

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

2ND CONFERENCE COMMITTEE
SUBSTITUTE FOR ENGROSSED
HOUSE BILL NO. 3347

By: Seikel of the House

and

Long of the Senate

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to amusements and sports; amending Section 2, Chapter 240, O.S.L. 1994, as amended by Section 1, Chapter 202, O.S.L. 1995, and Section 16, Chapter 240, O.S.L. 1994 (3A O.S. Supp. 1997, Sections 602 and 616), which relate to the Oklahoma Professional Boxing Licensing Act; modifying certain definitions; including certain funds from the Oklahoma Professional Wrestling Licensing Act in the Oklahoma Professional Boxing Licensing Revolving Fund; creating the Oklahoma Professional Wrestling Licensing Act; providing short title; defining terms; removing professional wrestling from the Oklahoma Professional Boxing Licensing Act; placing professional wrestling under the jurisdiction of the Department of Labor; authorizing certain promoters to be present at all rulemaking relating to wrestling; requiring trainers to have certain qualifications; providing certain requirements for eligibility to be a promoter; requiring certain duties of the promoter; providing for certain fees; requiring certain HIV (AIDS) test; providing for certain safety requirements to protect fans; providing for funds to be deposited in Oklahoma Professional Boxing Licensing Revolving Fund; authorizing certain assessments for contests, matches, events and pay-per-view telecasts; providing for rights and procedures related thereto; amending Section 3, Chapter 328, O.S.L. 1992, as last amended by Section 1, Chapter 280, O.S.L. 1997, and Section 19, Chapter 328, O.S.L. 1992, as last amended by Section 10, Chapter 280, O.S.L. 1997 (3A O.S. Supp. 1997, Sections 402 and 418), which relate to the Oklahoma Charity Games Act; modifying definition; extending hours on New Year's Eve; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 2, Chapter 240, O.S.L. 1994, as amended by Section 1, Chapter 202, O.S.L. 1995 (3A O.S. Supp. 1997, Section 602), is amended to read as follows:

Section 602. A. As used in the Oklahoma Professional Boxing Licensing Act:

1. "Administrator" means the administrator of professional boxing licensing and professional wrestling licensing within the Department of Labor;

2. "Amateur boxer" means a person who has never received or competed for any purse or other article either for the expenses of training therefor or for participating in any boxing contest or professional exhibition which exceeds in monies or other things of value a sum to be determined by the Commissioner upon recommendation of the Oklahoma Professional Boxing Advisory Committee. After July 1, 1997, any modification in such determination shall be made by the Commissioner of Labor;

3. "Applicant" means any individual, club, association, corporation, partnership or trust which submits to the Commissioner of Labor an application for a license or permit pursuant to the Oklahoma Professional Boxing Licensing Act;

4. "Boxing" means any form of competitive pugilism or unarmed combat in which a blow is usually struck which may reasonably be expected to inflict injury including but not limited to boxing, ~~wrestling~~ and kickboxing, but shall not include the martial arts as defined by the provisions of this section;

5. "Broadcast" means any audio or visual transmission sent by any means of signal within, into or from this state, whether live, or taped or time delayed and includes any replays thereof;

6. "Cable system operator" means any person who makes available or provides its customers a closed-circuit telecast which is pay-per-view;

7. "Closed-circuit telecast of professional boxing events" means telecast rights, including television, cable television or pay-per-view telecasts, acquired by paying a licensing fee or by paying a contractual price by a business or individual including but not limited to arenas, entertainment or meeting centers, restaurants, bars, taverns, hotels, motels, clubs and organizations, which offers the viewing of the event to the public or to private residences. Such events shall include local and

state professional boxing contests and professional exhibitions as defined in this section. For purposes of Sections ~~10~~ 621 and ~~11~~ 622 of this ~~act~~ title, "closed-circuit telecast" means any such telecast of a professional boxing event as described herein which is not intended to be available for viewing without the payment of a fee, collected for or based upon each event viewed, for the privilege of viewing the telecast, and includes pay-per-view;

