

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS45289-STf-41

Short Title: Gaming Commission.

(Public)

Sponsors: Senator Moffitt (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A UNIFIED AND COMPREHENSIVE SYSTEM OF
3 REGULATING GAMING IN NORTH CAROLINA.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. The General Statutes are amended by adding a new Chapter to read:

6 "Chapter 18D.

7 "Gaming.

8 "Article 1.

9 "General Provisions.

10 "§ 18D-100. Gaming Commission established.

11 There is created the North Carolina State Gaming Commission, which shall be referred to as
12 "Commission" throughout this Chapter, to regulate and oversee gaming in this State. The
13 Commission shall be located in the Department of Commerce for budgetary purposes only;
14 otherwise, the Commission shall be an independent, self-supporting, and revenue-raising agency
15 of the State. The Commission shall reimburse other governmental entities that provide services
16 to the Commission.

17 "§§ 18D-101 through 18D-104: Reserved for future codification purposes.

18 "§ 18D-105. Commission membership.

19 (a) The Commission shall consist of seven commissioners who shall be appointed by the
20 Governor subject to confirmation by the General Assembly by joint resolution. The names of
21 commissioners to be appointed by the Governor shall be submitted by the Governor to the
22 General Assembly for confirmation by the General Assembly on or before May 1 of the year in
23 which the terms for which the appointments are to be made are to expire. Upon failure of the
24 Governor to submit names as herein provided, the Lieutenant Governor and the Speaker of the
25 House of Representatives jointly shall submit the names of a like number of commissioners to
26 the General Assembly on or before May 15 of the same year for confirmation by the General
27 Assembly. Regardless of the way in which names of commissioners are submitted, confirmation
28 of commissioners must be accomplished prior to adjournment of the then current session of the
29 General Assembly.

30 (b) The terms of office of the commissioners shall be six years commencing on July 1 of
31 the year in which the predecessor terms expired and ending on July 1 of the sixth year thereafter.

32 (c) A commissioner in office shall continue to serve until his successor is duly confirmed
33 and qualified but such holdover shall not affect the expiration date of such succeeding term.

34 (d) One of the commissioners shall be designated by the Governor to serve as chair of the
35 Commission for the next four years and until his successor is duly confirmed and qualified. Upon
36 death or resignation of the commissioner appointed as chair, the Governor shall designate the



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1 chair from the remaining commissioners and appoint a successor to fill the vacancy on the
2 Commission.

3 (e) In case of death, incapacity, resignation, or vacancy for any other reason in the office
4 of any commissioner prior to the expiration of the term of office, the name of the successor shall
5 be submitted by the Governor within four weeks after the vacancy arises to the General Assembly
6 for confirmation by the General Assembly. Upon failure of the Governor to submit the name of
7 the successor, the Lieutenant Governor and the Speaker of the House of Representatives jointly
8 shall submit the name of a successor to the General Assembly within six weeks after the vacancy
9 arises. Regardless of the way in which names of commissioners are submitted, confirmation of
10 commissioners must be accomplished prior to the adjournment of the then current session of the
11 General Assembly.

12 (f) If a vacancy arises or exists pursuant to either subsection (a) or (e) of this section
13 when the General Assembly is not in session, and the appointment is deemed urgent by the
14 Governor, the commissioner may be appointed and serve on an interim basis pending
15 confirmation by the General Assembly; provided, however, no person may be appointed to serve
16 on an interim basis pending confirmation by the General Assembly if the person was subject to
17 but not confirmed by the General Assembly within the preceding four years. The limitation on
18 appointment contained in this subsection includes unfavorable action on a joint resolution for
19 confirmation, the resolution failing on any reading in either chamber of the General Assembly,
20 and failure to ratify a joint resolution for confirmation prior to adjournment of the then current
21 session of the General Assembly.

