment period, (4) the record of a public hearing held pursuant to part 10.2, and (5) any other information and data that the Chief deems relevant.

(b) DEQ shall not grant a water quality certification for any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States unless the activity meets all of the provisions of the CWA 404(b)(1) as described in 40 CFR Part 230.

(c) The contents of the Water Quality Certification issued by DEQ shall include: (1) the name and address of the applicant (2) reference to the application materials which were evaluated in making the certification, identified by date received, and federal license and permit application number or code where applicable. (3) a statement that there is reasonable assurance that the activity will be conducted in a manner which will not violate applicable water quality standards, (4) a statement of any conditions which the Chief deems necessary or desirable with respect to the discharge or the activity, and (5) any such other information as the Chief may determine to be appropriate.

(d) If after considering the information submitted pursuant to 10.3(a) the Chief determines that there is reasonable assurance that applicable water quality standards will not be violated and the best practicable methods of control will be applied to a discharge which is the result of any activity including, but not limited to, the construction and operation of facilities, then the Chief shall so certify.

(e) The Chief may modify the certification prior to the issuance of the federal license or permit, after consideration of information presented by the applicant licensing or permitting agency or other government agencies or interested parties.

(f) If the Chief fails or refuses to act on a request for certification within a reasonable period of time (which shall not exceed six months) after receipt of a complete application, then the certification requirements of this section shall be waived with respect to federal applications.

If the discharge in question is the result of one of the activities which receives a nationwide permit for the discharge of dredge and fill materials, thereby fulfilling specific conditions of that permit pursuant to 33 CFR 330.5 and 330.6, then the Chief will determine, on a case-by-case basis, which projects are considered to be minor and non-controversial. Certification requirements of this section shall be waived for minor and non-controversial activities within six months of the receipt of a completed application.

If the discharge in question is the result of a National Pollutant Discharge Elimination System Permits (NPDES) for Storm Water Discharges, Certification requirements of this section shall be waived for construction sites provided: 1) All requirements of the permit of United States Environmental Protection Agency (EPA) are complied with; 2) the storm water pollution prevention plan must be approved by the Chief of DEQ prior to submission of the Notice of Intent (NOI); 3) a NOI to be covered by the general permit must be submitted to EPA in the form proscribed by EPA with the storm water pollution control plan approval letter; 4) the NOI to EPA must be postmarked seven (7) calendar days prior to any discharge; and 5) a copy of the NOI must be submitted to the Chief of DEQ no later than seven (7) calendar days prior to any discharge. The Chief may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.

If the discharge in question is the result of a National Pollutant Discharge Elimination System Permits for Storm Water Discharges, Certification requirements of this section shall be waived for Industrial Facilities provided: 1) All requirements of Permit of United States Environmental Protection Agency (EPA) are complied with; 2) the storm water pollution prevention plan must be approved by the Chief of DEQ as follows:

Type of Facility

Date by Storm Water Pollution Prevention Plan Submitted to DEQ

Facility currently with storm water discharge associated with industrial activity within 30 days from the adoption of this regulation.

Facility with storm water discharge associated with industrial activity commencing after the adoption of these regulations Approval must occur prior to the submittal of the NOI to EPA.

Oil & Gas Facility that is required to apply for Registered Quantity Release 60 calendar days after commencement of discharge.

Facilities owned or operated by municipality that is rejected or denied participation in group application 365th day following the date of rejection or denial.

3) a NOI to be covered by the general permit must be submitted to the United States Environmental Protection Agency (EPA) in the form proscribed by the EPA; 3) the NOI to EPA must be postmarked seven (7) calendar days prior to any discharge; and 4) a copy of the NOI must be submitted to the Chief of DEQ no later than seven (7) calendar days prior to any discharge. The Chief may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.

10.4 Water Quality Certification-General Provisions

(a) Where any facility or activity has received certification pursuant to section 10.3 in connection with the issuance of a license or permit for construction, and where such facility or activity is not required to obtain an operating license or permit, the Chief, prior to the initial operation of such facility or activity, shall be afforded the opportunity to inspect such facility or activity for the

purpose of determining if the manner in which such facility or activity will be operated or conducted will violate applicable water quality standards.

(b) If the Chief, after an inspection pursuant to section 10.4 (a) determines that operation of the proposed facility or activity will violate applicable water quality standards, the Chief shall so notify the applicant and the licensing or permitting agency.

(c) Where a licensing or permitting agency, following a public hearing, suspends a license or permit after receiving the Chief's notice and recommendation pursuant to section 10.3, the applicant may submit evidence to the Chief, that the facility or activity has been modified so as not to violate applicable water quality standards. If the Chief determines that the applicable water quality standards have not been violated, the Chief shall so notify the licensing or permitting agency.

(d) The Chief may, and upon request shall, provide licensing and permitting agencies with determinations, definitions and interpretations to the meaning and content of the CNMI water quality standards. The Chief may, and upon request shall, also advise licensing and permitting agencies as to the status of compliance by dischargers with the conditions and requirements of applicable water quality standards.

10.5 Water Quality Certification-Adoption of New or Revised Water Quality Standards

To the extent permitted by applicable law, all water quality certifications to be issued by DEQ shall require the licensing or permitting authority to include a clause in the license or permit advising the licensee or permittee that the license or permit shall be subject to amendment or modification if and to the extent that existing water quality standards are made more stringent, or new water quality standards are adopted, by DEQ.

Upon adoption or revision of water quality standards, DEQ shall notify the licensing or permitting authority and the licensee or permittee of the revised or newly-enacted water quality standards and shall request the licensing or permitting authority to amend or modify the license or permit, if and to the extent permitted by applicable law, to reflect the applicable water quality standards.

§ 11 INSPECTIONS AND RIGHT OF ENTRY

11.1 As a condition for the issuance and continuation of any permit or plan approval granted under these regulations, the holder of a permit or plan shall allow prompt access to the premises covered by the permit or plan to the Chief or his authorized representative for the purpose of inspecting the premises for compliance with the terms of the permit or plan. The inspection may be made with or without advance notice to the permit or plan holder, with good purpose, at the discretion of the

Chief, but shall be made at reasonable times unless an emergency dictates otherwise.

11.2 If the Chief has probable cause to believe a violation of these regulations or any order issued under these regulations, or any term of a permit or plan granted that these regulations has occurred or is imminent, or if it is necessary to permit the Chief to perform his duties under this Act, the Chief shall apply to the Commonwealth Trial Court or the District Court for the Northern Mariana Islands for an order or warrant to enter upon and search any property, take necessary samples or readings therefrom, seize evidence found therein and examine or impound any book or record found therein or specified in such order or warrant.

11.3 The Chief or his authorized representative may enter upon any property for the purpose set forth in Paragraph 11.2 of this section without an order or warrant if he/she has probable cause to believe ALL of the following:

11.3.1 That a violation described in the subsection has occurred or is imminent.

11.3.2 That the violation poses a serious, substantial, and immediate threat to the public health or welfare.

11.3.3 That the delay in obtaining a court order or warrant would prolong or increase the threat, or would prevent, hinder, or delay the discovery of evidence of the violation or the taking of any necessary mitigating or remedial measures.

11.4 Inspections at Reasonable Times

All construction or work for which a permit, plan approval, or an NOI is required shall be subject to DEQ inspection at reasonable times by authorized employees of the DEQ.

11.5 General Inspections

DEQ may make any inspections of any construction work or industrial facility deemed necessary to ascertain compliance with the provision of these regulations or other regulations of the DEQ.

11.6 Inconsistent Conditions

If the inspector finds the conditions are other than as stated in the application or plan submitted to DEQ he may revoke the permit or approval.

§ 12 PENALTIES, FINES, SUSPENSION, REVOCATION, AND OTHER ORDERS

The Department, acting through the Commonwealth Attorney General, is responsible for enforcement of these regulations in consonance with, and in accordance with the applicable laws of the CNMI and in accordance with U.S. P.L. 92-500, known as the "Clean Water Act", and its amendments. The Attorney General will institute legal actions to enjoin a violation, continuing violation or threatened violation of these regulations.

Where the CNMI water quality standards are exceeded in State waters designated for recreational use, the Director in consultation with the Chief shall have the authority to suspend public use of state waters or take action in the Director's discretion to protect the public health, safety and welfare.