8. "Club" means an incorporated or unincorporated association or body of individuals voluntarily united and acting together for some common or special purpose;

9. "Committee" means the Oklahoma Professional Boxing Advisory Committee;

10. "Commissioner" means the Commissioner of Labor;

11. "Contest" means a boxing match in which it is reasonable to anticipate that the participants strive earnestly in good faith to win;

12. "Corner person" means, but shall not be limited to, a trainer, a second or any other individual who attends the participant during a match;

13. "Department" means the Department of Labor;

14. "Exhibition" means a boxing match in which the participants show or display their skill without necessarily striving to win, such as sparring;

15. "Judge" means an individual other than a referee who shall have a vote in determining the winner of any contest;

16. "Kickboxing" means any form of competitive pugilistic professional contest in which blows are delivered with the hand and any part of the foot. Such contests take place in a rope-enclosed ring and are fought in timed rounds;

17. "License" means a certificate issued by the Department to participants of sanctioned professional boxing contests and professional exhibitions and is a mandatory requirement for participation in such events;

18. "Manager" means an individual who controls or administers the affairs of any professional boxer. "Manager" shall include the representative of a manager as defined by the Department;

19. "Martial arts" means any form of karate, kung fu, tae kwon-do or any other forms of martial arts or self-defense;

20. "Matchmaker" means an individual who brings together professional boxers or arranges professional boxing contests or professional exhibitions;

21. "Participant" means a professional who takes part in a professional boxing contest or professional exhibition;

22. "Pay-per-view telecasts of professional boxing events" means telecasts offered by cable television companies to subscribers at a cost in addition to the monthly cable television subscription rate. Such events shall include local and state professional boxing contests and professional exhibitions as defined in this section;

23. "Person" means any individual, partnership, limited liability company, club, association, corporation or trust;

24. "Physician" means an individual licensed under the laws of this state to engage in the general practice of medicine or osteopathic medicine;

25. "Professional boxer" means an individual eighteen (18) years of age or older who competes for money, prizes or purses, or who teaches, instructs or assists in the practice of boxing or sparring as a means of obtaining pecuniary gain;

26. "Professional boxing contest and professional exhibition" means a boxing match conducted within this state in which the participants are persons who must be licensed pursuant to the provisions of the Oklahoma Professional Boxing Licensing Act;

27. "Promoter" means any individual, a resident or nonresident of Oklahoma, club or corporation, which is domesticated or not domesticated in Oklahoma, who produces or stages professional contests or professional exhibitions conducted within this state and shall include any officer, director or employees as defined by the Department;

28. "Pugilism" means boxing or the skill or practice of fighting with the fists;

29. "Purse" means the financial guarantee or any other remuneration or thing of value for which a professional boxer

participates in a professional boxing contest or professional exhibition and shall include the participant's share of any payment received for radio broadcasting, television, including cable television, pay-per-view television and closed-circuit television, and motion picture rights. "Purse" shall also include gate receipts and any other prizes;

30. "Ring official" means any individual who performs an official function during the progress of a professional boxing contest or professional exhibition including but not limited to timekeepers, judges, referees and attending physicians;

31. "Sanctioning permit" means a permit issued by the Department to promoters who make application for official approval of professional boxing contests and professional exhibitions;

32. "Sparring" means to engage in a form of boxing with jabbing or feinting movements, and the exchange of few heavy blows, such as occurs in a practice or exhibition boxing match;

33. "Telecast promoter", for purposes of Sections ~~10~~ 621 and ~~11~~ 622 of this ~~act~~ title, means any promoter who shows or causes to be shown in this state a closed-circuit telecast of any professional boxing event, whether or not the telecast or event originates in this state. "Telecast promoter" shall not include a cable system operator;

34. "Trainer" means an individual who assists, coaches, or instructs any professional boxer with respect to physical conditioning, strategy, techniques or preparation for competition, professional boxing contests or professional exhibitions; and

35. "Vendor" means any individual, firm, organization, club or corporation who participates in the conduct of a professional boxing contest or professional exhibition by offering for sale food or merchandise including but not limited to wearing apparel, alcoholic and nonalcoholic beverages, souvenirs and programs.

