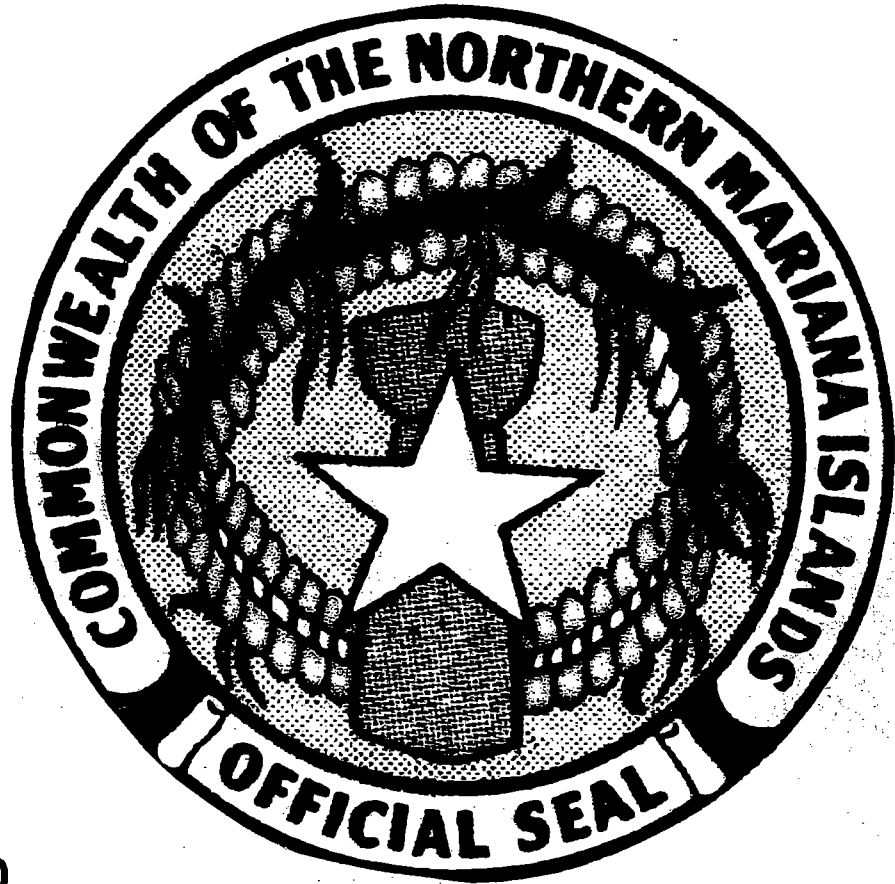


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN MARIANA ISLANDS

VOLUME 22 NUMBER 04



APRIL 20, 2000

COMMONWEALTH

REGISTER

COMMONWEALTH REGISTER

VOLUME 22 NUMBER 04
APRIL 20, 2000

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Commonwealth of the Northern Mariana Islands
Department of Public Health
Office of the Secretary

PUBLIC NOTICE

**PROPOSED AMENDMENTS TO THE SCHEDULE OF FEES
DEPARTMENT OF PUBLIC HEALTH**

Title 1 CMC Division 2, Chapter 12, and in particular 1 CMC §2603(f) and 2605(j), provides that the Secretary of the Department of Public Health (DPH) shall administer all government owned facilities and shall implement rules and regulations for the efficient delivery of health services in the CNMI.

Pursuant to this authority, the Secretary is amending specific fees from the Schedule of Medical and Other Related Fees which was published in its entirety, and adopted, in the Commonwealth Register Volume 17, Number 2, dated February 15, 1995 and Volume 17, Number 4, dated April 15, 1995, respectively. These amendments are necessary to reflect accurately in the Schedule of Medical and Other Related Fees the types of services that are now being provided by the Department. The amendments are attached herewith and will be incorporated into the DPH Schedule of Medical and Other Related Fees upon adoption.

In adopting these Amendments to the Schedule of Fees, it is the intention of the Department of Public Health to comply with the requirements of the Administrative Procedure Act, specifically 1 CMC §9104. Copies of the proposed Amendments to the Schedule of Fees may be obtained from the Office of the Secretary of Public Health located at the ground floor of CHC. Comments on the proposed Amendments to the Schedule of Fees may be sent to the Office of the Secretary of Public Health, P.O. Box 409 CK, Saipan, MP 96950. All comments must be received within 30 days from the date this notice is published in the Commonwealth Register.

Certified By: *Joseph K.P. Villagomez*
JOSEPH K.P. VILLAGOMEZ
SECRETARY
Department of Public Health

4/3/2000
DATE

Filed By: *Soledad B. Sasamoto*
SOLEDAD B. SASAMOTO
Registrar of Corporations

4/14/00
DATE

Received By: *Jose I. Deleon Guerrero*
Jose I Deleon Guerrero
SAA
Governor's Office

4/17/2000
DATE

Pursuant to 1 CMC §2153 as amended by PL 10-50 the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

Dated this 13 day of April 2000.

Herbert Soll
Herbert Soll
Attorney General (Acting)
Elliott Sattler
By Elliott Sattler, AAG



Commonwealth of the Northern Mariana Islands
Department of Public Health

Office of the Secretary

NUTISIAN PUBLIKU

PRINUPONI SIHA NA AMENDASION GI LISTAN APAS
DIPATTAMENTON HINEMLO' PUBLIKU

I Tituilu I gi Kodikon Commonwealth (CMC) Dibision 2, Kapitulu 12 yan patikulatmente i 1 CMC §2603(f) yan 2606(j), ha pribebeni i Sikritarion Dipattamenton Public Health (DPH osino' Dipattamenton Hinemlo' Publiku; na para guiya u atministra todú fasilidat gobetno siha yan u enfuetsa todú areklamto yan regulasion siha para minaolek mana'en setbision hinemlo' gi halom i (CNMI) Islas Marianas.

Sigun gi este na aturidat, i Sikritariu ha amemenda espisifiku siha na presiu ginen i lista put mediku yan otro siha apas (Schedule of Medical and Other Related Fees) ni ma publika gi entieru-na, yan ma adapta, gi Rehistran Commonwealth, Volume 17, Numeru 2, gi Febreru 15, 1995 yan Volume 17, Numeru 4, gi Abril 15, 1995. Prisisu este siha na amendasion gi listan presiu siha put mediku yan otro siha apas put para u riflekta i dinanche siha na klasin setbisio ni ma pribeni gi dipattamento. I amendasion mandadana sigun este na notisia ya u ma na patte gi lista put mediku yan otro siha apas (Schedule of Medical and Other Related Fees) gi depattamento gi ma adaptanna.

Gi ma adaptanna este siha na amendasion gi listan presiu siha, ha entensiosiona i Dipattamenton Hinemlo' Publiku kumumple i kondesion siha ni manma' establesi nu i "Administrative Procedure Act" na akto, espesiatmente i 1 CMC §9104. Kopia siha put i manma' prupoponi na amendasion gi Listan Apas siha sina manmachuchule' gi Ufisanan i Sikritarion Hinemlo' Publiku gi primet bibenda gi CHC. Dokumento siha put i manma' prupoponi na amendasion gi Listan Apas sina mana' fanhahanao guato gi: Office of the Secretary of Public Health, P.O. Box 409 CK, Saipan, MP 96950. Todú dokumento siha debi di u fanma risibi gi halom trenta (30) dias despues di i fechan ni publika este na nutisia gi Rehistra Commonwealth.

Mas setefika nu as: Joseph K.P. Villagomez 4/13/2000
 Sekretariu
 Dipatamenton Publi Health
 Fecha

Ma Rikot nu as: SOLEDAD B. SASAMOTO 4/14/00
 Registrar of Corporation
 Fecha

Ma Resibi as: Jose I. Deleon Guerrero 4/12/2000
 SAA
 Governor's Office
 Fecha

Pursuant to 1 CMC 2153 as amended by PL 10-50 the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

Dated this ____ day of April 2000.

Herbert Soll
 Attorney General (Acting)
 ELLIOTT A. SATTLER
 By: _____
 Elliot Sattler, AAG



Commonwealth of the Northern Mariana Islands
Department of Public Health
Office of the Secretary

**PROPOSED AMENDMENTS TO THE SCHEDULE OF FEES
DEPARTMENT OF PUBLIC HEALTH**

Citation of Statutory Authority:

1 CMC §2605 states that "the Department of Public Health ... shall adopt rules and regulations regarding those matters over which it has jurisdiction, including but not limited to regulations deemed necessary to the public health and safety respecting: (j) Hospitals, clinics ..." 1 CMC §2603(f) grants the Department of Public Health the power and duty to administer all government-owned health care facilities.

Short Statement of Goals & Objectives:

The Department of Public Health must revise its fee schedule from time to time in order to reflect the actual cost of providing health services, or to add fees for services that become available as a result of new equipment acquisitions or the addition of medical personnel in a particular specialty area.

Brief Summary of the Proposed Rule:

To establish fees for services provided at the various health care facilities operated by the Department of Public Health, including the Commonwealth Health Center, the Tinian Health Center, the Rota Health Center, the Division of Public Health, and the San Antonio Clinic.

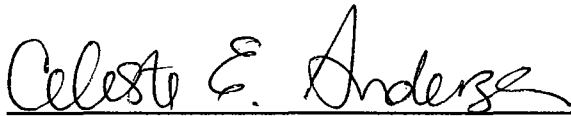
Contact Person(s):

Lina Villagomez, Technical Analyst, CHC.

Citation of Related and/or Affected Statutes, Regulations, and Orders:

Department of Public Health Fee Schedule, published in Vol. 17, No. 2 of the Commonwealth Register, pages 12752-12948 (February 15, 1995), and amendments thereto.

Date: 4/12/00



Celeste E. Andersen, Legal Counsel
Department of Public Health

**DEPARTMENT OF PUBLIC HEALTH
AMENDMENT TO THE SCHEDULE OF MEDICAL
AND OTHER RELATED FEES**

CPT #	CPT SHORT DESCRIPTION	AMOUNT
21015	Radical resection of tumor, soft tissues of face or scalp	\$ 569
21320	Closed Treatment of nasal bone fracture; with stabilization	\$ 225
31237	Nasal/Sinus endoscopy, surgical; with biopsy, polypectomy or debridement (separate procedure)	\$ 298
31294	Nasal/Sinus endoscopy, surgical; with optic nerve decompression	\$ 1,679
36831	Thrombectomy, arteriovenous fistula; without thromgectomy, autogenous or nonautogenous dialysis graft (separate procedure)	\$ 525
36832	Revision, arteriovenous fistula; without thrombectomy, autoge- nous or nonauthogenous dialysis graft (separate procedure)	\$ 879
36833	Revision, arteriovenous fistula; with thrombectomy, autogenous or nonauthogenous dialysis graft (separate procedure)	\$ 799
38300	Drainage of lymph node abscess or lymphadneitis; simple	\$ 130
38305	Drainage of lymph node abscess or lymphadneitis; extensive	\$ 389
38550	Excision of cystic hygroma, axillary or cervical; without deep neurovascular dissection	\$ 482
38555	Excision of cystic hygroma, axillary or cervical; with deep neurovascular dissection	\$ 1,061
40520	Excision of lip; V-excision with primary direct linear closure	\$ 462
40525	Excision of lip; full thickness, reconstruction with local flap	\$ 781
45123	Proctectomy, partial, without anastomosis, perineal approach	\$ 1,245
46750	Sphincteroplasty, anal, for incontinence, adult; muscle transplant	\$ 682
50220	Nephrectomy, including partial ureterectomy, any approach including rib resection	\$ 1,404
50225	Nephrectomy, including partial ureterectomy, any approach including rib resection; complicated because of previous surgery on same kidney	\$ 1,681
50230	Nephrectomy, including partial ureterectomy, any approach including rib resection; radical, with regional lymphadenectomy and/or vena caval thrombectomy	\$ 1,844
50234	Nephrectomy with total uretectomy and bladder cuff; through same incision	\$ 1,790
54860	Epididymectomy; unilateral	\$ 535
55821	Prostatectomy (including control of postoperative bleeding, vases- tomy, meatotomy, urethral calibration and/or dilation, and internal urethrotomy); suprapubic, subtotal, one or two stages	\$ 1,269

DEPARTMENT OF PUBLIC HEALTH		
AMENDMENT TO THE SCHEDULE OF MEDICAL		
AND OTHER RELATED FEES		
<u>CPT #</u>	<u>CPT SHORT DESCRIPTION</u>	<u>AMOUNT</u>
55831	Prostatectomy (including control of postoperative bleeding, vasectomy, meatotomy, urethral calibration and/or dilation, and internal urethrotomy); retropubic, subtotal	\$ 1,374
56501	Destruction of lesion(s), vulva; simple, any method	\$ 117
61680	Surgery of intracranial arteriovenous malformation; supratentorial, simple	\$ 2,938
61682	Surgery of intracranial arteriovenous malformation; supratentorial, complex	\$ 4,689
61684	Surgery of intracranial arteriovenous malformation; infratentorial, simple	\$ 3,281
61686	Surgery of intracranial arteriovenous malformation; infratentorial, complex	\$ 4,791
61690	Surgery of intracranial arteriovenous malformation; dural, simple	\$ 2,675
61692	Surgery of intracranial arteriovenous malformation; dural, complex	\$ 3,828
65810	Paracentesis of anterior chamber of eye (separate procedure); with removal of vitreous and/or discission of anterior hyaloid with or without air injection	\$ 504
<u>USE OF EQUIPMENT</u>		
	Use of CHC Laser Equipment (per eye)	\$ 50

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE CIVIL SERVICE COMMISSION



P.O. BOX 5150 CHRB
SAIPAN, MP 96950
TEL. NOS. (670) 322-4363/6954
FAX NO.: (670) 322-3327



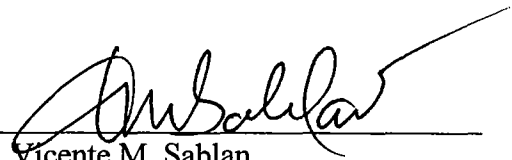
CIVIL SERVICE COMMISSION

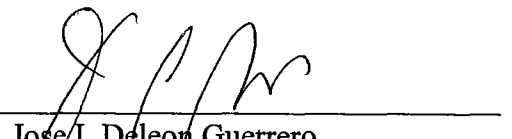
NOTICE OF PROPOSED AMENDMENT TO
THE PERSONNEL SERVICE SYSTEM RULES AND REGULATIONS

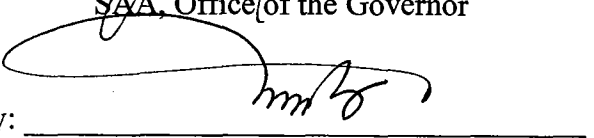
Under the authority of 1 CMC subsection 8117, the Civil Service Commission hereby notifies the general public of the proposed amendments to Personnel Service System Rules and Regulations ("PSSR&R"). The proposed amendments follow this notice.

SUBJECT: The amendment will extend Advance Leave, Compassionate Leave, Maternity Leave, and Paternity Leave to Limited-Term employees. The proposed amendments will establish standard for timekeepers to use in determining when to charge a tardy employee LWOP or AWOL. Also, the proposed amendments will make provisions for annual and sick leave accrual for part-time employees.

INTENT TO ADOPT: The public is encouraged to submit written comments on the proposed amendments. The comment period will close thirty (30) days after publication of this notice. Address your comments to the Chairman, Civil Service Commission, and send to P.O. Box 5150, CHRB, Saipan, MP 96950; deliver to Building #1211.

Date: 4/13/00 Submitted to: 
Vicente M. Sablan
Chairman

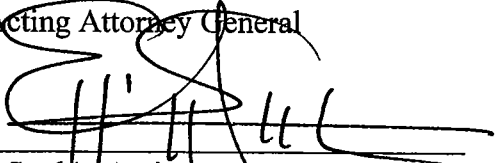
Date: 4/17/2000 Received by: 
Jose I. Deleon Guerrero
SAA, Office of the Governor

Date: 4/14/00 Filed by: 
Soledad B. Sasamoto
Registrar of Corporations

Pursuant to 1 CMC subsection 2153, as amended by PL 10-50, the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

Herbert D. Soll
Acting Attorney General

Date: April 13, 2000

By 
Elliott A. Sattler, Assistant Attorney General

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE CIVIL SERVICE COMMISSION



P.O. BOX 5150 CHRB
SAIPAN, MP 96950
TEL. NOS. (670) 322-4363/6954
FAX NO.: (670) 322-3327



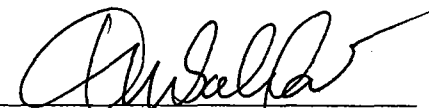
**KUMISION SETBISION SIBIT
NUTISIAN PRINIPONEN AMENDASION SIHA GI
REGULASION YAN AREKLAMENTON SISTEMAN SETBISIUN
YAN PETSONAT**

Sigun i aturidat 1CMC seksiona 8117, i Kumision Sibit ginen este ha notifika i pupbliku henerat put Maproponen amendasion gi Regulasion yan Areklamento Sistemnan Setbisiun Sibit yan Petsonat komo ("PSSR&R"). I mapropnen este na amedasion u tinatiyi ni este na nutisia.

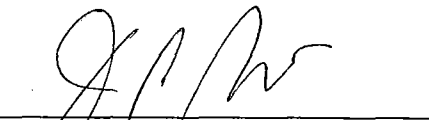
SUHETU: I amendasion para u ekstende i Advance Leave, Compassionate Leave, Maternity yan Paternity Leave para ayu siha na empleao komu Limited-Term Employees. I mapropopone siha na amendasion para u establesi kondision para ayu i man timekeepers para u ma usa komu detucitminasiion hafa na manera para u ma cho'gue yanggen i empleao atrasao, LWOP pat AWOL. Lökkue' este siha na amendasion para u na guaha prubinsiion para annual yan sick leave accrual para ayu i man part-time employees.

INTENSIION MA ADAPTA: Manma sosoyu i pupbliku henerat para u fan mansatmiti halom komentu put este i priniponen amendasion. I tiempo para muna'halom komentu este i halom trenta (30) dias despues di mapublika hu huyon este na nutisia gi Rehistran Commonwealth. I komentu siha u mana hanao pat adres para i Chairman Setbisiun Sibit, gi P.O. Box 5150, CHRB, Saipan, MP 96950; guatu gi Building 1211.

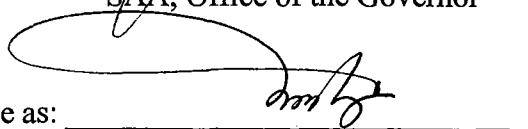
Fecha: 4/13/00

Sinatmiti as: 
Vicente M. Sablan
Chairman

Fecha: 4/17/2000

Rinisibe as: 
Jose I. Deleon Guerrero
SAA, Office of the Governor

Fecha: 4/14/00

Ma File as: 
Soledad B. Sasamoto
Rehistradoran Kotorasion

Sigun gi 1 CMC seksiona 2153, ni inamenda ni Lai Publiku 10-50, areklamento yan regulasion ni checheton guine siha esta manma ribisa yan apreba ginen Ofisinan Attorney General giya CNMI.

Herbert D. Soll
Acting Attorney General

Fecha: _____

ELLIOTT A. SATTLER

Elliott A. Sattler, Assistant
Attorney General

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE CIVIL SERVICE COMMISSION



P.O. BOX 5150 CHRB
SAIPAN, MP 96950
TEL. NOS. (670) 322-4363/6954
FAX NO.: (670) 322-3327



CIVIL SERVICE COMMISSION


ARONGORONG REEL POMWOL LLIWEL REEL ALLÉGHÚL
LLÓL PERSONNEL SERVICE SYSTEM

Faal bwángil 1 CMC peighil táil Civil Service Commission eghal arongaar toulap reel pomwol lliiwel kkaal reel alléghúl Personnel Service System. Pomwol lliiwel kkaal nge ebwe attabwey arong yeel.


KKAPASAL: lliiwel kkaal nge ebwe ngalleey Advance Leave, Compassionate Leave, Maternity Leave, bwal Paternity Leave ngáliir schóól angaang kka re lo llól mille reghal ira bwe, Limited-Term employees. Pomwol lliiwel kkaal nge ebwe fféer standard ngáliir timekeepers reel rebwe attabwey reel igha rebwe charge-liir schóól angaang LWOP ngare AWOL ikka re sów ammweilong llól ótol angaang. Pomwol lliiwel kkaal nge ebwe ayoora annual me sick leave accrual ngáliir schóól angaang kka re lo llól mille part-time employees.

IGHA EBWE ADOPT: Eghal amwescheliir toulap reel rebwe ischilong mángemáng ngare aiyegh bwelle reel pomwol lliiwel kkaal. Arorrosol ischelongol mángemáng ngare aiyegh nge ebwe mwiril eliigh ral mwiril toolong llól publication. Isch ngáli Chairman, Civil Service Commission reel address yeel, P.O. Box 5150, CHRB, Seipël, MP 96950, bwughiito llól Building No. 1211.

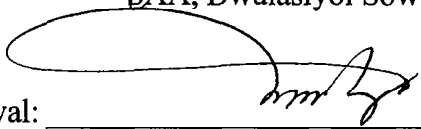
Ral: 4/13/00

Mereel: 
Vicente M. Sablan
Chairman

Ral: 4/17/2000

Bwughiyal: 
Jose I. Deleon Guerrero
SAA, Bwulasiyol Sow Lemelem

Ral: 4/14/00

Isaliyal: 
Soledad B. Sasamoto
Registrar of Corporations

Sāngi 1 CMC peighil talil 2153, iye a lliwel mereel alléghūl toulap 10-5- (Public Law), allégh kkaal ikka e appasch nge atakkal anweri me alúghúlúgh ló mereel bwulasiyol CNMI Attorney General.

