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**HOUSE BILL NO. 1078**

Offered January 9, 2014

*A BILL to amend and reenact §§ 58.1-4006 and 58.1-4009 of the Code of Virginia, relating to the Virginia state lottery; lottery sales agent license suspension, etc.*

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Patron—Rush

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Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:****1. That §§ 58.1-4006 and 58.1-4009 of the Code of Virginia are amended and reenacted as follows:****§ 58.1-4006. Powers of the Director.**

A. The Director shall supervise and administer the operation of the lottery in accordance with the provisions of this chapter and with the rules and regulations promulgated hereunder.

B. The Director shall also:

1. Employ such deputy directors, professional, technical and clerical assistants, and other employees as may be required to carry out the functions and duties of the Department.

2. Act as secretary and executive officer of the Board.

3. Require bond or other surety satisfactory to the Director from licensed agents as provided in subsection D E of § 58.1-4009 and Department employees with access to Department funds or lottery funds, in such amount as provided in the rules and regulations of the Board. The Director may also require bond from other employees as he deems necessary.

4. Confer regularly, but not less than four times each year, with the Board on the operation and administration of the lottery; make available for inspection by the Board, upon request, all books, records, files, and other information and documents of the Department; and advise the Board and recommend such matters as he deems necessary and advisable to improve the operation and administration of the lottery.

5. Suspend, revoke or refuse to renew any license issued pursuant to this chapter or the rules and regulations adopted hereunder.

6. Enter into contracts for the operation of the lottery, or any part thereof, for the promotion of the lottery and into interstate lottery contracts with other states. A contract awarded or entered into by the Director shall not be assigned by the holder thereof except by specific approval of the Director.

7. Certify monthly to the State Comptroller and the Board a full and complete statement of lottery revenues, prize disbursements and other expenses for the preceding month.

8. Report monthly to the Governor, the Secretary of Finance and the Chairmen of the Senate Finance Committee, House Finance Committee and House Appropriations Committee the total lottery revenues, prize disbursements and other expenses for the preceding month, and make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements and other expenses, to the Governor and the General Assembly. Such annual report shall also include such recommendations for changes in this chapter as the Director and Board deem necessary or desirable.

9. Report immediately to the Governor and the General Assembly any matters which require immediate changes in the laws of this Commonwealth in order to prevent abuses and evasions of this chapter or the rules and regulations adopted hereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery.

10. Notify prize winners and appropriate state and federal agencies of the payment of prizes in excess of \$600 in the manner required by the lottery rules and regulations.

11. Provide for the withholding of the applicable amount of state and federal income tax of persons claiming a prize for a winning ticket in excess of \$5,001.

C. The Director and the director of security or investigators appointed by the Director shall be vested with the powers of sheriff and sworn to enforce the statutes and regulations pertaining to the Department and to investigate violations of the statutes and regulations that the Director is required to enforce.

D. The Director may authorize temporary bonus or incentive programs for payments to licensed sales agents which he determines will be cost effective and support increased sales of lottery products.

**§ 58.1-4009. Licensing of lottery sales agents; penalty.**

A. No license as an agent to sell lottery tickets or shares shall be issued to any person to engage in business primarily as a lottery sales agent. Before issuing such license, the Director shall consider such factors as (i) the financial responsibility and security of the person and his business or activity; (ii) the accessibility of his place of business or activity to the public; (iii) the sufficiency of existing licensees to serve the public convenience; and (iv) the volume of expected sales.

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59 B. For the purposes of this section, the term "person" means an individual, association, partnership,  
60 corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee,  
61 or any other person acting in a fiduciary or representative capacity, whether appointed by a court or  
62 otherwise, and any combination of individuals. "Person" also means all departments, commissions,  
63 agencies and instrumentalities of the Commonwealth, including counties, cities, municipalities, agencies  
64 and instrumentalities thereof.

65 C. The chief security officer of the State Lottery Department shall conduct a background  
66 investigation, to include a Virginia Criminal History Records search, and fingerprints that shall be  
67 submitted to the Federal Bureau of Investigation if the Director deems a National Criminal Records  
68 search necessary, on applicants for licensure as lottery sales agents. The Director may refuse to issue a  
69 license to operate as an agent to sell lottery tickets or shares to any person who has been (i) convicted  
70 of a crime involving moral turpitude, (ii) convicted of bookmaking or other forms of illegal gambling,  
71 (iii) found guilty of any fraud or misrepresentation in any connection, (iv) convicted of a felony, or (v)  
72 engaged in conduct prejudicial to public confidence in the Lottery. The Director may refuse to grant a  
73 license or may suspend, revoke or refuse to renew a license issued pursuant to this chapter to a  
74 partnership or corporation, if he determines that any general or limited partner, or officer or director of  
75 such partnership or corporation has been ~~(i)~~ (a) convicted of a crime involving moral turpitude, ~~(ii)~~ (b)  
76 convicted of bookmaking or other forms of illegal gambling, ~~(iii)~~ (c) found guilty of any fraud or  
77 misrepresentation in any connection, ~~(iv)~~ (d) convicted of a felony, or ~~(v)~~ (e) engaged in conduct  
78 prejudicial to public confidence in the Lottery. Whoever knowingly and willfully falsifies, conceals or  
79 misrepresents a material fact or knowingly and willfully makes a false, fictitious or fraudulent statement  
80 or representation in any application for licensure to the State Lottery Department for lottery sales agent,  
81 ~~shall be~~ is guilty of a Class 1 misdemeanor.

82 D. *In the event an applicant is a former lottery sales agent whose license was suspended, revoked, or*  
83 *refused renewal pursuant to this section or § 58.1-4012, no application for a new license to sell lottery*  
84 *tickets or shares shall be considered for a minimum period of 90 days following the suspension,*  
85 *revocation, or refusal to renew.*

86 E. Prior to issuance of a license, every lottery sales agent shall either (i) be bonded by a surety  
87 company entitled to do business in this Commonwealth in such amount and penalty as may be  
88 prescribed by the regulations of the Department or (ii) provide such other surety as may be satisfactory  
89 to the Director, payable to the State Lottery Department and conditioned upon the faithful performance  
90 of his duties.

91 ~~E.~~ F. Every licensed agent shall prominently display his license, or a copy thereof, as provided in the  
92 regulations of the Department.