

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 3
Corrected Copy 1/31/05

Short Title: Local Option Education Lottery. (Public)

Sponsors: Representatives Owens; Glazier, Hunter, and LaRoque.

Referred to: Rules, Calendar, and Operations of the House.

January 27, 2005

1 A BILL TO BE ENTITLED
2 AN ACT GIVING COUNTIES THE AUTHORITY TO ALLOW THE OPERATION
3 OF A LOTTERY IN THAT COUNTY, TO PROVIDE FOR STATE
4 REGULATION OF LOCALLY APPROVED LOTTERY OPERATIONS, AND TO
5 DISTRIBUTE TO EACH COUNTY AND THE CITIES LOCATED IN THE
6 COUNTY TWENTY-FIVE PERCENT OF THE NET PROCEEDS OF LOTTERY
7 OPERATIONS TO THE COUNTIES FOR SCHOOL CONSTRUCTION AND TO
8 USE ADDITIONAL FUNDS TO IMPLEMENT AND ENHANCE
9 EDUCATIONAL PROGRAMS.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** The General Statutes are amended by adding a new Chapter to
12 read:

"Chapter 143D.

"Local Option Lottery.

"Article 1.

"General Provisions.

17 **"§ 143D-1. Purpose.**

18 This Chapter allows the voters of each county to decide whether a Local Option
19 Education Lottery can be operated in that county for the purposes contained in this
20 Chapter. It also provides for State regulation of lottery operations in counties that have
21 approved these operations.

22 **"§ 143D-2. Definitions.**

23 The following definitions apply in this Chapter:

24 (1) Commission. – The State Lottery Commission.

25 (2) Commissioner. – A member of the State Lottery Commission.

26 (3) Director. – The Director of the State lottery.

27 (4) Lottery contractor. – A person who has entered a contract to provide
28 goods or services to the Commission.

1 term ends. A Commissioner continues to serve until the Commissioner's successor takes
2 office as a Commissioner, but the continuation does not change the date when the term
3 of the Commissioner's successor ends.

4 (d) Vacancies. – When a vacancy occurs on the Commission and the General
5 Assembly is in session, the Governor shall submit to the General Assembly the name of
6 an appointee to fill the vacancy. The Governor shall submit a name as soon as possible
7 but no later than three weeks after the vacancy occurs.

8 When a vacancy occurs on the Commission and the General Assembly is not in
9 session, the vacated position remains vacant until the General Assembly convenes
10 unless the Governor considers filling the vacancy urgent. If the Governor finds it urgent
11 to fill the vacancy, the Governor may appoint a person to serve as a Commissioner on
12 an interim basis pending confirmation by the General Assembly. When the General
13 Assembly convenes, it shall consider the confirmation of an interim appointment.

14 A Commissioner appointed to fill a vacancy serves for the unexpired portion of the
15 term vacated.

16 (e) Chair. – When the initial Commissioners are confirmed by the General
17 Assembly, the Governor shall designate one of the Commissioners as Chair of the
18 Commission. All Chairs serve three-year terms as Chair that end on June 30. If a Chair
19 leaves the Commission before completing a three-year term as Chair, the Governor shall
20 designate another Commissioner as Chair to serve for the remainder of the unexpired
21 term as Chair.

22 (f) Compensation. – Each Commissioner receives a per diem allowance for each
23 day the Commissioner attends a meeting of the Commission, attends a meeting of
24 another body as a representative of the Commission, is traveling as a representative of
25 the Commission, or is otherwise acting in the service of the Commission. The amount of
26 the allowance is the amount a member of the General Assembly receives as a
27 subsistence allowance under G.S. 120-3.1(a)(3). This allowance is in lieu of amounts
28 allowed under G.S. 138-5.

29 (g) Organization. – The Commission shall meet at the call of the Chair or at the
30 call of a majority of the Commissioners. A majority of the Commissioners is a quorum.
31 The Commission shall make all its decisions by a majority vote.