B. The Department may define any term which is not defined in the Oklahoma Professional Boxing Licensing Act.

SECTION 2. AMENDATORY Section 16, Chapter 240, O.S.L. 1994 (3A O.S. Supp. 1997, Section 616), is amended to read as follows:

Section 616. A. There is hereby created in the State Treasury a revolving fund for the Department to be designated the "Oklahoma Professional Boxing Licensing Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received from fees, administrative fines, reimbursements, bond proceeds, and sale of materials, and shall include grants and gifts, pursuant to the Oklahoma Professional Boxing Licensing Act. All monies received by the Department from fees and assessments in accordance with the Oklahoma Professional Wrestling Licensing Act shall be deposited in this fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of implementing the provisions of the Oklahoma Professional Boxing Licensing Act and the Oklahoma Professional Wrestling Licensing Act. Provided that any monies accruing to the credit of said fund in excess of Two Hundred Thousand Dollars (\$200,000.00) during any fiscal year shall be deposited to the credit of the General Revenue Fund of the State Treasury. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. During the fiscal year ending June 30, 1995, the Department may use monies which have accrued in this fund to replace appropriated monies expended from the Department's budget for implementing the provisions of this act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 650 of Title 3A, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Professional Wrestling Licensing Act".

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 651 of Title 3A, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Professional Wrestling Licensing Act:

1. "Administrator" means the administrator of professional wrestling licensing and professional boxing licensing within the Department of Labor;

2. "Amateur wrestler" means a person who has never received or competed for any purse or other article either for the expenses of training therefor or for participating in any wrestling contest, match or event which exceeds in monies or other things of value a sum of Fifty Dollars (\$50.00);

3. "Applicant" means any individual, club, association, corporation, partnership or trust which submits to the Commissioner of Labor an application for a license pursuant to the Oklahoma Professional Wrestling Licensing Act;

4. "Cable system operator" means any person who makes available or provides its customers a closed-circuit pay-per-view telecast;

5. "Closed-circuit telecast of professional wrestling events" means pay-per-view telecast rights acquired by paying a licensing fee or by paying a contractual price by a business or individual including but not limited to arenas, entertainment or meeting centers, restaurants, bars, taverns, hotels, motels, clubs and organizations, which offers the viewing of the event to the public or to private residences. Such events shall include local and state professional wrestling contests, matches or events as defined in this section. For purposes of this act, "closed-circuit telecast" means any such telecast of a professional wrestling contest, match or event as described herein which is not intended to be available for viewing without the payment of a fee, collected for or based upon each event viewed, for the privilege of viewing the pay-per-view telecast;

6. "Commissioner" means the Commissioner of Labor;

7. "Committee" means the Oklahoma Professional Wrestling Advisory Committee;

8. "Department" means the Department of Labor;

9. "License" means a license issued by the Department to participants of professional wrestling contests, matches or

events, and is a mandatory requirement for participation in such contest, match or event;

10. "Pay-per-view telecasts of professional wrestling contests, matches or events" means pay-per-view telecasts offered by cable television companies to subscribers at a cost in addition to the monthly cable television subscription rate. Such events shall include local and state professional wrestling contests, matches or events as defined in this section;

11. "Person" means any individual, partnership, limited liability company, club, association, corporation or trust;

12. "Professional wrestling contest, match or event" means an activity in which participants struggle hand-to-hand for the purpose of providing entertainment to spectators rather than conducting a bona fide athletic contest, also known as sports entertainment;

13. "Professional wrestler" means a wrestler eighteen (18) years of age or older who competes for money, prizes or purses, for the purpose of providing entertainment for spectators in the practice of professional wrestling. The Commissioner may authorize an individual less than eighteen (18) years of age to be a professional wrestler with the consent of the parent or guardian of such individual;

14. "Promoter" means any individual, a resident or nonresident of Oklahoma, club or corporation, which is domesticated or not domesticated in Oklahoma, who produces or stages professional contests, matches or events conducted within this state and shall include any person as defined by this act;

