

# ASSEMBLY, No. 3616

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 12, 2018

**Sponsored by:**

**Assemblyman JOHN J. BURZICHELLI**  
**District 3 (Cumberland, Gloucester and Salem)**  
**Assemblyman JAMEL C. HOLLEY**  
**District 20 (Union)**

**Co-Sponsored by:**

**Assemblywomen McKnight and Sumter**

**SYNOPSIS**

Gives State lottery winners option of remaining anonymous indefinitely.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/14/2019)**

A3616 BURZICHELLI, HOLLEY

2

1 AN ACT concerning an option of anonymity for winners of State  
2 lottery and amending P.L.1970, c.13.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 7 of P.L.1970, c.13 (C.5:9-7) is amended to read as  
8 follows:

9 7. The commission shall have the power, and it shall be its  
10 duty:

11 a. After full and thorough study of the report and  
12 recommendations of the State Lottery Planning Commission  
13 established pursuant to Joint Resolution Number 11, approved  
14 November 20, 1969, and such other pertinent information as may be  
15 available, to promulgate such rules and regulations governing the  
16 establishment and operation of a State lottery as it deems necessary  
17 and desirable in order that the mandate of the people expressed in  
18 their approval of the amendment to Article IV, Section VII,  
19 paragraph 2, of the Constitution in the general election of  
20 November, 1969, may be fully implemented, in order that such a  
21 lottery shall be initiated at the earliest feasible and practicable time,  
22 and in order that such lottery shall produce the maximum amount of  
23 net proceeds for State institutions and State aid for education  
24 consonant with the dignity of the State and the general welfare of  
25 the people. Such rules and regulations may include, but shall not be  
26 limited to, the following:

27 (1) The type of lottery to be conducted.

28 (2) The price, or prices, of tickets or shares in the lottery.

29 (3) The number and sizes of the prizes on the winning tickets or  
30 shares.

31 (4) The manner of selecting the winning tickets or shares.

32 (5) The manner of payment of prizes to the holders of winning  
33 tickets or shares, including, subject to the approval of the State  
34 Treasurer, provision for payment of prizes not to exceed \$599.00 by  
35 agents licensed hereunder out of moneys received from sales of  
36 tickets or shares.

37 (6) The frequency of the drawings or selections of winning  
38 tickets or shares, without limitation.

39 (7) Without limit as to number, the type or types of locations at  
40 which tickets or shares may be sold.

41 (8) The method to be used in selling tickets or shares.

42 (9) The licensing of agents to sell tickets or shares, provided  
43 that no person under the age of 21 shall be licensed as an agent.

44 (10) The manner and amount of compensation, if any, to be paid  
45 licensed sales agents necessary to provide for the adequate

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 availability of tickets or shares to prospective buyers and for the  
2 convenience of the public.

3 (11) The apportionment of the total proceeds accruing from the  
4 sale of lottery tickets or shares and from all other sources among (a)  
5 the payment of prizes to the holders of winning tickets or shares, (b)  
6 the payment of costs incurred in the operation and administration of  
7 the lottery, including the expenses of the division and the costs  
8 resulting from any contract or contracts entered into for  
9 promotional, advertising or operational services or for the purchase  
10 or lease of lottery equipment and materials, (c) for the repayment of  
11 the money appropriated to the State Lottery Fund pursuant to  
12 section 23 of this act, and (d) for transfer to the general fund for  
13 State institutions and State aid for education; provided, however,  
14 that no less than 30% of the total proceeds accruing from the sale of  
15 lottery tickets or shares shall be dedicated to (d) above.

16 During the term of the lottery contribution made pursuant to  
17 section 4 of P.L.2017, c.98 (C.5:9-22.8), the apportionment of the  
18 total proceeds accruing from the sale of lottery tickets or shares and  
19 from all other sources among (a) the payment of prizes to the  
20 holders of winning tickets or shares, (b) the payment of costs  
21 incurred in the operation and administration of the Lottery  
22 Enterprise, as defined in section 3 of P.L.2017, c.98 (C.5:9-22.7),  
23 including the expenses of the division and the costs resulting from  
24 any contract or contracts entered into for promotional, advertising,  
25 or operational services for the purchase or lease of lottery  
26 equipment and materials, and (c) for transfer to the investment  
27 account of Common Pension Fund L, for the benefit of retirement  
28 systems, as provided in the "Lottery Enterprise Contribution Act,"  
29 P.L.2017, c.98 (C.5:9-22.5 et al.); provided, however, that no less  
30 than 30 percent of the proceeds accruing from the sale of lottery  
31 tickets or shares shall be dedicated to the investment account under  
32 (c) above.

33 (12) Such other matters necessary or desirable for the efficient  
34 and economical operation and administration of the lottery and the  
35 Lottery Enterprise and for the convenience of the purchasers of  
36 tickets or shares and the holders of winning tickets or shares.

37 Notwithstanding the provisions of any other law to the contrary,  
38 no rule or regulation establishing a lottery game shall be considered  
39 an "administrative rule" or "rule" pursuant to P.L.1968, c. 410 (C.  
40 52:14B-1 et seq.).

