
A BILL FOR AN ACT

RELATING TO STATE LOTTERY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Powerball is an
2 American lottery game sold in lotteries in member states across
3 the country as a shared jackpot pool game. Powerball's
4 predecessor began in 1988 when it was known as Lotto America.
5 The game and name were officially changed to Powerball on April
6 19, 1992. Its first drawing was held three days later on April
7 22, 1992.

8 Powerball is now coordinated by the Multi-State Lottery
9 Association, a non-profit organization entirely owned and
10 operated by member lotteries and based in Des Moines, Iowa, that
11 operates at the direction of its board of directors, which is
12 composed of the executive directors of each member lottery.
13 Powerball currently is available in the District of Columbia,
14 the United States Virgin Islands, and thirty-one
15 states: Arizona, Arkansas, Colorado, Connecticut, Delaware,
16 Florida, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana,
17 Maine, Minnesota, Missouri, Montana, Nebraska, New Hampshire,
18 New Mexico, North Carolina, North Dakota, Oklahoma, Oregon,



1 Pennsylvania, Rhode Island, South Carolina, South Dakota,
2 Tennessee, Vermont, West Virginia, and Wisconsin.

3 Powerball costs \$1 for a single play for one drawing. For
4 each ticket, a player selects five numbers from a set of fifty-
5 nine white balls and one number from a set of thirty-nine red
6 balls (the PowerBall). Tickets that match at least three white
7 balls and/or the red PowerBall are winners. A player may pay an
8 additional \$1 to play PowerPlay, which adds a random multiplier
9 to all prizes except the jackpot.

10 The minimum jackpot is \$20,000,000. The estimated jackpot
11 is usually 32.5 per cent of the non-PowerPlay revenue of every
12 ticket sold by Multi-State Lottery Association members to
13 accumulate into a prize pool to fund the jackpot prize for each
14 drawing. If no ticket wins the jackpot in a particular drawing,
15 the prize pool carries over to the next drawing and continues to
16 accumulate until someone wins.

17 Powerball tickets can only legally be purchased at a state
18 lottery sales terminal in the lottery member states that sell
19 the Powerball game. Powerball lottery tickets cannot be sold by
20 mail or over the Internet across state lines or the United
21 States border. Federal and state laws prohibit out-of-state
22 lottery plays across state lines.



1 Powerball drawings are held every Wednesday and Saturday at
2 10:59 p.m. Eastern time in Orlando, Florida. The numbers are
3 drawn in the presence of Multi-State Lottery Association draw
4 officials, an independent auditor, and a security official. The
5 draw equipment is kept in a double-locked alarmed vault and the
6 balls sets are sealed by the auditor. All events are audio- and
7 video-recorded when the vault is opened. The equipment is
8 tested regularly using X-ray and statistical tests for non-
9 random behavior.

10 The legislature further finds that Mega Millions is also a
11 multistate \$1 lottery game with twelve participating
12 states: California, Georgia, Illinois, Maryland, Massachusetts,
13 Michigan, New Jersey, New York, Ohio, Texas, Virginia, and
14 Washington. Mega Millions began on August 31, 1996, as The Big
15 Game. In May 2002, the multistate game was given the new name
16 of Mega Millions.

17 A player picks, or allows the Mega Millions computer to pick,
18 five different numbers from one to fifty-six using white balls
19 and one number from one to forty-six using gold balls (the Mega
20 Ball). Mega Millions also offers a two-, three-, or four-times
21 multiplier play for \$2 for a chance to win a prize of up to
22 \$1,000,000. Jackpots start at \$12,000,000.



1 Drawings are usually held at the WSB-TV station in Atlanta,
2 Georgia at 11:00 p.m. Eastern time on Tuesdays and Fridays.

3 Unlike other multistate or multi-country lotteries that
4 have central offices, all Mega Millions duties are shared by
5 member states as part of their membership in the game. While
6 most accounting is handled by each member state individually,
7 key duties such as projecting jackpots, budgeting and
8 expenditures, settlements of draw and wagering data, financial
9 settlements (prize expense shares and banking/cash settlements),
10 monitoring of draw data and statistics, public relations, draw
11 show production and broadcasting, technical duties such as
12 software development, and legal work are all shared.