- 12.1 The Chief may institute civil actions through the Commonwealth Courts or by Administrative Orders issued by the Chief and the Director.**
- 12.2 Civil actions initiated through the Commonwealth Courts shall be transmitted through and with the approval of the Director and the Attorney General as necessary to enforce these regulations in consonance with, and in accordance with the applicable laws of the CNMI. The Attorney General will institute legal actions to enjoin a violation, continuing violation or threatened violation of these regulations.**
- 12.3 Any person who is subject to civil penalties, revocation, or suspension pursuant this Section may be served with an Administrative Order and Notice of Violation and may upon written request seek an appeal hearing before the Chief or his/her designee. Request for appeal may be served upon the Division within seven (7) calendar days from receipt of the Administrative Order. Failure to request an appeal within seven (7) calendar days shall result in the person's waiving the right to any appeal or hearing.**
- 12.4 Procedures for Administrative Orders shall be conducted as follows:**
 - 12.4.1 The Chief may issue and order any person to pay a civil fine of not more than \$1,000.00 for each violation of the Act, regulations adopted pursuant to the Act, or any permit or license issued pursuant to the Act and such regulations. Each day of continued violation after issuance of written notice by the Chief or designee and the expiration of any reasonable period allowed for corrective action is a separate offense.**

- 12.4.2** The written request for a hearing shall serve as the answer to the complaint. The request for hearing or "answer" shall clearly and directly admit, deny, or explain each of the factual allegations contained in the complaint with regard to which the alleged violator (respondent) has any knowledge. Where respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The answer shall also state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, (2) the facts which respondent intends to place at issue, and (3) whether a hearing is requested. Failure to admit, deny, or explain any material factual allegation contained in the complaint constitutes an admission of the allegations. An oral answer may also be given at the time of hearing should a hearing be requested.
- 12.4.3** The respondent may also request an informal Settlement Conference. An Informal Settlement Conference shall not affect the respondent's obligation to file a timely request for hearing. If a settlement is reached the parties shall forward a proposed consent order for the approval of both the Chief and the Director.
- 12.4.4** If a hearing is conducted the Chief or designee will preside over the hearing. The Chief shall control the taking of testimony and evidence and shall cause to be made an audio, audio-video, or stenographic record of the hearing. The type of record made shall be the discretion of the Chief. Evidence presented at such a hearing need not conform with the prescribed rules of evidence, but may be limited by the Chief in any manner she/he reasonably determines to be just and efficient and promote the ends of justice. The Chief shall issue a written decision within (15) working days of the close of the enforcement hearing. The decision shall include written findings of fact and conclusions of law. The standard of proof for such a hearing and decisions shall be the preponderance of the evidence.
- 12.4.5** Upon issuance of the written decision, the respondent may seek a discretionary review of the decision by the Director. The request for the discretionary review must be filed within ten (10) working days of the date of issuance of the decision. The request must concisely state the specific objections to the decision. There is no right to a hearing before the Director. A copy of the request of review must be filed with the Chief on the

same day it is filed with the Director. The Director may elect to review the case and issue a written decision or affirm the Chief's decision. She/he will issue a written decision within thirty (30) calendar days.

12.4.6 The Director's decision shall be final. An appeal from the final enforcement decision shall be to the Commonwealth Superior Court within thirty (30) calendar days following service of the final agency decision.

12.4.7 For filing deadline purposes counting of the days shall start on the day after issuance or receipt (whichever is specified). If any filing date falls on a Saturday, Sunday, or Commonwealth Holiday, the filing date shall be extended to the next working day.

12.5 The Chief may suspend, revoke, or modify any permit or license issued by the Division for violation of the Act, any regulations adopted pursuant to the Act, any permit or license issued pursuant to the Act and such regulations.

12.6 A person shall be liable for an additional penalty for any amount expended by any agency of the Commonwealth in taking any action necessary to mitigate or reduce any significant adverse effect caused by the person's failure to comply with the Act, regulations, permit, license, or any order issued thereunder.

12.7 Any person who knowingly and willfully commits any act in violation of the Act, regulations, permit, or license, and who is found guilty by a court of competent jurisdiction may be punished by a fine of not more than \$50,000.00 or by imprisonment for not more than one (1) year, or both. Any other penalties or remedies provided by these regulations and ordered by the Chief shall also remain in effect.

PART 13 SEVERABILITY

If any provision of these Regulations or their application is held to be invalid, such invalidity shall not affect any other provision or application that can be used without the invalid section, and to this end the provisions of these Regulations and their various applications are declared to be severable.



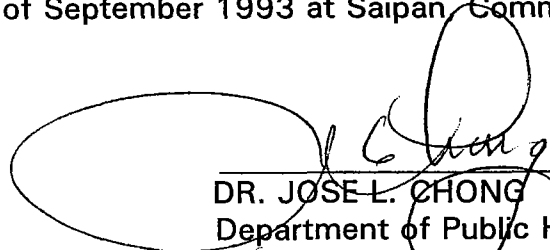
COMMONWEALTH HEALTH CENTER

OFFICE OF THE DIRECTOR

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

CERTIFICATION

I, Dr. Jose L. Chong, the Director of the Department of Public Health and Environmental Services which is promulgating the revisions to the CNMI Water Quality Standards as hereinabove set forth, by signature below I hereby certify that such revisions to the regulations are a true, complete, and correct copy of the revisions of the Regulations regarding Water Quality Standards formally adopted by the Department of Public Health and Environmental Services. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 28 th day of September 1993 at Saipan, Commonwealth of the Northern Mariana Islands.



DR. JOSE L. CHONG
Department of Public Health and
Environmental Services



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



Tels: (670) 234-6114/6984
Fax: (670) 234-1003

PUBLIC NOTICE
ADOPTED AMENDMENTS TO
EARTHMOVING AND EROSION CONTROL REGULATIONS
UNDER THE AUTHORITY OF
2 CMC §§ 3101 to 3134 and 1 CMC §§ 2601 to 2605
by the
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES
DIVISION OF ENVIRONMENTAL QUALITY

The Director of the Department of Public Health and Environmental Services, of the Northern Mariana Islands (CNMI), in accordance with 2 CMC §§ 3101 to 3134 and 1 CMC §§ 2601 to 2605 has adopted the proposed amendments to the Earthmoving and Erosion Control Regulations.

The adopted amendments and revisions to the regulations apply to all new earthmoving and erosion control activities in the CNMI. Major revisions have been made to the structure of the regulations. The amendments and revisions are to: 1) update the administrative procedures portion of the regulations; 2) update the permitting sections distinguishing between commercial and residential; 3) update the fee schedule; and 4) clarify existing proper erosion control practices.

Copies of the adopted Regulations are available and may be obtained from the Department of Public Health Environmental Services, Division of Environmental Quality, located the third floor of the Morgen Building in San Jose, Saipan, MP 96950.

Date:

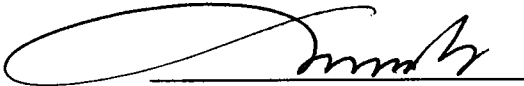
9/30/93


DR. JOSE L. CHONG, Director of
Public Health and Environmental Services

Filed by:

Date:


10/1/93


SOLEDAD B. SASAMOTO
Registrar of Corporations

Received at Governor's Office:

Date:

10/1/93


DONNA J. CRUZ



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



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**ARONGORONGOL TOWLAP
FFÉÉRUL LIIWEL MELLÓL ÓWTOL
ALLÉGHÚL EARTHMOVING ME, EROSION CONTROL
SÁNGI BWÁNGIL
2 CMC § 3101 NGÁLI 3134 ME 1 CMC § 2601 NGÁLI 2605
SÁNGI
DIPATAMENTOOL PUBLIC HEALTH ME ENVIRONMENTAL SERVICES
DIVISION OF ENVIRONMENTAL QUALITY**

Direktoodul Dipatamentool Public Health me Environmental Services fengál me Chief-il Division of Environmental Quality, mellól Commonwealth of the Northern Marianas Islands (CNMI), reel bwángil 2 CMC § 3103 ngáli 3134, me 1 CMC § § 2601 ngáli 2605 nge rekke mángiy bwe rebwe liwililó eghús ówtol Alléghúl Earthmoving me Erosion Control.

Fféérul lliiwel kka llól ówtol allégh kkaal nge ghil ngáli alongal mwóghutughutul me erosion control melól CNMI. Re fééru lliiwel kkaal bweigha ebwe ghi lapeló me ffat ówtol me kkapasal allégh yeel. Lliiwelil allégh kkaal nge ebwe atotoolong milikka: 1) Fééru sefáliiy ówtol Alléghúl administrative procedures; 2) update-li permitting sections igha rebwe attafa weweel commercial me residential; 3) update-li táilil abwós; me 4) attafaawow mwóghtughut kka ighila iye rekke fééru reel erosion control practices.

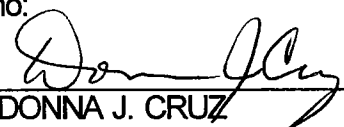
Kkopiyaal allégh kkal nge emmwel schagh bwe aramas rebweló bweibwogh sáangi Dipatamentool Public Health me Environmental Serivec, Division of Environmental Quality aiyeluuwal bibenda mellol Morgen Building me San Jose, Saipan, MP 96950.

Ral: 10/1/93

DR. JOSE L. CHONG, Direktoodul
Public Health me Environmental Services

Fiel-liiyal:
Ral: 10/1/93

SOLEDAD B. SASAMOTO
Registrar of Corporations

Re resibii mellól Bwulasiyool Gubenko:
Ral: 10/1/93

DONNA J. CRUZ



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
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Saipan, Mariana Islands 96950



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NUTISIAN PUBLIKU I MANMA ADAPTA SIHA NA AMENDASION PUT REGULASION EARTHMOVING YAN EROSION CONTROL SIGUN GI ATURIDAT

2 CMC § § 3101 yan i 1 CMC § § 2601 asta 2605
GINEN

DIPATAMENTON PUBLIC HEALTH YAN ENVIRONMENTAL SERVICES
DIVISION OF ENVIRONMENTAL QUALITY

I Direktot Dipatamenton Public Health yan Environmental Services, gi halom i Commonwealth of the Northern Mariana Islands (CNMI) sigun gi 2 CMC § § 3101 asta 3134, 1 CMC § § 2601 asta 2605 manma adapta siha na amendasion yan ribisa i Regulasion Earthmoving yan Erosion Control.

