



Commissioners:

J. Winston Krause,  
Chairman

Carmen Arrieta-Candelaria

Doug Lowe

Robert Rivera



# TEXAS LOTTERY COMMISSION

Gary Grief, *Executive Director*

Michael P. Farrell, *Charitable Bingo Operations Director*

	Approved	Denied
<p><b>To:</b> J. Winston Krause, Chairman Carmen Arrieta-Candelaria, Commissioner Doug Lowe, Commissioner Robert Rivera, Commissioner</p> <p><b>From:</b> Tyler Vance, Assistant General Counsel <i>tw</i></p> <p><b>Date:</b> August 9, 2018</p> <p><b>Re:</b> Consideration of and possible discussion and/or action, including proposal, on amendments to 16 TAC §403.301 (Historically Underutilized Businesses)</p>		

Attached for your consideration is Commission staff's proposal for amendments to 16 TAC §403.301 (Historically Underutilized Businesses). The purpose of the amendments is to correct citations to Office of the Comptroller rules that have been moved.

Recommendation: Staff recommends the Commission initiate the rulemaking process by publishing the attached proposal in the *Texas Register* to receive public comment for a period of 30 days.

1           The Texas Lottery Commission (Commission) proposes amendments to 16 TAC §403.301  
2 (Historically Underutilized Businesses). The purpose of the amendments is to correct citations to  
3 Office of the Comptroller rules that have been moved.

4           Kathy Pyka, Controller, has determined that for each year of the first five years the  
5 proposed amendments will be in effect, there will be no significant fiscal impact for state or local  
6 governments as a result of the proposed amendments. There will be no adverse effect on small  
7 businesses or rural communities, micro businesses, or local or state employment. There will be no  
8 additional economic cost to persons required to comply with the amendments as  
9 proposed. Furthermore, an Economic Impact Statement and Regulatory Flexibility Analysis is not  
10 required because the proposed amendments will not have an adverse economic effect on small  
11 businesses or rural communities as defined in Texas Government Code §2006.001(1-a) and (2).

12           Mike Fernandez, Division Director of Administration Division, has determined that for  
13 each year of the first five years the proposed amendments will be in effect, the public benefit  
14 expected is to provide accurate rule citations for the public.

15           Pursuant to Texas Government Code §2001.0221, the Commission provides the following  
16 Government Growth Impact Statement for the proposed amendments to 16 TAC §403.301  
17 (Historically Underutilized Businesses). For each year of the first five years the proposed  
18 amendments will be in effect, Kathy Pyka, Controller, has determined the following:

19           (1) The proposed amendments do not create or eliminate a government program.

20           (2) Implementation of the proposed amendments does not require the creation of new  
21 employee positions or the elimination of existing employee positions.

22           (3) Implementation of the proposed amendments does not require an increase or decrease  
23 in future legislative appropriations to the Commission.

1 (4) The proposed amendments do not require an increase or decrease in fees paid to the  
2 Commission.

3 (5) The proposed amendments do not create a new regulation.

4 (6) The proposal amends, but does not expand or limit, an existing Commission rule for an  
5 administrative process.

6 (7) The proposed amendments do not increase or decrease the number of individuals  
7 subject to the rule's applicability.

8 (8) The proposed amendments do not positively or adversely affect this state's economy.

9 The Commission requests comments on the proposed amendments from any interested  
10 person. Comments on the proposed amendments may be submitted to Tyler Vance, Assistant  
11 General Counsel, by mail at Texas Lottery Commission, P.O. Box 16630, Austin, Texas 78761-  
12 6630; by facsimile at (512) 344-5189; or by email at *legal.input@lottery.state.tx.us*. Comments  
13 must be received within 30 days after publication of this proposal in the Texas Register in order to  
14 be considered.

15 These amendments are proposed under Texas Government Code §466.015, which  
16 authorizes the Commission to adopt rules governing the operation of the lottery, and §467.102,  
17 which authorizes the Commission to adopt rules for the enforcement and administration of the  
18 laws under the Commission's jurisdiction.

19 This proposal is intended to implement Texas Government Code, Chapter 466.  
20 §403.301. Historically Underutilized Businesses.

21 The Texas Lottery Commission adopts by reference the rules administered by the Office of the  
22 Comptroller of Public Accounts regarding historically underutilized businesses, which are set forth  
23 in the Texas Administrative Code, Title 34, Part 1, Chapter 20, §§20.281 - 20.298 ~~20.10—20.28~~.