

# REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039. Included here are proposed rule review notices, which

invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

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## Proposed Rule Reviews

Texas Lottery Commission

### Title 16, Part 9

The Texas Lottery Commission (Commission) files this notice of intent to review, and to consider for reoption, amendment, or repeal, the Commission's rules at Title 16 Texas Administrative Code Chapter 401, relating to Administration of State Lottery Act. The names and numbers of the rules contained in Chapter 401 are set forth below. This review is being conducted in accordance with the requirements of Texas Government Code §2001.039 (Agency Review of Existing Rules):

Subchapter A - Procurement

§401.101 - Lottery Procurement Procedures

§401.102 - Protests of the Terms of a Formal Competitive Solicitation

§401.103 - Protests of Contract Award

§401.104 - Contract Monitoring Roles and Responsibilities

§401.105 - Major Procurement Approval Authority, Responsibilities and Reporting

Subchapter B - Licensing of Sales Agents

§401.152 - Application for License

§401.153 - Qualifications for License

§401.155 - Expiration of License

§401.156 - Renewal of License

§401.157 - Provisional License

§401.158 - Suspension or Revocation of License

§401.159 - Summary Suspension of License

§401.160 - Standard Penalty Chart

Subchapter C - Practice and Procedure

§401.201 - Intent and Scope of Rules

§401.202 - Construction of Rules

§401.203 - Contested Cases

§401.205 - Initiation of a Hearing

§401.207 - Written Answer; Default Proceedings

§401.211 - Law Governing Contested Cases

§401.216 - Subpoenas, Depositions, and Orders to Allow Entry

§401.220 - Motion for Rehearing

§401.227 - Definitions

Subchapter D - Lottery Game Rules

§401.301 - General Definitions

§401.302 - Scratch Ticket Game Rules

§401.303 - Grand Prize Drawing Rule

§401.304 - Draw Game Rules (General)

§401.305 - "Lotto Texas" Draw Game Rule

§401.306 - Video Lottery Games

§401.307 - "Pick 3" Draw Game Rule

§401.308 - "Cash Five" Draw Game Rule

§401.309 - Assignability of Prizes

§401.310 - Payment of Prize Payments Upon Death of Prize Winner

§401.312 - "Texas Two Step" Draw Game Rule

§401.313 - Promotional Drawings

§401.314 - Retailer Bonus Programs

§401.315 - "Mega Millions" Draw Game Rule

§401.316 - "Daily 4" Draw Game Rule

§401.317 - "Powerball" Draw Game Rule

§401.318 - Withholding of Delinquent Child-Support Payments from Lump-sum and Periodic Installment Payments of Lottery Winnings in Excess of Six Hundred Dollars

§401.319 - Withholding of Child-Support Payments from Periodic Installment Payments of Lottery Winnings

§401.320 - "All or Nothing" Draw Game Rule

§401.321 - Scratch Tickets Containing Non-English Words

§401.324 - Prize Winner Election to Remain Anonymous

Subchapter E - Retailer Rules

§401.351 - Proceeds from Ticket Sales

§401.352 - Settlement Procedures

§401.353 - Retailer Settlements, Financial Obligations, and Commissions

§401.355 - Restricted Sales

§401.357 - Texas Lottery as Retailer

§401.360 - Payment of Prizes  
 §401.361 - Required Purchases of Lottery Tickets  
 §401.362 - Retailer's Financial Responsibility for Lottery Tickets Received and Subsequently Damaged or Rendered Unsaleable, for Winning Lottery Tickets Paid and for Lottery-Related Property  
 §401.363 - Retailer Record  
 §401.364 - Training  
 §401.366 - Compliance with All Applicable Laws  
 §401.368 - Lottery Ticket Vending Machines  
 §401.370 - Retailer's Financial Responsibility for Lottery Tickets Received and Subsequently Stolen or Lost  
 §401.371 - Collection of Delinquent Obligations for Lottery Retailer Related Accounts  
 §401.372 - Display of License  
 Subchapter F - ADA Requirements  
 §401.401 - Definitions  
 §401.402 - General Requirements  
 §401.403 - Readily Achievable Barrier Removal  
 §401.404 - Priority of ADA Compliance by Lottery Licensees  
 §401.405 - Alternatives to Barrier Removal  
 §401.406 - Future Alterations to a Lottery Licensed Facility  
 §401.407 - Complaints Relating to Non-accessibility  
 §401.408 - Requests for Hearings  
 Subchapter G - Lottery Security  
 §401.501 - Lottery Security