Herbert D. Soll
Acting Attorney General
Acting Attorney General

Ral: _____

ELLIOTT A. SATTLER

Elliott A. Sattler, Assistant
Attorney General

**CIVIL SERVICE COMMISSION
NOTICE OF PROPOSED AMENDMENT TO
THE PERSONNEL SERVICE SYSTEM RULES AND REGULATIONS**

Statutory Authority: 1 CMC subsection 8117

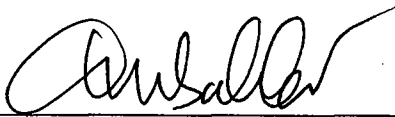
Short Statement of Goals & Objectives: To extend certain Leaves With Pay benefits to limited term employees, amend Part VII.A5.D on Tardiness and provide instruction for annual and sick leave accrual for part-time employees.

Brief Summary of the Proposed Rules: The proposed amendments to the Personnel Service System Rules and Regulations (PSSRR) will extend Advance Leave, Compassionate Leave, Maternity Leave and Paternity Leave to Limited Term employees and for timekeepers to be able to determine when to charge a tardy employee LWOP or AWOL. Also, the proposed amendments will make provisions for annual and sick leave accrual for part-time employees.

For Further Information Contact: Norbert S. Sablan, Executive Director, Civil Service Commission, Building Number 1211, Capitol Hill
Phone: 322-4363/6954 Fax: 322-3327

Citation of Related and/or Affected Statutes, Regulations and Orders: Part VII.A4.D, VII.A4.F, VII.A4.J, VII.A4.K, VII.A5.D and VII.A6 of the Personnel Service System Rules and Regulations.

Date: 4/13/00

Submitted by: 
Vicente M. Sablan, Chairman
Civil Service Commission

**AMENDMENTS TO
THE PERSONNEL SERVICE SYSTEM RULES AND REGULATIONS**

The amendments to the Personnel Service System Rules and Regulations are as follows: Deletion from the existing language are indicated by a line through the text; additions are indicated by double-underlined text.

Part VII.A4.D is revised as follows:

Leave Advance. Where, for good reason, an employee on permanent or limited term status requires additional annual or sick leave in addition to the amounts accrued, the ~~Personnel Officer, Director of Personnel,~~ with recommendation of the appointing authority, may grant advance leave up to a maximum of one-half (½) of the total earnable leave credits for which the employee is eligible for one year from the date the application is received, or, in the case of limited term employees, up to a maximum of one-half (½) of the total earnable leave credits for which the employee is eligible during the remainder of the employment term, whichever is shorter. Subsequent accrued leave earnings shall serve to replace the amount of advance leave granted and taken. Request for leave advance must be in writing from the employee with recommendation from the appointing authority.

Leave advance granted and taken:

- (1) constitutes a legal contract between the employee and the government; and
- (2) must be repaid, even if the employee separates from government service. Recovery of advance leave that is unpaid may be through the government's assumption of the employee's accrued unused leave, payroll deductions, matched reduction of service time and/or recourse to the courts.

Part VII.A4.F is revised as follows:

Compassionate Leave. Employees on permanent or limited term may be granted compassionate leave with pay of no more than five (5) consecutive work days in cases of death in the immediate family of the employee. For the purpose of this subpart, the term "immediate family" shall be defined as an employee's mother, father, brother, sister, spouse, immediate offspring (natural and culturally or legally adopted), grandfather, grandmother, grandchild, mother-in-law, or father-in-law. Compassionate leave must be taken within eighteen (18) days after the death of the immediate family member. The appointing authority is responsible for approving compassionate leave requests.

Part VII.A4.J is revised as follows:

Maternity Leave. Maternity leave shall be granted to a female employee on permanent or limited term status who is absent from work because of confinement for childbirth. The appointing authority shall have the responsibility for approving maternity leave requests. Such

maternity leave shall not exceed fifteen (15) work days, shall be in addition to any accumulated sick leave, and shall be any fifteen (15) work days encompassing the date of childbirth. Any additional leave taken for such childbirth purposes shall be charged against accumulated sick leave.

Part VII.A4.K is revised as follows:

Paternity Leave. Paternity leave shall be granted to a male employee on permanent or limited term status who is absent from work because of his wife's confinement for childbirth. Such paternity leave shall not exceed two (2) work days encompassing the date of childbirth. The appointing authority shall have the responsibility for approving paternity leave requests.

Part VII.A5.D is revised as follows:

Tardiness. At the end of each pay period tardiness shall be charged to Leave Without Pay (LWOP) or Absence Without Leave (AWOL). ~~The timekeeper shall determine the total number of minutes the employee has been late during the pay period, and charge LWOP to the hour amount nearest the total minutes tardy.~~ In respect to each incident of tardiness, (a) If the period of lateness is less than one hour it will be charged to LWOP. (b) If the period of lateness is more than one hour it will be charged to AWOL.

The period of tardiness shall be calculated in the same manner as hours worked are calculated for time keeping purposes.

Part VII.A6 is revised as follows: BASIS FOR ACCRUAL

Employees shall accrue annual leave and sick leave for each biweekly pay period in which they are in pay status for the entire ten (10) days; otherwise there shall be no accrual for such period. Provided, however, employees serving on government boards and commissions who elect to take leave without pay (LWOP) during such performance shall accrue leave for that service time. Part-time employees with regular scheduled tours of duty of forty (40) to seventy (70) hours during a biweekly pay period will accrue annual and sick leave at one-half the rate of full-time employees and will be eligible for other paid leaves, as provided in Part VII.A.4 at this rate. Part-time employees with regular scheduled tours of duty of less than forty(40) hours during a biweekly pay period will not accrue annual or sick leave benefits or be eligible for the other paid leave benefits. Part-time employees must be in a pay status for their full regular scheduled tour of duty for the entire ten (10) days; otherwise there shall be no accrual for such period.



Office of the Secretary
Department of Finance

P.O. Box 5234 CHR B SAIPAN, MP 96950

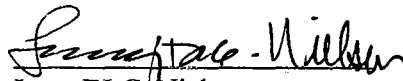
TEL. (670) 664-1100

FAX: (670) 664-1115

DEPARTMENT OF FINANCE
PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS
FOR THE OPERATION OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS LOTTERY

- Citation of Statutory Authority: The proposed amendments to the Rules and Regulations for the Operation of the CNMI Lottery are promulgated pursuant, 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., and Executive Order 94-3.
- Statement of Goals and Objectives: To amend the Rules and Regulations for the Operation of the CNMI Lottery, as published in the Commonwealth Register, Volume 15, No. 10, October 15, 1993.
- Brief Summary of the Rules: The rules and regulations provide the policies and procedures required to implement and regulate and supervise the operation of the CNMI Lottery. These rules and regulations may be amended, modified or repealed as deemed appropriate by the CNMI Department of Finance.
- For Further Information, Contact: Lucy DLG. Nielsen, Secretary of Finance. Telephone number 664-1100 and facsimile number 664-1115.
- Citation of Related and/or Affected Statutes, Regulations and Orders: 1 CMC §9301 et. seq.; Commonwealth Register Vol. 15, No. 10, October 15, 1993

Submitted by:


Lucy DLG. Nielsen
Secretary of Finance


Date

**PUBLIC NOTICE OF PROPOSED AMENDMENTS
TO THE RULES AND REGULATIONS FOR THE OPERATION
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS LOTTERY**

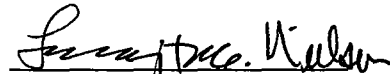
The Secretary of Finance hereby gives notice to the general public that the Department of Finance is proposing to amend the Rules and Regulations for the Operation of the CNMI Lottery, as originally published in the Commonwealth Register, Volume 15, No. 10, October 15, 1993, and subsequently amended, pursuant to its 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., and Executive Order 94-3.

The purpose of these amendments are enacted to implement interpret, prescribe and clarify the policies and procedures required to implement and regulate and supervise the operation of the CNMI Lottery. These Rules and Regulations shall have the force of law.

The proposed regulations may be inspected at, and copies obtained from, the Secretary's Office, 2nd floor of the Joeten Dandan Commercial Building, Saipan, MP 96950. The proposed regulations are published in the Commonwealth Register.

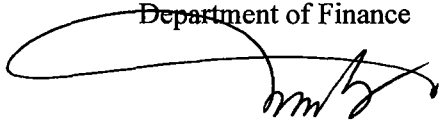
The Secretary of Finance is soliciting comment on this proposed amendment to the Rules and Regulations for the Operation of the CNMI Lottery from the general public. Anyone interested in commenting on this proposed amendment to the Secretary of Finance may do so in writing addressed to the Department of Finance, Secretary of Finance, P.O. Box 5234 CHRB, Saipan, MP 96950. All comments must be received within 30 days from the date of this notice published in the Commonwealth Register.

Certified By:


LUCY DLG NIELSEN
SECRETARY
Department of Finance

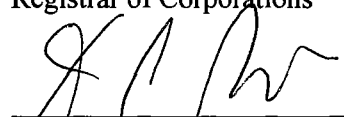
4/12/2000
Date

Filed By:


SOLEDAD B. SASAMOTO
Registrar of Corporations

4/14/00
Date

Received By:


JOSE I. DELEON GUERRERO
Special Assistant for Administration
Office of the Governor

4/17/2000
Date

Pursuant to 1 CMC § 2153, as amended by P.P. 10-50, the regulations attached hereto have been reviewed and approved by the CNMI Attorney General.

Dated this 14th Day of April 2000.


HERBERT SOLL
Attorney General (Temporary)

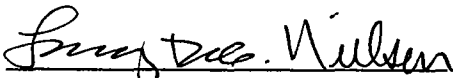
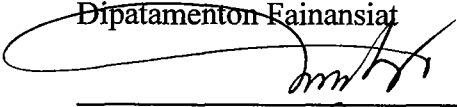
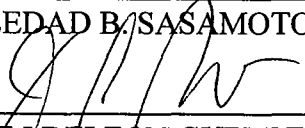
**NUTISIAN PUPBLIKU PUT MAPROPONEN AMENDASION
GI AREKLAMENTO YAN REGULASION MINANEHAN
COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS LOTTERY**

I Sekretarian Dipatamenton Fainansiat ginen este ha infofotma i publiku henerat na i Dipatamenton Fainansiat ha propoponi umamenda i Areklamento yan Regulasion put Minanehan CNMI Lottery, ni hagas mapublika gi Rehistran Commonwealth, Baluma 15, Numiru 10, Oktubre 15, 1993 pues ma amenda sigun gi aturidat yan dinirih i ginen Commonwealth Code enklusu lao ti ayu ha' i ginen 1 CMC gi papa seksiona 9305, 1 CMC papa seksiona 9306, 1 CMC papa seksiona 9313(c) yan i Commonwealth Administrative Procedure Act 1 CMC papa seksiona 901 et seq., yan Otden Eksekatibbu 94-3.

I propositun este siha na amendasion para implementasion, preskribe yan na klaru i areklamento yan kondision, manera komu nisisariu para u ma implementa yan maneha i kinalamten CNMI Lottery. Este siha na Areklamento yan Regulasion manma afuetsas ginen i Lai.

I priniponen regulasion sina ha manma eksamina, yan guaha lokkue' kopia gi Ofisinan Sekretaria, mina' dos bibenda Joeten Dandan Commercial Building, Saipan, MP 96950.

I Sekretarian Fainansiat ha sosoyu komentu put i maproponen amendasion gi Areklamento yan Regulasion minanehan CNMI Lottery ginen i publiku henerat. Hayi interesao mankomentu sina ha ha tugi i Sekretaria ya u na hanao guatu para i Sekretarian Fainansiat guine na adres, i Dipatamenton Fainansiat, Sekretarian Fainansiat, P.O. Box 5234 (CHRB), Saipan, MP 96950. Todu komentu debi di u fanhalom trenta (30) dias desde mafechan este na nutisia gi Rehistran Commonwealth.

Sinettefika as :	 LUCY DLG. NIELSEN SEKRETARIA Dipatamenton Fainansiat	<u>4/14/2000</u> Fecha
Ma file as:	 SOLEDAD B. SASAMOTO	<u>4/14/00</u> Fecha
Rinisibi as:	 JOSE I. DELEON GUERRERO Special Assistant for Administration Ofisinan Gubetno	<u>4/17/2000</u> Fecha

Sigun gi 1 CMC papa seksiona 2153, ni inamenda ni Lai Publika 10-50, i regulasion siha ni chechetton guine esta manmaribisa yan apreba ginen Ofisinan Attorney General giya CNMI.

Ma fecha gi mina' ____ Na dia Abril 2000.

ELLIOTT A. SATTLER
HERBERT SOLL
Attorney General (Temporary)

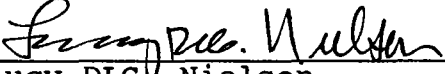
ARONGORONGOL TOULAP REEL POMWOL LLIWEL KKAAL REEL ALLÉGHÚL
AMMWÓGHÚTÚL MEWÓÓL COMMONWEALTH METAWAL WÓÓL FALÚWAL MARIANAS
REEL MILLE LOTTERY

Sekereteril Finance eghal arongaar toulap bwe bwulasiyol finance e poppomwoli ebwe yoor lliiwel mellól allégh kkaal reel ammwóghútúl mellól CNMI reel mille Lottery, iwe afaasil published mellól Commonwealth Register. Volume 15, No.10 Sarobwel 15, 1993 me mwiril schagh nge abwal lliiwel ló, sáangi aileewal bwángil me iye e lo afalafalal llól Commonwealth code ebwal toolong nge essóbw aighúúgh, 1 CMC ss 9305, 1 CMC ss 9306, 1 CMC ss 9313(c) bwal 9101 et. seq. me Executive Order 94-3. Commonwealth Administrative Procedure Act, 1 CMC ss


Aweeweel allégh kkaal ng ebwe alléghéló reel ebwe tighey me affata allégh bwal afalafalal iye efil reel ebwe amweschú me afala ammwóghútúl mellól CNMI reel mille Lottery. Allégh kkaal nge ebwe maamaaw alléghúl.

Pomwol allégh kkaal nge emmwel ubwe amweri me bweibwogh schéél mereel bwulasiyol Sekereteri, 2nd floor, Joeten Dandan Commercial Building, Seipél, MP. 96950.

Sekereteril Finance eghal tingór mánagemáng ngare aiyegh bwelle reel pomwol lliiwel kkaal reel ammwóghútúl mellól CNMI reel mille Lottery sáangi toulap. Iyo e tipeli ebwe isisilong nge ebwe féerú schagh, nge ebwe isch ngáli yaal address Bwulasiyol Finance, Sekereteril Finance, P.O. Box 5234 CHRB, Seipél, MP. 96950. Alongal mánagemáng ngare aiyegh nge ebwe toolong llól ótol eliigh rál mwiril tolongol llól Commonwealth Register.

Alúghúlúgh mereel: 
Lucy DLG Nielson
Sekereteri
Bwulasiyol Finance

4/14/2000
Date

Isáliyál: 
SOLEDAD B. SASAMOTO
Registrar of Corporation

4/14/00
Rál

Bwughiyal: 
JOSE DELEON GEURRERO
Special Assistant for Administration

4/17/2000
Rál

Sáangi 1 CMC ss 2153, iwe a lliiwel mereel Alléghúl Toulap 10-50, allégh kkaal ikka e appasch nge atakkal amweri me alúghúlúgh mereel bwulasiyol CNMI Attorney General.

Rál ye _____ llól maramal Séétá 2000.

ELLIOTT A. SATTLER



**Office of the Secretary
Department of Finance**

P.O. Box 5234 CHRBSAIPAN, MP 96950

TEL. (670) 664-1100

FAX: (670) 664-1115

**PROPOSED AMENDMENT
RULES AND REGULATIONS**

FOR THE OPERATIONS OF THE

**COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS
LOTTERY**

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

I. 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., and Executive Order 94-3.

II. 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 Department of Finance, successor to the Lottery Commission pursuant to Executive Order 94-3.

III. 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 or other object creating a target is placed on the ground at a certain distance from where the player is standing with the player throwing a disc, or other similar object, at the stick or target in an effort to hit the stick or target or knock the stick or target over. The player, and others present, wager whether after a throw, or series of throws, of the disc or other similar object, the stick or target 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 totaling 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: As used herein bingo is a lottery game of chance, played at a fixed location, involving the distribution of tickets or play-slips to players, by either sale or in exchange for anything of value, with each of such tickets or play-slips usually containing a "free" square in the center plus various numbers or symbols, which numbers or symbols are printed in such a manner that each "set" of bingo tickets or play-slips distributed for play contain a series of tickets or play-slips numbering not less than 2,000; with each of the 2,000 tickets or play-slips having a different series or configuration of numbers or symbols (also within the bingo industry referred to as "faces") before any one ticket or play-slip is duplicated or replicated; with the tickets or play-slips only sold at the location where the bingo game will be conducted, with the first sale of tickets not to be made more than one-half hour prior to the conducting of the first bingo game; with the bingo ticket or play-slips sold to players being the only basis for the payment of prizes, with players winning prizes only on the basis of matching upon his or her bingo ticket or play-slips various numbers or symbols drawn by lot, at random, by the caller of the game or selected through some similar method with the winner of each game being the player or players who match such numbers or symbols on their ticket or play-slip to create a previously selected and announced winning pattern used in bingo games which include, but are not limited to, small diamond, large diamond, four corners, horizontal, vertical, diagonal, window pane, picture-frame, X, coverall, etc.; with the drawing of numbers or symbols to conduct the lottery game of bingo limited to determining the winner of each bingo game and such numbers or symbols not being used for any other purpose including, but not limited to, any additional side-games or incidental games conducted as a result of or pursuant to the conduct of the bingo game as defined herein; with all prizes for winning bingo tickets being paid immediately, within five minutes, after the call of bingo and confirmation of winning bingo tickets, and if not paid on this basis prizes shall be forfeited to the bingo operator who may not redistribute such prizes except through the conducting of another bingo game as defined herein.

In order to constitute the game of bingo which may be licensed by the Mayor of a Senatorial District, all wagers must be placed in the presence of all persons playing the bingo game; and all winners must be determined in the presence of all persons playing the bingo game; and, the distribution of prizes must be made in the presence of all persons playing the bingo game.

The offering for sale or sale of cards or tickets having numbers or symbols (whether or not similar in design to a bingo game card), sometimes called break-open tickets, instant lottery tickets, instant bingo tickets, scratch-off tickets, pull-tab tickets, pickle jar games, etc., which numbers or symbols

are concealed or reprinted in a manner to provide for the distribution of a specific number of prizes or set dollar amount of prizes from each set or series of tickets, does not constitute the game of bingo; rather, the foregoing constitutes a lottery ticket and all such games are subject to licensing and regulation by the CNMI Lottery and, therefore, may not be sold by the holder of the Mayor's Bingo License unless the sale of such game is also approved by the Secretary of Finance on behalf of the CNMI Lottery.

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 Department.

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.

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 Department.

Department: The Department is the Department of Finance which took over the functions of the Lottery Commission pursuant to Executive Order 94-3, effective August 23, 1994.

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

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

Gaming Rules or Game Rules: The term “gaming rules” or “game rules” means the rules set forth for a particular lottery game as defined in the Rules and Regulations of the CNMI Lottery and other rules or statutes defining lottery matters.

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 Department 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 Department 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.

Jueteng Game: A Jueteng game is a numbers lottery where a player may select and enter on a pre-printed ticket one number or two numbers from 1 to 38 in an attempt to match one or two randomly drawn numbered balls also numbered from 1 to 38. The winning numbers are drawn from a cylindrical tube or tamboliolo or established on some other random basis that is beyond the ability of the licensee to control or manipulate. When the number(s) drawn matches the number(s) selected by the player, the player is entitled to the winning prize for that particular drawing date and game.

License: A license is a permit or authorization issued by the Department 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 Department.

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

Lottery or lottery games: As used herein "lottery or lottery games" 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 Licensee: See "Licensee" above.

Lottery operator: The lottery operator is the party to whom the Department has issued the CNMI Lottery Operator's License.

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.

Rules of the game: Rules of the game are the "Rules and Regulations" as promulgated, and from time to time amended, by the CNMI Lottery including: (1) Lotto Regulations; (2) Pacific Instant Lottery Sub-Accreditation Agreement; (3) Keno Regulations; (4) OZ Lotto Regulations; (5) Power Ball Regulations; (6) Jueteng Regulations; each of which are attached hereto or, by reference, specifically incorporated herein; except such Rules which are specifically modified herein or insofar as such 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 lottery licensee to the CNMI government.

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.

IV. APPLICATION REQUIREMENT.

Every person interested in engaging in a lottery in the CNMI must submit an application as prescribed by the Department setting forth the type of lottery and other information as required in the rules.

V. APPLICANT'S REQUIREMENTS.

In order to be eligible to apply for a lottery license, the applicant must meet the following conditions:

1. Must be a resident of the Commonwealth for at least three (3) years immediately preceding the date of the application. In the case of the corporation, the corporation must be incorporated in the Commonwealth;
2. In the case of an individual, must provide a police clearance that indicates the individual has never been convicted of any crime;
3. Must provide authority for the Department to conduct background investigation;
4. Must be current with all required tax filings and payments.

V. TYPE OF LOTTERIES.

The Commonwealth Lottery shall be comprised of all lottery games set forth below. The CNMI Lottery operator may offer more than one on-line type lottery game and more than one instant ticket lottery game.

RULE 1 - LOTTERY GAMES AUTHORIZED.

- 1.0 Jueteng or other similar lottery game matching one or two randomly selected numbers to the numbers on the player's game card or ticket;
- 1.1 Scratch or instant tickets or other selected similar game;
- 1.2 On-line or other electronic game matching more than two randomly selected numbers to the player's game ticket;
- 1.3 Gift Enterprise or other similar lottery game used to promote a business, product or other similar enterprise.

