

# HOUSE . . . . No. 234

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By Mr. Graham of Boston, petition of Peter J. Graham that provision be made for public drawings by a special state commission for the purpose of raising funds for defraying welfare costs of the cities and towns of the Commonwealth. Ways and Means (Joint).

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Thirty-Nine.

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AN ACT PROVIDING FOR PUBLIC DRAWINGS FOR THE PURPOSE OF RAISING FUNDS FOR DEFRAYING WELFARE COSTS OF THE CITIES AND TOWNS 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  
2 department of the state treasurer, but in no manner  
3 subject to his control, a commission, to be known as  
4 a cities and towns drawing commission, to raise money  
5 as hereinafter provided for the benefit of the welfare  
6 fund of the various cities and towns of the common-  
7 wealth. The commission shall consist of three mem-  
8 bers to be appointed by the governor with the advice  
9 and consent of the council. Each member shall  
10 receive a salary determined by the commission, with  
11 the advice, consent and approval of the governor and  
12 the council, and shall hold office for a term of three  
13 years except that: (1) any member appointed to fill

14 a vacancy occurring prior to the expiration of the  
15 term for which his predecessor was appointed, shall  
16 be appointed for the remainder of such term; and  
17 (2) the terms of office of the members first taking  
18 office after the enactment of this act shall expire, as  
19 designated by the governor at the time of appoint-  
20 ment, one at the end of one year, one at the end of  
21 two years, and one at the end of three years. The  
22 governor shall designate one of the members as chair-  
23 man of the 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 the  
6 unexpired term. Whenever any action by the com-  
7 mission is required to be in writing, such writing shall  
8 be sufficient when signed by any two of the members.  
9 The commission shall make a biennial report in  
10 January of each legislative year to the general court.

1 SECTION 3. The commission is hereby authorized  
2 to prepare a plan to conduct and manage a monthly  
3 drawing to raise funds, which shall be paid into the  
4 treasury of the commonwealth to be held in a fund  
5 to be known as "Cities and Towns Drawing Fund",  
6 purchase price of drawing tickets to be one dollar each.

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 drawing shall be conducted and managed.

5 Under no conditions will any reference in this act be  
6 interpreted to indicate that there shall be a separate  
7 drawing for prizes for each city and town in the  
8 commonwealth. The commission shall have the  
9 power and authority to establish such offices and  
10 branches and to employ, appoint and fix the com-  
11 pensation of all such persons, officers, attorneys, em-  
12 ployees and agents as may be necessary to carry out  
13 the purposes of this act; provided, however, that  
14 no salary or compensation in excess of the sum of five  
15 thousand dollars per annum shall be paid any person  
16 employed by the commission under the provision of  
17 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 adminis-  
4 tering 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 drawing shall be subject to  
4 audit by the state auditor.

1 SECTION 7. The balance of the proceeds of said  
2 drawing remaining in the Cities and Towns Drawing  
3 Fund after deducting the expenses of said drawing,  
4 including the prizes awarded thereunder, shall be  
5 distributed to the various cities and towns to be used  
6 in defraying welfare costs, distribution to be made at  
7 the same percentage of revenue that this fund re-  
8 ceives from the various cities and towns of the com-  
9 monwealth.

1 SECTION 8. If any person, partnership, associa-  
2 tion or corporation shall forge or counterfeit any  
3 ticket or tickets, to be made for the purpose of said  
4 drawing under the provisions of this act or alter any  
5 of the numbers thereof, or offer for sale or sell any  
6 forged or counterfeited ticket or tickets or any ticket  
7 or tickets whereof the number is altered knowing them  
8 to be such, or bring the same to any of the persons  
9 engaged in administering this act with intent to  
10 defraud the commonwealth or any participant in the  
11 said drawing every such person, partnership, associ-  
12 ation or corporation shall, upon conviction thereof,  
13 be punished by a fine of not more than ten thousand  
14 dollars or by imprisonment for not more than five  
15 years or both.

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