

**Rule Summary and Fiscal Analysis (Part A)****State Lottery Commission**

Agency Name

Division

**Holly Coone**

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**3770:1-9-955**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Game rule nine hundred fifty-five.****RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **No**2. Are you proposing this rule as a result of recent legislation? **No**3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**4. Statute(s) authorizing agency to adopt the rule: **3770.03**5. Statute(s) the rule, as filed, amplifies or implements: **3770.01, 3770.02, 3770.03, 3770.04, 3770.05, 3770.06, 3770.07, 3770.08**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

To establish the rules for the play of a modified state-wide joint lottery game.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

the rule defines the parameters of the modified Powerball game matrix, including

style of play, the type of lottery to be conducted, the price of tickets, the number, nature and value of prize awards and the manner of prize drawings. The changes to this rule become effective as of draw date October 7, 2015.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

The Ohio lottery does not claim an exception. The material, as amended June 25, 2015, can be accessed through the following link which is set forth in the rule; <https://www.ohiolottery.com/Claiming/RulesAndRegulations> and clicking on the "Powerball" tab.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

In section (B)(4), the language was changed to reference the June 25, 2015 group rules instead of the May 22, 2015 group rules.

In section (B)(4), the language "or as may be amended thereafter" was removed.

The second sentence of (M)(1) was deleted in its entirety.

The first sentence of (M)(1) has been revised to read as follows:

"The director shall conduct game number nine hundred fifty-five and any promotions conducted in association with game number nine hundred fifty-five in a

manner consistent with the Ohio Lottery Act and the rules of the Ohio lottery commission, including this rule."

12. Five Year Review (FYR) Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

**FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

The rule defines the parameters of the modified Powerball game matrix, the type of lottery to be conducted, the price of tickets, the number, nature and value of prize awards and the manner of prize drawings. The changes to this game rule become effective as of draw date October 7, 2015. The rule changes are intended to increase Powerball sales, but the exact impact on the Lottery budget is currently unknown.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Appropriation line items: 950-321, 950-402, 950-403, 950-601 and 950-602

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

There is no cost to comply for all directly affected persons. Though the lottery will incur costs to roll-out the new modified Powerball game, budget levels should be sufficient to cover these costs. The lottery may need to re-evaluate spending levels next fiscal year based on the potential increase of sales revenues achieved.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **No**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**