

BAO 2006-0403-0016	Date Issued: 06/02/2006	View Request RO 2006-0403-0016
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Summary:	In response to your first question, the Commission is seeking an attorney general opinion on interpretation of Tex. Occ. Code § 2001.458 (b). Second, neither the Bingo Enabling Act nor Commission Charitable Bingo Administrative rules define the term “health benefit.” Therefore, it should be interpreted according to common usage. A determination of whether a particular expense falls within the meaning of the term would require review of a specific fact situation. Third, the Commission does not maintain information on whether licensed authorized organizations provide dependent health care insurance. No prior opinions have been issued on this matter.
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BAO # 2006-0403-0016

June 2, 2006

David Rosen, Primary Operator
Bnai Brith Mens Club
2504 Shandon Avenue
Midland, Texas 79705-6340

Re: Use of Bingo Funds

Dear Mr. Rosen:

This advisory opinion responds to your request which was received by the Texas Lottery Commission (Commission) on April 3, 2006. Below is your request, followed by the Commission’s response.

1. What is the specific statutory prohibition under your rule 2001.458 (b)^[1] that prohibits our charity from providing dependent health care insurance for our employees?
2. Under Section 2001.458 (b) we would request that the term “health benefit” be fully defined as to what that term specifically means, as well as what items of health care expense are allowed under that term and which are excluded so that in the future we have clarification on this matter.
3. Are there any other charitable bingo organizations licensed to play bingo in the State of Texas that provided dependent health care insurance, and have there been any prior opinions issued on this matter.

SUMMARY

In response to your first question, the Commission is seeking an attorney general opinion on interpretation of Tex. Occ. Code § 2001.458 (b). Second, neither the Bingo Enabling Act nor Commission Charitable Bingo Administrative rules define the term “health benefit.”^[2] Therefore, it should be interpreted according to common usage. A determination of whether a particular expense falls within the meaning of the term would require review of a specific fact situation. Third, the Commission does not maintain information on whether licensed authorized organizations provide dependent health care insurance. No prior opinions have been issued on this matter.

This advisory opinion cannot be construed as a tax ruling or otherwise interpretive of the Internal Revenue Code. The information provided is completely limited to the context of the Bingo Enabling Act and the Charitable Bingo Administrative Rules.

This advisory opinion is based on the laws, rules and regulations in effect at the time of its issuance. All of the information provided herein is subject to change in law.

This opinion is purely advisory in nature and is limited to the particular questions at issue and to the facts presented in the request. Therefore, this opinion must not be relied upon as a previous determination regarding any conduct which is not substantially consistent with the opinions and facts stated in the request.

Yours truly,

William L. Atkins, Director
Charitable Bingo Operations Division

cc: C. Tom Clowe, Jr., Chairman
James A. Cox, Jr., Commissioner
Kimberly L. Kiplin, General Counsel

^[1] § 2001.458 is in the Texas Occupations Code (Bingo Enabling Act) rather than Commission rules.

^[2] Any interested person may petition the Commission requesting adoption of a rule. Petitions must be in writing, should be filed with the general counsel, and must comply with the requirements set out in Commission General Administration Rule 16 TAC § 403.110.