I manma adapta siha na amendasion yan ribision para i regulasion, aplikapble para todo parehu ha nuebu yan man presente siha na aktibidat earthmoving yan Erosion Control gi halom CNMI. Mayot na ribision macho'gue' para estrokturan i Regulasion. I manma adapta na amendasion yan ribision siha para u: 1) na nuebo i patte gi regulasion put kinalamten administrative; 2) na nuebu i seksiona put i para umatungo' mas put diferensyon commercial yan residential; 3) na nuebo i listan a'pas; yan 4) klarifika huyong i propiu na erosiion ni ma'praktitika gi presente.


Kopian i mapropoponi na regulasion sina manma chule' gi Dipatamenton Public Health yan Environmental Services, Division of Environmental Quality mina tres bibenda hulo gi Morgen Building giya San Jose, Saipan, MP 96950.

Fecha: 9/30/93


DR. JOSE L. CHONG, Direktot
PUBLIC HEALTH YAN ENVIRONMENTAL SERVICES

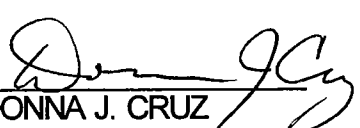
Ha file si:

Fecha: 10/1/93


SOLEDAD B. SASAMOTO
REGISTRAR OF CORPORATIONS

Ma risibi gi Ofisinan gobietno as:

Fecha: 10/1/93


DONNA J. CRUZ

EARTHMOVING AND EROSION CONTROL REGULATIONS

§ 1 AUTHORITY

These rules and regulations have been promulgated by the Department of Public Health and Environmental Services in accordance with the Commonwealth Environmental Protection Act 2 CMC §§ 3101 to 3134 (Public Law 3-23) of the Commonwealth of the Northern Mariana Islands. These rules, regulations, technical provisions, and specifications, to be adopted by the Department of Public Health and Environmental Services as necessary, shall have the force and effect of law and shall be binding on all persons and other legal entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands.

§ 2 PURPOSE

The purpose of these regulations and technical provisions is to establish certain minimum standards and requirements as determined by the Department to be necessary for control of nonpoint source runoff from human-related activities. Specifically, these regulations are designed to:

1. Protect marine and fresh water quality;
2. Maintain and enhance beneficial uses of marine and fresh waters;
3. Promote public awareness of the importance of protecting the CNMI's marine and fresh water resources from siltation, and bacteriological, and chemical contamination;
4. Protect public health by protecting and enhancing the quality of marine and fresh water recreational and traditional fishing sites; and
5. As with all of the Department of Public Health and Environmental Services, Division of Environmental Quality Regulations, the design standards and details described in these regulations and in the permitting processes are for minimum standards necessary to protect public health and the environment. The ultimate responsibility of the project lies with the applicant, the Division assumes no responsibility for design failures of systems reviewed by the Division. Each design must be designed for the specific site location.

§3 DEFINITIONS

1. "Abutter" means a person that owns or leases land adjacent to or directly across a public right-of-way from a parcel of land in question.
2. "Abutting Property" means any property which shares a common boundary, or one which lies directly across a public right of way, from the subject property.

3. "Act" means the Commonwealth Environmental Protection Act 2 CMC §§ 3101 to 3134 (Public Law 3-23) of the Commonwealth of the Northern Mariana Islands.
4. "Aquifer" means a geologic formation, group of formations, or part of a formation that is water bearing and which transmits water in sufficient quantity to supply springs and pumping wells.
5. "Area of Instability" means an area where there is a risk of rock movement.
6. "Beneficial Use" shall include the use of water reasonably required for domestic, agriculture, commercial, industrial, recreational, and other purposes, on both public and private lands.
7. "Building" means a structure having a roof and intended to shelter people, animals, property, or business activity, or any structure used or intended to be used for supporting or sheltering any use or occupancy.
8. "Chief" means the Chief of the Division of Environmental Quality or the chief's duly authorized representative unless otherwise specified.
9. "Clearing of Vegetation" means total or partial removal of naturally occurring vegetation on an area of land.
10. "CNMI" means the Commonwealth of the Northern Mariana Islands.
11. "Contamination" means the introduction of any physical, chemical, biological, or radiological substance into surface water which has the potential to pose a threat to human health or the environment, or to impede the most beneficial use of water.
12. "CUC" means the Commonwealth Utilities Corporation, a public authority providing currently treatment for domestic and industrial wastewater.
13. "Department" means the Department of Public Health and Environmental Services unless otherwise specified.
14. "Director" means the Director of the Department of Public Health and Environmental Services or the Director's duly authorized representative unless otherwise specified.
15. "Division" or "DEQ" means the Division of Environmental Quality unless otherwise specified.
16. "DPW" means the Department of Public Works.

17. "Duplex" means a building which is designed exclusively for the occupancy of one family in each of two units which are attached to each other and which are detached from any other dwelling or commercial building.
18. "EPA" means the United States Environmental Protection Agency.
19. "Earthmoving Activity" means any construction or other activity which disturbs or alters the surface of the land, a coral reef, or bottom of a lagoon, or ocean floor, including but not limited to excavations, dredging, embankments, land reclamation in a lagoon, land development, subdivision development, mineral extraction, ocean disposal and the moving, depositing or storing of soil, rock, coral or earth; or sand mining.
20. "Fill" means any rock, soil, gravel, sand or other material deposited by man
21. "Geological Terms" means any term used in these regulations which pertains to the science of geology as defined and set forth in the latest edition of the "Glossary of Geology" published by the American Geological Institute, unless such term is otherwise defined herein.
22. "Grading" means cutting through or otherwise disturbing the layers of the soil mantle so as to change the existing landform.
23. "Groundwater" is that part of the subsurface water which is in the zone of saturation.
24. "IWDS" means Individual Wastewater Disposal System. See the CNMI's IWDS regulations.
25. "MPLC" means the Marianas Public lands Corporation.
26. "MVB" means the Marianas Visitor's Bureau.
27. "NPDES" means National Pollutant Discharge Elimination System. An NPDES permit is required for all municipal and industrial waste and waste treatment plant discharges to the waters of the Commonwealth and certain industrial facilities and construction projects depending on type and size.
28. "Permit" as used in these regulations shall mean an Earthmoving and Erosion Control permit.
29. "Person" means any individual; firm; partnership; association; corporation, both public and private; and any entity or agency of the Commonwealth Government or the United States of America.

30. "Potable Water" means water that is of a quality that meets the requirements of the CNMI's Drinking Water Regulations, latest revision.
31. "Sand Mining" means the taking of any rock, sand, gravel or other material from any site, including but not limited to all areas from the landward vegetation line to the seaward outer slope of the barrier or fringing reef.
32. "Single Family Dwelling" means a building designed exclusively for the occupancy of one family which is detached from any other dwelling or commercial building.
33. "Water of the Commonwealth" means all waters, either fresh, brackish, or marine, including: (1) Shore waters surrounding the CNMI; (2) Intermittent and perennial streams; (3) Lakes, springs, and wetlands; and (4) Surface storm water drainage systems, whether publicly or privately owned.
34. "Water Supply" means the water withdrawn from a water source, or that might feasibly be withdrawn from an undeveloped or partially developed water source.
35. "Wellhead Protection Area" means an area within close hydrogeologic proximity (in the Zone of Contribution) of an existing well or spring, configured as an oval either:
 - A. with equal down-gradient and side dimensions from an individual wellhead/spring, and with an up-gradient dimension from the wellhead/spring equal to twice the down-gradient dimension; or
 - B. An area contributing to an aquifer believed by DEQ to have the potential to produce sufficient quantities of potable water (i.e. water meeting the CNMI's Drinking Water Regulations) to supply future pumping wells or springs.
36. "Zone of Contribution" is the land area which contributes recharge, and therefore potential contaminants, to an existing or proposed water well or well field.

§ 4 GENERAL PROVISIONS

1. Compliance

Construction and maintenance of any landfills; excavations, cuts, grading, clearing of vegetation, and revegetation of cleared areas; and all other earthmoving activities or activities that may cause erosion of soils shall be in compliance with the terms of these regulations. Permits shall be required as

provided in these regulations and such permits shall be granted or denied in conformity with the provisions of these regulations. Regardless of the requirement for a permit, all activities shall be conducted in a manner that minimizes erosion.

§ 5 PERMIT SYSTEM

1. Permits Required

No earthmoving or landclearing activity shall take place unless clearance has been obtained from the CNMI Historic Preservation Office in accordance with P.L. 3-29. Until this clearance has been obtained no person shall commence or continue any earthmoving activity including grading, excavating, filling or clearing of vegetation without having first obtained a permit in accordance with these regulations. Approvals from other agencies (e.g. Zoning, Coastal Resources Management Office, and Department of Public Works) may also be required prior to issuing a permit.

All permits shall expire in one (1) year unless otherwise specified in the permit. Permits may not be granted for longer than a two (2) year period. Extensions may be granted thirty (30) days prior to a permit expiration.

