

NORTH DAKOTA LOTTERY

Administrative Rules Committee Meeting
December 15, 2010

Mr. Chairman, and members of the Committee, my name is Randy Miller. I am the director of the North Dakota Lottery, a division of the Office of Attorney General. Today, I will be providing information describing the procedure followed by the North Dakota Lottery in adopting the rules published in the January 2011 supplement to the North Dakota Administrative Code.

I will begin by addressing the questions listed in the Legislative Council's November 30, 2010 letter. Please feel free to ask questions at any time.

1. The rules do not result from statutory changes made by the Legislative Assembly.
2. The rules do not relate to any federal statute or regulation.
3. The Lottery drafted rules which the Lottery Advisory Commission approved. A notice of public hearing was filed with the Legislative Council on August 11, 2010. Notifications on the public hearings and availability of the proposed rules were publicized in 52 county newspapers during August 18 to August 24, 2010. The rules were available at the public hearing, Lottery's office, Lottery's website, and to the public upon request.

The Lottery conducted one public hearing on September 16, 2010 in Bismarck - no one attended the hearing.

The Office of Attorney General examined and approved the final version of adopted rules as to their legality. The Lottery filed the rules with the Legislative Council.

4. There were no written or oral concerns, objections, or complaints for agency consideration with regard to these rules.
5. The approximate cost of giving public notice, holding a hearing, and developing and adopting the rules (excluding staff time) is:

Publishing notices of public hearings	\$1,620
Holding public hearings	0
Developing and adopting the rules	0
Total	<u>\$1,620</u>

6. The purpose of the proposed amendments is to update rules. The rules address ineligible player; claim of a prize; and changes to the megaplier option for Mega Millions.
7. A regulatory analysis was not required by NDCC Section 28-32-08.
8. A regulatory analysis or economic impact statement of impact on small entities was not required by NDCC Section 28-32-08.1.
9. A constitutional takings assessment was not required by NDCC Section 28-32-09.
10. Some of the rules were adopted as emergency rules under NDCC Sections 28-32-03 and 53-12.1-13. These rules relate directly to the changes to the megaplier option for the Mega Millions game as required by the Multi-State Lottery Association and effective on September 14, 2010.

This completes my testimony. Thank you for the opportunity to appear before the committee to describe the procedure followed by the Lottery in adopting the rules.

If there are any other questions, I would be happy to answer them at this time.