RULE 2 - MANNER OF PLAY

- 2.0 The manner in which the Commonwealth Lottery will be conducted is pursuant to applicable rules and regulations, copy of which is attached hereto and specifically incorporated herein by reference or have been previously promulgated and are specifically incorporated herein by reference, save and except as noted in or modified by these Rules and Regulations.
- 2.1 The cost for the play of each game of the Commonwealth Lottery as set forth in the Rules and Regulations 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 Department, 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 Department, may increase or decrease the entry cost for each Commonwealth Lottery game.
- 2.4 The computation of the conversion from Australian dollars or other acceptable currency to United States 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 Department. 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

- 3.0 The number and size of prizes awarded shall be determined by Game Rules referred to above and hereby made a part of 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 or other acceptable currency 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 or other acceptable

currency to United States 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 Department. 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

- 4.0 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 the Game Rules referred to above and made a part of these Rules and Regulations.
- 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 the Game Rules. In the case of winnings conducted directly by the operator, the entire winnings must be paid by the operator.
- 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 Each lottery licensee must withhold and report lottery winnings consistent with all applicable CNMI laws including, but not limited to, when paying a prize of US\$5,000.00 or more, the CNMI Lottery Operator shall withhold appropriate income tax at a rate set under the CNMI tax laws and regulations.
- 4.6 The prize for any on-line lottery game not otherwise claimed, paid or distributed by the CN MI 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 Department 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 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 Department or the CNMI Lottery Operator or their authorized representative.
- 4.9 The CNMI Lottery Operator shall place all lottery proceeds due to the Department in an account in an institution selected by the Department 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

- 5.0 The frequency of the Commonwealth Lottery games and the date or time at which each game is held shall be determined by Game Rules herein set forth.

RULE 6 - LOCATIONS WHERE LOTTERY MAY BE PERMITTED

- 6.0 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 may provide both on-line lottery games and instant ticket lottery games or jueteng games. The premises of a full-service retail agency shall be substantially dedicated to the conduct of the 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 locations 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 Department. The receipt of a CNMI Lottery License is a privilege not a right, however any such license once issued is revocable by the Department only for cause. In determining to whom such licenses should be awarded and the locations where the Commonwealth Lottery will operate, the Department 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 Department 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 Department 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

- 7.0 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 lottery operator.

RULE 8 - LICENSING OF PERSONS TO OPERATE THE LOTTERY

- 8.0 The receipt of a CNMI Lottery License is a privilege not a right, however any such license once issued is revocable by the Department only for cause. The Department 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 Department 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 Department 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 Department deems necessary in order to determine whether the applicant is suitable to hold a license; or 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 Department under these Rules and Regulations or on any application, filing or other instrument submitted to the Department that subsequently becomes incorrect or misleading, shall immediately be updated by the applicants or licensees providing an explanation thereof to the Department. Without limiting the foregoing, all applicants or licensees shall notify the Department 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 Department 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 Department.
- 8.3 The CNMI Lottery Operator's License shall be issued for a period of time acceptable and agreed upon between the Department and the Licensee. The CNMI Lottery Full-Service Agency Lottery Sales License and/or the CNMI Lottery Instant Ticket Sales and/or Numbers Game 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 Department in writing.
- 8.4 The criteria set forth herein as a basis to grant or deny a license shall also be used by the Department in determining whether to renew a license previously issued.
- 8.5 The Department 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

- 9.0 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 Department 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

- 10.0 A gift enterprise lottery may be conducted by a merchant providing all of the following terms and conditions are met:
- (a) the merchant shall submit an application and pay the appropriate fee as determined by the Department; and
 - (b) that the primary business of the merchant conducting the gift enterprise lottery is other than the conduct of a lottery; and

- (c) 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
- (d) 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
- (e) 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 \$25,000 or less;
 - (2) that the aggregate or total retail value of all prizes awarded does not exceed \$35,000;
 - (3) that the merchant shall not buy-back, repurchase, or award a cash equivalent for any merchandise prize so awarded, and
- (f) 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
- (g) that not more than two gift enterprise lottery promotions be conducted by a merchant in any single calendar year; and
- (h) 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 Department 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 Department deems necessary or appropriate to evaluate and regulate the conduct of gift enterprise lotteries in the CNMI. The Department 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 Department any and all information sought in the gift enterprise lottery application form or disclosure form, will result in the Department 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 Department 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.
- 10.5 The Department may issue a cease and desist order for any merchant found to be in violation of these regulations. Upon finding of such violation, such merchant and/or marketing agent shall be subject to a civil penalty not to exceed \$500 per day for each day of violation of these regulations.

RULE 11 - POLITICAL ACTIVITIES BY CERTAIN LOTTERY LICENSEES

- 11.0 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 - LOTTERY LICENSE FEE

- 12.0 For the privilege of engaging in the sale of lottery games in the CNMI, the following annual license fee schedule is established and must be paid as a condition of the issuance or renewal of a lottery license.
 - (a) Jueteng Game. A fixed fee of \$150,000 plus additional license fee as determined by the Department of Finance based on a percent of gross sales;
 - (b) Instant Scratch Game . A fixed fee plus additional license fee as determined by the Department of Finance based on a percent of gross sales;

(c) On-Line lottery. A fixed fee plus additional license fee as determined by the Department of Finance based on a percent of gross sales.

12.1 All fixed license fee must be paid in full prior to the issuance of a license. The additional license fee computed as a percentage of gross sales must be paid no later than the tenth day of each month following the month in which sales were made.

RULE 13 - SELLING PRICE OF TICKETS

13.0 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 Department.

13.1 Unless otherwise specifically authorized by the Department 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 Department.

RULE 14 - RESTRICTIONS ON SALE OF TICKETS

14.0 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 Department 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

- 15.0 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

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

RULE 17 CHANGE OF LOCATION OR OWNERSHIP

- 17.0 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 Department 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 Department. 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

- 18.0 Unless otherwise specifically provided in writing by the Department, 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 or numbers 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 Department.
- 18.1 Each CNMI Lottery Licensee shall:
- (a) only use the lottery ticket dispensers provided by the CNMI Lottery Operator for the sale of instant lottery tickets; and
 - (b) place such instant ticket dispensers 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 Department.
- 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

19.1 Pursuant to the specific authority of 1 CMC §9313(h) the Department 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 Department, 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 Department 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 Department; or
- (b) Without in any way limiting or restricting the ability of the Department 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 Department, the Department 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 Department; 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 Department; 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 Department 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 Department; or
- (7) that the licensee has violated any directive or instruction issued by either the Department 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 employees has exhibited discourteous treatment including, but not limited to, abusive language toward customers or the Department ; or
- (10) that the licensee has assigned or transferred or attempted to assign or transfer its licenses to another party without the prior written approval of the Department and the 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 Department 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 Department; or, by failing to handle lottery funds in a prescribed manner consistent with either the Act or these Rules and Regulations.
- (21) the licensee's failure to comply with the CNMI tax laws including, but not limited to, the requirement to file tax returns and pay applicable taxes.

RULE 20 - INAPPLICABILITY OF REGULATIONS

- 20.0 Pursuant to 1 CMC §1402(a)(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 nonprofit organization since such licensing authority is specifically reserved to the Department by the Act.
- 20.3 The Department may develop appropriate forms for the filing with the Department

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 Department. Such forms shall require the disclosure of all information which the Department deems necessary or appropriate to determine whether such applicant is exempt from having its lottery game(s) regulated by the Commission. The Department 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 Department 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 Department.

RULE 21 - CERTAIN LOTTERIES PROHIBITED

21.0 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

22.0 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

- 23.0 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.

RULE 24 - JUETENG DOCUMENTATION AND RECORD-KEEPING.

- 24.0 Tickets. Tickets shall be printed using only one color for each type of game (i.e., two number game or one number game) and using only one number series for each type of game. A different number shall be assigned for each ticket. In order to maximize the numbering, a letter must be assigned after the number for the first 999,999 (i.e 999,999A) and then another letter (i.e. 999,999B) for the next 999,999 tickets, and so on. (See example in Appendix A for two-number game and Appendix A-1 for one-number game).
- 24.1 Monitoring Log Sheets. Two monitoring log sheets shall be established to control tickets printed and issued to agents; and sold and unsold by agents.
- 24.2 Monitoring Log Sheet for Tickets Printed and Issued to Agents. Each log sheet must show the booklet number series received from the printing companies and issued to agents. The lottery operator and printing companies' representative and agents must sign the log sheet every time tickets are issued.
- 24.3 A separate log sheet must be maintained for each game type to properly monitor and account for all tickets. Since each ticket booklet could be issued to different agents, the logging of the number series in the log sheet shall be per booklet. The recording of booklet number series received from the printing companies must be sequential and must be issued to agents on a sequential basis. (See example in

Appendix B).

- 24.4 **Monitoring Log Sheet for Tickets Sold and Unsold by Agents.** Each log sheet must show the accounting of the ticket number series issued to an agent by summarizing daily ticket sales in a month, and the unsold or voided tickets at the end of the month. The lottery operator representative and the agent must sign the log sheet every time tickets are accounted for.
- 24.5 A separate log sheet shall be maintained for each game type for each agent. A reconciliation of the total tickets issued to the total tickets sold, unsold and voided shall be done not less than once every calendar month. (See example in Appendix C).
- 24.6 **Activity Reports.** Two activity reports shall be established to summarize ticket sales.
- (a) **Daily Activity Report Details.** A daily activity report must show activities for the day with details on individual agent's ticket sales for each game type, collection after agent's commission, prizes paid by agent, computation of total commission or fees due to the government. (See example in Appendix D).
 - (b) **Daily Activity Report Summary.** A daily activity report summary must show activities for the month with details on daily total ticket sales for each game type prizes paid, prizes unclaimed, computation of commission or fees due to the government. (See example in Appendix E).
- 24.7 **Duties and Responsibilities.** In addition to the full compliance with all aspects applicable CNMI Law and the Amended Rules and Regulations of the CNMI Lottery, a licensee holding a Jueteng Lottery License shall be required to:
- (a) Accurately and fully fill out information in the log sheets and activity reports on a timely basis.
 - (b) Sort tickets sold daily by agent and by game type and then bundle and indicate the name of the agent and the quantity of tickets sold by game type.
 - (c) At the end of the month, conduct an inventory of all voided and unsold tickets and determine if unsold tickets can still be sold the following month. If such tickets are to be sold, the number series should be included again in the "tickets issued" column in the following month's log sheet. Voided tickets shall be marked "voided" and kept for audit purposes. The Jueteng Lottery Licensee must assume that agents are accountable for all tickets issued to them. i.e., requiring return of either all ticket sale proceeds and

unsold tickets.

- (d) Before the 5th day of the month, provide DOF copies of both the Detail and Summary Daily Activity Reports of the previous month and corresponding bank deposit slips.
- (e) Keep copies of tickets sold, unsold, and voided until final period under audit is completed and disposal of tickets is authorized, in writing, by both the Office of the Public Auditor and Secretary of Finance.
- (f) Insure that each agent turns in sold tickets and proceeds at the lottery operator's office on a daily basis.
- (g) Insure that each agent turns in unsold and voided tickets at the lottery operator's office for inventory at the end of each month. All tickets issued to agent shall be accounted for, and all unreturned (lost) tickets shall be deemed sold for purposes of the computation of payments to the CNMI government pursuant to the Jueteng Lottery License.

24.8 Department of Finance Authority. At the end of each month and at other times deemed appropriate, representatives of the Department of Finance or their designee may visit the Jueteng Lottery Licensee's office and perform the following random document review for audit purposes:

- (a) Obtain the Monitoring Log Sheet for Tickets Printed and Issued to Agents and check if booklet number series recorded are in sequence.
- (b) Obtain the Monitoring Log Sheet for tickets sold and Unsold by Agents and review the following:
 - (i) Check if the Total tickets issued are reconciled to total tickets sold, unsold, and voided;
 - (ii) Review list of voided and unsold tickets; determine disposition of the unsold tickets; if decided to be sold the following month, ticket number series should be included again in the "tickets issued" column in the following month's log sheet, if voided, tickets should be marked "voided";
 - (iii) Tie in daily ticket sales of each agent to Daily Activity Report (Details).
- (c) Reconcile daily ticket sales of each day per Daily Activity Report (Details) to Daily Activity Report (Summary).

- (d) Obtain explanation for findings.

RULE 25 - GAME RULES FOR JUETENG GAME

- 25.0 One Number Game. A one number game is a game played in which game cards, or tickets, are sold to players. A ticket has pre-printed numbers from 1 to 38 and consists of a set of 3 copies. The player then selects a number from the pre-printed ticket and prints it in a designated box on the ticket. The player keeps one copy, the seller keeps the duplicate, and the seller returns one copy to the Jueteng Lottery Licensee's office prior to the daily drawing being held.
- 25.1 Two Number Game. A two number game is played similarly to the One Number Game in 25.0, except that the player selects two numbers from the ticket and places one number in each box on the game ticket.
- 25.2 The lottery operator determines the winning number or numbers for one and/or both of the games played in 25.0 and 25.1 based on the drawing from a "tambolo," of the numerically numbered balls from 1 to 38. A player's ticket having the number or numbers selected matching to the number or numbers drawn is entitled to the winning prize for that particular drawing date and game. The player must have the winning numbers listed in the exact sequence as the winning numbers drawn. Any order of numbers listed not in sequence with the drawn winning combination does not win the grand prize.
- 25.3 The cost of a 1 number game ticket shall be \$1.00 for each ticket. The cost of a two number game shall be \$1.00 for each ticket.
- 25.4 The prize pool available each day is \$50,000. Each one number winning ticket receives \$30.00, payable at the time of drawing. Each two number winning ticket receives \$600.00, payable at the time of drawing. If there is more than one winner, each winner receives \$600.00 for the two number game or \$30.00 for the one number game until there is a payout totaling \$50,000 for that drawing. Before any winner of any game is paid, the licensee shall determine the number of winners and if the sum of prizes exceeds the prize pool, each winner shall receive a pro rata share of the prize pool.
- 25.5 To assure the Department that all prizes will be paid and there is sufficient money to cover every day winners, the Jueteng Lottery Licensee shall deposit and maintain a balance of not less than \$50,000 in a Prize Trust Account on terms and conditions established by the Department.

- 25.6 Drawing for the games are to be held once daily, not later than 10:00 p.m. A second or subsequent drawing shall not be conducted without the written approval of the Department.
- 25.7 Drawing for winning number (s) are open to public for viewing. For each drawing a video tape of the drawing is to be made and maintained for one year subsequent to the drawing unless erasures or destruction of the video tape(s) is authorized in writing by the Department.
- 25.8 In addition to the specific rules relating to the play and/or record-keeping for the Jueteng game, the holder of a Jueteng Lottery License shall also be bound by and strictly adhere to, Rules 6.1 through Rule 23 of these Rules and Regulations.

RULE 26 - GAME RULES FOR SCRATCH OR INSTANT GAME

- 26.0 The rules for play of the Scratch or Instant game are those rules published in the Commonwealth Register, Volume 15, Number 10, October 15, 1993, pages 10948 thru 10958.
- 26.1 The rules and regulations for the Scratch or Instant game as published in the Commonwealth Register, Volume 19, Number 01, January 15, 1997, are adopted and incorporated herein for purposes of these rules and regulations.

RULE 27 - GAME RULES FOR ON-LINE OZ LOTTO GAME

- 27.0 The rules for play of the on-line OZ Lotto game are those rules published in the Commonwealth Register, Volume 19, Number 01, January 15, 1997, pages 14856 thru 14868.
- 27.1 The rules and regulations for the on-line OZ Lotto game as published in the Commonwealth Register, Volume 19, Number 01, January 15, 1997, are adopted and incorporated herein for purposes of these rules and regulations.

RULE 28 - GAME RULES FOR ON-LINE POWER BALL GAME

- 28.0 The rules for play of the on-line Power Ball game are those rules published in the Commonwealth Register, Volume 19, Number 01, January 15, 1997, pages 14869 thru 14877.
- 28.1 The rules and regulations for the on-line Power Ball game as published in the Commonwealth Register, Volume 19, Number 01, January 15, 1997, are adopted

and incorporated herein for purposes of these rules and regulations.

RULE 29 - GAME RULES FOR ON-LINE LOTTO GAME

- 29.0 The rules for play of the On-Line Lotto game are those rules published in the Commonwealth Register, Volume 15, Number 10, October 15, 1993, pages 10198 thru 10133.
- 29.1 The rules and regulations for the On-Line Lotto game as published in the Commonwealth Register, Volume, 15, Number 10, October 15, 1993, are adopted and incorporated herein for purposes of these rules and regulations.

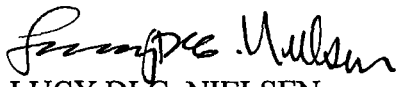
RULE 30 - GAME RULES FOR ON-LINE KENO

- 30.0 The rules for play of the on-line Keno game are those rules previously published in the Commonwealth Register, Volume 15, Number 10, October 15, 1993, pages 10958 thru 10971.
- 30.1 The rules and regulations for the On-Line Keno game as published in the Commonwealth Register, Volume, 15, Number 10, October 15, 1993, are adopted and incorporated herein for purposes of these rules and regulations.

CERTIFICATION OF THE PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS FOR THE OPERATION OF THE CNMI LOTTERY

I, Lucy DLG. Nielsen, Secretary of the Department of Finance, which is promulgating the Proposed Amendments Rules and Regulations for the Operation of the CNMI Lottery by signature below hereby certify that the attached Proposed Amendments to the Rules and Regulations for the Operation of the CNMI Lottery are a true, complete and correct copy of the CNMI Lottery proposed Amendments.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 14th day of April 2000 on the island of Saipan Commonwealth of the Northern Mariana Islands.


LUCY DLG. NIELSEN
Executive Secretary
Department of Finance

\$1.00 No 470460 A

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

9 25

First No. Second No.

TWO NUMBERS

\$1.00 No 470476 A

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

27 10

First No. Second No.

TWO NUMBERS

\$1.00 No 470464 A

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

12 25

First No. Second No.

TWO NUMBERS

\$1.00 No 470459 A

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

22 18

First No. Second No.

TWO NUMBERS

\$1.00 No 470475 A

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

10 27

First No. Second No.

TWO NUMBERS

\$1.00 No 470463 A

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

12 25

First No. Second No.

TWO NUMBERS

\$1.00 No 470458 A

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

18 22

First No. Second No.

TWO NUMBERS

\$1.00 No 470474 A

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

10 27

First No. Second No.

TWO NUMBERS

\$1.00 No 470462 A

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

12 25

First No. Second No.

TWO NUMBERS

\$1.00 No 470457 A

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

18 22

First No. Second No.

TWO NUMBERS

\$1.00 No 470473 A

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

10 27

First No. Second No.

TWO NUMBERS

\$1.00 No 470461 A

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

25 9

First No. Second No.

TWO NUMBERS

\$1.00 N^o 158468 **A**

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

8 1st Ball
 2nd Ball

\$1.00 N^o 158472 **A**

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

8 1st Ball
 2nd Ball

\$1.00 N^o 158467 **A**

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

8 1st Ball
 2nd Ball

\$1.00 N^o 158471 **A**

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

8 1st Ball
 2nd Ball

\$1.00 N^o 158466 **A**

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

8 1st Ball
 2nd Ball

\$1.00 N^o 158470 **A**

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

8 1st Ball
 2nd Ball

\$1.00 N^o 158465 **A**

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

8 1st Ball
 2nd Ball

\$1.00 N^o 158469 **A**

NUMBERS INTERNATIONAL CORPORATION

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15
16 17 18 19 20 21 22 23 24 25 26 27
28 29 30 31 32 33 34 35 36 37 38

8 1st Ball
 2nd Ball

NAME OF LOTTERY OPERATOR
MONITORING LOG SHEET FOR TICKETS PRINTED AND ISSUED TO AGENTS
FOR TWO-NUMBER GAME

DATE RECEIVED	INVOICE NO	NUMBER SERIES PER BOOKLET		ISSUED BY PRINTING COMPANY		RECEIVED BY LOTTERY OPERATOR PERSONNEL	ISSUED TO AGENT BY LOTTERY OPERATOR PERSONNEL	RECEIVED BY AGENT			
		FROM	TO	NAME OF COMPANY	REPRESENTATIVE SIGNATURE			AGENT CODE	NAME OF AGENT	AGENT SIGNATURE	DATE RECEIVED
Nov. 29, 1999	123456	00001A	000200A	XYZ Co.				1	Ric Yan	R Yan	Nov. 30, 1999
		000201A	000400A	XYZ Co.			M. Agustin	1	Ric Yan	R Yan	Nov. 30, 1999
		000401A	000600A	XYZ Co.				1	Ric Yan	R Yan	Nov. 30, 1999
		000601A	000800A	XYZ Co.				2	Diet Ocampo	D Ocampo	Nov. 30, 1999
		000801A	001000A	XYZ Co.			M. Agustin	2	Diet Ocampo	D Ocampo	Nov. 30, 1999
		001001A	001200A	XYZ Co.				2	Diet Ocampo	D Ocampo	Nov. 30, 1999
		001201A	001400A	XYZ Co.			M. Agustin	3	One Miguel	O Miguel	Nov. 30, 1999
		001401A	001600A	XYZ Co.				3	One Miguel	O Miguel	Nov. 30, 1999
		001601A	001800A	XYZ Co.	J. Santos	M. Agustin	M. Agustin	4	Gary Valencia	G Valencia	Nov. 30, 1999
		001801A	002000A	XYZ Co.				4	Gary Valencia	G Valencia	Nov. 30, 1999
		002001A	002200A	XYZ Co.			M. Agustin	5	Pat Dela Rosa	P delarosa	Nov. 30, 1999
		002201A	002400A	XYZ Co.				5	Pat Dela Rosa	P delarosa	Nov. 30, 1999
		002401A	002600A	XYZ Co.			M. Agustin	6	Ariel Riviera	A riviera	Nov. 30, 1999
		002601A	002800A	XYZ Co.				6	Ariel Riviera	A riviera	Nov. 30, 1999
		002801A	003000A	XYZ Co.			M. Agustin	7	Mart Nivera	M nivera	Nov. 30, 1999
		003001A	003200A	XYZ Co.				7	Mart Nivera	M nivera	Nov. 30, 1999
		003201A	003400A	XYZ Co.			M. Agustin	8	Mon Bagat	M Bagat	Nov. 30, 1999
		003401A	003600A	XYZ Co.				8	Mon Bagat	M Bagat	Nov. 30, 1999
		003601A	003800A	XYZ Co.							
		003801A	004000A	XYZ Co.							