2. Permit Procedure

A. General Requirements

- i. No person shall commence or continue any of the following: grading, filling, or clearing of vegetation without first obtaining a permit from DEQ.**
 - (1) For ongoing activities/operations of a continuous nature, such as dredging, quarrying, etc., the activities/operations shall be in compliance with these regulations within six (6) months from the effective date.**
 - (2) Development and/or construction operations shall comply immediately with these regulations to the maximum extent possible.**
 - (3) Permits are not required for landscaping or gardening on projects of less than one hundred (100) square meters and a grade less than three (3) percent slope. DEQ may require persons to submit erosion control plans for review and approval on a case by case basis depending on the specific project's potential environmental impacts.**

- (4) Permits are not required for projects for the construction of individual wastewater disposal systems, were the project has been permitted by the Chief of DEQ. This applies only to the construction of the individual wastewater disposal systems portion of the project.
- (5) Projects previously permitted by DEQ or with erosion control plans approved by DEQ are considered permitted for the purposes of these regulations, provided the approved plans or permit conditions are strictly adhered to.

ii. Signatory Requirements

(1) Applications. All permit applications shall be signed as follows:

- (a) For corporations: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation.
- (b) For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or

(2) Reports. All reports required by permits and other information requested by the Chief of DEQ shall be signed by a person described in paragraph a. of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (a) The authorization is made in writing by a person described in paragraph a. of this section;
- (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
- (c) The written authorization is submitted to the Chief of DEQ.

(3) Changes to authorization. If an authorization under paragraph b. of this section is no longer accurate because a different individual

or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph b. of this section must be submitted to the Chief of DEQ prior to or together with any reports, information, or applications to be signed by an authorized representative.

- (4) Certification. Any person signing a document under paragraphs a. or b. of this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I understand that it is my responsibility to insure that procedures as specified in this document and its attachments are implemented and followed.

- B. Application Form and Erosion and Sediment Control Plan for Permits for Commercial Use
- i. Applicants for a permit shall submit an application to DEQ upon a form prescribed by DEQ in duplicate. Applicants for a permit shall furnish to DEQ an informational report prepared by individuals qualified by training and experience to have knowledge of the subject. DEQ shall determine the adequacy of the report and may require the submission of additional information where necessary. The report shall provide the following information except to the extent that DEQ determines that such information is not applicable to the project:
- (1) An erosion and sediment control plan in conformity with the following, additionally information may be requested by DEQ:
- (a) The plan shall be prepared and certified by a qualified registered professional engineer;
- (b) The details of calculations and reference sources of information must be provided;

- (c) Plans must be based on the 25 year 24 hour duration storm event;
- (d) Conveyance structures must be based on the 25 year 24 hour storm event peak discharge;
- (e) Sediment control structures (e.g. ponding basins, sediment basins/traps) must be designed for the 25 year 24 hour storm event. Designs may be based on either:
 - i) minimum of 24 hour detention time including sediment storage volume; or
 - ii) sediment removal rate of not less than 75%;
- (f) A map clearly depicting the land capabilities of the property on which the grading is to be performed, including the applicable soil name, soil group, hydrologic group, slope, runoff potential, soil depth, erosion potential, and natural drainage;
- (g) A map clearly depicting accurate contours at two (2) foot intervals showing the topography of the ground to be cleared, graded or filled. The map shall extend beyond the site to be developed far enough so that any impact of erosion from the site and its deposition on adjacent properties may be assessed;
- (h) A subsurface soil and geological report including subsurface investigations, if such report is required by the Chief, the report shall be done pursuant to Part 5 of these regulations;
- (i) An accurate plot plan showing the exterior boundaries of the property on which the grading is to be performed, which plot plan shall include a grading plan prepared in accordance with engineering and planning practices, applicable codes and restrictions imposed by the recommendations of the subsurface soil and geological report;
- (j) Elevations and dimensions, including quantity, location and extent of proposed grading;
- (k) Location, construction and maintenance of sediment retention structures and equipment.

- (l) A site plan that shall specify the type, dimensions and location of all sediment retention or stormwater management structures and equipment.

The site plan shall indicate the construction sequence of erosion control structures coordinated with the increment development schedule.

The site plan shall include a maintenance program for the control facilities during the construction phase. The plan shall include plans for the removal and disposal of materials from the control facilities on the project area.

- (m) A map and report showing existing tree locations, size (diameter and height), species, and the proposed extent and manner of tree cutting and vegetation clearing, including a plan for disposing of cut trees and vegetation and protection of vegetation remaining on site;
- (n) A description of equipment and methods to be employed in disposing of soil and other material that is removed from the grading site;
- (o) A schedule showing when each stage of the project will be completed, and all clearing, grading and stabilization operations shall be completed on a specified increment before moving on to the next specified increment. The schedule must detail the plan for eliminating erosion during the Commonwealth's rainy season (June through December).
- (p) All earthmoving activities shall cease during storms. Extra measures and precautions must be taken to eliminate erosion during this periods.
- (q) Extra measures and precautions must be taken to eliminate erosion during a three (3) week period surrounding the annual coral spawning event (typically in June or July). The extra measures may include ceasing earthmoving activities in areas that are either highly erodible or near the coast. The actual date shall be determined by the Chief.
- (r) A slope Stabilization and Re-vegetation Plan
- i) The applicant shall submit a slope stabilization and re-vegetation plan which shall include a complete description of the existing vegetation, the vegetation to be removed and its disposal, the vegetation to be

planted, erosion control and slope stabilization measures to be installed.

- ii) The plan shall include an analysis of the environmental effects of such operations, including the effects on slope stability, soil erosion, water quality, and fish and wildlife.
- (s) A copy of the approved erosion control plan must be kept at the project site.
- (t) Inspection and maintenance plan for all erosion control measures. The plan shall include at a minimum:
 - i) Weekly visual inspections of all physical erosion control measures;
 - ii) Inspection of all physical erosion control measures after each and every major rainfall event;
 - iii) Maintenance records for the physical erosion control measures; and
 - iv) Copies of all inspections and maintenance reports shall be kept on file at the project site.
- (2) A storm water control plan for the project after the construction is complete. The plan must be in conformity with section 5 B(1).

(3) Application Fee

A non-refundable application fee must accompany all applications prior to DEQ reviewing the application.

The Application Fee Shall be as follows:

<u>Project Area</u>	<u>Fee</u>
Up to 1 hectare	\$100.00
Greater than 1 hectare less than or equal to 5 hectare	\$400.00
Greater than 5 hectare less than or equal to 15 hectare	\$800.00
Greater than 15 hectare less than or equal to 50 hectare	\$2,000.00
Greater than 50 hectare less than or equal to 100 hectare	\$5,000.00
Greater than 100 hectare less than or equal to 200 hectare	\$10,000.00
Greater than 200 hectare	\$15,000.00

- (4) Proof of title or lease to the land and authorization to conduct such activities.

- (5) Applicant's signature on the application or a representative's signature. A representative's signature will only be accepted with a legal instrument granting the representative power to act for the applicant in such matters. The legal instrument will not preclude DEQ from taking action against either the representative or the applicant in the event of violations.
- (6) Other assurances necessary to ensure that the applicant abides by the plans may be required on a case by case basis, where applicant has a prior history of noncompliance.
- (7) Applicants for projects of five (5) acres (2.02 hectares) or greater may be required to obtain an NPDES Permit.
- (8) Applicants must provide either proof of the ability to hook-up to CUC sewer system or a completed Individual Wastewater Disposal System (IWDS) application.
- (9) Applicant must provide proposed public safety measures (e.g. fencing and barricades) for the construction area.

ii. Non-Commercial, Agricultural, and Exploratory Permits

Projects of a non-commercial nature require a permit but do not require a permit fee and generally require less information submitted as part of the application. All earthmoving activities not defined under this section shall be considered to be commercial earthmoving unless the Chief determines otherwise based on information submitted by the applicant.

(1) Definition:

- (a) The work is an exploratory excavation under the direction of a soils engineer or geologist not to exceed an aggregate area of one hundred (100) square meters;
- (b) The work is for field plowing or agricultural purposes;
- (c) The work is for the purpose of erecting a one (1) or two (2) family residence;
- (d) The work is the clearing of vegetation for landscape purposes or site inspection (i.e. transit survey or topographical survey limited to necessary area to conduct work) which does not exceed two (2) thousand square meters in area and there is sufficient prevention of erosion, and the applicant can demonstrate to DEQ that there will be no adverse

environmental impact to any surface water as a result of the earthmoving activity; or

(e) The work is by a public agency.

(2) Application Form and Erosion and Sediment Control Plan for Permits for Non-Commercial Use

(a) Applicants for a permit shall submit an application to DEQ upon a form prescribed by DEQ in duplicate. Applicants for a permit shall furnish to DEQ the following information:

- i) A completed earthmoving and erosion control application;
- ii) Proof of title or lease to the land and authorization to conduct such activities;
- iii) An Erosion and Sediment Control Plan shall include the following, additionally information may be requested by DEQ.
- iv) A map clearly depicting:
 - a) the land capabilities of the property on which the grading is to be preformed,
 - b) An accurate plot plan showing the exterior boundaries of the property on which the grading is to be performed;
 - c) Elevations and dimensions including quantity, location, and extent of proposed grading;
 - d) Existing tree locations, size, species, and the proposed extent and manner of tree cutting and vegetation clearing;
 - e) A description of equipment and methods to be employed; and
 - f) Where cut and fills are planned, the applicant must address the impacts on the adjacent lots.

3. DEQ may take administrative action to relieve an applicant of undue procedural requirements by utilizing such devices as permit surrender and consolidated permit applications upon a finding that such actions will be in

the best interest of the Commonwealth and will meet or cause to be met by any applicable law standards or regulation in force.