13 In October 2009, an agreement was reached between the
14 Multi-State Lottery Association and Mega Millions to allow all
15 state lotteries in the United States to offer both games.

16 The purpose of this Act is to establish the state education
17 lottery commission and to authorize the commission to enter into
18 negotiations with the Multi-State Lottery Association, the Mega
19 Millions consortium, or both, to include Hawaii as a
20 participating state member to operate the Powerball lottery, the
21 Mega Millions lottery, or both.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 STATE EDUCATION LOTTERY

6 § -1 **Definitions.** For the purposes of this chapter,
7 unless the context clearly requires otherwise:

8 "Commission" means the state education lottery commission
9 established by this chapter.

10 "Director" means the director of the state education
11 lottery established by this chapter.

12 "Lottery" or "state lottery" means the lottery established
13 and operated pursuant to this chapter.

14 "Ticket" means a lottery ticket.

15 § -2 **State education lottery commission; created;
16 membership; chair; quorum.** (a) There is created the state
17 lottery commission to consist of five members appointed by the
18 governor with the consent of the senate, pursuant to section 26-
19 34. The governor shall designate one member of the commission
20 to serve as chairperson. A majority of the members shall
21 constitute a quorum for the transaction of business.



1 (b) Members shall not be compensated but shall be
2 reimbursed for actual expenses incurred in carrying out the
3 duties of the commission, including travel expenses.

4 (c) The lottery commission shall be attached to the
5 department of commerce and consumer affairs for administrative
6 purposes.

7 § -3 Powers and duties of commission. The commission
8 shall have the following powers and duties:

9 (1) Authorize the director to negotiate with and enter
10 into agreements with the Multi-State Lottery
11 Association, the Mega Millions consortium, or both, to
12 operate and promote a Hawaii lottery as a member state
13 of multistate lotteries operated by either or both of
14 those organizations consistent with the purposes set
15 forth in this chapter;

16 (2) Specify the types of other lottery games and gaming
17 technology to be used in any lottery;

18 (3) Prescribe the nature of lottery advertising that shall
19 comply with the following:

20 (A) All advertising shall include resources for
21 responsible gaming information;



- 1 (B) No advertising may intentionally target specific
2 groups or economic classes;
- 3 (C) No advertising may be misleading, deceptive, or
4 present any lottery game as a means of relieving
5 any person's financial or personal difficulties;
6 and
- 7 (D) No advertising may have the primary purpose of
8 inducing persons to participate in the lottery;
- 9 (4) Specify the number and value of prizes for winning
10 tickets or shares in lottery games, including cash
11 prizes, merchandise prizes, prizes consisting of
12 deferred payments or annuities, and prizes of tickets
13 or shares in the same lottery game or other lottery
14 games;
- 15 (5) Specify the rules of lottery games and the method for
16 determining winners of lottery games;
- 17 (6) Specify the retail sales price for tickets or shares
18 for lottery games;
- 19 (7) Establish a system to claim prizes, including
20 determining the time periods within which prizes must
21 be claimed, verifying the validity of tickets or



1 shares claimed to win prizes, and effecting payment of
2 those prizes;

3 (8) Make transfers from the state lottery account to the
4 lottery administrative account, the education fund,
5 and the state general fund;

6 (9) Any other matters necessary or desirable for the
7 efficient and economical operation and administration
8 of the lottery and for the convenience of the
9 purchasers of tickets and the holders of winning
10 tickets; and

11 (10) Adopt, amend, or repeal any rules pursuant to chapter
12 91 from time to time as the commission deems necessary
13 or desirable.