15. "Purse" means the financial guarantee or any other remuneration or thing of value for which a professional wrestler participates in a professional wrestling contest, match or event and includes the participant's share of any pay-per-view telecast;

16. "Referee" means any individual who performs an official function during a professional wrestling contest, match or event;

17. "Trainer" means an individual who assists, coaches, choreographs or instructs any professional wrestler with respect to physical conditioning, strategy, techniques, choreography or

preparation for professional wrestling contests, matches or events; and

18. "Vendor" means any individual, firm, organization, club or corporation who participates in the conduct of a professional wrestling contest, match or event by offering for sale food or liquid refreshments.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 652 of Title 3A, unless there is created a duplication in numbering, reads as follows:

Professional wrestling contests, matches and events are hereby removed from the Oklahoma Professional Boxing Licensing Act and the Oklahoma Professional Boxing rules. Professional wrestling shall now stand alone and fall under the Oklahoma Professional Wrestling Licensing Act. Professional wrestling shall be put under the authority of the Department of Labor as limited by this act. The Commissioner of Labor shall promulgate and adopt rules only in accordance with this act. Professional wrestling promoters shall be encouraged to attend and participate in any meetings related to the promulgation and adoption of any and all rules concerning professional wrestling.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 653 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created, until July 1, 2004, in accordance with the Oklahoma Sunset Law, the Oklahoma Professional Wrestling Advisory Committee, which shall be composed of five (5) members appointed by the Commissioner of Labor. Each initial member shall be appointed for a term ending June 30, 2000.

B. On or after July 1, 2000, the Commissioner of Labor shall appoint the membership as follows:

1. One person with experience in professional wrestling promotions, who shall serve until July 1, 2003;

2. One person with experience in entertainment, who shall serve until July 1, 2002;

3. One person with experience in professional wrestling as a professional wrestler, who shall serve until July 1, 2002;

4. One person with experience in entertainment marketing, who shall serve until July 1, 2001; and

5. One member who shall be the administrator of professional wrestling licensing and professional boxing licensing. The administrator shall serve at the pleasure of the Commissioner.

After the initial appointments as provided for in this section, each member, except for the administrator, shall serve for a three-year period.

Each member shall be a citizen or a permanent resident of the United States and shall be a resident of this state.

C. No member of the Committee or any person related to a member within the third degree by consanguinity or affinity shall promote, sponsor or have any financial interest in the promotion or sponsorship of any professional wrestling contest, match or event while a member of the Committee.

D. The Commissioner may remove any member of the Committee for incompetence, willful neglect of duty, corruption in office, or malfeasance in office. A vacancy on the Committee for an unexpired term shall be filled by appointment made by the Commissioner within thirty (30) days of such vacancy to complete the term of the member whose position was vacated.

E. The administrator shall serve as chairperson of the Committee. The members of the Committee shall elect from their membership a vice-chairperson to serve for one (1) year. Thereafter, the vice-chairperson shall be elected annually. No member of the Committee shall serve more than two successive terms as vice-chairperson.

F. A majority of the appointed membership shall constitute a quorum for the purpose of conducting the business of the Committee.

G. The Committee shall meet at least quarterly, and special meetings may be called by the chairperson, the vice-chairperson or the Commissioner.

H. Regular meetings shall be held at the established offices of the Department. Provided however, upon agreement by a majority of the membership, the Commissioner may authorize that meetings,

hearings or proceedings may be held at any other designated place within this state.

I. The proceedings of all meetings of the Committee shall comply with the provisions of the Oklahoma Open Meeting Act.

J. Except as otherwise provided by law, all proceedings by the Committee shall be subject to the provisions of the Administrative Procedures Act.