§ 6 REQUIRED INVESTIGATIONS, REPORTS AND PLANS

1. General Requirements of Subsurface Investigations

Subsurface soil and geological report shall be performed throughout the area to sufficiently describe the existing conditions.

2. Specific Requirements of Subsurface Investigations

Subsurface investigation shall be conducted whether the use is **commercial or noncommercial** and a subsurface soil and geological report prepared, where stability may be lessened by the proposed grading or filling or when such grading or filling will be performed at any of the following locations:

- A. Zones of trapped water or high water table;
- B. Where a fill slope is to be placed above a cut slope;
- C. Where pile driving is to be conducted;
- D. Proposed or existing fills exceeding twenty (20) feet in height;
- E. Proposed or existing cuts exceeding twenty (20) feet in height, unless in extremely competent rock; or
- F. Where fills are to be placed on existing slopes steeper than sixteen percent (16%).
- G. Where excavation causes the slope to exceeds a one-to-one (45%).

Where any of the particular problem areas listed above or other significant problems are found, the subsurface investigation shall be of sufficient scope and detailed to describe the problem thoroughly. The person making the report shall submit a written report of findings and recommendations.

3. Additional Investigations and Reports

When requested by DEQ, the applicant shall procure and furnish at applicant's own expense additional engineering, geologic, and ownership reports, plans or surveys, and other material necessary to determine and evaluate site conditions and the effect of the proposed work on abutting properties public ways and public welfare and safety within the purposes of these regulations.

§ 7 STANDARDS OF GRADING, FILLING AND CLEARING**1. Criteria for Grading, Filling, and Clearing Operations**

All grading, filling and clearing operations, whether or not requiring a permit under these regulations, shall be designed:

- A. To preserve, match or blend with the natural contours and undulations of the land;
- B. To retain trees and other native vegetation, to stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff and preserve the natural scenic beauty;
- C. To minimize scars from cuts and fills;
- D. To reduce the amount of cuts and fills and to round off sharp angles at the top, bottom (toe) and sides of all necessary cut and fill slopes;
- E. To limit development on steep terrain;
- F. To take into consideration geologic fragileness and adverse soil conditions and their effect on the future stability of the development;
- G. To assure that all cleared slopes, cuts and fills and other areas vulnerable to erosion shall be stabilized;
- H. To assure that construction, clearing of vegetation or disturbance of the soil will be limited to those areas of proven stability;
- I. To assure that the natural geological erosion of hillsides, slopes, graded areas, cleared areas, filled areas, will not be exceeded; and
- J. To assure that sediment or other material deposited in the marine waters or coastline, or any other public or private lands will not exceed that which would have been deposited if the land had been left in its natural state.

2. Discharge Prohibitions**A. Direct Discharge**

No person shall discharge solid or liquid waste or materials including soil, silt, clay, sand, and other organic or earthen materials into the lagoon, ocean, or coastline, surface waters such as lakes, wetlands, streams or springs, or other people's property.

B. Indirect Discharge

No material shall be placed near the coastline or ocean water, wetlands, streams, springs, or lakes in such a manner that it would be susceptible to erosion and/or deposition into said waters.

C. Discharge Control Devices

In order to prevent such discharges from occurring, approved erosion and siltation control devices and measures shall be required for all grading and filling. Control devices and measures which may be required include, but are not limited to the following:

- i. Energy absorbing devices to reduce the velocity of runoff waters;
- ii. Sedimentation controls such as desilting basins and catch basins;
- iii. Any trapped sediment shall be removed to a site approved by DEQ;
- iv. Dissipation of water runoff from developed areas into drainage fields to dissipate the runoff into the subsoil;
- v. Discharge of water runoff from developed areas into drainage fields to dissipate the runoff into the subsoil;
- vi. Multiple discharge points to reduce the volume of runoff over the localized discharge areas; and
- vii. Physical erosion control devices.

D. Temporary Control

Approved temporary erosion and sedimentation control devices, facilities and measures shall be required during construction.

3. Dust Control

Whenever the ground cover is removed or disturbed or whenever fill material is placed on the site, the exposed surface shall be treated to the extent necessary to eliminate dust arising from the exposed material.

4. Prohibition of Grading During Inclement Weather and the Annual Coral Spawning Event

Grading, filling, clearing of vegetation or other disturbance of the soil are prohibited during inclement weather and for resulting period of time when the site is in a saturated, muddy or unstable condition. Whenever

practicable major earthmoving should be scheduled to coincide with the dry season. All earthmoving activities shall cease during storms and during a three (3) week period surrounding the annual coral spawning event. Extra measures and precautions must be taken to eliminate erosion during this periods.

5. Schedule of Operations

All grading and filling operations shall proceed according to a work schedule included in the grading plan. The schedule shall be prepared to provide for the shortest possible period of time that exposed soil is unprotected.

6. Disposal of Cleared Vegetation

Vegetation removed during clearing operations shall be disposed of by stockpiling it on the site for use as mulch or compost, or shall be disposed of in a manner and at a location approved by the DEQ.

7. Disposal of Removed Earthen Materials

Earthen materials removed during operations hereunder shall be disposed of as follow:

- A. By stockpiling all or some of the top soil on the site for use or on areas to be re-vegetated; or
- B. By disposal of the material at a location approved by the DEQ.

8. Cuts

A. Maximum Slope

The maximum cut slope shall be determined on the basis of the risk of soil instability or soil erodibility as shown by the information report, the subsurface soil and geological report or other available information.

B. Slope Materials

If the material of the slope is of such composition and character as to be unstable under the maximum moisture content anticipated, DEQ shall require such measures as necessary in order to insure the stability of the slope.

C. Mechanical Stabilization

Where mechanical stabilization or containment of the slope by other than the use of native material is employed, the stabilization devices shall be at least partially screened by vegetation.

9. Fill

A. Maximum Slope

The maximum fill slope shall be determined on the basis of the risk of instability or soil erodibility as shown by the information report, the subsurface soil and geological report or other available information.

B. Fill Material

Any material not subject to proper compaction or not conducive to stability, shall not be permitted in fills.

C. Compaction

Each layer of material for fill shall be compacted to relative compaction of not less than ninety percent (90%) ASTM - D1557 - 70 as certified by the applicant to DEQ. Fills and backfills must be compacted at a minimum of every ten (10) inch horizontal layer to ensure that the total fill is compacted to the above referenced ninety percent (90%).

§ 8 Restriction of Vehicles to Graded Areas

For the protection of plant material, construction equipment shall be limited to the actual areas to be graded as specified in the approved plans. No vehicles of any kind shall pass over areas to be left in their natural state according to the approved plans.

The permittee, contractor and subcontractor shall be fully responsible for compliance with the requirements of these regulations, including any damage caused to existing trees or other vegetation.

§ 9 ACTION ON APPLICATIONS

1. The Chief may require the applicant to furnish additional information, plans, or specifications before acting on an application for any permit.
2. Each application permit shall be reviewed for completeness. The Division shall review and act on any application for a permit within thirty (30) calendar days of receipt of the complete application.
3. For all applications found to be incomplete, the Division will notify the Applicant via a short written statement, describing the deficiencies found. Corrective and/or follow-up action, design, field tests, etc., is the responsibility of the Applicant. The Division is not responsible, nor will Division personnel undertake, completion or correction of an incomplete or incorrect permit application.

4. The Chief shall notify the Applicant in writing of the decision regarding any application for permit. The Chief shall inform the Applicant of sufficient facts and reasons upon which a disapproval or conditional approval of a complete application was based. The Applicant shall be afforded the opportunity to file a written appeal of the Chief's decision. Request for appeal shall be served upon the Division within seven (7) calendar days from receipt of the disapproval or conditional approval. Failure to file this appeal within seven (7) calendar days shall constitute a waiver of the Applicant's rights to any future appeal of the Chief's decision.
5. A permit issued pursuant to these regulations shall not be transferred from one location to another, or from one person to another, without the written approval of the Chief.

§ 10 INSPECTIONS AND RIGHT OF ENTRY

1. As a condition for the issuance and continuation of any permit granted under these regulations, the holder of a permit shall allow prompt access to the premises covered by the permit to the Chief or the Chief's authorized representative for the purpose of inspecting the premises for compliance with the terms of the permit. The inspection may be made with or without advance notice to the permit holder, with good purpose, at the discretion of the Chief, but shall be made at reasonable times unless an emergency dictates otherwise.
2. If the Chief has probable cause to believe a violation of these regulations or any order issued under these regulations, or any term of a permit granted that these regulations has occurred or is imminent, or if it is necessary to permit the Chief to perform the duties under this Act, the Chief shall apply to the Commonwealth Trial Court or the District Court for the Northern Mariana Islands for an order or warrant to enter upon and search any property, take necessary samples or readings therefrom, seize evidence found therein and examine or impound any book or record found therein or specified in such order or warrant.
3. The Chief or the Chief's authorized representative may enter upon any property for the purpose set forth in Paragraph 10.1 of this section without an order or warrant if he/she has probable cause to believe ALL of the following:
 - A. That a violation described in the subsection has occurred or is imminent.
 - B. That the violation poses a serious, substantial, and immediate threat to the public health or welfare.
 - C. That the delay in obtaining a court order or warrant would prolong or increase the threat, or would prevent, hinder, or delay the discovery of

evidence of the violation or the taking of any necessary mitigating or remedial measures.