14 § -4 **Director; appointment; salary; duties.** The
15 governor shall appoint the director with the consent of the
16 senate. The director shall serve at the pleasure of the
17 governor and shall receive a salary to be determined by the
18 governor, but in no case may the director's salary be more than
19 ninety per cent of the salary of the governor. The director
20 shall:

21 (1) Negotiate with and enter into agreements with the
22 Multi-State Lottery Association, the Mega Millions



1 consortium, or both, to operate and promote a Hawaii
2 lottery as a member state of multistate lotteries
3 operated by either or both of those organizations
4 consistent with the purposes set forth in this
5 chapter;

6 (2) Supervise and administer the operation of any lottery
7 in the State in accordance with this chapter and with
8 the rules of the commission;

9 (3) Without regard to chapters 76 and 89, appoint deputy
10 and assistant directors that may be required to carry
11 out the functions and duties of director;

12 (4) Appoint professional, technical, and clerical
13 assistants and employees that may be necessary to
14 perform the duties imposed by this chapter; provided
15 that chapters 76 and 89, shall not apply to any
16 employees engaged in undercover audit, investigative
17 work, or security operations but shall apply to other
18 employees appointed by the director;

19 (5) In accordance with this chapter and the rules of the
20 commission, license as agents to sell or distribute
21 tickets any persons, in the director's opinion, that
22 will best serve the public convenience and promote the



1 sale of tickets. The director may require a bond from
2 any licensed agent, in any amount provided in the
3 rules of the commission. Every licensed agent shall
4 prominently display a license, or a copy, as provided
5 in the rules of the commission. License fees may be
6 established by the commission, and, if established,
7 shall be deposited in the state lottery account;

8 (6) Confer regularly as necessary or desirable with the
9 commission on the operation and administration of the
10 lottery; upon request, make available for inspection
11 by the commission all books, records, files, and other
12 information and documents of the lottery; and advise
13 the commission and recommend on any matters that the
14 director deems necessary and advisable to improve the
15 operation and administration of the lottery;

16 (7) Enter into contracts for the operation of the lottery,
17 or any part thereof, and for the promotion of the
18 lottery. No contract awarded or entered into by the
19 director may be assigned by the holder except by
20 specific approval of the commission; provided that
21 nothing in this chapter shall authorize the director
22 to enter into public contracts for the regular and



1 permanent administration of the lottery after initial
2 development and implementation;

3 (8) Certify quarterly to the director of finance and the
4 commission a full and complete statement of lottery
5 revenues, prize disbursements, and other expenses for
6 the preceding quarter;

7 (9) Carry on a continuous study and investigation of the
8 lottery throughout the State to:

9 (A) Discover any defects in this chapter or rules
10 adopted under this chapter that may give rise to
11 any abuse in the administration and operation of
12 the lottery or any evasion of this chapter or
13 rules;

14 (B) Formulate recommendations for changes in this
15 chapter and rules adopted under this chapter to
16 prevent abuses and evasions;

17 (C) Guard against the use of this chapter and rules
18 adopted under this chapter to hide the carrying
19 on of professional gambling and crime; and

20 (D) Ensure that this chapter and rules adopted under
21 this chapter are administered to serve the true
22 purposes of this chapter;



- 1 (10) Carry on continuous study and investigation of:
- 2 (A) The operation and the administration of similar
- 3 laws in other states or countries;
- 4 (B) The operation of an additional game or games for
- 5 the benefit of a particular program or purpose;
- 6 (C) Any literature on the subject that may be
- 7 published or available;
- 8 (D) Any federal laws that may affect the operation of
- 9 the lottery; and
- 10 (E) The reaction of the residents of this State to
- 11 existing and potential features of the lottery
- 12 with a view to recommending changes that will
- 13 tend to serve the purposes of this chapter;
- 14 (11) Have all enforcement powers necessary to implement
- 15 this chapter; and
- 16 (12) Perform all other actions necessary to carry out the
- 17 purposes of this chapter.