22 (g) The salary of each commissioner and that of the commissioner designated as chair
23 shall be set by the General Assembly in the Current Operations Appropriations Act. In lieu of
24 merit and other increment raises paid to regular State employees, each commissioner, including
25 the commissioner designated as chair, shall receive as longevity pay an amount equal to four and
26 eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations
27 Appropriations Act payable monthly after five years of service and nine and six-tenths percent
28 (9.6%) after 10 years of service. "Service" means service as a member of the Commission.

29 (h) In addition to compensation for services, each member of the Commission who lives
30 at least 50 miles from the City of Raleigh shall be paid a weekly travel allowance for each week
31 the member travels to the City of Raleigh from the member's home for business of the
32 Commission. The allowance shall be calculated for each member by multiplying the actual
33 round-trip mileage from that member's home to the City of Raleigh by the rate-per-mile which is
34 the business standard mileage rate set by the Internal Revenue Service in Rev. Proc. 93-51,
35 December 27, 1993.

36 (i) Members of the Commission shall not engage in any other employment, business,
37 profession, or vocation while in office.

38 (j) Except as provided in subsection (h) of this section, members of the Commission shall
39 be reimbursed for travel and subsistence expenses at the rates allowed to State officers and
40 employees by G.S. 138-6(a).

41 **"§ 18D-107. Oath of office.**

42 Each commissioner before entering upon the duties of office shall file with the Secretary of
43 State the oath of office to support the Constitution and laws of the United States and the
44 Constitution and laws of the State of North Carolina and to well and truly perform the duties of
45 said office as commissioner.

46 **"§ 18D-109. Actions that vacate office.**

47 A member of the Commission may not hold an elective office or be a candidate for an elective
48 office. If a member of the Commission takes any of the following actions, the member vacates
49 office as a member of the Commission and the vacancy shall be filled as provided by
50 G.S. 18D-105(f):

- 1 (1) Files a notice of candidacy under G.S. 163-106 or G.S. 163-323 or a petition
2 under G.S. 163-107.1 or G.S. 163-325.
- 3 (2) Is nominated to fill a vacancy among party nominees under G.S. 163-114 or
4 G.S. 163-115.
- 5 (3) Files a petition as an unaffiliated candidate under G.S. 163-122.
- 6 (4) Files a declaration of intent as a write-in candidate under G.S. 163-123.
- 7 (5) Is nominated by party convention under G.S. 163-98.

8 **"§ 18D-115. Meetings; records.**

9 (a) Meetings. – Meetings of the Commission shall be subject to Article 33C of Chapter
10 143 of the General Statutes. A majority of the total membership of the Commission shall
11 constitute a quorum. The Governor shall select the chair of the Commission from among its
12 membership who shall serve as chair at the pleasure of the Governor. The Commission shall meet
13 at least quarterly upon the call of the chair.

14 (b) Compensation. – Members of the Commission shall receive one hundred twenty-five
15 thousand dollars (\$125,000) per year for service on the Commission. If a member does not serve
16 a full year, the compensation shall be prorated accordingly.

17 (c) Records. – Except as provided in this Chapter, records of the Commission shall be
18 open and available to the public in accordance with Chapter 132 of the General Statutes.
19 Personnel records of the Commission are subject to Article 7 of Chapter 126 of the General
20 Statutes. Only the following information concerning a lottery winner is a public record:

- 21 (1) Name.
- 22 (2) City and state of residence.
- 23 (3) Game played.
- 24 (4) Amount won. For purposes of this subdivision, the amount won means the
25 nominal prize amount, the cash payment if different from the nominal prize
26 amount, and the cash payment after taxes are withheld.
- 27 (5) Date won.