4. Inspections at Reasonable Times

All construction or work for which a permit is required shall be subject to DEQ inspection at reasonable times by authorized employees of the DEQ.

5. General Inspections

DEQ may make any inspections of any construction work deemed necessary to ascertain compliance with the provision of these regulations or other regulations of the DEQ.

6. Notification

The permittee or permittee's agent shall notify the DEQ at least two (2) working days in advance of the start of the grading, filling or clearing operation.

7. Inconsistent Conditions

If the inspector finds the soil or other conditions are other than as stated in the application for permit he may revoke the permit and refuse to approve work until approval is obtained for a revised permit which will conform to the existing conditions. In such event, all work shall cease until a revised permit is obtained.

8. Inspection of Concealed Work

Whenever any work on which inspections are required by these regulations is covered or concealed by additional work without first having been inspected, DEQ may require, by written notice, that such work be exposed for examination. The cost of exposing and recovering shall be borne by the permittee or party responsible for conducting the earthmoving in the case where not permit is obtained. No costs relating to the work of exposing and recovering shall borne by DEQ.

9. Duty to Provide Information.

The permittee shall furnish to the Chief of DEQ, within a reasonable time, any information which the Chief may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Chief of DEQ upon request, copies of records required to be kept by this permit.

§ 11 PENALTIES, FINES, SUSPENSION, REVOCATION, AND OTHER ORDERS

1. The Chief may institute civil actions through the Commonwealth Courts or by Administrative Orders issued by the Chief and the Director.
2. Civil actions initiated through the Commonwealth Courts shall be transmitted through and with the approval of the Director and the Attorney General as necessary to enforce these regulations in consonance with, and in accordance with the applicable laws of the CNMI. The Attorney General will institute legal actions to enjoin a violation, continuing violation or threatened violation of these regulations.
3. Any person who is subject to civil penalties, revocation, or suspension pursuant this Section may be served with an Administrative Order and Notice of Violation and may upon written request seek an appeal hearing before the Chief or the Chief's designee. Request for appeal may be served upon the Division within seven (7) calendar days from receipt of the Administrative Order. Failure to request an appeal within seven (7) calendar days shall result in the person's waiving the right to any appeal or hearing.
4. Procedures for Administrative Orders shall be conducted as follows:
 - A. The Chief may issue and order any person to pay a civil fine of not more than \$1,000.00 for each violation of the Act, regulations adopted pursuant to the Act, or any permit or license issued pursuant to the Act and such regulations. Each day of continued violation after issuance of written notice by the Chief or designee and the expiration of any reasonable period allowed for corrective action is a separate offense.
 - B. The written request for a hearing shall serve as the answer to the complaint. The request for hearing or "answer" shall clearly and directly admit, deny, or explain each of the factual allegations contained in the complaint with regard to which the alleged violator (respondent) has any knowledge. Where respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The answer shall also state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, (2) the facts which respondent intends to place at issue, and (3) whether a hearing is requested. Failure to admit, deny, or explain any material factual allegation contained in the complaint constitutes an admission of the allegations. An oral answer may also be given at the time of hearing should a hearing be requested.
 - C. The respondent may also request and informal Settlement Conference. An Informal Settlement Conference shall not affect the respondent's obligation to file a timely request for hearing. If a settlement is reached the parties shall forward a proposed consent order for the approval of both the Chief and the Director.

- D. If a hearing is conducted, the Chief or designee will reside over the hearing. The Chief shall control the taking of testimony and evidence and shall cause to be made an audio, audio-video, or stenographic record of the hearing. The type of record made shall be the discretion of the Chief. Evidence presented at such a hearing need not conform with the prescribed rules of evidence, but may be limited by the Chief in any manner she/he reasonably determines to be just and efficient and promote the ends of justice. The Chief shall issue a written decision within (15) working days of the close of the enforcement hearing. The decision shall include written findings of fact and conclusions of law. The standard of proof for such a hearing and decisions shall be the preponderance of the evidence.
- E. Upon issuance of the written decision, the respondent may seek a discretionary review of the decision by the Director. The request for the discretionary review must be filed within ten (10) working days of the date of issuance of the decision. The request must concisely state the specific objections to the decision. There is no right to a hearing before the Director. A copy of the request of review must be filed with the Chief on the same day it is filed with the Director. The Director may elect to review the case and issue a written decision or affirm the Chief's decision. She/he will issue a written decision within thirty (30) calendar days.
- F. The Director's decision shall be final. An appeal from the final enforcement decision shall be to the Commonwealth Superior Court within thirty (30) calendar days following service of the final agency decision.
- G. For filing deadline purposes counting of the days shall start on the day after issuance or receipt (whichever is specified). If any filing date falls on a Saturday, Sunday, or Commonwealth Holiday, the filing date shall be extended to the next working day.
5. The Chief may suspend, revoke, or modify any permit or license issued by the Division for violation of the Act, any regulations adopted pursuant to the Act, any permit or license issued pursuant to the Act and such regulations.
6. A person shall be liable for an additional penalty for any amount expended by any agency of the Commonwealth in taking any action necessary to mitigate or reduce any significant adverse effect caused by the person's failure to comply with the Act, regulations, permit, license, or any order issued thereunder.
7. Any person who knowingly and willfully commits any act in violation of the Act, regulations, permit, or license, and who is found guilty by a court of competent jurisdiction may be punished by a fine of not more than

\$50,000.00 or by imprisonment for not more than one (1) year, or both. Any other penalties or remedies provided by these regulations and ordered by the Chief shall also remain in effect.

§ 12 **SEVERABILITY**

If any rule, section, sentence, clause, or phrase of these regulations or its application to any person or circumstance or property is held to be unconstitutional or invalid, the remaining portions of these regulations or the application of these regulations to other persons or circumstances or property shall not be affected.



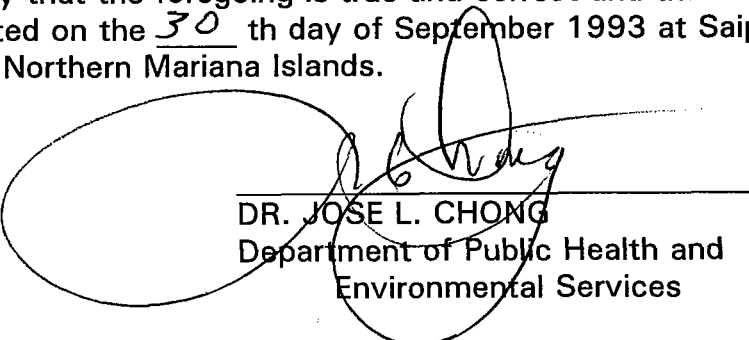
COMMONWEALTH HEALTH CENTER

OFFICE OF THE DIRECTOR

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

CERTIFICATION

I, Dr. Jose L. Chong, the Director of the Department of Public Health and Environmental Services which is promulgating the revisions to the Earthmoving and Erosion Control Regulations as hereinabove set forth, by signature below I hereby certify that such revisions to the regulations are a true, complete, and correct copy of the revisions of the Earthmoving and Erosion Control Regulations formally adopted by the Department of Public Health and Environmental Services. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 30 th day of September 1993 at Saipan, Commonwealth of the Northern Mariana Islands.




DR. JOSE L. CHONG
Department of Public Health and
Environmental Services

NOTICE OF ADOPTION

**DEPARTMENT OF NATURAL RESOURCES
AMENDMENT TO FOREST RESOURCES PROTECTION REGULATIONS**

The Director of Natural Resources, in accordance with 1 CMC Section 2655, hereby adopts the Proposed Amendment to the Forest Resources Protection Regulations relating to permits and procedures, published in the May 15, 1993 Commonwealth Register, as a permanent amendment to the Forest Resources Protection Regulations. The Director has received no comments on the proposed amendments. The permanent amendment shall become effective on October 25, 1993.

Date: 10/6/93



NICOLAS M. LEON GUERRERO
DIRECTOR
Department of Natural Resources

Date: 10/8/93



Received by Governor's Office

Date: 08 OCT 1993




Filed by the REGISTRAR OF CORPORATION

NUTISIA PUT ADOPTION

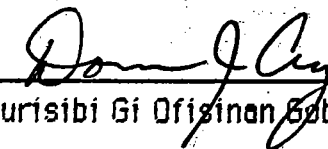
DIPATAMENTON NATURAL RESOURCES
AMENDASION GI REGULASION PROTRESION GUINAHAN HALOM TANO'

I Direktot Dipatamenton Natural Resources, sigun gi 1 CMC Seksiona 2655, ginen este ha adapta esta i mapropoñi na amendasion gi Regulasion Proteksion Guinahan Halom Tano', put lisensia yan kinalamten, ni mapuplika huyong gi Mayu 15, 1993 gi halom Rehistran Commonwealth, komu petmanente na amendasion gi Regulasion Proteksion Guinahan Halom Tano'. I Direktot taya komentu ha risibi put i mapropoñi na amendasion. I petmanente na amendasion u efektibu gi Oktubre 25, 1993.

