**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑104‑50 SO AS TO DEFINE “MILITARY MOBILIZATION” FOR PURPOSES OF THE PALMETTO FELLOWS SCHOLARSHIPS; TO AMEND SECTION 59‑150‑20, AS AMENDED, RELATING TO LIFE SCHOLARSHIPS, SO AS TO DEFINE “MILITARY MOBILIZATIONS”; AND TO AMEND SECTION 59‑150‑370, AS AMENDED, RELATING TO HOPE SCHOLARSHIPS, SO AS TO DEFINE “MILITARY MOBILIZATIONS”.

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

SECTION 1. Article 1, Chapter 104, Title 59 of the 1976 Code is amended by adding:

“Section 59‑104‑50. For purposes of this chapter, ‘military mobilization’ means situations in which:

(1) members of the United States Armed Forces, South Carolina National Guard, and South Carolina Air Guard are called to active duty assignments during a time of war or national emergency;

(2) civilian contractors are contracted by the United States Department of Defense to provide services in a designated war zone that support military members, services, projects, or military installations; or

(3) both.”

SECTION 2. Section 59‑150‑20 of the 1976 Code is amended to read:

“Section 59‑150‑20. As used in this chapter:

(1) ‘Administrative expenses’ means operating expenses, excluding amounts set aside for prizes, regardless of whether the prizes are claimed, and excluding amounts held as a fidelity fund pursuant to Section 59‑150‑170.

(2) ‘Board’ means the Board of Commissioners of the South Carolina Lottery Commission.

(3) ‘Commission’ means the South Carolina Lottery Commission.

(4) ‘Educational purposes and programs’ means educational expenses and scholarships as defined in Section 59‑150‑350(D).

(5) ‘Executive director’ means the Executive Director of the South Carolina Lottery Commission or his designee.

(6) ‘Immediate family’ means a person who is:

(a) a spouse;

(b) a child residing in the same household; or

(c) claimed as a dependent for income tax purposes.

(7) ‘Lottery’, ‘lotteries’, ‘lottery game’, or ‘lottery games’ means a game of chance approved by the General Assembly and operated pursuant to this chapter including, but not limited to, the lottery game categories of instant tickets, on‑line lottery games and drawing numbers but excluding keno, pari‑ mutuel betting, and casino gambling as defined in this section. The operation of the lottery games excludes machines and lottery games, including video poker lottery games, prohibited by Sections 12‑21‑2710, 16‑19‑40, and 16‑19‑50. The access and use of an electronic or mechanical machine designed for a lottery game authorized pursuant to this chapter must be limited to a lottery retailer and his employees only in order to facilitate retail sales of lottery tickets, and such a machine must not dispense anything other than lottery tickets.

As used in this item, ‘casino gambling’ means a location or business for the purpose of conducting unlawful gambling activities, but excluding the sale and purchase of lottery game tickets or shares; and ‘pari‑mutuel betting’ means a method or system of wagering on actual races including races involving horses or dogs at tracks and the distribution of winnings by pools.

(8) ‘Lottery retailer’ means a person who sells lottery game tickets or shares on behalf of the South Carolina Lottery Commission pursuant to a contract.

(9) ‘Lottery vendor’ means a person who provides or proposes to provide goods or services to the South Carolina Lottery Commission pursuant to a procurement contract, but does not include an employee of the commission, a lottery retailer, or a state agency or instrumentality of the State. The term includes a corporation whose shares are traded publicly and which is the parent company of the contracting party in a procurement contract.

(10) ‘Member’ or ‘members’ means a Commissioner or Commissioners of the Board of the South Carolina Lottery Commission.

(11) ‘Military mobilization’ means situations in which:

(a) members of the United States Armed Forces, South Carolina National Guard, and South Carolina Air Guard are called to active duty assignments during a time of war or national emergency;

(b) civilian contractors are contracted by the United States Department of Defense to provide services in a designated war zone that support military members, services, projects, or military installations; or

(c) both.

(~~11~~12) ‘Minority business’ means a business which meets the definition of a socially and economically disadvantaged small business as described in Article 21, Chapter 35, Title 11, specifically a small business concern which:

(a) is at least fifty‑one percent owned by one or more citizens of the United States who are determined to be socially and economically disadvantaged;

(b) in the case of a concern which is a corporation, at least fifty‑one percent of all classes of voting stock of such corporation is owned by an individual determined to be socially and economically disadvantaged; or

(c) in the case of a concern which is a partnership, at least fifty‑one percent of the partnership interest is owned by an individual or individuals determined to be socially and economically disadvantaged or whose management and daily business operations are controlled by individuals determined to be socially and economically disadvantaged. Those individuals must be involved in the daily management and operations of the business concerned.

‘Small business’ as used in this item means a business which meets the definition of a small business for purposes of the Small Business Administration, an agency of the United States.

(~~12~~13) ‘Net proceeds’ means all revenue derived from the sale of lottery game tickets or shares and all other monies derived from the lottery games, less operating expenses and prizes.

(~~13~~14) ‘Operating expenses’ means all costs of doing business including, but not limited to, prizes, commissions, and other compensation paid to a lottery retailer, advertising and marketing costs, rental fees, personnel costs, capital costs, depreciation of property and equipment, funds for compulsive gambling education and treatment, amounts held in or paid from a fidelity fund pursuant to Section 59‑150‑170, and other operating costs.

(~~14~~15) ‘Person’ means an individual, corporation, partnership, unincorporated association, or other legal entity.

(~~15~~16) ‘Prize’ means an award, gift, or anything of value regardless of whether there are conditions or restrictions attached to its receipt.

(~~16~~17) ‘Proceeds’ means all lottery revenue derived from the sale of lottery game tickets or shares and all other monies derived from the lottery or received by the commission.

(~~17~~18) ‘Share’ means an intangible interest in a lottery ticket, by way of assignment, contractual participation, or other claim or right.

(~~18~~19) ‘Ticket’ means tangible evidence issued by the South Carolina Lottery Commission to provide participation in a lottery game.”

SECTION 3. Section 59‑150‑370(B) of the 1976 Code is amended to read:

“(B) For purposes of this chapter~~,~~:

(1) ‘Military mobilization’ means situations in which:

(a) members of the United States Armed Forces, South Carolina National Guard, and South Carolina Air Guard are called to active duty assignments during a time of war or national emergency;

(b) civilian contractors are contracted by the United States Department of Defense to provide services in a designated war zone that support military members, services, projects, or military installations; or

(c) both.

(2) A ‘public or independent institution’ means an institution that a student may attend to receive a SC HOPE Scholarship and includes the following:

(~~1~~a) a South Carolina four‑year public institution as defined in Section 59‑103‑5 and a four‑year independent institution as defined in Section 59‑113‑50;

(~~2~~b) a public or independent bachelor’s level institution chartered before 1962 whose major campus and headquarters are located within South Carolina; or an independent bachelor’s level institution which is accredited by the Southern Association of Colleges and Secondary Schools; or an independent bachelor’s level institution which is accredited by the New England Association of Colleges and Schools. Institutions whose sole purpose is religious or theological training, or the granting of professional degrees do not meet the definition of ‘public or independent institution’ for purposes of this chapter.”

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

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