- NOTE: (1) Tickets printed should be accounted sequentially.
 (2) Recording of number series should be per booklet.
 (3) Maintain a separate log sheet for each game type.

NAME OF LOTTERY OPERATOR
 MONITORING LOG SHEET FOR TICKETS SOLD AND UNSOLD BY AGENTS
 FOR TWO-NUMBER GAME

FOR THE MONTH OF: December 1999
 NAME OF AGENT: Ric Yan
 AGENT CODE: 1

DATE ISSUED	TICKET NUMBER SERIES*			QUANTITIES OF TICKETS SOLD PER DAY																															TOTAL SOLD	UNSOLD TICKETS SERIES					
	FROM	TO	QTY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		SERIES	TO	QTY			
11/30/99	000001A	000600A	600	350	58	25	12	0	0	0	0	0	43	30	35	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	553	000191A	000200A	10
																																						000380A	000400A	21	
																																						000385A	000600A	16	
TOTAL			600	350	58	25	12	0	0	0	0	0	43	30	35	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	553			47	
SOLD TICKETS FOR THE MONTH																								553																	
UNSOLD TICKETS FOR THE MONTH																								47																	
VOIDED TICKETS FOR THE MONTH																						SERIES:		0																	
TOTAL ISSUED TO AGENT											TOTAL SOLD, UNSOLD & VOIDED TICKETS FOR THE MONTH (This should tie in with the TOTAL ISSUED TO AGENT)													600																	
CONFIRMED BY AGENT (Affix initial per day)	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry	ry					
VERIFIED BY LOTTERY OPERATOR PERSONNEL (Affix initial per day)	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma	ma					

*Obtained from the Monitoring Log Sheet for Tickets Printed and Issued to Agents

NAME OF LOTTERY OPERATOR
DAILY ACTIVITY REPORT-DETAILS
DATE December 1, 1999

DAY: Wednesday

TICKETS SALES & COLLECTION:

ITEM NO.	AGENT CODE	QUANTITY	TWO NUMBER COLLECTION	ONE NUMBER COLLECTION	ONE NUMBER COLLECTION	ONE NUMBER COLLECTION	ONE NUMBER COLLECTION
1	1	350	297.10	83	22.33	433	369.75
2	2	243	240.55	135	106.33	408	346.80
3	3	390	331.50	133	114.75	333	446.25
4	4	174	103.40	50	42.50	174	142.90
5	5	368	312.80	383	342.23	633	533.03
6	6	193	164.75	11	9.35	206	173.10
7	7	273	233.05	124	105.40	397	332.45
8	8	318	219.30	111	94.35	389	313.63
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
TOTAL		2,241	\$1,904.85	928	\$787.10	3,167	\$2,691.95

After 15% agent's commission.
Basis: Obtain information from the Monitoring Log Sheet for Tickets Sold and Unsold by Agents.

GOVERNMENT COMMISSION:	10%	+	5%	=	
AMOUNT	\$324.10		\$48.30		\$270.40

WINNINGS:

FIRST BALL	8
SECOND BALL	20

AGENT CODE	AGENT NAME	QUANTITY	TWO NUMBER COLLECTION	ONE NUMBER COLLECTION	ONE NUMBER COLLECTION	ONE NUMBER COLLECTION	PRIZE PER TICKET	TOTAL
1	TWO #	1	0001004				600.00	600.00
2	ONE #	2	0006004/0004				30.00	60.00
2	ONE #	1	0010004				10.00	10.00
TOTAL PAY OUT								\$990.00

SUMMARY:

TOTAL COLLECTIONS (After 15% agent's commission)	\$2,691.95
LESS: TOTAL PAY OUT	690.00
NET INCOME (LOSS)	2,001.95
CASH BREAKDOWN:	
CURRENCIES	\$1,951.00
COINS	0.95
CHECKS	50.00
CASH SHORT (OVER)	0

PREPARED BY/DATE: M. Adams 12/1/99
CHECKED BY/DATE: Spencer Adams 12/1/99

NAME OF LOTTERY OPERATOR _____
 DAILY ACTIVITY REPORT-SUMMARY
 FOR THE MONTH OF: December 1999

DATE	TICKETS SOLD		GROSS INCOME	PRIZES PAID	UNCLAIMED PRIZES*	COMMISSION DUE TO CNMI GOVERNMENT	CREDIT TO BGRT**
	TWO #	ONE #					
1	2,241.00	926.00	3,167.00	690.00	0.00	270.40	158.35
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							

TOTAL	\$2,241.00	\$926.00	\$3,167.00	\$690.00	\$0.00	\$270.40	\$158.35
--------------	------------	----------	------------	----------	--------	----------	----------

* Unclaimed prizes are winnings not claimed or obtained by an agent in behalf of a winner.
 **Credit to BGRT is computed by multiplying 5% (tax rate) to the gross income.

Basis: Obtain information from the Daily Activity Report-Details.



NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 514, Saipan, MP 96950

Tels: (670) 234-6866
234-9447
234-7689
234-7670
Fax: (670) 234-9021




NOTICE OF PROPOSED AMENDMENTS TO THE NORTHERN MARIANAS HOUSING CORPORATION'S LOAN PROCESSING PROCEDURES

The Board of Directors of the Northern Marianas Housing Corporation (NMHC) hereby notifies the general public that it proposes to amend its Loan Processing Procedures as published in the Commonwealth Register at Volume 18, Number 08, page 14624, August 15, 1996; and as amended by Commonwealth Register Volume 19, Number 09, page 15656, September 15, 1997; Volume 20, Number 01, page 15807, January 15, 1998; and Volume 20, Number 7, page 16042, July 15, 1998


The amendment will establish rules that will allow NMHC to prohibit or disbar contractors from participating in NMHC's home loan programs, and establish a sliding scale of mandatory liquidated damages in construction or rehabilitation contracts for homes financed by NMHC, thereby ensuring that NMHC financed homes are built on time, on budget, and with quality workmanship, thereby minimizing NMHC's possible losses.

Anyone interested in making comments on the proposed amendment to NMHC's Loan Processing Procedures may do so in writing, addressed to the Executive Director, Northern Marianas Housing Corporation, at P. O. Box 500514, Saipan, MP 96950, no later than thirty (30) days from the date of this publication in the Commonwealth Register.


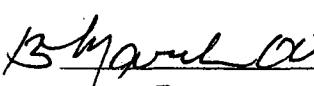
DATED this 3/13/2000




Juan S. Tenorio
Board Chairman



MaryLou S. Ada
Executive Director

Received by:  4/12/2000 

Jose I. Deleon Guerrero
Special Assistant for Administration
Date

Filed and Recorded by: 

Soledad B. Sasamoto
Registrar of Corporations
4/12/00
Date

"NMHC is an equal employment and fair housing public agency"

**NOTICE OF PROPOSED AMENDMENTS TO THE NORTHERN MARIANAS
HOUSING CORPORATION'S LOAN PROCESSING PROCEDURES**

Pursuant to Executive Order No.94-3; Section 407 of Reorganization Plan No.2 of 1994; Governor's Directive No. 138; the CNMI Administrative Procedure Act (1 CMC 9101, et. seq.); 2 CMC 4432(i); 2 CMC 4433(i)(j) & (t); and 2 CMC 4453, the attached Administrative Plan has been reviewed and approved by the CNMI Attorney General's Office.

Dated this 29th March 2000,

Herbert D. Soll
Temporary Attorney General

By: 
Assistant Attorney General

NORTHERN MARIANAS HOUSING CORPORATION


NUTISIA PUT PRINIPONEN AMENDASION SIHA
PARA NORTHERN MARIANAS HOUSING CORPORATION
PUT AREKLAMENTON INAYAO SALAPE

I Board of Directors gi Northern Marianas Housing Corporations (NMHC) ginen este ha nutitisia i pupbliku henerat na ha propopne para u amenda i Kondision yan Maneran Inayao Salape komu mapublika esta gi Rehistran Commonwealth gi Baluma 18, Numiru 08, pahina 14624, Agosto 15, 1996; yan inamenda ni Rehistran Commonwealth Baluma 19, Numiru 09, pahina 15656, Sepembre 15, 1997; Baluma 20, Numiru 01, pahina 15807, Ineru 15, 1998; yan Baluma 20, Numiru 7, pahina 16042, Huliu 15, 1998.

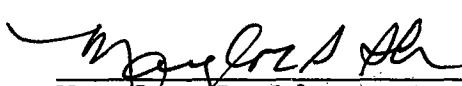
I amendasion para u establese areklamento siha put para u sedi i NMHC para u pruhibi osino na para i contractors siha para u fapattisipao gi programan NMHC home loan, yan establese sliding scale para mandatory liquidated damages gi construction pat rehabilitation contracts para i gima siha ni manmanayao salape ginen NMHC, yan ginen ayu para u asigura ayu siha na guma i mafainasiat ginen NMHC u fanmakahat kon tiempo, gi budget yan kualidat fina cho cho, ya u ribaha hafa siha manpusipble na malingun NMHC.

Hayi interesao mamatinas komentu put i priniponen amendasion gi NMHC's Loan Processing Procedures, siha ha cho gue gi tinige ya u adres guatu para i Direktot Eksekatibu, Northern Marianas Housing Corporations, Saipan, MP 96950 ya ti u mas di trenta (30) dias desde mapublika huyong este na nutisia gi Rehistran Commonwealth.


Ma fecha guine gi 3/13/2000.



Juan S. Tenorio
Chairman

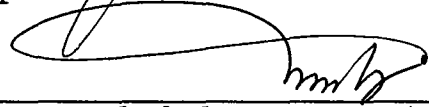


MaryLou S. Ada
Direktoran Eksekatibu

Rinisibi as: 

Jose I. Deleon Guerrero
Special Assistant for Administration

14/3/00
Fecha

Ma file yan Rinekot as: 

Soledad B. Sasamoto
Rehistradoran Kotporasion

4/12/00
Fecha

NORTHERN MARIANAS HOUSING CORPORATION

NUTISIA PUT PRINIPONEN AMENDASION SIHA
PARA NORTHERN MARIANAS HOUSING CORPORATION
PUT AREKLAMENTON INAYAO SALAPE

Sigun gi Otden Eksekatibu Numiru 94-3; Seksiona 407 gi Reorganzation Plan Numiru 2 gi 1994; Otden Gubetno Numiru; i CNMI Administrative Procedures Act (1 CMC 9101, et. seq.) 2 CMC 4432(i)(j) yan (t); yan 2 CMC 4453, i checheton na Administrative Plan esta manmaribisa yan apreba ni Ofisinan Attorney General giya CNMI.

Ma fecha guine gi _____.

HERBERT SOLL
Attorney General (Acting)

Ginen as: ELLIOTT A. SATTLER

Assistant Attorney General



EQUAL HOUSING OPPORTUNITY

NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 514, Saipan, MP 96950

Tels: (670) 234-6866
234-9447
234-7689
234-7670
Fax: (670) 234-9021

LOAN PROCESSING PROCEDURES

Citation of

Statutory Authority: Pursuant to Executive Order No. 94-3; Section 407 of Reorganization Plan No. 2 of 1994; Directive No. 138; the CNMI Administrative Procedure Act, 1 CMC 9101, et. Seq., 2 CMC 4432(a), (b), & (c); 2 CMC 4433(I), (k), (s), & (t); and 4 CMC 10203(a)(2), (14), (22), (29), & (32).

Short Statement of

Goals & Objectives: To regulate contractors participating in mortgage credit programs by establishing rules that will allow NMHC to prohibit or disbar contractors from participating in NMHC's home loan programs, and by establishing a mandatory sliding scale for liquidated damages.

Brief Summary of the Rule:

To amend NMHC'S Loan Processing Procedures to establish rules that will allow it to prohibit or disbar contractors from participating in NMHC's home loan programs, and to establish a sliding scale of mandatory liquidated damages in construction or rehabilitation contracts for homes funded by NMHC.

For Further Information

Contact: MaryLou S. Ada, Executive Director, telephone no. 234-9447/7689, fax no. 234-9021 or email at nmhc@gtepacifica.net

Citation of Related and/or Affected Statutes Regulations and Orders:

NMHC's Loan Processing Procedures as published in the Commonwealth Register at Volume 18, Number 08, page 14624, August 15, 1995; and as amended by Commonwealth Register Volume 19, Number 09, page 15656, September 15, 1997; Volume 20, Number 01, page 15807, January 15, 1998; and Volume 20, Number 7, page 16042, July 15, 1998.

Submitted by:



MaryLou S. Ada
Executive Director



Date

"NMHC is an equal employment and fair housing public agency"

INTRODUCTION

On August 15, 1996, the Northern Marianas Housing Corporation published its Loan Processing Procedures in the Commonwealth Register at Volume 18, Number 08, page 14624, August 15, 1996; with amendments published in the Commonwealth Register, at Volume 19, Number 09, page 15656, September 15, 1997; Volume 20, Number 01, page 15807, January 15, 1998; and Volume 20, Number 7, page 16042, July 15, 1998. Upon regular review of its loan program, NMHC determined that there is a need to amend its procedures so as to establish rules that will allow it to prohibit or disbar contractors from participating in NMHC's home loan programs, thereby ensuring that NMHC financed homes are built on time, on budget, and with quality workmanship, thereby minimizing NMHC's possible losses. NMHC has also determined that there is a need to further amend the procedures so as to add a section that will provide for a uniform mandatory liquidated damages provision for NMHC financed construction projects.

AMENDMENT

NMHC's Loan Processing Proceeds are amended by adding new sections, numbered "XXVIII", entitled "Limitation on Applicant/Borrower Selection of Contractors -- Mandatory Criteria for Contractors to Participate/Construct/Rehabilitate Homes Financed by NMHC"; and "XXIX", entitled "LIQUIDATED DAMAGE ASSESSMENTS FOR NMHC FINANCED CONSTRUCTION PROJECTS."

XXVIII Limitation on Applicant/Borrower Selection of Contractors -- Mandatory Criteria for Contractors to Participate/Construct/Rehabilitate Homes Financed by NMHC."

Applicants/Borrowers may only contract, for the construction and/or rehabilitation of a home, to be financed in whole, or in part, by NMHC, with a construction contractor that has been approved by NMHC.

To obtain NMHC approval to participate/construct/rehabilitate homes receiving NMHC financing, a contractor must submit the following documents:

1. Most current financial statement and a copy of BGR for the last two (2) years;
2. Statement of experience in and length of existence of construction business;
3. List of on going/past projects including location and amount of project;
4. Certificate of Compliance issued by the Division of Revenue and Tax;
5. Copy of Workman's Compensation policy;
6. Copy of valid Business License;
7. Name of insurance company currently dealing with contractor for coverage on hazards, bonds, etc.;
8. Articles of Incorporation and By-Laws of the company, if

- applicable; and
9. Copy of most recent Annual Report, if applicable.

In addition to supplying NMHC with the above referenced documents, the contractor must certify in writing that:

1. It has supplied the above requested documents;
2. It has no pending complaints or disputes from clients on projects that it is currently working on;
3. There are no pending complaints, cases, or liens, filed against contractor at the Division of Labor, Superior Court, or the U.S. District Court, for unfair labor practices, breach of contract, non payment of wages, or any other ground;
5. There are no claims or unpaid obligations on materials purchased by contractor that are past due; and
6. Contractor is able to obtain the necessary bonding required in order for NMHC to close the applicable loan.

If a contractor has been previously approved by NMHC, and any of the information required to be submitted above has changed, then the contractor must advise NMHC of the same and submit documents explaining the same. In addition, an approved contractor, on an annual basis, must establish that it has renewed its business license, worker's compensation insurance coverage, any other applicable insurance, and paid taxes for the previous year.

Should an approved contractor:

1. Have a claim filed on a bond issued to them;
2. Have a lien filed against them for failure to pay a construction related debt;
3. Have a Determination issued by the CNMI Department of Labor and Immigration, Division of Labor, that the contractor has failed to pay wages to its employees in compliance with applicable law, or otherwise violated any law pertaining to its employees;
4. Have a complaint filed against it by the US Department of Labor, IRS, or other government agency;
5. Fail to renew their business license;
6. Be unable to obtain bonding or necessary insurance;
7. Be issued a Notice of Deficiency or other notice that it has an outstanding obligation for taxes due and owing to either the CNMI, Federal, or other governmental body;

then the Executive Director, in consultation with the Manager, Mortgage Credit Division, shall bar/suspend the Contractor from working, in any manner, on a home financed by NMHC, until such time as the Contractor provides assurances, adequate to NMHC in its sole

discretion, that the contractor is financially capable of constructing the home in question, free and clear of any and all liens or encumbrances. The contractor will further be limited to working on NMHC houses, such that the contractor must be approved on a project by project basis, until such time as the contractor has remedied whichever of the above referenced criteria is applicable to it.

A decision by the management to bar or suspend a Contractor may be appealed to NMHC's Board of Directors. All appeals shall be governed by the APA.

If a Contractor has been barred/suspended, then regardless of the result of an appeal, they may reapply for NMHC approval, sixty (60) days after their being barred/suspended, and may reapply every sixty (60) days thereafter.

XXIX Liquidated Damage Assessments for NMHC Financed Construction Projects

All contracts for home construction or rehabilitation, funded in whole, or in part, by NMHC, must contain a provision for mandatory liquidated damages as follows:

<i>Construction Amount</i>	<i>Liquidated Damages (Per Day)</i>
\$ 1-25,000	\$100.00
25,001 - 50,000	\$125.00
50,001 - 75,000	\$150.00
75,001 - 100,000	\$175.00
100,001 and above	\$200.00

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NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 514, Saipan, MP 96950

Tels: (670) 234-6866
234-9447
234-7689
234-7670
Fax: (670) 234-9021

NOTICE OF PROPOSED AMENDMENT NORTHERN MARIANAS HOUSING CORPORATION'S NMHC/MPLT HOME LOAN REGULATIONS

The Board of Directors of the Northern Marianas Housing Corporation (NMHC) hereby notifies the general public that it proposes to amend the NMHC/MPLT Home Loan Regulations as published in the Commonwealth Register at Volume 18, Number 12, page 14689, December 15, 1996; and adopted in the Commonwealth Register Volume 19, Number 2, page 15152, February 15, 1997.

The amendment will establish rules that will allow NMHC to prohibit or disbar contractors from participating in NMHC's home loan programs, and establish a sliding scale for mandatory liquidated damages in contracts for the construction or rehabilitation of homes funded by NMHC, thereby ensuring that NMHC financed homes are built on time, on budget, and with quality workmanship, thereby minimizing NMHC's possible losses.

Anyone interested in making comments on the proposed amendment to the NMHC/MPLT Home Loan Regulation may do so in writing, addressed to the Executive Director, Northern Marianas Housing Corporation, at P. O. Box 500514, Saipan, MP 96950, no later than thirty (30) days from the date of this publication in the Commonwealth Register.

DATED this 3/13/2000

Juan S. Tenorio
Chairman

MaryLou S. Ada
Executive Director

Received by:

Jose I. Deleon Guerrero
Special Assistant for Administration

4/12/2000
Date

Filed and Recorded
by:

Soledad B. Sasamoto
Registrar of Corporations

4/12/01
Date

"NMHC is an equal employment and fair housing public agency"

NOTICE OF PROPOSED AMENDMENT TO THE NORTHERN MARIANAS HOUSING CORPORATION'S NMHC/MPLT HOME LOAN REGULATIONS

Pursuant to Executive Order No. 94-3; Section 407 of Reorganization Plan No. 2 of 1994; Governor's Directive No. 138; the CNMI Administrative Procedure Act (1 CMC 9101, et. Seq.); 2 CMC 4432(i); 2 CMC 4433(i)(j) & (t); and 2 CMC 4453, the attached Administrative Plan has been reviewed and approved by the CNMI Attorney General's Office.

Dated this 29th March 2008

Herbert D. Soll
Temporary Attorney General

By: 
Assistant Attorney General

**NOTISIA PUT PRINIPONEN AMENDASION PARA
NORTHERN MARIANAS HOUSING CORPORATION'S
REGULASION NMHC/MPLT INAYAO SALAPE PARA GUMA'**

Board of Directors para i Northern Marianas Housing Corporation (NMHC) ginen este ha nutitisia i publiku henerat put ha propopone para u amenda i NMHC/MPLT gi Regulasion Inayao Salape Para Guma' komu mapubliku gi Rehistran Commonwealth, Baluma 18, Numiru 12, pahina 14869, Disembre 15, 1996 yan ma adapta gi Rehistran Commonwealth Baluma 19, Numiru 2, pahina 15152, Febrero 15, 1997.

I amendasion siha para u establesi areklamento para u sedi yan alaba i NMHC para u pruhibi yan diroga i contractos siha para u fanparticipao gi Programan Inayao Salape para Guma' gi NMHC, yan establesi sliding scale para i mandatory liquidated damages gi contracts para makahat pat rehabilitation guma' siha ni mafundo ginen i NMHC, ginen este u ma asigura na todou ayu siha na guma' i ma finance gine NMHC manmakahat kon tiempo, gi budget, yan kualidat cho'cho', para u menos i malingun NMHC yanggen guaha.

Hayi interesao siha na petsona malago mamatinas komentu put i priniponen amendasion gi Programan NMHC/MPLT put Inayao Salape para Guma', siña ha macho'gue gi tinige' yanu ma adres guatu para i Direktot Eksekutibu, Northern Marianas Housing Corporation, P.O. Box 514, Saipan, MP 96950, ya ti u mas di trenta (30) dias desde ma fecha este na publikasion gi Rehistran Commonwealth.

Ma fecha guine gi

14 / March / 00

Juan S. Tenorio
Chairman

Mary Lou S. Ada
Direktoran Eksekutibu

Rinisibi as:

José J. Deleon Guerrero
Special Assistant for Administration

4/12/2000
Fecha

Ma File yan
Rinekot as:

Soledad B. Sasamoto
Rehistradoran Kotporasion

4/12/00
Fecha

**NOTISIA PUT PRINIPONEN AMENDASION PARA NORTHERN MARIANAS HOUSING
CORPORATION'S REGULASION NMHC/MPLT INAYAO SALAPE PARA GUMA'**

Sigun gi otden Eksekutibu Numiru 94-3; Seksiona 407 gi Reorganization Plan No. 2 1994; Otdn Gubetno No. 138; CNMI Administrative Procedures Act (1 CMC 9101 et seq.); 2 CMC 4432(i); 2 CMC 4433(i)(i) yan(t); yan 2 CMC 4453, ni manchechetton guine komu Planun Administrasion esta manmaribisa yan apreba ni Ofisinan Attorney General giya CNMI.