Fecha: 10/6/93


NICOLAS M. LEON GUERRERO
DIREKTOT
Dipatamenton Natural Resources

Fecha: 10/8/93


Murisibi Gi Ofisinan Sabietno

Fecha: 08 OCT 1993



Ha file i Registrar of Corporations

ARONGORONG REEL ADOPTION


DIPATAMENTOOL NATURAL RESOURCES
LLIIWELIL ÓWTOL ALLÉGHÚL AGHATCHÚL MILIKKA EYOOR LEYIL WAL

Direktoodul Natural Resources, sáangi bwángil me ailéewal 1 CMC Táilil 2655, nge aa adatáali Allégh kkewe re Féerúl ngáre Alléghúl Aghatchúl Milikka Eyoor Leyil Wal reel mwóghutughutul bweibwoghul lisensiya, iwe e toowow wóol Móozo 15, 1993 mellól Commonwealth Register, ngáre Lliiwel ye aa Alléghélo bwe Alléghúl Aghatchúl Milikka Eyoor Leyil Wal. Esóor mángemáng me tiip kka Direktood e risibi reel lliiwel kkaal. Lliiwel kkaal nge ebwe Alléghélo wóol Oktubre 25, 1993

Rái: 10/6/93


NICOLAS M. LEON GUERRERO
DIREKTOOD
Dipatamentool Natural Resources

Rái: 10/8/93


E Risibi me Bwulastigon Guberno

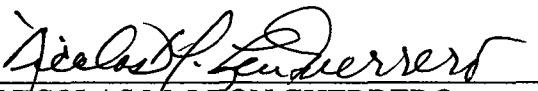
Rái: 08 OCT 1993


File-iiyal Registra of Corporations

CERTIFICATION

I, Nicolas M. Leon Guerrero, the Director of the Department of Natural Resources which is publishing these proposed Regulations, by my signature below hereby certify that such Regulations are a true, complete and correct copy of said Regulations proposed by the Department of Natural Resources. I further request and direct that this certification and the proposed regulations be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 6th day of October, 1993 in Saipan, Commonwealth of the Northern Mariana Islands.




NICOLAS M. LEON GUERRERO
DIRECTOR
Department of Natural Resources

NOTICE OF ADOPTION

DEPARTMENT OF NATURAL RESOURCES AMENDMENT TO QUARANTINE REGULATIONS

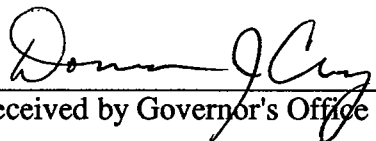
The Director of Natural Resources, in accordance with 1 CMC Section 2655, hereby adopts the Proposed Amendment to the Quarantine Regulations relating to penalties, published in the July 15, 1993 Commonwealth Register, as a permanent amendment to the Forest Resources Protection Regulations. The Director has received no comments on the proposed amendments. The permanent amendment shall become effective on October 25, 1993.

Date: 10 / 6 / 93



NICOLAS M. LEÓN GUERRERO
DIRECTOR
Department of Natural Resources

Date: 10/8/93



Received by Governor's Office

Date: 08 OCT 1993




Filed by the REGISTRAR OF CORPORATION

NUTISIA PUT ADOPTION

DIPATAMENTON NATURAL RESOURCES
AMENDASION GI REGULASION QUARANTINE

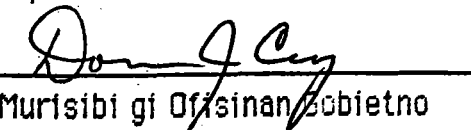
I Direktot Dipatamenton Natural Resources, sigun gi I CMC Seksiona 2655, ginen este ha adapta esta i Mapropoponi na Amendasion gi Regulasion Quarantine put pena, ni mapupblika huyong gi Juliu 15, 1993 gi halom Rehistran Commonwealth, komu petmanente na amendasion gi Regulasion Proteksion Guinahan Halom Tano'. I Direktot taya komentu ha risibi put i mapropoponi na amendasion. I petmanente na amendasion u efektibu gi Oktubre 25, 1993.

Fecha: 10/6/93




NICOLAS M. LEON GUERRERO
DIREKTOT
Dipatamenton Natural Resources

Fecha: 10/8/93


Murisibi gi Ofisinan Gobietno

Fecha: 08 OCT 1993




Ha file i Registrar of Corporations

ARONGORONGOL ADOPTION

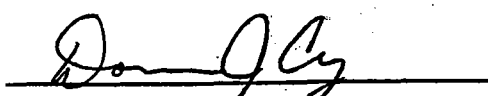
DIPATAMENTOOL NATURAL RESOURCES
LIIWELIL ÓWTOL ALLÉGHÚL QUARANTINE

Direktoodul Natural Resources, sáangi bwángil me ailéewal 1 CMC Táil 2655 nge aa adaptáali Liiwel kkewe ilól ówtol Alléghúl Quarantine reel mwóghutughutul mwutta, iwe e toowow wóol Ulligo 15, 1993, ngáre Liiwel ye aa Alléghéló bwe Alléghúl Aghatchúl Milikka Eyoor Leyil Wal. Esóór mánghemáng me tiip kka Diektod e risibi reel Liiwel kkaal. Liiwel kkaal nge ebwe Alléghéló wóol Oktubre 25, 1993.

Ráil 10/6/93


NICOLAS M. LEON GUERRERO
DIREKTOOD
Dipatamentool Natural Resources

Ráil 10/8/93


E Risibi me Bwulastool Guberno

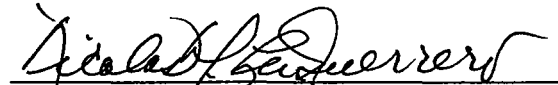
Ráil 08 OCT 1993


File-liiyal Registrar of Corporations

CERTIFICATION

I, Nicolas M. Leon Guerrero, the Director of the Department of Natural Resources which is publishing these proposed Regulations, by my signature below hereby certify that such Regulations are a true, complete and correct copy of said Regulations proposed by the Department of Natural Resources. I further request and direct that this certification and the proposed regulations be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 6th day of October, 1993 in Saipan, Commonwealth of the Northern Mariana Islands.


NICOLAS M. LEON GUERRERO
DIRECTOR
Department of Natural Resources


NOTICE OF ADOPTION

DEPARTMENT OF NATURAL RESOURCES AMENDMENT TO LANDS & SURVEYS REGULATIONS

The Director of Natural Resources, in accordance with 1 CMC Section 2655, hereby adopts the Proposed Amendment to the Lands & Surveys Regulations relating to surveying procedures, published in the June 15, 1993 Commonwealth Register, as a permanent amendment to the Forest Resources Protection Regulations. The Director has received no comments on the proposed amendments. The permanent amendment shall become effective on October 25, 1993.

Date:


10/6/93



NICOLAS M. LEON GUERRERO
DIRECTOR
Department of Natural Resources

Date:

10/8/93



Received by Governor's Office

Date:

08 OCT 1993



Filed by the REGISTRAR OF CORPORATION

NUTISIA PUT ADOTPTION

DIPATAMENTON NATURAL RESOURCES
AMENDASION GI REGULASION LANDS & SURVEY


I Direktot Dipatamenton Natural Resources, sigun gi 1 CMC Seksiona 2655, ginen este ha adapta esta i Mapropoponi na Amendasion gi Regulasion Lands & Survey put kinalamten surveying ni mapupblika huyong gi Junio 15, 1993 gi halom i Rehistran Commonwealth, komu petmanente na Amendasion gi Regulasion Proteksion Guinahan Halom Tano'. I Direktot taya komentu ha risibi put i mapropoponi na amendasion. I petmanente na amendasion u efektibu gi Oktubre 25, 1993.

Fecha: 10 / 6 / 93



NICOLAS M. LEON GUERRERO
DIREKTOT
Dipatamenton Natural Resources

Fecha: 10/8/93



Murisibi gi Ofisinan Gobietno

Fecha: 08 OCT 1993




Ha file i Registrar of Corporations

ARONGORONGOL ADOPTION

DIPATAMENTOOL NATURAL RESOURCES
LLIIWELIL ÓWTOL ALLÉGHÚL LANDS & SURVEYS

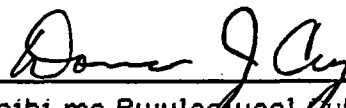
Direktoodul Natural Resources, sáangi bwángil me ailéewal 1 CMC Táilil 2655, nge aa adataáli Lliiwel kkewe 11ól ówtol Alléghúl Lands & Survey reel mwóghutughutul surveying, iwe e toowow wóol Unniyo 15, 1993 mellól Commonwealth Register ngáre Lliiwel ye aa Alléghéló bwe Alléghul Aghatchúl Milikka Eyoor Leyil Wal. Esóór mánghémáng me tiip kka Direktood e risibi reel Lliiwel kkaal. Lliiwel kkaal nge ebwe Alléghéló wóol Oktubre 25, 1993.

Ráil: 10/6/93



NICOLAS M. LEON GUERRERO
DIREKTOOD
Dipatamentoool Natural Resources

Ráil: 10/6/93



E Risibi me Bwulaaigool Lubenno

Ráil: 08 OCT 1993

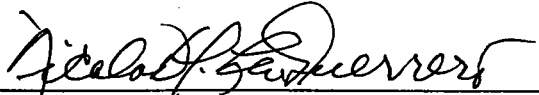


File-iiyal Registrar of Corporations

CERTIFICATION

I, Nicolas M. Leon Guerrero, the Director of the Department of Natural Resources which is publishing these proposed Regulations, by my signature below hereby certify that such Regulations are a true, complete and correct copy of said Regulations proposed by the Department of Natural Resources. I further request and direct that this certification and the proposed regulations be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 6th day of October, 1993 in Saipan, Commonwealth of the Northern Mariana Islands.