32 (h) Oath. – As an officer of the State, each Commissioner shall take the oath
33 required by Article VI, § 7 of the North Carolina Constitution.

34 (i) Regions. – To obtain statewide representation among the membership of the
35 Commission, the State is divided into the following five regions:

<u>Region</u>	<u>Counties in Region</u>
1	<u>Avery, Buncombe, Cherokee, Clay, Cleveland, Gaston, Graham,</u> <u>Haywood, Henderson, Jackson, Lincoln, Macon, Madison,</u> <u>McDowell, Mecklenburg, Mitchell, Polk, Rutherford, Swain,</u> <u>Transylvania, and Yancey.</u>
2	<u>Alexander, Alleghany, Ashe, Burke, Cabarrus, Caldwell, Catawba,</u> <u>Davidson, Davie, Forsyth, Guilford, Iredell, Randolph,</u> <u>Rockingham, Rowan, Stanly, Stokes, Surry, Yadkin, Watauga, and</u> <u>Wilkes.</u>

3 Alamance, Anson, Caswell, Chatham, Durham, Hoke, Lee, Montgomery, Moore, Orange, Person, Richmond, Scotland, and Union.

4 Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Franklin, Gates, Granville, Halifax, Harnett, Hertford, Hyde, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Tyrrell, Vance, Wake, Warren, Washington, and Wilson.

5 Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Johnston, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Robeson, Sampson, and Wayne.

"§ 143D-11. General laws apply to Commission.

As a State agency, the general laws that apply to State agencies apply to the Commission. These laws include the following:

- (1) Chapter 126 of the General Statutes, the State Personnel Act.
- (2) Chapter 132 of the General Statutes, which governs public access to records of a State agency.
- (3) Articles 3 and 3C of Chapter 143 of the General Statutes, which govern the purchase of goods and services by a State agency.
- (4) Article 33C of Chapter 143 of the General Statutes, which governs meetings of a State agency.
- (5) Chapter 150B of the General Statutes, which governs the adoption of rules by a State agency and the review of certain decisions of a State agency.

"§ 143D-12. Powers and duties of Commission.

(a) Powers. – The Commission has all powers necessary to perform its duties under this Chapter. The Commission may adopt rules to implement this Chapter.

(b) Duties. – The Commission shall:

- (1) Establish and operate a lottery in the counties that have approved the operation of a lottery.
- (2) Ensure that the lottery is operated efficiently and honestly.
- (3) Meet with the Director at least monthly to set policy, approve or reject reports of the Director, and transact any other business of the Commission.
- (4) Make quarterly and annual reports to the Governor, the Attorney General, the State Treasurer, and the General Assembly on the operation of the lottery, including full and complete statements of lottery revenues, prize disbursements, expenses, net income, and all other financial transactions involving lottery funds.

"§ 143D-13. Selection and compensation of Director.

(a) Selection. – The office of Director of the Commission is established. The Director is selected by the Commission and serves at the pleasure of the Commission. The Director shall be qualified by training and experience to direct the operations of a lottery. A person who has been convicted of a felony may not serve as Director. As an

1 officer of the State, the Director shall take the oath required by Article VI, § 7 of the
2 North Carolina Constitution.

3 (b) Compensation. – The Director receives the salary set by the Commission. The
4 Director is reimbursed for travel expenses in accordance with G.S. 136-8. The Director
5 is not subject to Chapter 126 of the General Statutes, the State Personnel Act.

6 **"§ 143D-14. Duties and powers of Director.**

7 (a) General. – The Director is the secretary and executive officer of the
8 Commission. The Director's position is a full-time position; the Director may not
9 engage in any other occupation or profession while serving as Director.

10 (b) Specific. – The Director shall:

11 (1) Supervise and administer the operation of the lottery in accordance
12 with this Chapter.

13 (2) Study the following:

14 a. Lotteries operated by another state or a foreign country.