Ma fecha guine gi

Herbert D. Soll
Attorney General (Acting)

Ginen as: ELLIOTT A. SATTLER
Assitant Attorney General



NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 514, Saipan, MP 96950

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234-7670
Fax: (670) 234-9021

NMHC/MPLT HOME LOAN REGULATIONS

Citation of

Statutory Authority: Pursuant to Executive Order No. 94-3; Section 407 of Reorganization Plan No. 2 of 1994; Directive No. 138; the CNMI Administrative Procedure Act, 1 CMC 9101, et. Seq., 2 CMC 4432(a), (b), & (c); 2 CMC 4433(I), (k), (s), & (t); and 4 CMC 10203(a)(2), (14), (22), (29), & (32).

Short Statement of

Goals & Objectives: To regulate contractors participating in mortgage credit programs by establishing rules that will allow NMHC to prohibit or disbar contractors from participating in NMHC's home loan programs, and by establishing a mandatory sliding scale for liquidated damages.

Brief Summary of the Rule:

To amend the NMHC/MPLT Home Loan Regulations so as to establish rules that will allow it to prohibit or disbar contractors from participating in NMHC's home loan programs, and to establish a sliding scale of mandatory liquidated damages in construction or rehabilitation contracts for homes funded by NMHC, thereby ensuring that NMHC financed homes are built on time, on budget, and with quality workmanship, thereby minimizing NMHC's possible losses.


For Further Information

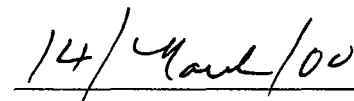
Contact: MaryLou S. Ada, Executive Director, telephone no. 234-9447/7689, fax no. 234-9021 or email at nmhc@qtepacifica.net

Citation of Related and/or Affected Statutes Regulations and Orders:

NMHC/MPLT Home Loan Regulation as published in the Commonwealth Register at Volume 18, Number 12, page 14689, December 15, 1996.

Submitted by:


MaryLou S. Ada
Executive Director


Date

"NMHC is an equal employment and fair housing public agency"

INTRODUCTION

On December 15, 1996, the Northern Marianas Housing Corporation published the NMHC/MPLT Home Loan Regulations in the Commonwealth Register at Volume 18, Number 12, page 14689, December 15, 1996; and adopted it as published in the Commonwealth Register, Volume 19, Number 2, February 15, 1996. Upon regular review of its loan program, NMHC determined that there is a need to further amend its home loan regulations so as to establish rules that will allow it to prohibit or disbar contractors from participating in NMHC's home loan programs, and to establish a sliding scale of mandatory liquidated damages in construction or rehabilitation contracts for homes funded by NMHC, thereby ensuring that NMHC financed homes are built on time, on budget, and with quality workmanship, thereby minimizing NMHC's possible losses.

AMENDMENT

The NMHC/MPLT Home Loan Regulations, Part 18.3 are hereby amended, and a new section, numbered "18.4" and entitled "Liquidated Damage Assessments for NMHC Financed Construction Projects" is added.

Part 18.3 Special Requirement for Construction Limitation on Applicant/Borrower Selection of Contractors -- Mandatory Criteria for Contractors to Participate/Construct/Rehabilitate Homes Financed by NMHC.

Borrowers may only contract, for the construction and/or rehabilitation of a home, to be financed in whole, or in part, by NMHC, with a construction contractor that has been approved by NMHC.

In addition to the universal minimum requirements, plus additional requirements that may be imposed by the Borrower, all general contractors who seek to perform work on residences that will be paid for from the proceeds of Program Loans must:

- a. Have constructed at least six (6) residences within the last ten (10) years;
- b. Have constructed a residence worth at least \$80,000.00;
- c. Have bonding for at least three (3) months salary for all contract workers, as well as proof of workers compensation insurance, and bonding that would satisfy the requirements of Part 7, Section 7.5 of this Home Loan Regulation.
- d. Be able to provide a list of projects completed and a client list;
- e. The NMHC Board and the Bank may waive the requirements set forth in subparagraphs (a), (b) and (d) of this section for good cause, and if to do so is appropriate under the circumstances; and
- f. All contractors must secure a Performance and Payment Bond, Builder's Risk and Workman's Compensation.

To obtain NMHC approval to participate/construct/rehabilitate homes that will be paid from the proceeds of program loans, a contractor must submit the following documents:

1. Most current financial statement and a copy of BGR for the last two (2) years;
2. Statement of experience in and length of existence of construction business;
3. List of on going/past projects including location and amount of project;
4. Certificate of Compliance issued by the Division of Revenue and Tax;
5. Copy of Workman's Compensation policy;
6. Copy of valid Business License;
7. Name of insurance company currently dealing with contractor for coverage on hazards, bonds, etc.;
8. Articles of Incorporation and By-Laws of the company, if applicable; and
9. Copy of most recent Annual Report, if applicable.

In addition to supplying NMHC with the above referenced documents, the contractor must certify in writing that:

1. It has supplied the above requested documents;
2. It has no pending complaints or disputes from clients on projects that it is currently working on;
3. There are no pending complaints, cases, or liens, filed against contractor at the Division of Labor, Superior Court, or the U.S. District Court, for unfair labor practices, breach of contract, non payment of wages, or any other ground;
5. There are no claims or unpaid obligations on materials purchased by contractor that are past due; and
6. Contractor is able to obtain the necessary bonding required in order for NMHC to close the applicable loan.

If a contractor has been previously approved by NMHC, and any of the information required to be submitted above has changed, then the contractor must advise NMHC of the same and submit documents explaining the same. In addition, an approved contractor, on an annual basis, must establish that it has renewed its business license, worker's compensation insurance coverage, any other applicable insurance, and paid taxes for the previous year.

Should an approved contractor:

1. Have a claim filed on a bond issued to them;
2. Have a lien filed against them for failure to pay a construction related debt;
3. Have a Determination issued by the CNMI Department of Labor and Immigration, Division of Labor, that the contractor has failed to pay wages to its employees in compliance with applicable law, or otherwise violated

- any law pertaining to its employees;
4. Have a complaint filed against it by the US Department of Labor, IRS, or other government agency;
 5. Fail to renew their business license;
 6. Be unable to obtain bonding or necessary insurance;
 7. Be issued a Notice of Deficiency or other notice that it has an outstanding obligation for taxes due and owing to either the CNMI, Federal, or other governmental body;

then the Executive Director, in consultation with the Manager, Mortgage Credit Division, shall bar/suspend the Contractor from working, in any manner, on a home financed by NMHC, or financed under the NMHC/MPLT Home Loan Program, until such time as the Contractor provides assurances, adequate to NMHC in its sole discretion, that the contractor is financially capable of constructing the home in question, free and clear of any and all liens or encumbrances. The contractor will further be limited to working on NMHC houses, such that the contractor must be approved on a project by project basis, until such time as the contractor has remedied whichever of the above referenced criteria is applicable to it.

A decision by the management, to bar or suspend a Contractor may be appealed to NMHC's Board of Directors. All appeals shall be governed by the APA.

If a Contractor has been barred/suspended, then regardless of the result of an appeal, they may reapply for NMHC approval, sixty (60) days after their being barred/suspended, and may reapply every sixty (60) days thereafter.

Part 18.4 Liquidated Damage Assessments for NMHC Financed Construction Projects

All contracts for home construction or rehabilitation, funded in whole, or in part, by NMHC, must contain a provision for mandatory liquidated damages as follows:

<u>Construction Amount</u>	<u>Liquidated Damages (Per Day)</u>
<u>\$ 1-25,000</u>	<u>\$100.00</u>
<u>25,001 - 50,000</u>	<u>\$125.00</u>
<u>50,001 - 75,000</u>	<u>\$150.00</u>
<u>75,001 - 100,000</u>	<u>\$175.00</u>
<u>100,001 and above</u>	<u>\$200.00</u>

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PUBLIC NOTICE

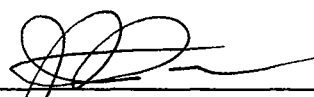
Proposed Non-Commercial Regulations for the CNMI

The Department of Lands & Natural Resources hereby gives public notice of the Proposed Regulations for non-commercial fish and wildlife in the Commonwealth.

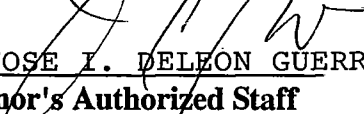
The Proposed Regulations list the prohibited activities, state the designated zones, establish hunting and fishing seasons, specify fishing processes, provide for licenses, limits, geographic limits and related matters.

The Proposed Regulations are published in the Commonwealth Registrar and copies may be obtained from the Lower Base Office of the Department of Lands & Natural Resources, (DLNR), on Saipan and at the Rota and Tinian DLNR offices.

Persons or firms wanting to comment on these proposed regulations may do so in writing, addressed to the Secretary of DLNR or Director of Division of Fish and Wildlife (DFW) at the address above not later than thirty (30) days from the date of its publication in the Commonwealth Registrar.

Issued by: 
Joaquin A. Tenorio, Secretary
Department of Lands & Natural Resources

Date: 4/13/2000

Received at the
Governor's Office: 
JOSE I. DELEON GUERRERO
Governor's Authorized Staff

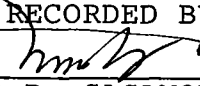
Date: 4/13/2000

Pursuant to 1 CMC Section 2153, as amended by P.L. 10-50, the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the Office of the Attorney General, Commonwealth of the Northern Mariana Islands.

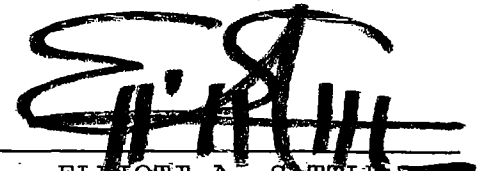
Dated this 14 day of April, 2000.

HERBERT D. SOLL
ATTORNEY GENERAL, TEMPORARY

FILED AND RECORDED BY:


SOLEDAD B. SASAMOTO
REGISTRAR OF CORPORATIONS

Date: 4/14/00


BY: ELLIOTT A. SATTLER
ASSISTANT ATTORNEY GENERAL

NUTISIAN PUBLIKO

Ma propone na areglamento pot asunton pumeska yan kumasadulis

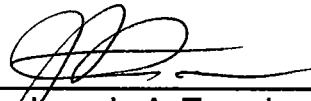
I Dipattamenton Tano' yan Fenkas I Tano' Ta (Lands and Natural Resources) ha nana'e nutisia I publiko pot man ma propone siha na areglamento pot asunton pumeska yan kumasadulis guine gi tano' ta gi San Katan na Marianas.

I man ma propone siha na areglamento ha tutuka' pot man ma pruhibe siha na aktibidat, man ma tancho' siha na lugat, ma establesin tiempo siha anai siña pumeska pat kumasadulis, ma pasalistan manera anai siña pumeska, ma prubiniyi lisensia, yan otro siha na asunto.

I man ma propone siha na areglamento man ma publilika gi Commonwealth Register ya siña ha' man mañule' kopia ginen I Ofisinan I Lands and Natural Resources pat I Ofisinan I Direktot i Fish and Wildlife giya Lower Base, Saipan, Luta yan Tinian.


I man malago' man na'halom finiho pot esti siha I man ma propone siha na areglamento siña ha' man na'halom guatto gi ma'gas I Lands and Natural Resources pat I Direktot I Fish and Wildlife gi halom trenta (30) dias na tiempo desdi ki ma publilika I man ma propone esti siha na areglamento gi Commonwealth Register.

Nina'huyong as:


Dr. Joaquin A. Tenorio, Secretary
Dept. of Lands and Natural Resources

Fecha: 4/13/2000

Rinisibi as:

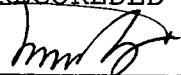

Ma Sedi na Empleo
Ofisian I Gubietto

Fecha: 4/17/2000


Sigun I 1 CMC Sec. 2153, ni tinilaika ni lai publiko 10-50, I areglamento ni dumadanña' guine esta munhayan inina yan inapruaba nu I Ofisinan I CNMI Attorney General.

Ma fecha guine gi 14th na dia, Abrit, 2000

FILED AND RECORDED BY:


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REGISTRAR OF CORPORATIONS

DATE: 4/14/00


ELLIOT



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13 April 2000

Division of Fish & Wildlife Non-Commercial Fishing and Hunting Regulations

Citation of Statutory Authority: Pursuant to 2 CMC Section 5104 (b)(7), 5104 (c), the Secretary of the Department of Lands and Natural Resources (DLNR), CNMI, after consulting with the Director, Division of Fish & Wildlife, is authorized to issue regulations necessary to carry out the purposes of P.L. 2-51 and pursuant to 2 CMC Section 5108, and 5109 to include:

Short Statement of Goals and Objectives: To establish clear, simple and uniform regulations governing the hunting, fishing and conservation of fish and wildlife with respect to law as set forth in P.L. 2-51, sections 5(a), (b) and (c).

Brief Summary of the Rules: These rules and regulations establish seasons for hunting and fishing; specify the type, size and other characteristics or devices used for taking fish and game; provide for the issuance of recreational fishing and hunting licenses and to impose fees for such licenses; provide bag, creel and possession limits; set any necessary geographic or appropriate limits on fishing or hunting; provide for the exemption of conservation officers and other persons from provisions of P.L. 2-51, when such exemption would be consistent with the overall purposes of P.L. 2-51.

For Further Information, Contact: Joaquin A. Tenorio, Secretary
Telephone: (670) 322-9830
Facsimile: (670) 322-2633

Citation of Affected Rules and Regulations: The regulations herein supersede all rules and regulations issued by the Department of Lands and Natural Resources in effect prior to the adoption of these regulations for non-commercial Fish and Wildlife activities.

Submitted by:

[Signature]
Joaquin A. Tenorio
Secretary

4/13/2000
Date

PART 1

GENERAL PROVISIONS

Section 10. AUTHORITY

The Division of Fish and Wildlife of the Department of Lands and Natural Resources, reorganized under E.O. 94-3, was created by Commonwealth Public Law (P.L.) No. 2-51 on October 1981, to provide for the conservation of fish, game, and endangered species. Pursuant to 2 CMC Section 5104 (b)(7), 5104 (c), the Secretary of the Department of Lands and Natural Resources (DLNR), CNMI, after consulting with the Director, Division of Fish & Wildlife, is authorized to issue regulations necessary to carry out the purposes of P.L. 2-51, and pursuant to 2 CMC Section 5108, and 5109 to include:

- Establishing seasons for hunting and fishing.
- Specifying the type, size and other characteristics or devices used for taking fish and game.
- Providing for the issuance of recreational fishing and hunting licenses and to impose fees for such licenses.
- Providing bag, creel and possession limits.
- Setting any necessary geographic or appropriate limits on fishing or hunting.
- Providing for the exemption of conservation officers and other persons from provisions of P.L. 2-51, when such exemption would be consistent with the overall purposes of P.L. 2-51.

SECTION 20. PURPOSE

To establish clear, simple and uniform regulations governing the hunting, fishing and conservation of fish and wildlife with respect to law as set forth in P.L. 2-51, sections 5(a), (b) and (c).

SECTION 30. REGULATIONS SUPERSEDED

The regulations herein supersede all rules and regulations issued by the Department of Lands and Natural Resources in effect prior to the adoption of these regulations for non-commercial Fish and Wildlife activities.

SECTION 40. SEVERABILITY

If any provision of these regulations shall be held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.

SECTION 50. DEFINITIONS

For purposes of these regulations, the following terms are defined in alphabetical order:

- 50.1 "Act" means CNMI P.L. 2-51, "The Fish, Game and Endangered Species Act," 2 CMC Section 5101.
- 50.2 "Aquarium Fish" means any fish captured in CNMI waters with the intent or the subsequent use for decorative or display purposes.
- 50.3 "Bag Limit" means the maximum number of game animals that may be legally taken in one hunting day.
- 50.4 "Beach seine/drag net" means (a) any seine (net) that is hauled or dragged over the bottom into shallow water or onto the beach, either by hand or with power winches, or (b) any seine (net) where one or more ends is attached to the beach and the remaining end is deployed into the water where the bottom and surface of the seine act as natural barriers which prevent the fish from escaping from the area enclosed by the net.
- 50.5 "Captive Wildlife" means wildlife that is confined, regularly tended and showing signs of ownership that is less than three generations from the feral stage.
- 50.6 "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
- 50.7 "CNMI" means the Commonwealth of the Northern Mariana Islands.
- 50.8 "Commercial fishing or hunting" means fishing or hunting in which the fish or wildlife harvested, either in whole or in part, is intended to enter commerce or enter commerce through sale, barter or trade.
- 50.9 "Conservation Officer" means an employee of the Department of Lands and Natural Resources assigned to the Division of Fish and Wildlife whose primary duty is to enforce the provisions of P.L. 2-51, and the regulations issued under P.L. 2-51. Conservation Officers are official CNMI law enforcement personnel. The Secretary, Department of Lands and Natural Resources and the Director, Division of Fish and Wildlife are Conservation Officers ex-officio under provisions of P.L. 2-51.
- 50.10 "Director" means the Director of the Division of Fish and Wildlife, Department of Lands and Natural Resources.
- 50.11 "Division" means the Division of Fish and Wildlife.
- 50.12 "Domesticated" means wildlife cultivated, confined, regularly tended, captive or showing signs of ownership that is at least three generations from the feral stage.
- 50.13 "Electronic Shocking Device" means a device that maims, stuns or kills fish or wildlife with an electric current.
- 50.14 "Endangered Species" mean any species designated by the Director as being in imminent danger of extinction, and may include the designation of any portion of a listed species range as the critical habitat of such species.
- 50.15 "Enforcement Section Supervisor" means the Conservation Officer designated by the Director to supervise the Conservation Officer staff.
- 50.16 "Exotic" means all species not native to CNMI.

- 50.16 "**Export**" means to remove from any land or water area under the jurisdiction of the CNMI to any other place in the world.
- 50.17 "**Feral**" means not domesticated, cultivated, confined, regularly tended or showing signs of ownership such as: cattle, pig, goats and deer.
- 50.18 "**Firearm**" means any barreled weapon from which any shot, bullet or other missile can be discharged;
- 50.19 "**Fish**" means finfish, molluscs, crustaceans, and all other forms of aquatic animal and plant life other than mammals and birds.
- 50.20 "**Fishing**" or "**to fish**" means any activity which does, or is intended to, or can reasonably be expected to, result in catching, taking or removing fish.
- 50.21 "**Fish weir**" means any trap placed in the water which is used to harvest fish.
- 50.22 "**Flora**" means all aquatic or terrestrial plants found in the CNMI.
- 50.23 "**Game animal**" means any species of mammal, bird, reptile or crustacean designed by law or regulation as a species that is subject to legal hunting. However, game animals may be subject to moratoriums placed on hunting.
- 50.24 "**Gillnet**" means any net made of any material that is designed to capture fish by entangling them through the gills.
- 50.25 "**Hunting**" or "**to hunt**" means to chase, pursue, worry, follow after or on the trail of, stalk or lie in wait for the purpose of taking animals, and includes molesting, trapping, attempting to trap or shooting at animals, whether or not the animal is then or subsequently captured, killed or injured.
- 50.26 "**Import**" means to land on, bring into, or attempt to land on, bring into, or introduce into any place under the jurisdiction of the CNMI.
- 50.27 "**Lobster**" means only the spiny lobster of the genus Panulirus.
- 50.28 "**Marine Invertebrates**" means any marine animal lacking vertebrate, including, but not limited to, starfish, crabs, sea cucumbers, bivalves and gastropods and any part of such species whether alive or dead.
- 50.29 "**Northern Islands**" means all islands and adjacent islands north of Saipan to include Farallon De Medinilla, Anatahan, Sarigan, Guguan, Alamagan, Pagan, Agrihan, Asuncion, Maug Islands and Uracas (Farallon De Pajaros).
- 50.30 "**Person**" means any individual, corporation, society, organization or other entity.
- 50.31 "**Plant**" means any plant belonging to a species that is wild by nature or that is not easily distinguishable from such a species.
- 50.32 "**Poison**" means any substance capable of stunning, harming or killing fish through biochemical or biophysical means, including but not limited to Hypochlorous Acid or any of its salts, including bleaches commonly sold under various trade names such as Clorox and Purex and bleaching powders, preparations containing Rotenone, Tephrosin, or plant materials from *Barringtonia asiatica*, *Coculus ferrandianus*, *Hura drepitans*, *Piscidia erythrina*, *Derris* spp., *Tephrosia purpurea*, and *Wikstremia* spp.
- 50.33 "**Protected Species**" includes all species of resident and migratory birds, mammals, reptiles, fish, and plants which have been designated as protected by the Director and which may not be hunted or harassed.