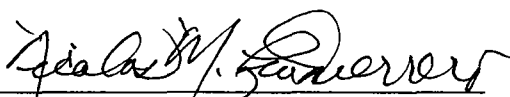
NICOLAS M. LEON GUERRERO
DIRECTOR
Department of Natural Resources

NOTICE OF ADOPTION

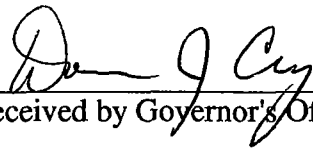
**DEPARTMENT OF NATURAL RESOURCES
AMENDMENT TO FOREST RESOURCES PROTECTION REGULATIONS**

The Director of Natural Resources, in accordance with 1 CMC Section 2655, hereby adopts the Proposed Amendment to the Quarantine Regulations relating to penalties, published in the July 15, 1993 Commonwealth Register, as a permanent amendment to the Forest Resources Protection Regulations. The Director has received no comments on the proposed amendments. The permanent amendment shall become effective on October 25, 1993.

Date: 10/6/93


NICOLAS M. LEON GUERRERO
DIRECTOR
Department of Natural Resources

Date: 10/8/93


Received by Governor's Office

Date: 08 OCT 1993



Filed by the REGISTRAR OF CORPORATION

NUTISIA PUT ADOPTION

DIPATAMENTON NATURAL RESOURCES
AMENDASION GI REGULASION PROTEKSION GUINAHAN HALOM TANO'

I Direktot Dipatamenton Natural Resources, sigun gi 1 CMC Seksiona 2655, ginen este ha adapta esta i Mapropoponi na Amendasion gi Regulasion Quarantine put pena ni mapupblika huyong gi Julio 15, 1993 gi halom Rehistran Commonwealth, komu petmanente na amendasion gi Regulasion Proteksion Guinahan Halom Tano'. I Direktot taya komentu ha risibi put i mapropoponi na amendasion. I petmanente na amendasion u efektibu gi Oktubre 25, 1993.


Fecha: 10/6/93


NICOLAS M. LEON GUERRERO
DIREKTOT
Dipatamenton Natural Resources

Fecha: 10/8/93


Murisibi gi Ofisinar Gobietno

Fecha: 08 OCT 1993



Ha file i Registrar of Corporations

ARONGORONGOL ADOPTION

DIPATAMENTOOL NATURAL RESOURCES
LLIIWELIL ÓWTOL ALLÉGHÚL AGHATCHÚL MILIKKA EYOOR LEYIL WAL

Direktoodul Natural Resources, sáangi bwángil me ailéewal f CMC Táilil 2655 nge aa adapteeaali Lliiwel kkewe lílól ówtol Alléghúl Quarantine reel mwóghutughutul mwutta iwe e toowow wóol Ulliyó 15, 1993, ngáre Lliiwel ye aa Alléghéló bwe Alléghúl Aghatchúl Milikka Eyoor Leyil Wal. Esóór mángemáng me tiip kka Direktood e risibi reel Lliiwel kkaal. Lliiwel kkaal nge ebwe Alléghéló wóol Oktubre 25, 1993.

Ráil: 10/6/93


NICOLAS M. LEON GUERRERO
DIREKTOOD
Dipatamentool Natural Resources

Ráil: 10/8/93


E Risibi me Bwulastiyool Gubenko


Ráil: 08 OCT 1993


File-iiyal Registrar of Corporations

CERTIFICATION

I, Nicolas M. Leon Guerrero, the Director of the Department of Natural Resources which is publishing these proposed Regulations, by my signature below hereby certify that such Regulations are a true, complete and correct copy of said Regulations proposed by the Department of Natural Resources. I further request and direct that this certification and the proposed regulations be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 6th day of October, 1993 in Saipan, Commonwealth of the Northern Mariana Islands.



NICOLAS M. LEON GUERRERO
DIRECTOR
Department of Natural Resources



Commonwealth of the Northern Mariana Islands
Office of the Director of Public Works
 Saipan, Mariana Islands 96950

NOTICE OF ADOPTION

CNMI FLOOD DAMAGE PREVENTION RULES AND REGULATIONS

The Department of Public Works hereby gives Public Notice that it has adopted the Final Rules and Regulations that will govern the administration, implementation and enforcement of the CNMI Flood Damage Prevention Program pursuant to Public Law 8-7. The Rules and Regulations to be promulgated are authorized pursuant to P.L. 6-45, as amended and 2 CMC, Division 7, Section 7148, as amended.

The Department of Public Works hereby advises the general public that the CNMI Flood Damage Prevention Program rules and regulations are available at the Building Safety Code Office, Lower Base, Saipan, MP.

These Rules and Regulations shall become effective within ten (10) days after final publication.

Dated this 15th day of October, 1993.

DEPARTMENT OF PUBLIC WORKS

By: *Elizabeth H. Salas-Balajadia*
 ELIZABETH H. SALAS-BALAJADIA
 Director

Donna Cruz
 DONNA CRUZ
 Received by Governor's Office

Soledad B. Sasamoto
 SOLEDAD B. SASAMOTO
 Registrar of Corporations

10/15/93 9:30 AM
 Date & Time

10/15/93
 Date & Time



Commonwealth of the Northern Mariana Islands
Office of the Director of Public Works
 Saipan, Mariana Islands 96950

NUTISIAN PUPBLIKO

AREKLAMENTO YAN REGULASION POT CNMI FLOOD DAMAGE PREVENTION NA PROGRAMA

I Depattamento i Public Works ginen este na ha nana'i I Pupbliku Nutisia na esta ha adapta i uttimo siha na areklamento yan regulasion ni para u gubietna i administrasion yan i emplimentasion i Flood Damage Prevention Program gi kodikon Commonwealth i SangKattan siha na Isla Marianas, sigun i Lai Pupbliku Numuru 8-7. I areklamento yan regulasion ni esta ha adapta i natotorisa sigun gi Lai Pupbliku 6-45, komo ma' amenda yan sigun aturidad i 2CMC, Dibision 7, Seksiona 7148, komo ma amenda.


I Depattament i Public Works ha abibisa i pupbliku henerat na guaha kopian i ma adapta i uttimo siha na areklamento yan regulasion gi halom i ofisinan Building Safety Code, Lower Base, Saipan, MP.


Este siha na areklamento yan regulasion para umana efektibu dies (10) dias despues de ma' uma printa uttimo.

Mafecha gi dia 15th, este na mes Octobre 1993.

DEPATTMENTO PUBLIC WORKS

By: 
 ELIZABETH H. SALAS-BALAJADIA
 Direktot


 DONNA CRUZ
 I Rumisibe gi Ofisinan Magalahi


 SOLEDAD B. SASAMOTO
 Registra i Corporasion

10/15/93 9:30 AM
 Fecha yan Ora

10/15/93
 Fecha yan Ora



Commonwealth of the Northern Mariana Islands
Office of the Director of Public Works
 Saipan, Mariana Islands 96950

ARONGORONGOL TOWLAP

FFEERUL ALLEGH REEL PILIPILIL FFEIRIL

SCHAAL NGARE E LEELE

Dipatamentool Public Works ekke arongaar towlap igha ekke mangiiy bwe ebwe adapta Allegh iye ebwe lemeli administrasioyon, ayoor a me alleghu mille Progromaal Alleghul CNMI Reel Pilipilil Ffeiril Schaal Ngare e Leele sangi bwangil Alleghul Towlap ye 6-45, Igha e Lliiwel bwtol me 2 CMC, Division 7, Tali 7148, ighae bwal Illiiwel.

Dipatamentool Public Works e bwal kke arongaar towlap bwe aa yoor kkopiyaal Allegh kkaal mellol Building Safety Code Office, Lower Base, Saipan, MP.

Allegh kkaal nge ebwe alegeheghelo llol seigh (10) ral sangi igha e adopta me toowow aighuul arongorong.

Effeer llol raalil ye 15th Maram ye Octobre, 1993.

DIPATAMENTOOL PUBLIC WORKS

Sangi *M. H. Salas-Balajadia*
ELIZABETH H. SALAS-BALAJADIA
 Direktood

Donna Cruz
 DONNA CRUZ
 Erisibi mellol Governor's Office

10/15/93 9:30AM
 Ral me Otol

Soledad B. Sasamoto
 SOLEDAD B. SASAMOTO
 Registrar of Corporations

10/15/93
 Ral me Otol



Commonwealth of the Northern Mariana Islands
Office of the Director of Public Works
Saipan, Mariana Islands 96950

CERTIFICATION OF CNMI
FLOOD DAMAGE PREVENTION REGULATIONS

I, ELIZABETH H. SALAS-BALAJADIA, Director of the Department of Public Works which is promulgating the Regulations regarding CNMI Flood Damage Prevention Program are a true, complete and correct copy of the Regulations formally adopted by the Department of Public Works.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 15th day of October, 1993 at Saipan, Commonwealth of the Northern Mariana Islands.


For ELIZABETH H. SALAS-BALAJADIA
Director
Department of Public Works