K. Members of the Committee shall be reimbursed for expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

L. The Committee shall:

1. Assist and advise the Commissioner on all matters pertaining to the formation of rules necessary to carry out the purposes of the Oklahoma Professional Wrestling Licensing Act;

2. Assist and advise the Department on all matters relating to the licensing in accordance with the Oklahoma Professional Wrestling Licensing Act;

3. Conduct investigations into the qualifications of promoters and trainers for licensure at the request of the Department;

4. Conduct investigations and proceedings, at the request of the Department, for alleged violations of the Oklahoma Professional Wrestling Licensing Act;

5. Assist and advise the Department in such other matters upon request of the Department; and

6. By July 1 of each year, propose revisions to such rules to the Commissioner necessary to carry out the purpose of the Oklahoma Professional Wrestling Licensing Act.

M. The Commissioner shall report the findings and recommendations of the Committee along with the Commissioner's own recommendations to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives by November 1 of each year.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 654 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. Trainers must have ten (10) years or more experience in the professional wrestling business prior to being licensed.

B. Anyone who promotes a professional wrestling contest, match or event must have five (5) years or more experience in the business of professional wrestling.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 655 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. In addition to the payment of any other fees and monies due pursuant to the Oklahoma Professional Wrestling Licensing Act and the rules promulgated by the Commissioner of Labor, an assessment in an amount equal to five percent (5%) of the total gross receipts of any professional wrestling contest, match or event, exclusive of any federal tax or tax imposed by any political subdivision of this state, shall be hereby levied and shall be remitted by every promoter to the Oklahoma Tax Commission. Provided, however, if the promotion originates in Oklahoma, the promoter shall only be liable for assessments on the total gross receipts specified in subsection B of this section and shall not also be liable for the other assessments specified in this act.

B. For the purpose of this section, total gross receipts of every promoter shall include:

1. The gross price charged by the promoter for the sale, lease or other use of pay-per-view television conducted within this state, without any deductions for commissions, brokerage fees, distribution fees, advertising or other expenses or charges;
2. The face value of all tickets sold; and
3. Proceeds from a vendor, or the promoter's gross price charged for the sale of food or liquid beverages.

C. Payment of the assessment on gross receipts shall be due within seventy-two (72) hours after the holding of the professional wrestling contest, match or event and shall be accompanied by a report in such form as shall be prescribed by the Oklahoma Tax Commission.

D. Gross receipts reports signed under oath shall also include:

1. The name of the promoter;
2. The wrestling contest, match or event permit number;
3. The promoter's business address and any license or permit number required of such promoter by law;
4. Gross receipts as specified by this section, during the period specified by this section; and
5. Such further information as the Oklahoma Tax Commission may require to enable it to compute correctly and collect the assessment levied pursuant to this section.

E. In addition to the information required on reports, the Oklahoma Tax Commission may request and the promoter shall furnish any information deemed necessary for a correct computation of the assessment levied pursuant to this section.

F. All levies pursuant to this section shall be collected by the Oklahoma Tax Commission and shall be placed to the credit of the Oklahoma Professional Boxing Licensing Revolving Fund.

G. The monies collected from the assessment levied pursuant to the provisions of this section shall be in addition to all other revenues and funds received by the Department of Labor.

H. The promoter shall compute and pay to the Oklahoma Tax Commission the required assessment due. If the payment of the assessment is not postmarked or delivered to the Oklahoma Tax Commission as specified in this section, the assessment shall be delinquent from such date.

I. It shall be the duty of every promoter required to make a gross receipts report and pay any assessment pursuant to the provisions of this section to keep and preserve suitable records and documents which may be necessary to determine the amount of assessment due as will substantiate and prove the accuracy of such reports. All such records shall be preserved for a period of three (3) years, unless the Oklahoma Tax Commission, in writing, has authorized their destruction or disposal at an earlier date, and shall be open to examination at any time by the Oklahoma Tax Commission or by any of its authorized employees.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 656 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. 1. In the case of a cable system operator's pay-per-view facilities at or through which a closed-circuit telecast was shown, the telecast promoter shall, except as provided for in this act, within seventy-five (75) days following receipt of the notice of the assessment from the Department, file with the Department an assessment payment equal to four percent (4%) of the total gross receipts excluding any federal, state or local taxes.