- 50.34 **"Public Hunting Area"** means those public lands designated by the Division of Public Lands to be controlled or managed by the Division where the public may hunt game animals.
- 50.35 **"Resident"** means a person, including an alien, who for the proceeding twelve (12) consecutive months has maintained a permanent place of abode in the CNMI.
- 50.36 **"Resident Director"** means the supervisor of DLNR personnel on Tinian, Rota and other islands in the CNMI with the exception of Saipan.
- 50.37 **"Surround Net"** means any net made from non-monofilament materials that catches fish by herding them toward a collection area in the middle of the net and which is not designed to entangle fish in any way.
- 50.38 **"Scoop Net"** means any net suspended from a frame and used by hand to retrieve fish.
- 50.39 **"Season Limit"** means the maximum number of game animals that a hunter may legally take during an entire hunting season.
- 50.40 **"Secretary"** means the Secretary of the Department of Lands and Natural Resources, CNMI.
- 50.41 **"Southern Islands"** means all islands and adjacent islands south of Farallon de Medinilla to include Saipan, Bird Island, Forbidden Island, Managaha, Tinian, Aguijan, Naftan Rock, Rota and Anjota Island.
- 50.42 **"Subsistence Fishing"** means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident for subsistence purposes, when no other reasonable means of providing sustenance is available.
- 50.43 **"Subsistence Hunting"** means the taking of wildlife to provide sustenance for the taker and the taker's family when no other reasonable means of providing sustenance is available. See Part 3, Section 50.2 for examples and clarification.
- 50.44 **"Take"** means to capture, attempt to capture, harvest, kill, attempt to kill, hunt, trap, spear, collect, fish, pursue, harm, harass, or in any manner disturb, or attempt to do the above activities.
- 50.45 **"Threatened Species"** means any species designated by the Director as threatened with extinction, and may include the designation of any portion of a listed species range as the critical habitat of such species.
- 50.46 **"Unprotected Species"** includes all species that are not designated as threatened, endangered, protected or game species.
- 50.47 **"Vessel"** means any structure designed for navigation in the water or air.
- 50.48 **"Wildlife"** means all species of (terrestrial) mammals, birds, reptiles and amphibians that occur in the wild in the CNMI. In addition, terrestrial crustaceans, such as coconut crabs (*Birgus latro*), land crabs (*Cardisoma hirtipes* and *c. carnifex*) are classified as wildlife in the CNMI.

SECTION 60. EXEMPTIONS

Division staff and Conservation Officers shall be exempt from provisions of the Act and regulations issued under the Act when acting in the course of their official duties, provided those duties are consistent with the overall purposes of P.L. 2-51.

SECTION 70. PENALTIES

Violations of Fish and Wildlife regulations shall be penalized in accordance with P.L. 2-51, Section 10, 2 CMC Section 5109, as amended.

PART 2
THREATENED AND ENDANGERED SPECIES

SECTION 10. LOCALLY DESIGNATED THREATENED AND ENDANGERED SPECIES

The Secretary, after consultation with the Director, may designate species or subspecies of fish, wildlife, and plants as threatened or endangered. This designation may include the designation of any portion of a listed species' or subspecies' range as the critical habitat of such species or subspecies. Table 1 contains a list of species that have been designated as threatened or endangered.

TABLE 1. COMMON, SCIENTIFIC, & LOCAL NAMES FOR CNMI THREATENED AND ENDANGERED SPECIES

	CNMI NAME	CAROLINIAN NAME
BIRDS:		
Micronesian Megapode (<u>Megapodius laperouse laperouse</u>)	Sasangat	Sasangal
Common Moorhen (<u>Gallinula chloropus</u>) (<u>G.c.guami</u>)- Mariana Islands sub-species	Pulattat	Ghereel Bweel
Guam Swiftlet (<u>Aerodramus</u>)	Chachaguak	Leghekiyank
Mariana Crow (<u>Corvus kubaryi</u>)	Aga	Mwii
Tinian Monarch (<u>Monarcha takatsukasae</u>)	Chichirikan Tinian	Leteighipar
Nightingale Reed-Warbler (<u>Acrocephalus luscini</u>a)	Ga'ga' karisu	Malul ghariisu
Rota Bridled White-eye (<u>z.c. rotensis</u>)	Nosa'	Littchogh
MAMMALS:		

	CNMI NAME	CAROLINIAN NAME
Marianas Fruit Bat (<u>Pteropus mariannus</u>)	Fanihi	
Sheath-tailed Bat (<u>Emballonura semicaudata</u>)	Payesyeyes	
REPTILES:		
Green Sea Turtle (<u>Chelonia mydas</u>)	Haggan	
Hawsbill Turtle (<u>Eretmochelys imbricata</u>)	Haggan Karai	
Micronesian Gecko (<u>Perochirus ateles</u>)	Gaali'ek	
PLANTS:		
Fire Tree (<u>Serianthes nelsonii</u>)	Trongkon guafi	
Cat's Tail or Disciplina (<u>Lycopodium phlegmaria</u> var. <u>longifolium</u>		

10.1 Regulations

The Secretary, in consultation with the Director, may develop regulations and procedures designed to protect and enhance populations of threatened or endangered species as provided in 2 CMC 5108. A species or subspecies is considered threatened or endangered when the Secretary, in consultation with the Director, determines that its numbers have decreased to such an extent as to indicate that its continued existence is threatened.

10.2 Prohibitions

A species or subspecies listed as threatened or endangered may not be harvested, captured, harassed or propagated except under the terms of a special permit issued by the Director for scientific purposes, or for propagation in captivity for the purpose of preservation. A person who, without a special permit issued in accordance with these regulations, harvests, injures, imports, exports, captures or harasses a species or subspecies listed under this section, intentionally or not, is in violation of these regulations and subject to the penalties established under 2 CMC 5109.

PART 3 LICENSES

SECTION 10. GENERAL PROCEDURES

10.1 License Required

A person may not take regulated fish or game unless that person has been issued a license from the Division or any designated agent of the Division. Unprotected wildlife may be taken year-round without a hunting license. A license is required for the taking of any of the following fish and game:

- a. Sambar Deer (Binado) - *Cervus unicolor*
- b. Philippine Turtle-Dove (Paluman apu) - *Streptopelia bitorquata*
- c. Precious corals - *Corallim spp.*
- d. Hermatypic and other hard corals, soft corals and stony hydrozoans
- e. Land crab (Panglao tunas) - *Cardisoma hirtipes*
- f. (Panglao echung) - *Cardisoma carnifex* and other terrestrial crabs
- g. Coconut crab (Ayuyu) - *Birgus lataro*
- h. Any species of fish or marine invertebrates taken by a method or for a purpose regulated by Part 5 herein.

Any species not listed above, and not designated as protected, threatened or endangered, is considered unprotected wildlife and may be taken at any time without a license.

Any person engaged in fishing or hunting, or having in his or her possession, fish or wildlife taken in the CNMI, shall upon request and being shown proper identification, allow a Conservation Officer to immediately inspect any fish or wildlife taken by or under control of the person and licenses, and permits, if any, or any articles or materials used in such fishing or hunting. Any person engaged in fishing or hunting, or having in his or her possession fish or wildlife taken in the CNMI, shall upon request and being shown proper identification, allow a Division Biologist or Technician to collect data and/or reports on fish or wildlife taken by or under the control of the person.

10.2 Application and Issuance of Licenses

- a. Licenses for taking of fish and game listed in Part 3 and 4 herein shall be issued by the Division or any of its agents upon written application in a form prescribed by the Division, and upon payment of a fee as required by these regulations. Any false statement or information rendered in the application, issue or use of the license shall invalidate the license issued and subject the individual who made the false statement to punishment and penalty, or both, as prescribed in 2 CMC Section 5109.
- b. A person who has resided in the CNMI for one year or longer may apply as a resident; all other persons must apply as non-resident. A person need not apply for a license in order to possess game taken by another person, but a "Certificate of Origin" letter signed by a valid license holder and

verified by the Division, must accompany the game animal or parts thereof at all times. (See Part 4, Section 10).

- c. The Division may require the applicant to provide any of the following as proof of residency of twelve (12) consecutive months:
1. Any bill in the applicant's name for services provided to applicant's stated CNMI residence for one year, such as a CUC bill or telephone services bill addressed to the applicant at his or her CNMI address; or
 2. Pay check stubs from applicant's CNMI employer reflecting applicant's one year residency in the CNMI; or
 3. Any other documentation which satisfies the Division that applicant has resided within the CNMI for more than twelve (12) consecutive months.
- d. A person shall not be issued a license if that person:
1. has been convicted of any violation of these regulations or any other law relating to the taking of any fish and game within the previous one (1) year period;
 2. has failed to provide the information required to issue a license or has made false statements in his or her application;
 3. has not returned Hunter Report Cards when required for the previous years, if the person has previously been issued a license number; or
 4. has not furnished for inspection a valid CNMI identification card allowing the possession of firearms, if the application is for a hunting license.

10.3	<u>Non-Commercial License</u>	<u>Resident</u>	<u>Non-Resident</u>
a.	Sambar Deer	\$10 (lottery)	Not allowed
b.	Wild Goat/Pig/Cow	\$ 5	\$25
c.	Philippine Turtle-Doves	\$10	\$75
d.	Sea Crab	\$10	\$75
e.	Land Crab	\$10	\$75
f.	Coconut Crab	\$10	\$75
g.	Aquarium Fish	\$10	\$100
h.	Net		
	0-50 feet	\$10	\$75
	50-100 feet	\$25	\$100
i.	Scientific Research	\$10	\$10

10.4 Duration of License

A license shall be valid from 0000 hour of January, or the date of issuance (whichever is later), until 2400 hour of December 31 of the same year. The license shall be valid to hunt only the species indicated on the license, only during the period covered by the license and authorized by these regulations, including each part of any "split" seasons.

The Director may suspend, revoke, modify or cancel any license or permit issued in addition to any other penalty provided under the Act.

10.5 Display of License

A person to whom a license has been issued as provided in Section 10.1, may not permit any other person to carry, display or use the license in any way. Every person to whom a license has been issued shall carry the license upon his or her person when fishing or hunting, and shall show the license upon demand of any officer authorized to enforce the Fish and Game laws of the CNMI.

10.6 License Conditions

Any license or permit issued pursuant to these regulations may include any conditions deemed necessary by the Division to further the functions delegated to the Division by law.

SECTION 20. SCIENTIFIC RESEARCH LICENSE

20.1 Purpose

The purpose of the scientific research license is to gain access to research data, acquired in the CNMI, for use in resource management.

20.2 Persons Requiring License

- a. A person conducting research on wild or feral animals in the CNMI, or on captive populations of such animals, which involves the capture, handling, collection or harassment of fish or wildlife, must have a scientific research license unless excepted by this Section.
- b. Research conducted by a team requires that only the team leader(s) have a license if:
 1. The team leader is always present during field studies.
 2. All other members of the team are under the team leader's direct supervision.

20.3 Issuance of License

- a. Upon applying for the license, the applicant must provide a written statement including names and addresses (permanent and CNMI) of all the team members, description of research plan, approximate duration of the research, and any anticipated support (transportation, equipment, personnel participation, etc.) that might be requested from the CNMI government, and fee of \$10.
- b. Prior to issuing the license, the Director shall analyze the benefit of the particular research to the CNMI and determine whether it exceeds any potential harm to the resource involved.
- c. The license may be issued only upon agreement by the license holder that a complete report on the results of the research (including data collected) will be submitted to the Division within one (1) year from date of license

issuance. The license may be conditioned by the Director to fulfill the obligations of the Division and these regulations.

20.4 Exemption from Regulations

The Director may exempt license holders from specific requirements of this section provided that the Director specify the extent and duration of the exemption in writing and that this information accompany the license holder at all times that licenses activities are being undertaken.

SECTION 30. EXPORT LICENSE

30.1 Persons Requiring License

Any person who removes any fish or wildlife from the jurisdiction of CNMI for export must obtain an export license.

30.2 Issuance of License

- a. Upon application for an export license, the Director shall determine the extent of the proposed commercial export activity and its anticipated impact upon the natural resources of the CNMI.
- b. Based upon such determination, the Director may issue a license contingent upon specific terms and conditions. Such specific terms shall include any limit necessary for the protection of fish and game on the number, size, reproductive state and geographic location of the species covered by the license.

30.3 Record Keeping

- a. A person granted an export license shall be required to submit records to the Division at the end of the year and to maintain the following records which must be presented upon renewal of the export license:
 1. Form of wildlife or fish such as: dead, cooked, frozen, live, rawhides, garments, etc.
 2. Number of items
 3. Weight
 4. Common and scientific names
 5. Exact place of origin
 6. Date and place of export
 7. Date of subsequent disposition or sale
 8. Manner of disposition such as: sale, trade, consumed, etc.
- b. The licensee shall permit Conservation Officers and Division Biologist and/or Technicians to examine and copy these records during regular working hours upon request by the Conservation Officer or Division Biologist and/or Technicians.

PART 4 HUNTING REGULATIONS

SECTION 10. GENERAL REGULATIONS

10.1 Legal Hunting Hours

Legal Hunting Hours for game animals shall be from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset, and only during the designated hunting season. Coconut crabs may be hunted during any time of day or night during the designated hunting season.

10.2 Hunting License Required

A person may take a game animal only if that person has been issued a hunting license authorizing the taking of that species of game animal. Hunting licenses may be obtained from the local office of the Division of Fish and Wildlife, or from an authorized agent.

10.3 License or "Certificate of Origin" Letter to be in Possession

A person must carry a valid CNMI hunting license while hunting. Any person in possession of a game animal, mounted specimen, antlers, skin, meat or any part of the animal must have a valid CNMI hunting license or a Certificate of Origin. A Certificate of Origin is a letter or statement signed by the valid CNMI license holder who killed the animal and which is certified by the Director, Resident Director or Enforcement Section Supervisor. The Certificate of Origin must state: 1) Species and sex of animal; 2) date killed; 3) hunting license number and date issued; 4) person to whom given; 5) animal part and amount given, and be attached to the animal or animal part where it can be readily seen by the Conservation Officer or others.

10.4 Inspection of License and Hunter's Bag

Upon request, every person engaged in hunting or transporting a game animal or parts thereof must surrender for inspection his or her license or "Certificate of Origin" letter and all game in his/her possession to any Conservation Officer or other CNMI officer authorized to inspect under CNMI laws.

10.5 Legal Hunting Age

The legal hunting age for CNMI is sixteen (16) years of age or older. Only persons who may legally possess firearms, bows or crossbows may hunt game with firearms, bows or crossbows. A valid gun registration number is required on the license of all hunters who intend to use firearms to take wildlife. Individuals sixteen (16) years of age or under may be issued hunting licenses for species that may be legally taken without the use of firearms or bows. Hunting licenses for persons under the age of eighteen (18) years may be conditioned on successful completion of Department sponsored or sanctioned rifle or bow training programs.

10.6 Hunter Report Cards

Every person issued a hunting license will also be issued a hunter report card. Hunters must provide all information required on the report card. Completed hunter report cards must be turned in to the Division within ten (10) days after the close of the season. Every person who is issued a license to hunt deer will also be issued a registered deer tag. If the hunter kills a deer, he or she must immediately attach the deer tag to the carcass in the manner prescribed on the tag instructions. After gutting the deer, the hunter must immediately bring the deer to the DFW designated deer check station and allow check station staff to weigh and inspect the deer, and to record the tag number. Possession of an untagged or unregistered deer **is prohibited**. Any hunter who brings any part of that deer to another CNMI island must obtain a Certificate of Origin from the check station staff, the Director, or the Resident Director, or the Enforcement Section Supervisor. The Hunter must present the Certificate of Origin to Custom or Quarantine officials upon entering another CNMI island.

10.7 Prohibited Activities

The following activities are prohibited. It is illegal for a person to:

- a. Hunt while under the influence of alcohol or a narcotic or other disabling drug.
- b. Take wildlife while riding or on any motorized vehicle including automobiles, motorized bikes, motor powered boats, helicopters or airplanes.
- c. Take or pursue wildlife while riding on an animal.
- d. Use fire or artificial light as an aid in taking wildlife, except that artificial light may be used to hunt coconut and land crabs during the specified season.
- e. Discharge a gun, bow and arrow, or cross bow in an attempt to take a game animal within a village or within two hundred (200) meters of a human dwelling. It is likewise illegal to discharge such weapons across a public road, or within twenty-five (25) meters of a road.
- f. Use dogs to hunt anything except game birds.
- g. Sell or barter game animals or game animal products with the exception of feral goats, feral pigs or feral cows.
- h. Possess any game animal, mounted specimen, antlers, skin, meat or any part thereof without having a hunting license valid at the time of kill or a "Certificate of Origin" letter, as defined in Part 3, Section 10.3.
- i. Hunt, kill or possess any threatened, endangered, or protected species, or any part thereof, without a valid scientific permit.
- j. Start a fire in a designated Wildlife Area or Wildlife Sanctuary.
- k. Hunt while on official CNMI government travel unless specifically authorized in writing by the Secretary prior to travel.

1. Discharge any weapon within five hundred (500) meters of a known, occupied bat roost. This will be enforced even in the event of a bat season being opened.
- m. Hunt in closed areas.

10.8 Hunting Areas and Access

Hunting may only be conducted on public lands designated by the Director or on private lands with permission from the landowner.

SECTION 20. HUNTING SEASONS AND HARVEST LIMITS FOR GAME ANIMALS

The species of wildlife listed in Table 2 below are game animals in the CNMI and may be legally hunted during the hunting seasons specified by individuals in possession of a valid hunting license unless otherwise stated. Consult Table 1 for information on hunting seasons and harvest limits.

TABLE 2 - CNMI GAME SPECIES

GAME ANIMALS	Bag Limit (Total/CNMI)	Season Limit (Total/CNMI)	SEASON
Sambar Deer (Rota only)	1	1	9/1 - 11/30
Wild Goat/Pig/Cow	No Limit	No Limit	Open all year
Philippine Turtle-Dove	5 10	20 20	4/15 - 5/31 10/1 - 11/30
Coconut Crab	5	10	9/15 - 11/15
Land Crab	No Limit	No Limit	4/1 - 6/30 and 10/1 - 12/31

NOTE: Unprotected Wildlife may be taken year round without a hunting license.

SECTION 30. SPECIAL REGULATIONS FOR PARTICULAR SPECIES

30.1 Deer

Only antlered, male deer may be taken. Visible evidence of the sex of the deer must accompany the carcass while in the field and during transportation to the check station and the hunter's residence.

Before the beginning of the hunting season, the Director will determine the number of deer licenses that will be made available for that season. The Division will announce a period during which people may register for deer hunting licenses. Licenses for deer hunting will be allocated based on a random drawing from among those people who have registered. A new registration file will be created each year.

30.2 Coconut Crabs

- a. A coconut crab which measures less than three inches wide across the back may not be taken at any time.
- b. A female crab, regardless of size, may not be taken when it is carrying eggs beneath the abdomen (berried).
- c. The only legal means of taking coconut crabs is by hand.
- d. The sale of coconut crabs captured in the CNMI **is strictly prohibited.**
- e. The preserving or mounting of coconut crabs for display purposes or the sale of such crabs within the CNMI **is strictly prohibited.**

30.3 Bird Eggs

The taking of eggs from any species of land or sea bird **is prohibited** unless a special permit is issued by the Director. Any special permit is subject to the conditions on that permit as specified by the Director.

30.4 Other Species of Birds, Reptiles, Mammals and Plants

Hunting for any species listed in Table 3 **is prohibited.**

TABLE 3: LIST OF PROTECTED WILDLIFE AND PLANT SPECIES IN THE CNMI

Protected Wildlife	Order, Family, Species	Common Names
Seabirds (including, but not exclusive to:)	Order Procellariiformes --Family Diomedidae- --Phaethon lepturus --Sula leucogaster --Sula sula --Sula dactylatra --Frigata minor	Albatrosses White-tailed Tropicbird Brown Booby Red-footed Booby Masked Booby Great Frigatebird
Long-legged, long-necked Waders	Order Ciconiiformes --Egretta sacra --Bubulcus ibis --Egretta intermedia	Pacific Reef-Heron Cattle Egret Intermediate Egret
Waterbirds	Family Rallidae --Rallus owstoni --Gallunula chloropus	Guam rail Mariana Common Moorhen
Shorebirds	Order Charadriiformes --Anous minutus --Anous stolidus	Black Noddy Brown Noddy

Protected Wildlife	Order, Family, Species	Common Names
Native Forest Birds	Megapodius laperouse	Micronesia Megapode
	Gallicolumba xanthonura	White-throated Ground-Dove
	Ptilinopus roseicapilla	Mariana Fruit-Dove
	Aerodramus vanikorensis	Island (Gray) Swiftlet
	Corvus kubaryi	Mariana Crow
	Monarcha takatsukasae	Tinian Monarch
	Rhipidura rufifrons	Rufous Fantail
	Acrocephalus luscini	Nightingale Reed-warbler
	Aplonis opaca	Micronesia Starling
	Cleptornis marchei	Rota Bridled White-eye Golden White-eye
Reptiles	Chelonia mydas	Green Sea Turtle (Haggan)
	Eretmochelys imbricata	Hawksbill Turtle (Haggan Karai)
	Perochirus ateles	Micronesia Gecko (uali'ek)
Marine Mammals	Cetaceans	Whales and Porpoises
Plants	Serianthes nelsonii	Fire tree (Trongkon guafi, Hayun lago)
	Lycopodium phlegmaria	cat's tail or discipina fern
	Osmoxylon mariannense	(no common name)
	Tabernaemontant rotensis	(no common name)

SECTION 40 AUTHORIZED MEANS OF TAKING GAME SPECIES

- 40.1 Only firearms meeting current CNMI caliber/gauge and registration requirements and bows of forty (40) pound draw or more may be used to harvest game animals with the exception of live captures as otherwise provided herein for specific species.
- 40.2 If bows and arrows are used to hunt deer, goats or pigs, the arrows must be fitted with arrow-heads that are at least seven-eighths (7/8) inch across at the widest point and have no fewer than two cutting edges.
- 40.3 Unless authorized under this Section, firearms, devices, nets, explosives, traps, snares, chemicals, etc. may not be used to take game animals. However, wild goats, pigs or cows may be captured alive in nets, traps and leg hold snares.

SECTION 50. MORATORIUMS AND SUBSISTENCE HUNTING

50.1 Moratorium on Hunting

- a. The Secretary, after consultation with the Director, may suspend the legal hunting of any or all wildlife species if the Director finds:
 1. Wildlife populations have declined in numbers such that they cannot support hunting; or,
 2. Hunting presents a threat to human safety; or,
 3. Circumstances prevent reasonable compliance with or enforcement of hunting regulations.
- b. All moratoria must be announced through public media at least fourteen (14) days prior to the effective date. A moratorium on hunting will remain in effect until the Secretary, in consultation with the Director, determines that hunting is again warranted.