15 b. Available literature on the subject of lotteries.

16 c. Existing or proposed federal laws that may affect the operation
17 of the lottery.

18 d. The reaction of the citizens of the counties that have approved
19 the operation of a lottery to existing or proposed features in a
20 lottery game.

21 e. The demographic characteristics of the players of lottery games.

22 f. The effectiveness of the marketing used on sales of lottery
23 game tickets and shares.

24 (3) Recommend to the Commission improvements in the lottery based on
25 studies made.

26 (4) Make and keep books and records that accurately and fairly reflect
27 each day's lottery transactions, including the distribution of lottery
28 game tickets or shares to lottery game retailers, the receipt of funds
29 and prize claims, the amount of prizes paid directly by the
30 Commission, and all other financial transactions involving lottery
31 funds necessary to maintain daily accountability of lottery funds.

32 (5) Report monthly to the Commission on the amount of revenue
33 generated by the lottery during the preceding month and the amount of
34 expenses incurred by the lottery during the preceding month.

35 (6) Provide for federal income tax to be withheld from a lottery game
36 prize as required by section 3402 of the Internal Revenue Code.

37 (7) Provide for State income tax in the amount of seven percent (7%) of a
38 lottery game prize to be withheld from a prize from which federal
39 income tax is required to be withheld.

40 (8) Report to the Secretary of Revenue the payment of a lottery game
41 prize that shall be reported to the Internal Revenue Service under
42 section 3402 of the Internal Revenue Code.

43 (9) Perform other duties assigned by the Commission.

44 **"§ 143D-15. Staff.**

1 the lottery and maximize the objective of raising revenues. The Commission may
2 engage an independent firm experienced in evaluating government procurement
3 proposals to aid in evaluating proposals for a major procurement.

4 Before a contract for a major procurement is awarded, the assistant director for
5 security shall conduct a thorough background investigation of all of the following:

- 6 (1) Each lottery vendor who submitted a bid, proposal, or offer.
- 7 (2) Any parent or subsidiary corporation, if any, of each lottery vendor
8 who submitted a bid, proposal, or offer.
- 9 (3) All shareholders who own at least a five percent (5%) interest in each
10 lottery vendor, or parent or subsidiary corporation of each lottery
11 vendor, who submitted a bid, proposal, or offer.
- 12 (4) All officers and directors of each lottery vendor or parent or subsidiary
13 corporation of each lottery vendor who submitted a bid, proposal, or
14 offer.

15 **§ 143D-22. Lottery vendor disclosures for major procurements.**

16 A lottery vendor who submits a bid, proposal, or offer for a major procurement shall
17 disclose the information required by the State to enable the State to evaluate the
18 vendor's competence, integrity, background, and character. A lottery vendor shall
19 submit to the assistant director for security any appropriate investigation authorizations
20 needed to facilitate these evaluations.

21 **§ 143D-23. Performance bond for major procurements.**

22 Each lottery contractor for a major procurement shall, at the time of executing the
23 contract with the Commission, post an appropriate bond or letter of credit with the
24 Commission, in an amount equal to the full amount estimated to be paid annually to the
25 lottery contractor under the contract. The Commission may decrease the bond or letter
26 of credit requirement for a major procurement if it determines that the decrease will
27 result in a cost savings to the lottery while still providing adequate protection against
28 nonperformance.

29 In lieu of a bond or letter of credit, a contractor may, to ensure the faithful
30 performance of its obligations, deposit and maintain with the Commission securities that
31 accrue interest and that, with the exception of those specified in subdivisions (1) or (2)
32 of this section, are rated in one of the four highest classifications by an established
33 nationally recognized investment rating service. Securities eligible under this section are
34 limited to the following:

- 35 (1) Certificates of deposit issued by a bank or savings institution whose
36 principal place of business is located in this State.
- 37 (2) United States bonds and bills for which the full faith and credit of the
38 government of the United States is pledged for the payment of
39 principal and interest.
- 40 (3) General obligation bonds and notes of any political subdivision of the
41 State.
- 42 (4) Corporate bonds of a corporation that is not an affiliate or subsidiary
43 of the depositor.