28 **"§ 18D-117. Powers and duties of the Commission.**

29 The Commission shall have the following powers and duties:

- 30 (1) To administer and enforce the provisions of this Chapter.
- 31 (2) To adopt rules to implement this Chapter.
- 32 (3) To conduct a background investigation, including a criminal history record
33 check, of potential electronic sweepstakes operators and electronic
34 sweepstakes vendors under Article 2 of this Chapter, which may include a
35 search of the State and National Repositories of Criminal Histories based on
36 the fingerprints of applicants.
- 37 (4) To charge a fee, not to exceed the cost of the criminal record check, of the
38 potential electronic sweepstakes operators and potential electronic
39 sweepstakes vendors.
- 40 (5) Any other powers necessary for the Commission to carry out its
41 responsibilities under this Chapter.

42 **"§ 18D-120. Reports.**

43 The Commission shall send quarterly and annual reports on the operations of the Commission
44 to the Governor, to the State Treasurer, and to the General Assembly. The reports shall include
45 complete statements of revenues, prize disbursements, expenses, net revenues, and all other
46 financial transactions involving funds collected or disbursed under this Chapter, including the
47 occurrence of any audit.

48 **"§ 18D-122. Audits.**

49 The State Auditor shall conduct annual audits of all accounts and transactions of the
50 Commission and any other special postaudits the State Auditor considers to be necessary.

51 "Article 2.

"Bingo and Raffles.

"§§ 18D-200 through 18D-299: Reserved for future codification purposes.

"Article 3.

"Regulation of Boxing.

"§§ 18D-300 through 18D-399: Reserved for future codification purposes."

SECTION 2.(a) Part 2 of Article 37 of Chapter 14 of the General Statutes is recodified as Article 4 of Chapter 18D of the General Statutes, as enacted by Section 1 of this act.

SECTION 2.(b) The Revisor of Statutes shall delete the phrase "Department of Public Safety" and "Department" and substitute "Commission" wherever it appears in Article 4 of Chapter 18D of the General Statutes, as recodified by this section.

SECTION 3.(a) G.S. 143-652.2 is repealed.

SECTION 3.(b) Except for G.S. 143-652.2, Article 68 of Chapter 143 of the General Statutes is recodified as Article 5 of Chapter 18D of the General Statutes, as enacted by Section 1 of this act.

SECTION 4. The Revisor of Statutes shall replace all of the following terms in Article 3 of Chapter 18D of the General Statutes, as recodified by this section, with "Commission":

- (1) Alcohol Law Enforcement Branch of the Department of Public Safety.
- (2) Branch.
- (3) Secretary of Public Safety.

SECTION 5. Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

§ 143B-975. Criminal record checks for the Gaming Commission.

The Department of Public Safety may provide to the Gaming Commission and to its Director from the State and National Repositories of Criminal Histories the criminal history of any prospective employee of the Gaming Commission and any potential licensee. The Gaming Commission or its Director shall provide to the Department of Public Safety, along with the request, the fingerprints of the prospective employee of the Gaming Commission, or of the potential licensee, a form signed by the prospective employee of the Gaming Commission, or of the potential licensee, consenting to the criminal record check and use of fingerprints and other identifying information required by the State and National Repositories, and any additional information required by the Department of Public Safety. The fingerprints of the prospective employee of the Gaming Commission, or potential licensee, shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The Gaming Commission and its Director shall remit any fingerprint information retained by the Gaming Commission to alcohol law enforcement agents appointed under Article 5 of Chapter 18B of the General Statutes and shall keep all information obtained pursuant to this section confidential. The Department of Public Safety shall charge a reasonable fee only for conducting the checks of the criminal history records authorized by this section.

SECTION 6. If House Bill 347 of the 2023 Regular Session becomes law, Article 9 of Chapter 18C of the General Statutes, as enacted by that act, is recodified as Article 4 of Chapter 18D of the General Statutes, as enacted by Section 1 of this act.

SECTION 7. If House Bill 512 of the 2023 Regular Session becomes law, Article 9 of Chapter 18C of the General Statutes, as enacted by that act, is recodified as Article 5 of Chapter 18D of the General Statutes, as enacted by Section 1 of this act.

SECTION 8. This act becomes effective October 1, 2023.