18 § -5 **Licenses for lottery sales agents; factors; person**
19 **defined.** (a) No license as an agent to sell tickets may be
20 issued to any person to engage in business exclusively as a
21 lottery sales agent. Before issuing a license, the director
22 shall consider the following factors:



1 (1) Financial responsibility and security of the person
2 and the person's business or activity;

3 (2) Accessibility of the person's place of business or
4 activity to the public;

5 (3) Sufficiency of existing licenses to serve the public
6 convenience; and

7 (4) Volume of expected sales.

8 (b) For purposes of this section, the term "person":

9 (1) Means an individual, association, corporation, club,
10 trust, estate, society, company, joint stock company,
11 receiver, trustee, assignee, referee, or any other
12 person acting in a fiduciary or representative
13 capacity, whether appointed by a court or otherwise,
14 and any combination of individuals; and

15 (2) Does not mean any department, commission, agency, or
16 instrumentality of the State, or any county or agency
17 or instrumentality thereof.

18 § -6 License as authority to act. Any person licensed
19 pursuant to this chapter is authorized to act as a lottery sales
20 agent.

21 § -7 Denial, suspension, and revocation of licenses.

22 (a) The director may deny an application or suspend or revoke,



1 after notice and hearing, any license issued pursuant to this
2 chapter. A license may be temporarily suspended by the director
3 without prior notice, pending any prosecution, investigation, or
4 hearing. A license may be suspended or revoked or an
5 application may be denied by the director for one or more of the
6 following reasons:

7 (1) Failure to:

8 (A) Account for tickets received or the proceeds of
9 the sale of tickets;

10 (B) File a bond if required by the director;

11 (C) File any return or report or to keep records or
12 to pay any tax required by this chapter; or

13 (D) Comply with the instructions of the director
14 concerning the licensed activity;

15 (2) For a violation of this chapter or the rules of the
16 commission;

17 (3) Fraud, deceit, misrepresentation, or conduct
18 prejudicial to public confidence in the lottery;

19 (4) Where the number of tickets sold by the lottery sales
20 agent is insufficient to meet administrative costs or
21 the public convenience is adequately served by other
22 licensees; and



1 (5) A material change, after issuance of the license, with
2 respect to any matters required to be considered by
3 the director under section -5.

4 (b) For the purpose of reviewing any application for a
5 license and for considering the denial, suspension, or
6 revocation of any license, the director may consider any prior
7 criminal conduct of the applicant or licensee.

8 § -8 **Assignments.** Regarding assignments:

9 (1) Except under paragraph (2), no right of any person to
10 a prize won is assignable, except that payment of any
11 prize won may be paid to the estate of a deceased
12 prize winner, and except that any person pursuant to
13 an appropriate judicial order may be paid the prize to
14 which the winner is entitled;

15 (2) Regarding voluntary assignment:

16 (A) The payment of all or part of the remainder of an
17 annuity may be assigned to another person,
18 pursuant to a voluntary assignment of the right
19 to receive future annual prize payments, if:

20 (i) The winner is a resident of the State; and

21 (ii) The assignment is made pursuant to an
22 appropriate judicial order of the district



1 court of the district in which the prize
2 winner resides.

3 If the prize winner is not a resident of the
4 State, the winner must seek an appropriate order
5 from the first circuit court;

6 (B) If there is a voluntary assignment under
7 subparagraph (A), a copy of the petition for an
8 order under subparagraph (A) and all notices of
9 any hearing in the matter shall be served on the
10 attorney general no later than ten days before
11 any hearing or entry of any order;

12 (C) The court receiving the petition may issue an
13 order approving the assignment and directing the
14 director to pay to the assignee the remainder or
15 portion of an annuity so assigned upon finding
16 that all of the following conditions have been
17 met:

18 (i) The assignment has been memorialized in a
19 writing and executed by the assignor and is
20 subject to state law;

21 (ii) The assignor provides a sworn declaration to
22 the court attesting to the facts that the



1 assignor has had the opportunity to be
2 represented by independent legal counsel in
3 connection with the assignment, has received
4 independent financial and tax advice
5 concerning the effects of the assignment,
6 and is of sound mind and not acting under
7 duress, and the court makes findings
8 determining so;