1 c. A lottery game contractor or an officer or employee of a lottery
2 game contractor whose contract concerns a major procurement.

3 d. A spouse, parent, or child living in the same household as a
4 person disqualified by subparts b. or c. of this subdivision.

5 (2) It may not be sold for a price that is higher than the retail price set by
6 the Commission.

7 (3) It may not be given as a premium or an enticement to promote the sale
8 of an item or a product.

9 **"§ 143D-33. Number and value of prizes.**

10 (a) Type. – Upon the recommendation of the Director, the Commission shall
11 determine the number and value of prizes for winning tickets or shares in each lottery
12 game. A prize may be a cash prize paid in a lump sum, in deferred payments, or by an
13 annuity, a merchandise prize, or a prize of a ticket or share in the same lottery game or
14 another lottery game.

15 (b) Prize Percentage. – As nearly as practical, the Commission shall allocate at
16 least fifty percent (50%) of the total projected annual revenue from the sale of lottery
17 tickets or shares for each particular lottery game for the payment of prizes for that
18 lottery game. The Commission may allocate a larger percentage of the total projected
19 annual revenue from a lottery game to prizes if it concludes that the total annual net
20 revenue from the lottery game will be enhanced by that higher prize percentage.

21 (c) Odds. – The following requirements apply:

22 (1) In lottery games using tickets with preprinted winners, the overall
23 estimated odds of winning prizes shall be printed on each ticket.

24 (2) A detailed tabulation of the estimated number of prizes of each
25 particular prize denomination that are expected to be awarded in each
26 lottery game, or the estimated odds of winning these prizes, shall be
27 available from the Commission when the lottery game is offered for
28 sale to the public.

29 (3) All printed or point-of-sale advertising promoting the sale of lottery
30 tickets for a particular game shall include the actual or estimated odds
31 of winning that game.

32 **"§ 143D-34. Method of determining winners.**

33 (a) Method. – Upon the recommendation of the Director, the Commission shall
34 specify the method for determining winners in each lottery game. If more than one
35 person is entitled to the same prize, each person shall receive a proportional share of the
36 prize.

37 (b) Drawings. – If a lottery game uses a drawing of winning numbers, a drawing
38 among entries, or a drawing among finalists to determine the winner, the drawing shall
39 comply with all of the following requirements:

40 (1) It shall be open to the public.

41 (2) It shall be witnessed by an independent certified public accountant.

42 (3) Any equipment used in the drawing shall be inspected, both before and
43 after the drawing, by an independent certified public accountant and an
44 employee of the Commission.

1 (4) It and any inspection of equipment used in it shall be recorded on both
2 video and audio tape.

3 **"§ 143D-35. Payment of prizes.**

4 (a) Procedures. – Upon the recommendation of the Director, the Commission
5 shall establish procedures for verifying the validity of a lottery game ticket or share
6 presented as the winner of a prize and for paying prizes won in a lottery game. The
7 Commission may authorize lottery game retailers to pay some prizes at their premises
8 and may require prizes to be paid only by the Commission.

9 (b) Restrictions. – The right of a person to a prize is not assignable. A prize may
10 be paid to the estate of a deceased prize winner, however, or to a person designated
11 pursuant to a judicial order. A lottery game prize may not be paid to a person:

12 (1) To whom a lottery game ticket or share cannot be sold or given, as
13 listed in G.S. 143D-32.

14 (2) Who presents a lottery game ticket or share that is stolen, counterfeit,
15 altered, fraudulent, unissued, produced or issued in error, unreadable,
16 not presented by the applicable deadline, or lacking in captions that
17 conform with the lottery play symbols for the lottery game involved,
18 or does not otherwise comply with any applicable requirements.