50.2 Subsistence Hunting

The Secretary, after consultation with the Director, may in certain cases make exemptions in the seasons, harvests and regulations for individuals engaged in subsistence hunting, provided however that no exemption to the regulations will be made in the case of threatened or endangered species. Examples of valid subsistence hunters include permanent residents living on the remote northern islands north of Saipan. Wildlife taken under subsistence conditions must be utilized as a personal food source and not sold or traded. Permanent residents of the northern islands may legally offer game species taken as subsistence to legitimate off-island guests during mealtime. Such game must be consumed by the guest on the permanent resident's premises and may not be transported off island. Off-island residents may not legally take game in the northern islands except in accordance with normal season and license provisions. Permanent resident is defined by 1 CMC Section 6201, or amending legislation.

SECTION 60. SPECIAL HUNTING PERMITS

- 60.1 The Secretary, after consultation with the Director, may authorize special hunting or fishing permits only for the following reasons:
 - a. To prevent wildlife from causing significant economic damage. Example: Special hunting permits to control wildlife depredation of agricultural crops.
 - b. To mitigate any adverse impact that wildlife may have on the environment. Example: Special hunting permits for the reduction of feral animals to prevent damage to wildlife habitat caused by over grazing or over browsing.
 - c. To avert any danger or safety hazard to humans or domestic animals. Example: Special hunting permits to eliminate diseased or dangerous wildlife that pose a threat to humans or livestock.

- 60.2 Each request for a special hunting permit must be investigated and evidence supporting the request must be gathered by the Division before a permit can be issued. Personnel from the Department of Public Safety and the Division of Plant Industry shall supply, upon request, written justification for special hunting permits.
- 60.3 Wildlife control actions may be carried out by Division personnel, without a special permit.
- 60.4 Special permits will be issued free of charge by the Director for a specified period of time. A full report including the measures taken, personnel involved and the number and kind of wildlife killed or captured must be submitted within thirty (30) days following the expiration of the special hunting permit. Compliance with reporting requirements will be a significant consideration in future renewal or extension of special permits.

SECTION 70. WILDLIFE CONSERVATION AREAS

- 70.1 The Director may acquire and designate land and/or aquatic habitats or easements as Wildlife Sanctuaries in accordance with 2 CMC 5104(a)(5). Wildlife Sanctuaries are created to protect important wildlife populations and their habitat.
- 70.2 The islands of Guguan, Uracus, Maug and Asuncion are designated as wildlife conservation areas in accordance with 2 CMC 5104(a)(5) and Article XIV(2) of the CNMI Constitution. Landing on these islands is prohibited without prior approval from the Director, except in the case of actual emergency.
- 70.3 The following wildlife conservation areas have been established on Saipan and Rota under the management of the Department:

Saipan: Kagman Wildlife Conservation Area
 Bird Island Wildlife Conservation Area
 Saipan Upland Mitigation Bank (northern portion of the Marpi Forest)

Rota: I Chenchon Bird Sanctuary
 Sabana Protected Area
 Liyo Conservation Area

70.4 General Prohibitions

Except as provided for in subsection 70.5 below, no person shall, in any wildlife conservation area,

1. hunt or fish,
2. be in possession of any firearm, slingshot, bow and arrow, shot or any instrument that could be used for the purpose of hunting,

3. have in his possession any animal, carcass, nest, egg or a part of any of those things,
4. damage, destroy or remove a plant except those plants used for traditional medical purposes,
5. carry on any agricultural activity, graze livestock or harvest any natural or cultivated crop,
6. allow any domestic animal to run at large,
7. camp or light or maintain a fire,
8. operate a conveyance,
9. destroy or molest animals or carcasses, nests or eggs thereof,
10. remove, deface, damage or destroy any artifact, natural object, building, fence, poster, sign or other structure,
11. carry on any commercial or industrial activity,
12. disturb or remove any soil, sand, gravel or other material, or
13. dump or deposit any rubbish, waste material or substance that would degrade or alter the quality of the environment.

70.5 Permits

The Director may, on application, issue a permit to any person authorizing that person to carry on an activity described in section 70.4 in any wildlife conservation area where that activity will not interfere with the conservation of wildlife. A persons to whom a permit has been issued shall:

- (a) have the permit in his/her possession at all times while in the wildlife area; and
- (b) show the permit to any conservation officer immediately on request.

Every permit expires on the expiry date set out in the permit or, where a permit does not contain an expiry date, on December 31st of the year in which it was issued. The Director may cancel or suspend a permit where it is necessary to do so for the conservation of wildlife or wildlife habitat in a wildlife area.

- 70.6** Where the Director has published a notice in a local newspaper or posted a notice at the entrance of any wildlife area or on the boundary of any part thereof prohibiting entry to any wildlife area or part thereof, no person shall enter the area or part thereof set out in the notice.

SECTION 80. NON-COMMERCIAL STATUS OF WILDLIFE

- 80.1** All wildlife in the CNMI is held in public trust by the CNMI government. Game and non-game animals belong to the citizens of the CNMI.
- 80.2** With the exception of feral goats and feral pigs, it is illegal to sell or barter wildlife which is alive or dead or parts thereof including meat, antlers, mounted specimens, skins or hides.

SECTION 90. CAPTIVE/DOMESTICATED WILDLIFE

- 90.1 Possession of wildlife listed as threatened, endangered, or protected under Part 2 and Section 30.4 of these regulations **is prohibited** except in cases where the wildlife was being kept prior to designation of the species as threatened, endangered, or protected, and where a permit for possession has been issued by the Director.
- 90.2 The possession of captive local wildlife or domesticated wildlife without a specific permit issued by the Division **is prohibited**. The Division is prohibited from issuing permits for certain species of wildlife that are regulated under federal law and appear on the U.S. List of Threatened and Endangered Species or in the Migratory Bird Treaty Act.
- 90.3 Within the CNMI, it is illegal to keep any of the species listed in Table 3 without a permit issued by the Director.
- 90.4 Permits to keep captive wildlife or domesticated wildlife and all progeny from captive wildlife must be applied for annually and will be issued only for species that can be easily and successfully kept in captivity. The Division is authorized to inspect all domesticated and captive wildlife and all progeny at any time in order to insure proper and humane treatment. Permits will be renewed upon evaluation of the captive animal enclosure subject to reasonable and necessary permit conditions, including the right to inspect such enclosures by Conservation Officers at any reasonable time. The Division maintains the right to mark captive wildlife/domesticated and all progeny with a numbered tag if deemed necessary. All tags must remain on the original animal. The sale of captive wildlife and domesticated wildlife **is strictly prohibited** except by permit and as allowed in section 90.6 below.
- 90.5 Captive Wildlife Permit holders are required to submit a report to the DFW at the time of permit renewal. This report should include the following information:
1. Number of animals being kept, the DFW tag number for each animal (if applicable), and the sex of each animal
 2. Name and address of the permit holder
- 90.6 **Sambar Deer**: All captive or domesticated deer and all progeny must be marked with a numbered tag issued by the Division. Captive or domesticated deer may be sold or may transfer ownership provided that the deer has been tagged with a numbered tag issued by the Division prior to sale or transfer, and that the following information on the sale or transfer is provided to the Division within ten (10) days of sale or transfer:
1. Tag Number
 2. Sex
 3. Name and address of the person to whom the deer was sold or transferred

4. Date of sale/transfer

SECTION 100. DESTRUCTION OF FERAL ANIMALS

The Director, after consultation with the Secretary, shall have the authority to direct Division staff to destroy feral animals such as: cattle, pigs, goats, deer, dogs and cats which are damaging threatened or endangered species or habitat essential for the survival of endangered and threatened species or of species of significant value for sport, recreational, subsistence, commercial or cultural purposes. The Division will not reimburse anyone for destroying cattle, pigs, goats, deer, dogs and cats that are causing damage to the environment.

SECTION 110. RANDOM SELECTION OF HUNTERS

The Secretary, after consultation with the Director, shall have the authority to limit the number of hunters by selecting among eligible hunters through a random selection method. The selection procedure shall include the following criteria: 1) the abundance of game species and population estimates; 2) equitable distribution of the harvest; 3) public safety; 4) the requirements of private landowners who permit public hunting through agreement with the Department.

SECTION 120. NORTHERN ISLANDS

120.1 All vessels, including CNMI government vessels, traveling from any port to the Northern Islands must:

- a. Notify the Division prior to departure;
- b. Allow the Division to inspect the vessel prior to departure if anyone on the vessel is traveling to the Northern Islands for purposes of hunting;
- c. Return to CNMI for inspection by the Division at a CNMI port in Saipan, Tinian or Rota;
- d. Notify the Division of Fish and Wildlife upon docking or landing at a CNMI port, if during normal business hours; otherwise, all vessels must contact the Division by radio or other form of communication before arrival to ensure inspection of the vessel upon arrival; and,
- e. Be inspected by the Division to determine whether the vessel is transporting any fish, game or wildlife.

120.2 The captain and the owner of the vessel shall be responsible for compliance with this Section.

120.3 Failure to comply with any requirements of Part 4, Section 20 will be deemed a violation.

120.4 Bag limits as promulgated in Part 4, Section 20 shall be in effect for the Northern Islands.

120.5 Season limits as promulgated in Part 4, Section 20 shall be in effect for the Northern Islands.

120.6 Taking or hunting of any animals or plants on Uracas, Guguan, Asuncion, Sarigan and Maug is prohibited unless specifically authorized in a scientific research permit issued by the Director.

PART 5 FISHING REGULATIONS

SECTION 10. USE OF EXPLOSIVES, CHEMICALS, POISONS, ELECTRIC SHOCKING DEVICES, SCUBA OR HOOKAH AND DISTURBANCE OF HABITAT

- 10.01 Prohibitions: The use of explosives, poisons, electric shocking devices, SCUBA or hookah **is prohibited** in the taking of any fish.
- a. No person shall use explosives, poisons, electronic shocking devices, SCUBA or hookah while fishing.
 - b. No person shall possess, sell or purchase any fish, game, marine or other aquatic life taken by means prohibited in this Section.
- 10.2 The use of *any* fishing gear in a manner that is substantially destructive to benthic substrate **is prohibited**.
- 10.3 Exceptions: The use of explosives, poisons, electronic shocking devices, SCUBA or hookah is allowed where used by a Division employee where such use is authorized by the Director or where used pursuant to a scientific collection permit which specifically allows for such use.
- 10.4 Disruption of Habitat: Disturbance of coral, dead or alive, **is prohibited** under any circumstances except under emergencies or by persons exempt under Section 30 below.

SECTION 20. USE OF NETS FOR FISHING

- 20.1 Definitions: Monofilament **may not** be used on any net except talaya, scoop nets, and hand nets. Fishing nets covered by these regulations include but not limited to the following:
- a. Drag net/Beach seine (Chenchulun and lagua)
 - b. Trap net (Chenchulun managam)
 - c. Surround net (Chenchulun Umesugon)
 - d. Gill net (Tekken)
- 20.2 Drag nets/Beach seines: The use of drag nets or beach seines in the waters of the CNMI **is prohibited**.
- 20.3 Gillnets: The use of gillnets in the waters of the CNMI **is prohibited**.

20.4 Mesh Size: The use of nets with a stretch mesh measuring less than two and one-half (2-1/2) inches in linear measure **is prohibited** unless used as or for talaya (throw net or cast net), lagua (scoop or hand net) or when fishing for seasonal runs of atulai (mackerel), Tiao (juvenile goatfish) or manahak (juvenile rabbitfish).

20.5 License Required: A license shall be required for fishing with the use of a net. One fee must be paid for each net to be used for fishing, regardless of whether the nets are of the same type.

20.6 Registration of Nets: Upon licensing of nets, the nets shall be marked by the Division with a registration tag, which will reflect the license number. The license holder shall notify the Division immediately if the registration tag becomes detached from the net.

20.7 Identification of Nets: For all nets other than talaya, scoop nets, and hand nets, each net must be clearly, indelibly and permanently marked with the name and DFW registration number of the net owner. Identification markers must be placed with a minimum of one identification marker for each 10 feet of net.

20.8 Use Restrictions

- a. Nets placed in the water shall be tended at all times.
- b. Placed nets found in violation of these provisions, or without a registration tag or identification marker, shall be confiscated by Conservation Officers and are subject to forfeiture pursuant to 2 CMC Section 5109(f)(3).
- c. All fish, invertebrates, marine plants not intended for consumption shall be returned to their proper natural habitat, if alive, or disposed of lawfully, if dead.
- d. Recreational and/or subsistence use of surround nets shall be restricted to 100 meters in length and shall comply with definitions and mesh size requirements pursuant to Section 20.3.
- e. Disturbance of corals shall not be permitted when fishing with nets.
- f. All nets or pieces of nets shall be removed from the water after fishing has been completed.

20.9 Abandoned Nets: Abandonment of nets within the waters or coastal zone of the CNMI **is prohibited**. Nets that are found unattended in the water or within 150 feet of the high water mark on any public beach will be considered abandoned. Permit holders of nets found abandoned may be subject to penalties including: fines, forfeiture of net fishing permit(s), and confiscation of abandoned nets.

SECTION 30. COLLECTION OF HARD CORALS

30.1 Prohibitions: The collection and/or removal from the waters of the CNMI of any and all species of hard Hermatypic reef building corals, soft corals or stony hydrozoans, **is prohibited**, except as specifically allowed by this Section. A license may be issued by the Director for the collection of Dead coral from the beach above the LLW(lower low water) mark for the purpose of manufacturing "Afuk" (calcium carbonate). A license may be issued by the Director for the collection of coral for scientific research purposes. All coral taken by the license may be inspected by the Division to insure that any coral was not taken in violation of these regulations.

SECTION 50. HARVEST OF TROCHUS NILOTICUS (ALILING TULOMPO, TROCHUS)

50.1 Harvesting: No trochus may be taken except during open season as declared by the Secretary, after consultation with the Director. Open season may be declared via public announcement and publication in the Commonwealth Register, and may be conditioned in any way, such as season dates and times, size and gear restrictions or seasonal take limits and license requirements. The taking of trochus measuring less than 3" across the base **is prohibited**.

50.2 Sanctuaries: Two closed areas are hereby established. These areas are designated to insure continuous high levels of productivity of trochus. Taking of trochus from these locations **is prohibited**, even during seasons declared by the Director. These closed areas are:

- a. An area encompassing the barrier reef from the Garapan channel marker (light-house) south for one (1) mile. The inshore edge of the reef. The offshore boundary is the forty (40) foot depth contour.
- b. The entire reef at Tank Beach, Kagman (Chacha), extending from the northern rocky headland to the southern rocky headland and bounded inshore by the mean high mark line and offshore by the forty (40) foot depth contour.

SECTION 60. HARVEST OF SEA CUCUMBERS

60.1 Harvesting: No sea cucumber may be taken except as permitted by the Director. Any permit issued by the Director is subject to special conditions as determined by the Director.

- 60.2 **Sanctuaries:** In addition to the sanctuaries specified in 40.2, the following areas will also serve as sea cucumber sanctuaries:
- a. Laulau Bay from Puntan Hakmang to Puntan Dandan. Boundary is from the MHW (mean high water) mark line to offshore to the forty (40) foot depth contour.
 - b. Bird Island from Puntan I Maddock to Puntan Tangke. Boundary is from MHW (mean high water) mark line to offshore to the forty (40) foot depth contour.

SECTION 70. TAKING OF LOBSTER

- 70.1 **Prohibitions:** It shall be prohibited and deemed unlawful to take or to be in possession of any lobster:
- a. Which measures less than three (3) inches (76.2 mm) in length measured in a straight line along the carapace from the ridge between the two (2) largest spines above the eyes, back to the rear edge of the carapace; or
 - b. Which is carrying eggs; or
 - c. Which has been stripped of her eggs; or
 - d. Harvested by spear or any method other than by hand.

70.2 **Sanctuaries** as specified in 40.2 apply here.

SECTION 80. HARVEST OF OTHER INVERTEBRATES

- 80.1 **Harvesting:** No other invertebrates may be taken except as permitted by the Director. Any permit issued by the Director is subject to special conditions as determined by the Director.
- 80.2 **Sanctuaries:** Sanctuaries specified in 40.2 apply to other invertebrates.
- 80.3 **Prohibitions:** The exportation of any species of the following groups of marine gastropods (snails), or any part or product thereof, taken from CNMI water is prohibited:

COMMON NAME SCIENTIFIC FAMILY NAME

Cone shell	Conidae
Cowries	Cypraeidae
Egg Cowries	Ovulidae
Helmut shells	Cassidae
Murexs	Muricidae
Spiders and Conchs	Strombidae
Tritons	Cymatidae
Volutes	Volutiadae

SECTION 90. FISH WEIRS

The use of fish weirs **is prohibited**.

SECTION 100. MORATORIA ON FISHING

The purpose of this section is to provide for the conservation of fishery resources. The Director is authorized to declare a moratorium on any and all fishing activity to conserve CNMI resources, through publication of such a moratorium in the Commonwealth Register. A moratorium on issuance of fishing licenses may be imposed when necessary to protect fish, Threatened or Endangered species or to otherwise carry out the functions of the Division as established by the CNMI Legislature.

SECTION 110. AQUARIUM FISH PROHIBITIONS

- 110.1 The sale or export of marine aquarium fish **is prohibited**.
- 110.2 An aquarium fish license is required by any person who captures aquarium fish for personal use or enjoyment.
- 110.3 No poisons may be used to collect aquarium fish, except for purposes of scientific research when a scientific research permit expressly allows for such use.
- 110.4 All methods of collection of aquarium fish **are prohibited** except for the following:
- a. Certain hand nets not previously registered by Conservation Officer.
 - b. Small surround nets (less than 8 meters in length);
 - c. Barbless hook and line; and
 - d. Other collection methods specifically allowed in a written condition to a permit.

SECTION 120. MARINE RESERVES

- 120.1 The Director may acquire and designate aquatic habitats or easements as Marine Reserves in accordance with 2 CMC 5104(a)(5). Marine Reserves are created to protect important fish and aquatic species populations and their habitats.
- 120.2 The following Marine Reserve has been established on Rota under the management of the Department:
- (a) Sasanhaya Fish Reserve: between and including Puña Point and the Coral Gardens
- 120.3 Except as provided for in subsection 120.4 below, the following activities **are prohibited** within the boundaries of any Marine Reserve:

1. Killing or removing, or attempting to remove, any marine animal or plant, including but not limited to any fishes, coral (live or dead), lobster, shellfish, clams or octopus
2. Using any type of food or other attractant for the purposes of attracting fish (e.g. fish feeding, baiting, etc.)
3. Anchoring of any vessel except in case of actual emergency, or for scientific purposes permitted by the Division.
4. Removing, defacing, damaging or destroying any artifact, natural object, buoy, sign or other structure,
5. Carrying on any commercial or industrial activity,
6. Disturbing or removing any substrate, sand, or other material, or
7. Dumping or depositing any rubbish, waste material or substance that would degrade or alter the quality of the environment.

120.4 Exceptions

The Director may, upon request from the Secretary or Resident Director from the island on which the marine reserve is located, issue limited, temporary fishing permits. In determining whether such permits shall be allowed, and the extent of fishing to be allowed, the Director shall take into account any data or other information on the status of the fish stocks in the reserve.

PART 6
IMPORTATION AND INTRODUCTIONS

SECTION 10. IMPORTATION OF ANIMALS

10.1 Authority

In accordance with P.L. 2-51 and 4-55, 2 CMC Section 5323(c) and 5324; the Secretary promulgates these regulations.

10.2 Permit Procedure

a. Owners of animals sought to be imported into the CNMI shall obtain a permit for introduction from the Director prior to bringing the animal into the CNMI. The permit fee is TEN (\$10.00) DOLLARS for each species/shipment imported.

10.3 Owners must present to the Division all documents necessary to import the animal pursuant to the CITES. These documents may include: Import or export permits, re-export certificates, introduction from the sea permits, certificate of origin and health certificate.

10.4 The animals listed in this subsection may be imported in the CNMI alive, with proper permits pursuant to this Section:

AMPHIBIANS: No species, dead or alive;

REPTILES: No species, dead or alive;

INVERTEBRATES: No species of harmful invertebrates. The Director will make a determination on a case by case basis of which invertebrates may be imported into the CNMI.

BIRDS:

Domestic fowl (Gallus)

Domestic turkey (Meleagris gallopavo)

Ring-necked pheasant (Phasianus colchicus)

Mallard, all domestic breeds including peking duck
(Anas platyrhynchos)

Muscovy duck (Cairina moschata)

Domestic goose, greylag goose (Anser)

Domestic goose, swan goose (Anser cygnoides)

"Parakeet," budgerigah (Melopsittacus undulatus)

Cockatiel (Nymphicus hollandicus)

Lovebirds, all species (Agapornis spp.)

Canary (Serinus canarius)

Zebra Finch (*Poephila guttata*)
Society Finch, Bengalese Finch (*Lonchura domestica*)
Blue and Gold Macaw (*Ara ararauna*)
Scarlet Macaw (*Ara macao*)
Green Wing Macaw (*Ara chloroptera*)
Military Macaw (*Ara militaris*)

MAMMALS:

Asiatic Water Buffalo
Carabao
Domestic dog (*Canis familiaris*)
Domestic cat (*Felis catus*)
Gerbil (*Gerbillus*)
Guinea pig (*Cavia porcellus*)
Domestic swine (*Sus scrofa*)
Domestic cattle (*Bos taurus*)
Domestic horse (*Equus caballus*)
Domestic donkey, including mule
(*Equus asinus*)
Domestic goat (*Capra hircus*)

- 10.5 Only the animals listed in 10.4 of this Section may be lawfully imported into the CNMI. It shall be unlawful to import any species of amphibian, reptile, bird or mammal not on the list in 10.4 of this Section. All animals presented for importing into the CNMI that are not on this list shall be refused entry, except as provided for herein.
- 10.6 Animals not on the list and already within the CNMI prior to the effective date of this regulation shall be documented by the Division.
- 10.7 Licensed business establishments may apply to import animals not on the list in 10.4 of this Section for the purpose of public display at the business establishment. Each such application must be approved by the Director. The Director may prescribe conditions of entry. The animals may never be sold or resold but must be disposed of outside the CNMI. The animals must be available for inspection on the premises by Conservation Officers. **Examples are:**
- a. A hotel applies for and is granted a permit to import and hold captivity two Macaw parrots. The Director imposes special conditions including that the birds be males, as determined by laparotomy performed by a licensed veterinarian prior to import. Further, the manager must agree in writing that the birds will be kept in confinement at all times and that, should one or both birds escape, to report the escape to the Division

within a day of escape. Further, the manager must agree that the escapee is recaptured within a week or be liable for destruction.