41 b. To amend, repeal, or supplement any such rules and  
42 regulations from time to time as it deems necessary or desirable,  
43 and to establish by regulation that holders of winning tickets or  
44 shares may choose to remain anonymous indefinitely and that the  
45 identity of a holder choosing such option shall not be included  
46 under materials available to public inspection pursuant to P.L.1963,  
47 c.73 (C.47:1A-1 et seq.). Nothing in this subsection shall be  
48 construed to prevent the conduct of data exchange among

1 authorized State entities for the purpose of implementing the  
2 provisions of P.L.1991, c.384 (C.5:9-13.1 et seq.) concerning the  
3 collection of child support arrears or certain public assistance  
4 overpayments; P.L.1997, c.306 (C.5:9-13.10 et seq.) concerning the  
5 collection of delinquent or defaulted student loan payments;  
6 P.L.2007, c.106 (C.5:9-13.17 et seq.) concerning the payment of  
7 certain debts to State agencies; or of any other law providing for the  
8 collection of any debts or other payments from lottery winnings.

9 Notwithstanding any provision of the "Administrative Procedure  
10 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the  
11 commission may adopt, immediately upon filing with the Office of  
12 Administrative Law, such regulations as are necessary to implement  
13 the provisions of the "Lottery Enterprise Contribution Act,"  
14 P.L.2017, c.98 (C.5:9-22.5 et al.), which shall be effective for a  
15 period not to exceed 12 months following adoption, and may  
16 thereafter be amended, adopted, or readopted by the commission in  
17 accordance with the requirements of the "Administrative Procedure  
18 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

19 c. To advise and make recommendations to the director  
20 regarding the operation and administration of the lottery and the  
21 Lottery Enterprise.

22 d. To report monthly to the Governor and the Legislature  
23 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and during  
24 the lottery contribution, to the Director of the Division of  
25 Investment, the total lottery proceeds, prize disbursements and other  
26 expenses for the preceding month, and to make an annual report,  
27 which shall include a full and complete statement of lottery  
28 proceeds, prize disbursements and other expenses, to the Governor,  
29 the Legislature, and during the lottery contribution, the Director of  
30 the Division of Investment, including such recommendations for  
31 changes in this act as it deems necessary or desirable.

32 e. To report immediately to the Governor and the Legislature  
33 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and during  
34 the lottery contribution, to the Director of the Division of  
35 Investment, any matters which shall require immediate changes in  
36 the laws of this State in order to prevent abuses and evasions of this  
37 act or rules and regulations promulgated thereunder or to rectify  
38 undesirable conditions in connection with the administration or  
39 operation of the lottery and the Lottery Enterprise.

40 f. To carry on a continuous study and investigation of the  
41 lottery and the Lottery Enterprise throughout the State, which may  
42 include requiring a financial or operational audit of the Lottery  
43 Enterprise, (1) for the purpose of ascertaining any defects in this act  
44 or in the rules and regulations issued thereunder by reason whereof  
45 any abuses in the administration and operation of the lottery and the  
46 Lottery Enterprise or any evasion of this act or the rules and  
47 regulations may arise or be practiced, (2) for the purpose of  
48 formulating recommendations for changes in this act and the rules

1 and regulations promulgated thereunder to prevent such abuses and  
2 evasions, (3) to guard against the use of this act and the rules and  
3 regulations issued thereunder as a cloak for the carrying on of  
4 organized gambling and crime, and (4) to insure that said law and  
5 rules and regulations shall be in such form and be so administered  
6 as to serve the true purposes of this act and the "Lottery Enterprise  
7 Contribution Act," P.L.2017, c.98 (C.5:9-22.5 et al.).

8 g. To make a continuous study and investigation of (1) the  
9 operation and the administration of similar laws which may be in  
10 effect in other states or countries, (2) any literature on the subject  
11 which from time to time may be published or available, (3) any  
12 Federal laws which may affect the operation of the lottery and the  
13 Lottery Enterprise, and (4) the reaction of New Jersey residents to  
14 existing and potential features of the lottery and the Lottery  
15 Enterprise, with a view to recommending or effecting changes that  
16 will tend to serve the purposes of this act.

17 (cf: P.L.2017, c.98, s.11)

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19 2. This act shall take effect immediately.

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#### STATEMENT

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24 This bill directs the State Lottery Commission to provide by  
25 regulation that lottery winners may remain anonymous indefinitely.  
26 Current regulations provide that the State Lottery may use the  
27 names, addresses, prize amount and photographs of winners. The  
28 address used does not include a street or house number. In addition,  
29 a winner's name, town, and county are available through a formal  
30 request under the Open Public Records Act (OPRA). The bill also  
31 provides an exemption from such OPRA disclosure.

32 Further, the bill provides that it must not be construed to prevent  
33 the conduct of data exchange among authorized State entities for  
34 the purpose of implementing the provisions of N.J.S.A.5:9-13.1 et  
35 seq., concerning the collection of child support arrears or certain  
36 public assistance overpayments; N.J.S.A.5:9-13.10 et seq.,  
37 concerning the collection of delinquent or defaulted student loan  
38 payments; N.J.S.A.5:9-13.17 et seq., concerning the payment of  
39 certain debts to State agencies; or of any other law providing for the  
40 collection of any debts or other payments from lottery winnings.