19 (c) Time. – The holder of a lottery game ticket or share may claim a prize won
20 by the ticket or share for 180 days after the drawing or the end of the lottery game in
21 which the prize was won. The Commission may set a shorter time period for eligibility
22 for entry into a drawing for entries or finalists. The Commission may set a different time
23 period for a lottery game that involves a lottery in another state.

24 (d) Unclaimed Prizes. – A prize that is not claimed within the time limit may not
25 be claimed after the time limit expires. The value of all unclaimed prizes shall be
26 credited to the Lottery Fund established in Article 6 of this Chapter.

27 (e) Information. – At the end of the time period for claiming prizes for each
28 lottery game, the Commission shall prepare a detailed statement of the total number of
29 prizes of each prize denomination, claimed and paid directly by the Commission. The
30 Commission shall make this statement available at its office and from lottery game
31 retailers.

32 **"§ 143D-36. Player agreement.**

33 By purchasing a ticket or share in a lottery game, a player agrees to be bound by the
34 lottery game's play rules. In particular, the purchaser of a ticket or share acknowledges
35 that the determination of whether the purchaser is a winner is subject to the game play
36 rules and the winner validation procedures for the lottery game.

37 **"§ 143D-37. Audits.**

38 (a) State Auditor. – The State Auditor shall conduct semiannual and annual
39 audits of all accounts and transactions of the Commission and shall conduct any other
40 special audits considered necessary. The State Auditor may examine any records of the
41 Commission. The State Auditor may examine the records of the following that are
42 relevant to the State lottery:

43 (1) A lottery game retailer.

44 (2) A lottery game contractor who has a contract for a major procurement.

1 (b) Independent. – Every two years, the Commission shall engage an independent
 2 firm experienced in security procedures to study all aspects of security in the operation
 3 of the lottery. As part of the study, the independent firm shall identify any practices that
 4 could be improved and describe how a practice identified as needing improvement
 5 should be changed. The portion of the security audit report containing the overall
 6 evaluation of each aspect of security in the operation of the lottery shall be presented to
 7 the Commission, to the Governor, and to the General Assembly. The portion of the
 8 security audit report identifying specific practices that need to be changed and
 9 describing how they should be changed is confidential and may be presented only to the
 10 assistant director for security, the Director, and the Commission.

11 **"§ 143D-38. Expenses and expense restriction.**

12 All expenses incurred by a State agency in performing duties related to the State
 13 lottery are expenses of the lottery and shall be charged to the lottery. The Commission
 14 may not spend more than sixteen percent (16%) of the total annual revenues accruing
 15 from the sale of all lottery game tickets and shares from all lottery games for expenses
 16 of the lottery.

17 **"§ 143D-39. No financial interest in certain persons allowed and no bribes or gifts**
 18 **from certain persons allowed.**

19 (a) Prohibition. – A Commissioner, the Director, or an employee of the
 20 Commission may not:

21 (1) Have a financial interest in a lottery contractor.

22 (2) Solicit, accept, or agree to accept anything from any of the following:

23 a. A lottery contractor.

24 b. A lottery vendor.

25 c. A person who could reasonably be expected to submit a bid to
 26 provide goods or services to the Commission.

27 (b) Punishment. – Violation of this section is a Class I felony. A person
 28 convicted of violating this section shall be removed from office or employment with the
 29 State.

30 "Article 5.

31 "Lottery Game Retailers.

32 **"§ 143D-45. Permit required; qualifications for permit.**

33 (a) Requirement. – To sell lottery game tickets or shares to the public, a person
 34 other than a unit of State or local government shall obtain a permit from the
 35 Commission. A lottery game retailer permit authorizes the holder to sell lottery game
 36 tickets or shares to the public at the retail business named in the permit. The
 37 Commission may authorize units of State or local government to sell lottery game
 38 tickets or shares to the public at designated locations. The Commission may not,
 39 however, allow an ABC store to sell lottery game tickets or shares.