- b. A person setting up a small public zoo applies to import thirty-six (36) animals or seventeen (17) species. Twenty-one (21) animals of nine (9) species are permitted entry, the remainder are refused entry. All imported animals must be males.

10.8 The Division will accept applications for additions to list of admissible animals in 10.3 herein. Applicants must furnish the Division the following information:

- a. Common and scientific name and native ranges of species.
- b. Source of species.
- c. Findings of a **comprehensive** literature search documenting native range, habitat, and food habits of the species, history in captivity, and any known cases of feral populations, particularly in similar island ecosystems such as Hawaii.
- d. Evidence of possession of an escape-proof cage.

10.9 The Director will consult with the Director of Animal Health and Industry in reviewing the application. The Director of Animal Health and Industry will inform the Director of his or her findings within sixty (60) days after receipt of a complete application. Upon approval by the Director, the Director of Animal Health and Industry may then issue a permit to the applicant allowing for the importation of the approved species.

10.10 The Division Conservation Officers are authorized to confiscate prohibited imports. Confiscated items may be used in Division education programs, returned to origin, or destroyed.

SECTION 20. INTRODUCTION OF SPECIES

20.1 It shall be unlawful to release any fish, game or wildlife species not native (found historically) to the CNMI. The only exception is for species introduced in Division conservation programs.

20.2 The Division shall document all instances of illegal or accidental introduction; further, the Division shall take all efforts necessary to extirpate the introduced species. Persons responsible for illegal or accidental introductions are liable for the cost of eradication, including but not limited to, personnel salaries, transportation and equipment. The captain and or owner of the vessel are responsible for all animals carried in the vessel during eradication activity.

- 20.3** The Division shall be exempt from the provisions of this Part in the conduct of its programs.
- 20.4** The importation of viable eggs is prohibited.
- 20.5** All caged birds shall be birds produced in captivity (no live-caught, wild birds shall be imported). This requires all caged birds brought into the CNMI to be accompanied by documentation by a reputable aviary or aviculturist documenting the bird's pedigree.
- 20.6** All imports of birds that require a permit, shall not be released to the importer until a Division Biologist confirms the identification of the species.


PUBLIC NOTICE OF PROPOSED

SOLID WASTE COLLECTION AND DISPOSAL REGULATIONS

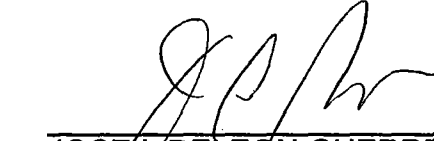
The Commonwealth of the Northern Mariana Islands, Department of Public Works hereby notifies the general public that it proposes to adopt Solid Waste Collection and Disposal Regulations consistent with the Commonwealth Solid Waste Management Act of 1989. These regulations set fees for the disposal of solid waste at Commonwealth Solid Waste Disposal facilities.

All interested persons wishing to make comment may submit written comments about the proposed Solid Waste Disposal Regulations to the Department of Public Works, Solid Waste Program Manager, Lower Base, Saipan, MP 96950, not later than thirty (30) days from the date of this publication in the Commonwealth Register.

Dated this 17th day of APR., 2000.


JUAN B. CEPEDA,
Secretary of Public Works

Received by:


JOSE DELEON GUERRERO
Special Assistant for Administration

4/17/2000
Date

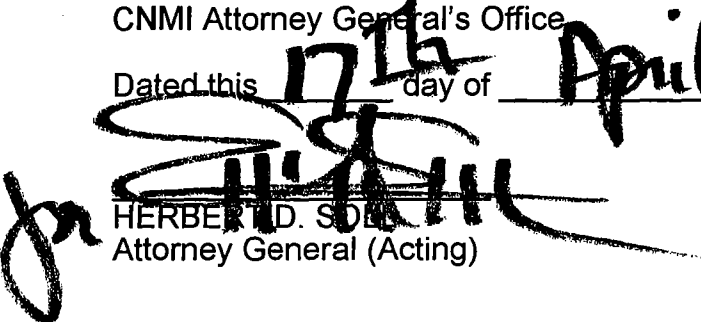
Filed and Recorded
by:


SOLEDAD B. SASAMOTO
Registrar of Corporations

4/17/00
Date

Pursuant to 1 CMC sec. 2153, as amended by Public Law 10-50, the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated this 17th day of April, 2000.



HERBERT D. SOLER
Attorney General (Acting)

NUTISA POT PARA U MA AKSEPTA I MA PROPONE NA AREGLAMENTON I MA RIKOHI YAN MA YUTT BASULA (SOLID WASTE COLLECTION AND DISPOSAL)

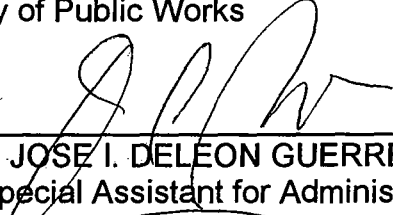
I Dipattamenton I Public Works ha mana'e nutisai I publicko na ha propone para hu aksepta I areglamenton man rikohi yan man uti' basula (Solid Waste collection and Disposal) sigun I ginagagao gi efektibu na lai ni mafanana'an Commonwealth Solid Waste Management Act of 1989. Esti na areglamento para u na' fan apasi I publiko pot man yuti' basula gi maseha manu guatto na sagan man yuti' basula.

Todo man intirisanti ni man malago' man na'halom guatto gi Dippattamento I Public Works, Solid Waste Manager, giya Lower Base, Saipan, MP 96950, taya' mas ki trenta (30) dias desdi I fecha anai Ima publika guine gi I Commonwealth Register.

Ma fecha guine gi 17 na dia gi ABRIL 2000.




JUAN B. CEPEDA
Secretary of Public Works

Rinisibi As: 

JOSE I. DELEON GUERRERO
Special Assistant for Administration

4/17/2000

FECHA

Ma Rehistra halom As: 

SOLEDAD B. SASAMOTO
Registrar of Corporations

4/17/00

FECHA

Sigun I CMC Section 2153, kuma tinilaika ni Lai Publiko 10-50, I ma propone siha na areglamento ni chechetton guine, esta man ma inan maolek yan inaprebe para u fotma ligat yan suficiente ginen I Ofisinan I Attorney General giya CNMI.

Ma fecha guine gi _____ ma dia gi _____, 2000

HERBERT D. SOLL
Attorney General (Acting)

FECHA

DEPARTMENT OF PUBLIC WORKS

SOLID WASTE COLLECTION AND DISPOSAL REGULATIONS

Citation of Statutory Authority: Pursuant to 2 CMC 3514 of the Commonwealth Solid Waste Management Act of 1989.


Short Statement of Goals and Objectives: To establish rules and regulations for the collection and disposal of solid waste at Commonwealth of the Northern Mariana Islands Solid Waste Facilities and to set fees on the disposal of such wastes.

Brief Summary of the Rule: Provides a fee schedule for the disposal of solid waste at the Puerto Rico Dump, Saipan, Commonwealth of the Northern Mariana Islands. The fee schedule exempts small loads to minimize the costs to most residential disposers.

For Further Information Contact: John Harder, Solid Waste Program Manager, Department of Public Works, telephone no. 322-2745 or fax 322-3547.

Citation of Related and or Affected Statutes Regulations and Orders: None. This is the first time fees are being assessed for solid waste disposal as authorized by the Commonwealth Solid Waste Management Act of 1989.

Submitted by:



JUAN B. CEPEDA
Secretary of Public Works

17 APR. 2000
Date

SOLID WASTE DISPOSAL AND COLLECTION REGULATIONS

Section 1. Definitions: The following phrases in these regulations shall be defined as follows:

- a. **Commercial Waste Haulers:** Any person, business or government agency or other entity who transports Municipal Solid Waste generated by others.
- b. **Large Commercial and Self-haulers:** Any hauler delivering 10 or more tons per day of waste to the facilities on a monthly average .
- c. **Small Commercial and Self-haulers:** Any hauler delivering less than 10 tons per day of waste to the facilities on a monthly average.
- d. **Self-Haulers:** Any person, business or government agency or other entity that transports Municipal Solid Waste generated exclusively by their own operations.
- e. **Commonwealth Solid Waste Management Facilities:** Landfills, dumps, refuse transfer stations, recycling centers, composting operations and other waste receiving facilities operated by the Commonwealth of the Northern Mariana Islands Department of Public Works, Division of Solid Waste Management.
- f. **Compacted Load:** A load that is hauled in a vehicle or container which is equipped with a hydraulic mechanism, or is designed to be used in conjunction with a hydraulic ram mechanism which compresses the load in order to maximize the amount of material that can be hauled in the vehicle or container. All other loads shall be considered to be uncompacted.
- g. **Construction and Demolition Waste (C&D):** Largely inert solid waste resulting from the construction, demolition or razing of buildings, roads or other structures, or from the clearing of land. Includes materials such as concrete, rock, brick and masonry, asphalt, wood, roofing and roofing paper, gypsum board, plaster, steel, and minor amounts of other metals. Construction and demolition waste does not include clean-up materials contaminated with hazardous substances, friable asbestos, waste paints, solvents, sealers or similar materials.
- h. **Friable Asbestos Containing Material:** Any material containing more than one (1) percent friable asbestos (as defined under U.S. Code, Title 15, Section 2642) by weight.
- i. **Garment Waste:** Refuse generated by businesses that are engaged in the processing of textiles and/or the manufacture of garments and that primarily contains textile scraps.

- j. **Green Waste:** Trees, leaves, brush, grass clippings, landscape waste, yard trimmings and other similar plant material. Does not include land clearing debris mixed with dirt or rock.
- k. **Household Refuse:** Solid waste (including garbage, trash and sanitary waste in septic tanks) generated by residents directly as a result of their occupation or maintenance of their households. Does not include special wastes such as white goods, tires or batteries.
- l. **Land Clearing Debris:** Material generated as the result of clearing land for construction. Primarily dirt, rock and vegetative material. Does not include municipal refuse or Construction Demolition waste.
- m. **Municipal Solid Waste:** All refuse, discards or other, no longer useable, material generated through normal residential, agricultural, commercial and industrial activities. Includes, but is not limited to: household waste, vegetative and animal waste generated by agricultural operations, commercial solid waste, non-hazardous sludge, conditionally exempt small quantity hazardous waste, construction and demolition waste, and industrial solid waste.
- n. **Residential Disposer:** An individual homeowner who hauls refuse generated from his own residence. Does not include self-haul waste from multiple units such as apartment complexes, barracks or other multi-family dwellings, or agricultural waste hauled from agricultural properties which include residences.
- o. **Special Waste:** Solid waste, which due to its potential impact on public health and or the environment, requires special handling and additional environmental controls. Special Wastes include, but are not limited to, junk cars, scrap tires, used lead acid batteries, white goods, used motor oil, dead animals, infectious medical waste, and sewage sludge.
- p. **White Goods:** Appliances which are predominately made of metal and greater than one cubic foot in volume. Includes such items as refrigerators, washers, dryers, water heaters, air conditioners and ranges.

Section 2. Tipping Fees at Commonwealth Solid Waste Facilities not Equipped with Vehicle Scales.

For the receipt and disposal of solid waste delivered to Commonwealth Solid Waste Management Facilities not equipped with vehicle scales, or to Commonwealth Solid Waste Management Facilities equipped with vehicle scales which are not operable, by any business, industry, governmental agency, or educational institution, a tipping fee based on a volumetric assessment shall be charged to the disposer as specified in Subsections a. through b. inclusive.

The initial tipping fees for Commonwealth Solid Waste Facilities not equipped with vehicle scales are based on a base fee rate of approximately \$10 per ton and standard volumetric

solid waste conversions of 250 lbs./cu.yd. for uncompacted waste and 500 lbs./cu.yd. for compacted waste. For loads above 2 cubic yards, the charges above will be imposed based on the capacity of the of vehicle regardless of whether it is fully loaded or not. Separate fees shall be assessed for a trailer and the vehicle towing it if both the trailer and the towing vehicle are carrying solid waste.

Tipping Fees for the islands of Tinian & Rota shall be delayed until there is adequate infrastructure for collection and appropriate regulations are adopted.

a. Municipal Solid Waste

<u>Typical Vehicle or Container Type</u>	<u>General Volume</u>	<u>Tipping Fee</u>
55 gal. drum (approx. 1/3 cu yd)	3 or less drums	No Charge
	4 to 6 drums	\$2.00
	7 to 8 drums	\$4.00
	More than 8 drums	\$2.00/2 drms
Pick up truck or other passenger vehicle	less than one (1) cubic yard	No Charge
	1 to 2 cubic yards	\$2.00
	2 to 4 cubic yards	\$4.00
Flat bed truck, trailer, or overloaded pick up truck	less than 3 cubic yards	\$4.00
	3 to 5 cubic yards	\$6.00
	5 to 8 cubic yards	\$10.00
Dump truck or large trailer	less than 5 cubic yards	\$6.00
	5 to 10 cubic yards	\$12.00
	10 to 15 cubic yards	\$18.00
Compactor Truck	less than 5 cubic yards	\$10.00
	5 to 10 cubic yards	\$20.00
	10 to 20 cubic yards	\$40.00
Roll-off container	less than 10 cubic yards	\$12.00
	10 to 20 cubic yards	\$22.00
	20 to 30	\$32.00
	30 to 40	\$42.00

b. Any loads containing friable asbestos containing material, sewage sludge, dead animals and quantities greater than 2 cubic yards of spoiled food. C&D debris containing concrete, asphalt, rock or dirt, or land clearing debris containing municipal refuse or scrap metal.

<u>Typical Vehicle Type</u>	<u>General Volume</u>	<u>Tipping Fee</u>
55 gal. drum (approx. 1/3 cu yd)	3 drums or less	No Charge

	4 to 6 drums	\$4.00
	7 to 8 drums	\$8.00
	more than 8 drums	\$2.00/2 drms
Pick up truck or other passenger vehicle	less than one (1) cubic yard	No Charge
	1 to 2 cubic yards	\$4.00
	2 to 4 cubic yards	\$8.00
Flat bed truck, trailer, or overloaded pick up truck	less than 3 cubic yards	\$8.00
	3 to 5 cubic yards	\$12.00
	5 to 8 cubic yards	\$20.00
Dump truck or large trailer	less than 5 cubic yards	\$12.00
	5 to 10 cubic yards	\$24.00
	10 to 15 cubic yards	\$36.00
Compactor Truck	less than 5 cubic yards	\$20.00
	5 to 10 cubic yards	\$40.00
	10 to 20 cubic yards	\$80.00
Roll-off container	less than 10 cubic yards	\$24.00
	10 to 20 cubic yards	\$44.00
	20 to 30	\$64.00
	30 to 40	\$84.00

Clean loads of dirt, rock or concrete, less than 6" in diameter and free of any reinforced rod shall be exempted from fees. The loads may contain no municipal solid waste and less than 10% of wood, metal or other construction and demolition wastes.

Section 3. Payment System

- a. Payment of Fees: Tipping fee charges incurred at the Commonwealth Solid Waste Facilities, whether or not they are equipped with scales, operable or not, under this Section shall be paid on site, either in cash, by coupons or invoiced to an established account. Fees of \$10.00 or less may be paid in cash. All fee charges over \$10.00 must be paid by pre-purchased coupons or invoiced to an established account.
- b. All Commercial Waste Haulers shall be required to register with the Department of Environmental Quality. In addition, any large self-hauler wishing to establish an account with the Division of Solid Waste Management must register with the Department of Environmental Quality. Prior to purchase of disposal coupons from the Division of Solid Waste Management, all commercial Waste Haulers shall be required to show proof of current registration.
- c. Payment by Coupons: Pre-paid coupons for payment of fees at Commonwealth Solid Waste Facilities may be purchased from the Commonwealth of the Northern

Mariana Islands Division of Solid Waste Management. Commonwealth Solid Waste Facilities will not accept cash payments for tipping fees for fees in excess of \$10.00. Commonwealth Solid Waste Facilities users must obtain tipping fee coupons from the Division of Solid Waste Management. Coupons shall be presented at the Commonwealth Solid Waste Management Facilities to pay the tipping fees for loads of waste to be disposed. Coupons will not be sold at Commonwealth Solid Waste Management Facilities.

- d. Purchase of Coupons: Coupons shall be issued in books of five and ten coupons in two U.S. dollar (\$2.00) and ten U.S. dollar (\$10.00) denominations. All persons, businesses, industries, governmental agencies, institutions, or organizations which intend to dispose of solid waste at a Commonwealth Solid Waste Management Facility shall purchase coupons to use at landfill facilities from the Division of Solid Waste Management. Coupons will be sequentially numbered and attached to receipt stubs in the coupon books. Coupons must be presented intact in their books. Loose coupons will not be accepted.
- e. Establishment of Accounts: In order to establish an account with the Division of Solid Waste Management, the Waste Hauler must be registered with Division of Environmental Quality. The hauler must provide an estimate of waste delivered daily over a six (6) month period, to the PRD (compacted and uncompacted). The Division of Solid Waste Management must verify this amount.

Accounts will be limited to haulers who deliver 10 tons per day or more to the facilities on a monthly average. A deposit based on the estimate of tons per day delivered to the facilities, computed at \$10 per ton, will be required in order to establish an account with the Division of Solid Waste Management. The hauler must provide the Division of Solid Waste Management with the following:

- 1) Owner name
- 2) Company name
- 3) Company telephone number
- 4) Number of vehicles using the facilities
- 5) Identification numbers of all vehicles using the facilities
- 6) Volumetric capacity of all vehicles using the facilities
- 7) Verification of registration with the Division of Environmental Quality

Company name, identification numbers and volumetric capacity shall be printed clearly on all vehicles.

A 30-day notice must be provided for any new vehicles. Accounts will be billed on a monthly basis, due the 15th of each month. On a quarterly basis, estimates of deposits will be reviewed.

Division of Solid Waste Management will charge by the volumetric capacity of the vehicle, not the load amount.

- f. **Collection of Fees and/or Coupons:** The gate attendant shall assess the volume of all incoming vehicles and based on his/her determination charge the appropriate fee. For fees to be paid by coupons the attendant shall remove the appropriate number of coupons from the coupon book and stamp both the coupons and the receipt stubs. Loose coupons will not be accepted. For haulers with established accounts, invoices will be provided.
- g. **Determination of Volumetric Assessment:** The attendant at the entrance to the facility shall be the sole judge of the capacity of the incoming vehicle. Should there be any disagreement regarding the attendant's determination, the hauler shall file an appeal with the Division of Solid Waste Management where an actual measurement of the container or vehicle capacity will be made.
- h. **Creation of Coupons:** The Division of Solid Waste Management shall be responsible for the creation and printing of coupons. Coupons shall be numbered to provide a means of monitoring whether forgeries are being created and used. Coupons shall be attached to receipt stubs for tracking of payment by haulers.
- i. **The Division of Solid Waste Management shall be responsible for verifying the accuracy of the coupons presented at Commonwealth Solid Waste Facilities.** The Division of Solid Waste Management shall issue receipts and shall note the serial number of the coupons issued to Tipping Fee coupon purchasers. They shall include the name and DEQ registration number (when appropriate) of the purchaser. The Division of Solid Waste Management shall be responsible for all accounting functions relating to the verification of, and accounting of tipping fees generated. The Division of Solid Waste Management shall deposit the proceeds from Tipping Fee coupons sold into the CNMI General Fund.
- j. **Lost Coupons:** Lost coupons shall not be replaced. disposers who lose coupons shall have to bear the cost of replacing the coupons.
- k. **The Department of Public Works, Division of Solid Waste Management shall be responsible for administering the collection of tipping fee coupons at Commonwealth Solid Waste Management facilities.**

Section 4. Waiver of Tipping Fees

Notwithstanding any other provision of these regulations to the contrary, the tipping fees can be waived for refuse generated as a result of a typhoon or other similar natural disaster or for the benefit of the Commonwealth of the Northern Mariana Islands.

- a. **The Department of Public Works, Division of Solid Waste Management shall be responsible for administering the waiver provisions in these regulations.**
- b. **The person, entity applying for waiver of tipping fees shall sign a declaration under penalty of perjury stating that the refuse was generated by a typhoon or describing the public benefit to be gained by granting of a waiver for non-typhoon based refuse and stating the volumetric capacity to be disposed.**

c. The Department of Public Works shall grant a waiver of tipping fees based on the signed declaration, provided that the Department of Public Works may establish procedures to verify volumetric capacity and to verify that the refuse was generated by a typhoon or a finding that a public benefit to the Commonwealth by granting of a waiver.

d. Loads in excess of 1 cubic yard generated from traditional cultures, social and religious activities such as rosaries and fiestas shall be considered in the public benefit and can be waived.



Department of Commerce

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

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NOTICE AND CERTIFICATION OF ADOPTION OF

AMENDMENT TO THE TAXICAB

RULES AND REGULATIONS

I, Frankie B. Villanueva, Secretary of the Department of Commerce, which is promulgating the Amendment to the Taxicab Rules and Regulations to Add Penalty Provisions, promulgated by publication in the Commonwealth Register Vol. 22, No. 2 on February 15th, 2000 at pages 17047 through and including 17053, by signature below hereby certify that as published such Regulations are a true, complete and correct copy of the Amendment to the Taxicab Rules and Regulations previously proposed by the Department of Commerce and which after expiration of the appropriate time for public comment, have been adopted with no modifications.

I further request and direct that this Notice and Certification be published in the CNMI Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 14th day of April, 2000 at Saipan, Commonwealth of the Northern Mariana Islands.

Frankie B. Villanueva
Secretary, Department of Commerce