

By Mr. Kelly of Boston, petition of Richard A. Kelly for establishment in the Department of the State Treasurer of a state lottery commission with authority to raise funds for defraying the expenses of the Commonwealth. Ways and Means (Joint).

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Three.

AN ACT PROVIDING FOR A STATE LOTTERY FOR THE PURPOSE OF RAISING ADDITIONAL FUNDS FOR DEFRAYING THE EXPENSES OF THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. There is hereby established in the de-
2 partment of the state treasurer, but in no manner
3 subject to his control, a commission, to be known as
4 a state lottery commission, to raise money as herein-
5 after provided for the benefit of the commonwealth.
6 The commission shall consist of three members to
7 be appointed by the governor with the advice and
8 consent of the council. Each member shall receive a
9 salary determined by the commission, with the ad-
10 vice, consent and approval of the governor and the
11 council, and shall hold office for a term of six years
12 except that: (1) any member appointed to fill a
13 vacancy occurring prior to the expiration of the term

14 of which his predecessor was appointed, shall be ap-
15 pointed for the remainder of such term; and (2) the
16 terms of office of the members first taking office after
17 the enactment of this act shall expire, as designated
18 by the governor at the time of appointment, one at
19 the end of two years, one at the end of four years,
20 and one at the end of six years. The governor shall
21 designate one of the members as chairman of the
22 commission.

1 SECTION 2. Each member shall hold office until
2 the appointment and qualification of his successor.
3 The governor, with the advice and consent of the
4 council, may remove any member for cause and, with
5 like advice and consent, shall fill any vacancy for
6 the unexpired term. Whenever any action by the
7 commission is required to be in writing, such writing
8 shall be sufficient when signed by any two of the
9 members. The commission shall make an annual
10 report in January of each year to the general court.

1 SECTION 3. The commission is hereby authorized
2 to accept a plan to conduct and manage a lottery to
3 raise funds not to exceed thirty-six million dollars in
4 any one year, which shall be paid into the treasury of
5 the commonwealth to be held in a fund to be known
6 as "The Lottery Fund".

1 SECTION 4. The commission is hereby authorized
2 to prepare and issue rules and regulations, with the
3 approval of the governor and council, under which
4 the said lottery shall be conducted and managed.
5 The commission shall have the power and authority
6 to establish such offices and branches and to employ,

7 appoint and fix the compensation of all such persons,
8 officers, attorneys, employees and agents as may be
9 necessary to carry out the purposes of this act; pro-
10 vided, however, that no salary or compensation in
11 excess of the sum of eight thousand dollars per an-
12 num shall be paid any person employed by the com-
13 mission under the provision of this section.

1 SECTION 5. The commission is hereby authorized
2 to avail itself of the service and facilities of any de-
3 partment of the commonwealth to aid in administer-
4 ing the provision of this act without incurring any
5 additional expenses to any such department.

1 SECTION 6. All funds received by the state treas-
2 urer hereunder and all accounts, vouchers, and records
3 in connection with such lottery shall be subject to
4 audit by the state auditor.

1 SECTION 7. The balance of the proceeds of said
2 lottery remaining in the Lottery Fund after deduct-
3 ing the expenses of said lottery, including the prizes
4 awarded thereunder, shall be used by the common-
5 wealth in financing the granting of old age assistance
6 under chapter one hundred and eighteen A of the
7 General Laws.

1 SECTION 8. If any person, partnership, association
2 or corporation shall forge or counterfeit any ticket or
3 tickets, to be made for the purpose of said lottery
4 under the provisions of this act or alter any of the
5 numbers thereof, or offer for sale or sell any forged or
6 counterfeited ticket or tickets or any ticket or tickets
7 whereof the number is altered knowing them to be

8 such, or bring the same to any of the persons engaged
9 in the administering this act with intent to defraud
10 the commonwealth or any participant in the said
11 lottery, every such person, partnership, association or
12 corporation shall, upon conviction thereof, be pun-
13 ished by a fine of not more than ten thousand dollars
14 or by imprisonment for not more than five years.

1 SECTION 9. The word "lottery" as used in sections
2 seven to eleven, inclusive, and fourteen of chapter two
3 hundred and seventy-one of the General Laws shall
4 not be construed to mean or include any lottery con-
5 ducted under this act and all acts or parts thereof
6 inconsistent with the provision of this act is hereby
7 repealed.

1 SECTION 10. If any part of this act shall for any
2 reason be adjudged by any court of competent juris-
3 diction to be invalid as to any persons, locality or
4 circumstances, such judgment shall not affect, impair
5 or invalidate the remainder of this act or the applica-
6 tion of any part thereof to other persons, localities or
7 circumstances.