40 (b) Qualifications. – To be eligible for a lottery game retailer permit, a person
 41 shall meet all of the following requirements:

42 (1) Be at least 21 years old.

- 1 (2) Be engaged in a retail business at an established location in this State
2 from which the person intends to sell lottery game tickets or shares in
3 addition to conducting the existing retail business.
- 4 (3) Be a resident of North Carolina unless either of the following applies:
5 a. The person is an officer, a director, or a stockholder of a
6 corporate applicant and is not a manager or is not otherwise
7 responsible for the day-to-day operation of the business.
8 b. The person has executed a power of attorney designating a
9 qualified resident of this State to serve as attorney-in-fact for
10 the purposes of receiving service of process and managing the
11 business for which the permit is sought.
- 12 (4) Not have been convicted of a felony or a misdemeanor gambling
13 offense within the last 10 years.
- 14 (5) Not have had a permit issued under this section revoked within the last
15 10 years.

16 (c) Conviction Defined. – For purposes of this section, a 'conviction' is a
17 judgment against a person that includes a finding of guilt or an entry of a plea of guilty
18 or nolo contendere. A felony conviction in another jurisdiction disqualifies a person
19 from being eligible to receive or hold a lottery game retailer permit if the person's
20 conduct would also constitute a felony in North Carolina. A conviction of a
21 misdemeanor gambling offense in another jurisdiction disqualifies a person from being
22 eligible to receive or hold a lottery game retailer permit if the person's conduct would
23 constitute an offense in North Carolina, unless the Commission determines that under
24 North Carolina procedure judgment would not have been entered under the same
25 circumstances. Revocation of a similar permit or authority to sell lottery tickets in
26 another jurisdiction disqualifies a person if the person's conduct would be grounds for
27 revocation in North Carolina.

28 (d) Who Shall Qualify. – For a lottery game retailer permit to be issued to and
29 held by a business, each of the following persons associated with that business shall
30 qualify under subsection (b) of this section:

- 31 (1) The owner of a sole proprietorship.
32 (2) Each member of a firm, an association, or a general partnership.
33 (3) Each general partner in a limited partnership.
34 (4) Each officer, director, and owner of more than ten percent (10%) of
35 the stock of a corporation, except that the age requirement of
36 subdivision (b)(1) of this section does not apply to a stockholder who
37 is not a manager of or is not otherwise responsible for the day-to-day
38 operation of the applicant's retail business.
39 (5) The manager of a retail business operated by a corporation.
40 (6) Any manager who has been empowered as attorney-in-fact for a
41 nonresident individual or partnership.

42 **"§ 143D-46. Issuance of lottery game retailer permit.**

43 (a) Factors. – Before issuing a lottery game retailer permit, the Commission shall
44 be satisfied that the applicant is a suitable person to hold the permit and that the

1 applicant's retail business is a suitable place to sell lottery game tickets and shares. The
2 Commission may consider any of the following factors in making its decision:

- 3 (1) The reputation, character, and criminal record of the applicant.
- 4 (2) The number of places already holding lottery game retailer permits in
5 the neighborhood.
- 6 (3) The convenience of the applicant's retail business to the public,
7 including available parking and the traffic conditions in the
8 neighborhood.
- 9 (4) The financial responsibility of the applicant.
- 10 (5) The volume of lottery game tickets and shares the applicant expects to
11 sell.
- 12 (6) Any other information that would tend to show whether the applicant
13 would comply with the lottery laws.

14 (b) Commission's Authority. – The Commission has the sole power, in its
15 discretion, to determine the suitability and qualifications of an applicant for a lottery
16 game retailer permit.

17 **"§ 143D-47. Application for permit; fees.**

18 (a) Form. – An application for a lottery game retailer permit shall be on a form
19 prescribed by the Commission and shall be notarized. The application shall be signed
20 and sworn to by each person required to qualify under G.S. 143D-45(d).