9 (iii) The assignee has provided a one-page written
10 disclosure statement that sets forth in
11 bold-face type, fourteen point or larger,
12 the payments being assigned by amount and
13 payment dates, the purchase price, or loan
14 amount being paid; the interest rate or rate
15 of discount to present value, assuming
16 monthly compounding and funding on the
17 contract date; and the amount, if any, of
18 any origination or closing fees that will be
19 charged to the lottery winner. The
20 disclosure statement shall also advise the
21 winner that the winner should consult with
22 and rely upon the advice of independent



- 1 legal or financial advisors regarding the
2 potential federal and state tax consequences
3 of the transaction; and
- 4 (iv) The proposed assignment does not and will
5 not include or cover payments or portions of
6 payments subject to set-offs pursuant to
7 section -23 unless appropriate provision
8 is made in the order to satisfy the
9 obligations giving rise to the set-off; and
- 10 (D) The commission may intervene as of right in any
11 proceeding under this section but shall not be
12 deemed an indispensable or necessary party;
- 13 (3) The director shall not pay the assignee an amount in
14 excess of the annual payment entitled to the assignor;
- 15 (4) The commission may adopt rules in accordance with
16 chapter 91 pertaining to the assignment of prizes
17 under this section, including recovery of actual costs
18 incurred by the commission. The recovery of actual
19 costs shall be deducted from the initial annuity
20 payment made to the assignee;
- 21 (5) No voluntary assignment under this section shall be
22 effective unless and until the Internal Revenue



1 Service provides a ruling that declares that the
2 voluntary assignment of prizes will not affect the
3 federal income tax treatment of prize winners who do
4 not assign their prizes. If at any time the Internal
5 Revenue Service or a court of competent jurisdiction
6 provides a determination letter, revenue ruling, other
7 public ruling of the Internal Revenue Service, or
8 published decision to any state lottery or state
9 lottery prize winner declaring that the voluntary
10 assignment of prizes will affect the federal income
11 tax treatment of prize winners who do not assign their
12 prizes, the director shall immediately file a copy of
13 that letter, ruling, or published decision with the
14 governor. No further voluntary assignments may be
15 allowed after the date the ruling, letter, or
16 published decision is filed;

- 17 (6) The occurrence of any event described in paragraph (5)
18 does not render invalid or ineffective assignments
19 validly made and approved pursuant to an appropriate
20 judicial order before the occurrence of any such
21 event; and



1 (7) The commission and the director shall be discharged of
2 all further liability upon payment of a prize pursuant
3 to this section.

4 § -9 **Maximum price of ticket limited; sale by other than**
5 **licensed agent prohibited.** A person shall not sell a ticket at
6 a price greater than that fixed by rule of the commission. No
7 person other than a licensed lottery sales agent shall sell
8 tickets, except that nothing in this section prevents any person
9 from giving tickets to another as a gift.

10 § -10 **Sale to minor prohibited; exception; penalties.**

11 (a) A ticket shall not be sold to any person under the age of
12 eighteen; provided that this shall not be deemed to prohibit the
13 purchase of a ticket for the purpose of making a gift by a
14 person eighteen years of age or older to a person younger than
15 the age of eighteen.

16 (b) Any licensee who knowingly sells or offers to sell a
17 ticket to any person under the age of eighteen shall be guilty
18 of a misdemeanor.

19 (c) A person under the age of eighteen who directly
20 purchases a ticket in violation of this section shall be guilty
21 of a misdemeanor. No prize shall be paid to that person and the

1 prize money otherwise payable on the ticket shall be treated as
2 unclaimed pursuant to section -16.

3 § -11 **Prohibited acts; penalty.** (a) A person shall not
4 alter or forge a ticket. A person shall not claim a lottery
5 prize or share of a lottery prize by means of fraud, deceit, or
6 misrepresentation. A person shall not conspire, aid, abet, or
7 agree to aid another person or persons to claim a lottery prize
8 or share of a lottery prize by means of fraud, deceit, or
9 misrepresentation.