The Commission will assess whether the reasons for initially adopting each of these rules continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether it reflects current legal and policy considerations, and whether it reflects current procedures of the Commission.

Written comments pertaining to this rule review may be submitted by mail to Deanne Rienstra, Special Counsel, at Texas Lottery Commission, P.O. Box 16630, Austin, Texas 78761-6630; by facsimile at (512) 344-5189; or by email at [legal.input@lottery.state.tx.us](mailto:legal.input@lottery.state.tx.us).

The deadline for comments is 30 days after publication of this notice in the *Texas Register*. Proposed changes to any of these rules as a result of the rule review will be published as separate rulemaking proceedings in the Proposed Rules section of the *Texas Register* at a later date. Any proposed rule changes will be open for public comment prior to final adoption or repeal by the Commission, in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

TRD-202303810  
 Bob Biard  
 General Counsel  
 Texas Lottery Commission  
 Filed: October 13, 2023



The Texas Lottery Commission (Commission) files this notice of intent to review, and to consider for readoption, amendment, or repeal, the Commission's rules at Title 16 Texas Administrative Code Chap-

ter 402 relating to Charitable Bingo Operations Division. The names and numbers of the rules contained in Chapter 402 are set forth below. This review is being conducted in accordance with the requirements of Texas Government Code §2001.039 (Agency Review of Existing Rules):

Subchapter A - Administration  
 §402.100 - Definitions  
 §402.101 - Advisory Opinions  
 §402.102 - Bingo Advisory Committee  
 §402.103 - Training Program  
 §402.104 - Delinquent Obligations  
 Subchapter B - Conduct of Bingo  
 §402.200 - General Restrictions on the Conduct of Bingo  
 §402.201 - Prohibited Bingo Occasion  
 §402.202 - Transfer of Funds  
 §402.203 - Unit Accounting  
 §402.204 - Prohibited Price Fixing  
 §402.205 - Unit Agreements  
 §402.210 - House Rules  
 §402.211 - Other Games of Chance  
 §402.212 - Promotional Bingo  
 Subchapter C - Bingo Games and Equipment  
 §402.300 - Pull-Tab Bingo  
 §402.301 - Bingo Card/Paper  
 §402.303 - Pull-tab or Instant Bingo Dispensers  
 §402.321 - Card-Minding Systems--Definitions  
 §402.322 - Card-Minding Systems--Site System Standards  
 §402.323 - Card-Minding Systems--Device Standards  
 §402.324 - Card-Minding Systems--Approval of Card-Minding Systems  
 §402.325 - Card-Minding Systems--Licensed Authorized Organizations Requirements  
 §402.326 - Card-Minding Systems--Distributor Requirements  
 §402.327 - Card-Minding Systems--Security Standards  
 §402.328 - Card-Minding Systems--Inspections and Restrictions  
 §402.331 - Shutter Card Bingo Systems - Definitions  
 §402.332 - Shutter Card Bingo Systems - Site System Standards  
 §402.333 - Shutter Card Bingo Systems - Shutter Card Station and Customer Account Standards  
 §402.334 - Shutter Card Bingo Systems - Approval of Shutter Card Bingo Systems  
 §402.335 - Shutter Card Bingo Systems - Licensed Authorized Organization Requirements  
 §402.336 - Shutter Card Bingo Systems - Distributor Requirements  
 §402.337 - Shutter Card Bingo Systems - Security Standards  
 §402.338 - Shutter Card Bingo Systems - Inspections and Restrictions