21 (b) Investigation. – Before issuing a new permit, the Commission shall
22 investigate the applicant and the applicant's retail business. An applicant shall cooperate
23 fully with the investigation.

24 (c) Fees. – An application for a lottery game retailer permit shall be accompanied
25 by the application fee, if any, set by the Commission. An application fee is not
26 refundable.

27 **"§ 143D-48. Compensation for lottery game retailers.**

28 (a) Amount. – Upon the recommendation of the Director, the Commission shall
29 determine the compensation to be paid to lottery game retailers for their sales of lottery
30 game tickets or shares. Until the Commission establishes a different amount of
31 compensation, the Commission shall pay each lottery game retailer six percent (6%) of
32 the retail price of the tickets or shares sold by the retailer plus an incentive bonus of one
33 percent (1%) of the amount sold above a specified sales volume or the attainment of
34 another objective specified by the Commission.

35 (b) Effect on Lease or Rental Agreement. – If a lease or rental agreement made
36 by a lottery game retailer is based on a percentage of the retailer's retail sales, the
37 retailer's sales of lottery game tickets or shares may not be counted in computing the
38 amount payable under the agreement unless the agreement explicitly includes these
39 sales. Conversely, a lease or rental agreement based on a percentage of sales includes
40 the amount of compensation paid to a lottery game retailer under subsection (a) of this
41 section unless the agreement specifically excludes these payments.

42 **"§ 143D-49. Duration and transfer of permit.**

43 (a) Duration. – A lottery game retailer permit is valid until it is surrendered,
44 suspended, or revoked.

1 (b) Change in Ownership. – A lottery game retailer permit for a retail business
2 automatically expires and shall be surrendered to the Commission if any of the
3 following occurs:

4 (1) Ownership of the retail business changes.

5 (2) There is a change in the membership of the firm, association, or
6 partnership owning the retail business, and the change involves the
7 acquisition of a ten percent (10%) or greater share in the firm,
8 association, or partnership by someone who did not previously own a
9 ten percent (10%) or greater share.

10 (3) Ten percent (10%) or more of the stock of the corporate permit holder
11 owning the retail business is acquired by someone who did not
12 previously own ten percent (10%) or more of the stock.

13 (c) Change in Management. – A corporation holding a lottery game retailer
14 permit for a retail business for which the manager is required to qualify as an applicant
15 under G.S. 143D-45(d) shall, within 30 days after employing a new manager, submit to
16 the Commission an application for substitution of a manager. The application shall be
17 signed by the new manager, shall be on a form provided by the Commission, and shall
18 be accompanied by a fee of ten dollars (\$10.00). The fee is not refundable.

19 (d) Transfer. – A lottery game retailer permit may not be transferred from one
20 person to another or from one location to another.

21 (e) Lost Permit. – The Commission may issue a duplicate lottery game retailer
22 permit for a retail business when the permit issued has been lost or damaged. A request
23 for a duplicate permit shall be on a form provided by the Commission, certified by the
24 lottery game retailer whose permit is lost or damaged, and accompanied by a fee of ten
25 dollars (\$10.00).

26 (f) Name Change. – The Commission may issue a new lottery game retailer
27 permit for a retail business when the name of the retail business changes. A request for a
28 new permit shall be on a form provided by the Commission, certified by the lottery
29 game retailer whose business name has changed, and accompanied by a fee of ten
30 dollars (\$10.00).

31 **"§ 143D-50. Denial, suspension, or revocation of a lottery game retailer permit.**

32 (a) The Commission may deny, suspend, or revoke a lottery game retailer permit
33 for any of the following reasons:

34 (1) Knowingly making a false statement on an application for a lottery
35 game retailer permit.

36 (2) Failing to keep records as required by the Commission.