10 (b) A violation of this section shall be a class B felony.

11 § -12 **Penalty for unlicensed activity.** (a) Any person
12 who conducts any activity for which a license is required by
13 this chapter or by rule of the commission, without the required
14 license, shall be guilty of a class B felony.

15 (b) Any corporation who conducts any activity for which a
16 license is required by this chapter or by rule of the
17 commission, without the required license, may be punished by
18 forfeiture of its corporate charter, in addition to the other
19 penalties set forth in this section.

20 § -13 **Penalty for false or misleading statement or entry**
21 **or failure to produce documents.** Any person, in any application
22 for a license or in any book or record required to be maintained



1 or in any report required to be submitted, who makes any false
2 or misleading statement, makes any false or misleading entry,
3 wilfully fails to maintain or make any entry required to be
4 maintained or made, or who wilfully refuses to produce for
5 inspection any book, record, or document required to be
6 maintained or made by federal or state law shall be guilty of a
7 misdemeanor and, notwithstanding section 706-640, shall be
8 subject to a fine of not less than \$ but not more
9 than \$.

10 § -14 **Penalty for violation of chapter; exceptions.** Any
11 person who commits a violation of this chapter, or any rule
12 adopted pursuant to this chapter, for which no penalty is
13 otherwise provided, or knowingly causes, aids, abets, or
14 conspires with another to cause any person to violate this
15 chapter or the rules adopted pursuant to it, shall be guilty of
16 a class C felony.

17 § -15 **Persons prohibited from purchasing tickets or**
18 **receiving prizes; penalty.** A ticket shall not be purchased by,
19 and a prize shall not be paid to any member of the commission,
20 the director, or an employee of the lottery or to any spouse,
21 child, brother, sister, or parent residing as a member of the
22 same household in the principal place of abode of any member of



1 the commission, the director, or an employee of the lottery. A
2 violation of this section is a misdemeanor.

3 § -16 **Unclaimed prizes.** Unclaimed prizes shall be
4 retained in the state lottery account for the person entitled
5 thereto for one hundred eighty days after the official end of
6 the game. If no claim is made for the prize within this time,
7 all rights to the prize shall be extinguished, and the prize
8 shall be retained in the state lottery account for further use
9 as prizes, except that one-third of all unclaimed prize money
10 shall be deposited in the state general fund.

11 § -17 **Deposit of moneys received by agents from sales;
12 power of director; reports.** The director, in the director's
13 discretion, may require any or all lottery sales agents to
14 deposit to the credit of the state lottery account in banks
15 designated by the director of finance, all moneys received by
16 those agents from the sale of tickets, less the amount, if any,
17 retained as compensation for the sale of the tickets, and to
18 file with the director reports of their receipts and
19 transactions in the sale of tickets in a form and containing the
20 information as the director may require. The director may make
21 any arrangements for any person, including a bank, to perform
22 any functions, activities, or services in connection with the



1 operation of the lottery as the director may deem advisable
2 pursuant to this chapter and the rules of the commission, and
3 the functions, activities, or services shall constitute lawful
4 functions, activities, and services of that person.

5 § -18 **Other law inapplicable to sale of tickets.** No
6 other law providing any penalty for the sale of tickets or any
7 acts done in connection with a lottery shall apply to the sale
8 of tickets performed pursuant to this chapter.

9 § -19 **Payment of prizes to minor.** If the person
10 entitled to a prize is under the age of eighteen and the prize
11 is less than \$5,000, the director may pay the prize to an adult
12 member of the minor's family or a guardian of the minor by a
13 check or draft payable to the order of the minor. However, if
14 the prize is \$5,000 or more, the director shall pay the minor by
15 depositing the amount of the prize in any bank to the credit of
16 an adult member of the minor's family or a guardian of the minor
17 as custodian for the minor. The commission and the director
18 shall be discharged of all further liability upon payment of a
19 prize to a minor pursuant to this section.

