

No. 1982-291

AN ACT

SB 404

Amending the act of August 26, 1971 (P.L.351, No.91), entitled "An act providing for a State Lottery and administration thereof; authorizing the creation of a State Lottery Commission; prescribing its powers and duties; disposition of funds; violations and penalties therefor; exemption of prizes from State and local taxation and making an appropriation," abolishing the State Lottery Commission and further providing for transportation assistance grants for area agencies on aging to operate vehicles for use in senior citizens transportation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Clause (1) of section 3 and sections 4 and 5, act of August 26, 1971 (P.L.351, No.91), known as the "State Lottery Law," are amended to read:

Section 3. Definitions.—As used in this act:

[(1) "Commission" shall mean the State Lottery Commission established by this act.]

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[Section 4. State Lottery Commission; Chairman.—There is hereby created within the Department of Revenue a Division of the State Lottery which shall include a State Lottery Commission.

The commission shall consist of a chairman and four members, all of whom shall be citizens and residents of the State. No more than three of the five members shall belong to the same political party. The chairman shall be appointed by the Governor, by and with the advice and consent of two-thirds of all the members of the Senate, and shall hold office at the pleasure of the Governor. The members of the commission shall be appointed by the Governor, by and with the advice and consent of two-thirds of all the members of the Senate. The members of the commission shall hold office for four years. No member, upon the expiration of his term, shall continue to hold office until his successor is appointed and qualified. Of the members first taking office, two shall be appointed for a term of one year and two for a term of two years. The members of the commission shall receive actual and necessary expenses incurred by them in the performance of their duties, together with a per diem allowance to be paid by the Governor's Office for each day spent in the performance of their duties. Vacancies in the commission occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as original appointments. Any member of the commission, other than the chairman, may, after notice and opportunity to be heard, be removed by the Governor for neglect of duty, misfeasance, malfeasance or nonfeasance in office.

Three of the members of the commission shall constitute a quorum to do business.

The director shall act as secretary and executive officer of the commission.

Section 5. Powers and Duties of Commission.—The commission shall advise and make recommendations to the Secretary of Revenue regarding the functions and operations of the State lottery.]

Section 2. Subsection (a) of section 6 of the act is amended by adding a clause to read:

Section 6. Powers and Duties of the Secretary of Revenue.—(a) In addition to the powers and duties provided by law and “The Administrative Code of 1929,” the Secretary of Revenue shall have the power and it shall be his duty to operate and administer the lottery, and to promulgate rules and regulations governing the establishment and operation thereof, including but not limited to:

* * *

(13) The performance of the powers and duties heretofore vested in the State Lottery Commission.

* * *

Section 3. Section 9 of the act is amended to read:

Section 9. Sales of Tickets in Excess of Regulated Price; Sales by Non-licensed Persons; Penalties.—(a) No person shall sell a ticket or share at a price greater than that fixed by rule or regulation of the [commission] department.

(b) No person other than a licensed lottery sales agent shall sell lottery tickets or shares, except that nothing in this section shall be construed to prevent any person from giving lottery tickets or shares to another as a gift.

Any person convicted of violating this section shall be guilty of a misdemeanor and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500).

Section 4. Section 10 of the act, amended March 1, 1974 (P.L.86, No.21), is amended to read:

Section 10. Sales to Certain Persons Prohibited; Penalty.—No ticket or share shall be sold to any person under the age of eighteen years. For the purpose of making a gift, a person eighteen years of age or older may purchase a ticket or share for the benefit of a person less than that age.

Any agent or employe of any agent who knowingly sells a lottery ticket or share to any person under the age of eighteen years shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500).

No ticket or share shall be sold to and no prize shall be awarded to any officer or employe of the [State Lottery Commission or the] Division of the State Lottery in the Department of Revenue or any spouse, child, brother, sister or parent residing as a member of the same household in the principal place of abode of any of the foregoing persons.

Section 5. The act is amended by adding a section to read:

Section 12.1. Transportation Assistance Grant.—For the fiscal year

1982-1983 four million one hundred thousand dollars (\$4,100,000) is hereby appropriated from the Lottery Fund to the Department of Aging for transportation grants to area agencies on aging to purchase, replace, lease, maintain, operate or contract for the operation of vehicles or equipment for use in senior citizens transportation. The total amount to be granted to each area agency on aging shall be determined by the following formula:

(two million fifty thousand dollars \times a/b) +

(two million fifty thousand dollars \times c/d)

“a” equals the number of elderly poor persons residing in the area served by the area agency on aging.

“b” equals the number of elderly poor persons in Pennsylvania.

“c” equals the number of square miles of the area served by the area agency on aging.

“d” equals the number of square miles in Pennsylvania.

The grant shall be in addition to those authorized under and may be used in conjunction with section 406 of the act of January 22, 1968 (P.L.42, No.8), known as the “Pennsylvania Urban Mass Transportation Law.”

Section 6. Section 11.5 of the act of March 11, 1971 (P.L.104, No.3), known as the “Senior Citizens Rebate and Assistance Act,” is repealed.

Section 7. The funds appropriated in section 5 replace funds formerly appropriated pursuant to section 11.5 of the act of March 11, 1971 (P.L.104, No.3), known as the “Senior Citizens Rebate and Assistance Act,” and are not an addition thereto.

Section 8. Sections 5, 6 and 7 shall be retroactive to July 1, 1982.

Section 9. (a) Sections 1, 2, 3 and 4 of this act shall take effect in 60 days.

(b) The remainder of this act shall take effect immediately.

APPROVED—The 15th day of December, A. D. 1982.

DICK THORNBURGH