37 (3) Failing to account for lottery game tickets or shares received or the
38 proceeds from the sale of the tickets or shares.

39 (4) Failing to file a bond required by the Commission.

40 (5) Failing to comply with the rules of the Commission concerning the
41 payment of prizes or other matters.

42 (6) Conviction of an offense that would make an applicant ineligible to
43 receive a permit.

1 the sales of lottery tickets in that county to the total sales of lottery
2 tickets in all counties in which the lottery is operated.

3 (2) The remaining net proceeds shall be appropriated by the General
4 Assembly to establish or enhance education programs, including, but
5 not limited to, a voluntary statewide prekindergarten program to
6 prepare at-risk four-year-olds for school in order to close the
7 achievement gap that now exists; enhanced technology programs and
8 infrastructure; programs to reduce class sizes in the public schools; and
9 programs to provide more one-on-one instruction to allow teachers to
10 teach and children to learn so that more children will stay in school,
11 graduate, and go on to college.

12 Revenue distributed to a county under subdivision (1) of this section shall be used
13 for school construction.

14 Revenue distributed pursuant to this section shall be used to supplement and not
15 supplant funds regularly appropriated by the General Assembly for these purposes."

16 **SECTION 2.** Studies. (a) Demographics. – After the first 12 months of
17 sales in at least 25 counties of both instant winner and online lottery game tickets or
18 shares to the public, the Commission shall engage an independent firm experienced in
19 demographic analysis to conduct a special study to determine the demographic
20 characteristics of the players of each lottery game, including their income, age, sex,
21 education, and frequency of participation. When completed, the study shall be presented
22 to the Governor, the Lieutenant Governor, the President Pro Tempore of the Senate, and
23 the Speaker of the House of Representatives.

24 (b) Effectiveness. – After the first 12 months of sales in at least 25 counties of
25 both instant winner and online lottery game tickets or shares to the public, the
26 Commission shall engage an independent firm experienced in the analysis of
27 advertising, promotion, public relations, and other aspects of communications to
28 conduct a special study of the effectiveness of the communications activities undertaken
29 by the Commission and to make recommendations to the Commission on the future
30 conduct of and the future rate of expenditures for these activities. When completed, the
31 study shall be presented to the Governor, the Lieutenant Governor, the President Pro
32 Tempore of the Senate, and the Speaker of the House of Representatives.

33 **SECTION 3.** To provide for the start-up costs of the State lottery, the State
34 Lottery Commission shall estimate the initial working capital needed and submit the
35 estimate to the Office of State Budget and Management for approval. If the Office of
36 State Budget and Management and the State Treasurer approve the amount, the State
37 Controller shall advance the approved amount by internal borrowing from other
38 available State funds. The terms and conditions of the temporary loan or loans shall be
39 determined by the State Treasurer.

40 **SECTION 4.** G.S. 120-123 is amended by adding a new subdivision to read:
41 "(78) The State Lottery Commission, established by G.S. 143D-2."

42 **SECTION 5.** G.S. 150B-2(8a) is amended by adding a new sub-subdivision
43 to read:

44 "1. Procedures and instructions for playing a lottery game."

1 **SECTION 6.** The limitation in G.S. 143D-38, as enacted by this act, on the
2 amount of revenue that may be spent on expenses of the State lottery does not apply to
3 the first 12 months in which the lottery is operated. The State Lottery Commission,
4 however, shall keep the expenses of the State lottery as low as practical.

5 **SECTION 7.** When the voters of 25 counties approve the operation of a
6 lottery in those counties, the Governor shall appoint five State Lottery Commissioners
7 within 30 days after the results of the twenty-fifth election are certified. Appointments
8 shall be made in accordance with G.S. 143D-10(i), as enacted by this act. The
9 appointees are subject to confirmation by the General Assembly when it convenes. The
10 interim appointees shall begin operation of lottery games as soon as practical.

11 **SECTION 8.** This act is effective when it becomes law.