**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑150‑55 SO AS TO PROVIDE THAT BY JULY 1, 2013, THE SOUTH CAROLINA LOTTERY COMMISSION SHALL ISSUE A REQUEST FOR PROPOSALS (RFP) SOLICITING BIDS FROM PRIVATE ENTITIES FOR THEM TO ASSUME AND UNDERTAKE THE DUTIES AND RESPONSIBILITIES OF ORGANIZING AND CONDUCTING THE SOUTH CAROLINA EDUCATION LOTTERY UNDER THE SUPERVISION AND CONTROL OF THE COMMISSION AND ITS EXECUTIVE DIRECTOR; TO REQUIRE THE REQUEST FOR PROPOSALS TO STIPULATE THAT THE COMPENSATION OF THE PRIVATE ENTITY FOR PERFORMING THESE FUNCTIONS MUST BE PAID BY THE COMMISSION FROM FUNDS THE COMMISSION ALREADY RECEIVES AND NO NEW ADDITIONAL REVENUE MUST BE ALLOCATED FOR THIS PURPOSE, AND TO PROVIDE THAT A CONTRACT WITH A PRIVATE ENTITY FOR ORGANIZING AND CONDUCTING THE EDUCATION LOTTERY MUST BE ENTERED INTO BY DECEMBER 31, 2013; AND TO AMEND SECTIONS 59‑150‑60, RELATING TO THE POWERS AND DUTIES OF THE LOTTERY COMMISSION AND 59‑150‑90, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE EXECUTIVE DIRECTOR OF THE LOTTERY COMMISSION, SO AS TO PROVIDE THAT THE AUTHORITY OF THE COMMISSION AND THE EXECUTIVE DIRECTOR OF THE COMMISSION TO ENTER INTO CONTRACTS, INCLUDES CONTRACTS FOR A PRIVATE ENTITY TO ORGANIZE, AND TO CONDUCT THE EDUCATION LOTTERY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 150, Title 59 of the 1976 Code is amended by adding:

“Section 59‑150‑55. (A) Notwithstanding any other provision of this chapter, by July 1, 2013, the South Carolina Lottery Commission shall issue a request for proposals (RFP) soliciting bids from private entities for them to assume and undertake the duties and responsibilities of organizing and conducting the South Carolina Education Lottery authorized by this chapter and by the Constitution of this State under the supervision and control of the commission and its executive director.

(B) The request for proposals shall specify those particular primary and ancillary functions of the conduct and operation of the Education Lottery the private entity must be expected to perform.

(C) The request for proposals also shall stipulate that the compensation of the private entity for performing these functions must be paid by the commission from funds the commission already receives under the chapter for the operation, administration, and conduct of the Education Lottery and no new additional revenue must be allocated for this purpose by the commission; but instead must be derived from existing revenue sources or the cost savings realized as a result of the provisions of this section.

(D) A contract with a private entity for organizing and conducting the Education Lottery must be entered into by December 31, 2013, as a result of responsive bids to the request for proposals issued by the commission.”

SECTION 2. Section 59‑150‑60(16) of the 1976 Code is amended to read:

“(16) enter into contracts of any type on the terms and conditions the commission determines, ~~except that~~ and it ~~must not~~ may enter into a contract with an entity for the purpose of having that entity assume or otherwise undertake the organization and conduct of the lottery;”

SECTION 3. Section 59‑150‑90(A) of the 1976 Code, as last amended by Act 164 of 2005, is further amended to read:

“(A) The executive director of the commission shall direct and supervise all administrative and technical activities as provided for in this chapter, regulations promulgated pursuant to the Administrative Procedures Act, and policies and procedures adopted by the board. It is the duty of the executive director to oversee the initiation, and supervise and administer the operation of the lottery games as defined in Section 59‑150‑20(7); employ and direct necessary personnel; employ by contract and compensate necessary persons and firms, ~~except that~~ and the contract ~~must not~~ may be with an entity for the purpose of having that entity undertake the organization and conduct of the lottery; promote or provide for promotion of the lottery and functions related to the commission; prepare a budget for the approval of the board; require bond from a lottery retailer and a lottery vendor in amounts required by the board; report monthly to the board a full and complete statement of lottery revenues and expenses for the preceding thirteen months; and perform other duties generally associated with an executive director of a commission of an entrepreneurial nature.”

SECTION 4. This act takes effect upon approval by the Governor.

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