20 § -20 **State lottery account created.** There is hereby
21 created and established a separate account outside the state
22 treasury, to be known as the state lottery account. The account



1 shall be managed, maintained, and controlled by the commission
2 and shall consist of all revenues received from the sale of
3 tickets, and all other moneys credited or transferred thereto
4 from any other fund or source pursuant to law. No appropriation
5 shall be required to permit expenditures and payment of
6 obligations from the account.

7 § -21 Use of moneys in state lottery account limited.

8 The moneys in the state lottery account shall be used only for:

- 9 (1) The payment of prizes to the holders of winning
10 tickets, including to winning tickets in accordance
11 with any agreement with a multistate lottery;
- 12 (2) Depositing per cent of all revenues received
13 from the sale of tickets, and all other moneys
14 credited or transferred thereto from any other fund or
15 source pursuant to law into the lottery administrative
16 account;
- 17 (3) Depositing per cent of all revenues received
18 from the sale of tickets, and all other moneys
19 credited or transferred thereto from any other fund or
20 source pursuant to law into the education fund created
21 in section 302A-A;



1 (4) The purchase and promotion of tickets and game-related
2 services; and

3 (5) The payment of agent compensation.

4 § -22 **Methods for payment of prizes by installments.** If
5 the director decides to pay any prize by installments over a
6 period of years, the director shall select, for any specific
7 lottery, only one of the following methods:

8 (1) The director may enter into a contract with any
9 financially responsible person or firm providing for
10 the payment of the installments; or

11 (2) The director may establish and maintain a reserve
12 account into which shall be placed sufficient moneys
13 for the director to pay the installments as they
14 become due. The reserve account shall be maintained
15 as a separate and independent account outside the
16 state treasury.

17 § -23 **Debts owed to state agency or counties; debt**
18 **information to lottery commission; prize set-off against debts.**

19 (a) Any state agency or county that maintains records of debts
20 owed to the State or a county, or that the State is authorized
21 to enforce or collect, may submit debt information to the
22 director in a format specified by the director. State agencies



1 or counties submitting debt information shall provide updates on
2 a regular basis at intervals not to exceed one month and shall
3 be solely responsible for the accuracy of the information.

4 (b) The director shall include the debt information
5 submitted by state agencies or counties in its validation and
6 prize payment process. The director shall delay payment of a
7 prize exceeding \$600 for a period not to exceed two working
8 days, to any person owing a debt to a state agency or county
9 pursuant to the information submitted in subsection (a). The
10 lottery shall contact the state agency or county providing the
11 debt information to verify the debt. The prize shall be paid to
12 the claimant if the debt is not verified by the submitting state
13 agency or county within two working days. If the debt is
14 verified, the prize shall be disbursed pursuant to subsection
15 (c).

16 (c) Prior to disbursement, any lottery prize exceeding
17 \$600 shall be set off against any debts owed by the prize winner,
18 to a state agency or county, or that the State is authorized to
19 enforce or collect.

20 § -24 **Lottery administrative account created.** There is
21 hereby created the lottery administrative account in the state
22 treasury. The account shall be managed, controlled, and



1 maintained by the director. Moneys in the account shall be used
2 to cover administrative expenses incurred in the operation and
3 administration of the lottery.

4 § -25 **Audits.** The auditor shall conduct an annual audit
5 of all accounts and transactions of the lottery and any other
6 special audits that the auditor may be directed to conduct.

7 § -26 **Investigations by attorney general authorized.**

8 The attorney general may investigate violations of this chapter
9 and of the criminal laws within this State by the commission,
10 the director, or the director's employees, licensees, or agents.

11 § -27 **Management review by director of finance.** The
12 director of finance may conduct a management review of the
13 commission's lottery operations to ensure that:

- 14 (1) The manner and timeliness of prize payments are
15 consistent with this chapter and the rules adopted
16 under this chapter;
- 17 (2) The apportionment of total revenues accruing from the
18 sale of tickets and from all other sources is
19 consistent with this chapter;
- 20 (3) The manner and type of lottery being conducted and
21 incidental expenses are the most efficient and cost-
22 effective; and



1 (4) The commission is not incurring unnecessary operating
2 and administrative costs.

