COMMITTEE REPORT

February 26, 2009

**S. 110**

Introduced by Senator Malloy

S. Printed 2/26/09--S.

Read the first time January 13, 2009.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (S. 110) to amend Section 59-150-210, Code of Laws of South Carolina, 1976, relating to the Education Lottery Act, to permit the sale of lottery tickets on, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

JOHN E. COURSON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**REVENUE IMPACT 1/**

This bill would generate an estimated $816,300 in additional lottery revenue to the South Carolina Education Lottery accounts in FY09-10.

**Explanation**

This bill would allow the sale of lottery tickets on general and primary election days. There will be one primary in June FY10. Based on past lottery sales data, the average daily proceeds for the second Tuesday in each month total an estimated $816,300.

*Approved By:*

William C. Gillespie

Board of Economic Advisors

1/ This statement meets the requirement of Section 2-7-71 for a state revenue impact by the BEA, or Section 2-7-76 for a local revenue impact or Section 6-1-85(B) for an estimate of the shift in local property tax incidence by the Office of Economic Research.

**A** **BILL**

TO AMEND SECTION 59-150-210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EDUCATION LOTTERY ACT, TO PERMIT THE SALE OF LOTTERY TICKETS ON GENERAL OR PRIMARY ELECTION DAYS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59-150-210 of the 1976 Code is amended to read:

“Section 59-150-210. (A) A person shall not sell a lottery game ticket or share at a price other than that established by the commission. A person, other than a duly certified lottery retailer, shall not sell lottery game tickets, but a person may purchase lawfully lottery game tickets or shares and make a gift of the lottery game tickets or shares to another. The commission may designate certain agents and employees to sell lottery game tickets or shares directly to the public.

(B) Lottery game tickets or shares shall not be purchased and given by merchants as a means of promoting goods or services to customers or prospective customers, except as approved in writing by the commission.

(C) A lottery retailer shall not sell a lottery game ticket or share except from the locations listed in the lottery retailer’s contract and as evidenced by the lottery retailer’s certificate of authorization unless the commission authorizes, in writing, a temporary location not listed in the lottery retailer’s contract.

(D) Lottery game tickets or shares must not be sold to persons under eighteen years of age, but a person eighteen years of age or older may purchase lawfully lottery game tickets or shares and make a gift to a person of any age. If a minor lawfully receives a winning lottery game ticket, the commission may direct payment of proceeds of a lottery prize in an amount not exceeding two thousand five hundred dollars to the parent or guardian of the minor without court approval and without appointment of a conservator. In the case of a lottery prize greater than two thousand five hundred dollars and not exceeding twenty‑five thousand dollars, payment must be made in accordance with the procedures outlined in Section 62‑5‑103 as they relate to distribution. In the case of a prize in an amount greater than twenty‑five thousand dollars, payment must be made to a duly appointed conservator to be held for the benefit of the minor, pursuant to Section 62‑5‑433.

~~(E)~~ ~~A lottery ticket or share must not be sold on the date of any general or primary election; for a lottery game other than that defined in Section 59‑150‑20(7); or for a lottery game with corporate sponsorship.~~

~~(F)~~(E) A lottery ticket or share must not be sold on the campus of a public institution of higher learning as defined in Section 59‑103‑5.”

SECTION 2. This act takes effect upon approval by the Governor.

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