3 In conducting a management review, the director of finance
4 may inspect the books, documents, and records of the commission.
5 Upon completion of a management review, all irregularities shall
6 be reported to the attorney general, the legislature, and the
7 auditor. The director of finance shall make any recommendations
8 that may be necessary for the most efficient and cost-effective
9 operation of the lottery.

10 § -28 **Verification by certified public accountant.** The
11 director of finance shall select a certified public accountant
12 to verify that:

- 13 (1) The manner of selecting the tickets is consistent with
14 this chapter; and
15 (2) The manner and timeliness of prize payments are
16 consistent with this chapter.

17 The cost of these services shall be paid from the lottery
18 administrative account.

19 § -29 **Enforcement powers of director.** The director, the
20 deputy director, assistant directors, and each of the director's
21 investigators, enforcement officers, and inspectors shall have
22 the power, including the power to apply for and execute all



1 warrants and service of process issued by the courts, and to
 2 arrest, without a warrant, any person or persons found in
 3 violation of any of the criminal provisions of this chapter, to
 4 enforce this chapter and the criminal laws of this State
 5 relating to the conduct of or participation in lottery
 6 activities and the manufacturing, importation, transportation,
 7 distribution, possession, and sale of equipment or paraphernalia
 8 used or for use in connection with the lottery. To the extent
 9 set forth in this section, the director shall have the power to
 10 investigate violations of and to enforce this chapter and to
 11 obtain information from and provide information to all other law
 12 enforcement agencies.

13 § -30 **Construction.** This chapter shall be liberally
 14 construed to carry out the purposes and policies of this
 15 chapter."

16 SECTION 3. Chapter 302A, Hawaii Revised Statutes, is
 17 amended by adding a new section to be appropriately designated
 18 and to read as follows:

19 "§302A-A Education fund. The education fund is created
 20 within the state treasury to be administered by the department.
 21 The fund may receive deposits from the state lottery account
 22 created under section -20. Moneys may be appropriated from



1 the education fund for any educational purpose upon approval by a
2 two-thirds vote of each house of the legislature."

3 SECTION 4. Section 712-1220, Hawaii Revised Statutes, is
4 amended by amending the definition of "gambling" to read:

5 "(4) "Gambling". A person engages in gambling if [~~he~~] the
6 person stakes or risks something of value upon the outcome of a
7 contest of chance or a future contingent event not under [~~his~~]
8 the person's control or influence, upon an agreement or
9 understanding that [~~he~~] the person or someone else will receive
10 something of value in the event of a certain outcome. Gambling
11 does not include [~~bona~~]:

12 (a) Bona fide business transactions valid under the law of
13 contracts[~~7~~] including but not limited to contracts
14 for the purchase or sale at a future date of
15 securities or commodities[~~7~~and agreements];

16 (b) Agreements to compensate for loss caused by the
17 happening of chance[~~7~~] including but not limited to
18 contracts of indemnity or guaranty and life, health,
19 or accident insurance[~~7~~]; or

20 (c) The state education lottery as established by
21 chapter ."



1 SECTION 5. If any provision of this Act, or the
2 application thereof to any person or circumstance is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act, which can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 6. In codifying the new sections added by section
8 3 of this Act, the revisor of statutes shall substitute
9 appropriate section numbers for the letters used in designating
10 the new sections in this Act.

11 SECTION 7. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 8. This Act shall take effect upon its approval.

14

INTRODUCED BY

 (BR)

JAN 19 2010



Report Title:

Multistate Lotteries; Powerball; Mega Millions; Education Fund

Description:

Creates state education lottery commission to authorize entry into agreement with the Multi-State Lottery Association, the Mega Millions consortium, or both, operate and promote a Hawaii lottery as a member state of multistate lotteries operated by either or both of those organizations. Creates education fund to receive a certain percentage of lottery revenues.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