2. The Department shall require the cable system operator to file reports containing information regarding the number of orders sold and the price charged for orders and any other information the Department deems appropriate.

3. Cable system operators shall not be liable to the Department for the assessment payment. Nothing in this section shall be deemed to prevent a cable system operator from billing its customer for the assessment payment.

4. The Department shall provide the telecast promoter with a report detailing the number of orders and the assessment payment due.

B. Any promoter who willfully makes a false and fraudulent report under this section is guilty of perjury and, upon conviction, is subject to punishment as provided by law. This penalty shall be in addition to any other penalties imposed in this section.

C. Any telecast promoter who willfully fails, neglects, or refuses to make a report or to pay the assessment as prescribed or who refuses to allow the Department to examine the books, papers, and records of any promotion is guilty of a misdemeanor, punishable as provided by law.

D. By rule, the Department shall establish administrative penalties as specified in the Oklahoma Professional Wrestling Licensing Act for the late payment of assessments, noncompliance with the Oklahoma Professional Wrestling Licensing Act and the

late filing of reports, and shall prescribe conditions, if any, under which a fine may be waived.

E. No cable system operator shall be prohibited from:

1. Broadcasting any wrestling event for which it has a contract or other legal obligation to broadcast any event with any promoter or distributor irrespective of whether or not the promoter or distributor is in compliance with the provisions of this act;

2. No cable system operator shall be required to modify, delete, or cancel any programming for which it has a contractual or legal obligation to air such programming as a result of any noncompliance with the provisions of this act by any promoter or distributor; and

3. This act shall not apply in any manner to any basic or premium channel programming broadcast on cable television systems within the State of Oklahoma, but shall apply only to "pay-per-view" broadcasts of wrestling events for which a separate one-time fee is charged the cable subscriber.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 657 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. The fees under the Oklahoma Professional Wrestling Licensing Act shall not exceed the following:

1. Wrestler License: Twenty-five Dollars (\$25.00), valid one (1) year from date of issuance;

2. Referee License: Twenty-five Dollars (\$25.00), valid one (1) year from date of issuance;

3. Trainer License: Twenty-five Dollars (\$25.00), valid one (1) year from date of issuance;

4. Cable system operator license: Set by rule of the Commissioner; and

5. Promoter license: Set by rule of the Commissioner.

B. All professional wrestlers are required to submit to an HIV (AIDS) test.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 658 of Title 3A, unless there is created a duplication in numbering, reads as follows:

There must be at least an eight-foot-wide barrier between the fans and the professional wrestling ring, and adequate security must be present ringside.

SECTION 12. AMENDATORY Section 3, Chapter 328, O.S.L. 1992, as last amended by Section 1, Chapter 280, O.S.L. 1997 (3A O.S. Supp. 1997, Section 402), is amended to read as follows:

Section 402. As used in the Oklahoma Charity Games Act, Section 401 et seq. of this title:

1. "Bingo" means a game in which each player receives a bingo face and covers the squares according to the numbers, letters, or combination of numbers and letters that have been announced by the caller. The numbers and letters called are on an object selected at random either manually or mechanically from a receptacle in which have been placed the objects bearing the numbers, letters, or combinations of numbers and letters corresponding to the system used for designating the bingo face squares. The winner of each bingo game is the player who first properly covers a predetermined and announced pattern of squares upon the bingo face being used by the player;

2. "Bingo face" means a flat piece of paper which is marked off into any number of squares in any arrangement of rows, with each square being designated by number, letter or combination of numbers and letters and with one or more squares designated as a "free" space with the word "Oklahoma" and a facsimile outline of a map of Oklahoma in it, which cannot be reused after the game in which a player has used it is over;

3. "Breakopen ticket card" means a single folded or banded ticket or a card, the face of which is initially covered or otherwise hidden from view to conceal a number, letter, symbol, or set of letters or symbols, a few of which numbers, letters or symbols out of every set of charity game tickets have been

designated in advance at random as prize winners and which is used in a breakopen ticket game;

4. "Breakopen ticket game" means a game wherein a player receives a breakopen ticket card. A breakopen ticket game shall meet the following criteria:

- a. the game shall be assembled so that no placement of winners or losers exists that allows the possibility of prize manipulation,
- b. the concealed numbers, letters, or symbols shall not be visible from the outside of the game using high intensity lamps. Protection shall be provided by the opaque paper stock employed, with the possible addition of colors and printed blockout patterns or by use of an aluminum foil laminate,
- c. a unique symbol or printed security device, such as a specific number keyed to particular winners or the name of the symbol or some of the symbol colors changed for a window, or other similar protection shall be placed in the winning windows of prize windows to ensure that the winner image is unique,
- d. it shall not be possible to detect or pick out winning from losing tickets through variations in printing graphics, color, or use of different printing plates,
- e. it shall not be possible to isolate winning or potential winning tickets from minor variations in size or cutting of the tickets comprising a particular packet, and
- f. each ticket in a game shall have a serial number. All tickets in a game shall have the same serial number appearing in a conspicuous place on the ticket;

5. "Business entity" means a person, company, corporation, or partnership organized for profit;

6. "Charity game" means a bingo game, U-PIK-EM bingo game, or breakopen ticket game conducted by an organization pursuant to the provisions of the Oklahoma Charity Games Act;

7. "Charity game equipment" means any object uniquely designed for use in the conducting of a charity game including, but not limited to, bingo faces, U-PIK-EM bingo game sets, and breakopen ticket cards. Items used in conducting charity games which are not charity game equipment are ink markers, furniture and general furnishings of rooms where charity games are conducted;

8. "Commission" or "ABLE Commission" means the Alcoholic Beverage Laws Enforcement Commission;

9. "Day session" means the set time frame within which conducting of charity games is authorized beginning no earlier than 10:00 a.m. and ending no later than 5:00 p.m.;

10. "Deal" means one series of breakopen ticket game cards which has a stated number of winner payouts and a stated amount of the payouts;

11. "Distributor" means a person or business entity that sells, markets, or otherwise provides charity game equipment to an organization;

12. "Doing business" means either conducting a charity game by an organization or providing goods or services to an organization by a business entity;

13. "Employee" means a person who works for compensation in a licensed charity game establishment;

14. "Immediate family member" means a spouse, parent, child or sibling or spouse of a parent, child or sibling of a resident of a facility exempt from specific provisions of the Oklahoma Charity Games Act as provided in subsection C of Section 405 of this title;

15. "Licensee" means any person, organization, or business entity which has received a license from the Commission;

16. "Location" means the building, including the individual rooms and equipment in the rooms, grounds, and appurtenances, including adjacent premises if subject to the direct or indirect

control of the organization while conducting a charity game, which are used in connection with or in furtherance of the conducting of a charity game;

17. "Manager" means a person who:

- a. is an employee of an organization,
- b. has supervisory authority over other employees or over the conduct of charity games, and
- c. has been designated as such by the organization pursuant to the provisions of subsection D of Section 408 of this title;

18. "Manufacturer" means a person or business entity that assembles from raw materials, supplies, or subparts to form a completed series of charity game equipment for use in charity games and that sells, markets, or otherwise provides such equipment to a distributor;

19. "Night session" means the set time frame within which conducting of charity games is authorized beginning no earlier than 5:00 p.m. and ending no later than ~~12:00 p.m.~~ midnight. Provided however, on New Year's Eve of each year, the charity games may continue until 2:00 a.m.;

20. "Organization" means a religious, charitable, labor, fraternal, educational, or other type of association or any branch, lodge, chapter, or auxiliary of such association which:

- a. operates without profit to its members,
- b. has been in existence and been operating as a nonprofit organization for not less than two (2) years prior to applying for an organization license,
- c. is exempt from taxation pursuant to the provisions of paragraphs (3), (4), (5), (6), (7), (8), (9), (10), or (19) of subsection (c) of Section 501 or paragraph (1) of subsection (a) of Section 509 of the United States Internal Revenue Code of 1986, as amended, 26 U.S.C., Section 501(c) et seq. or Section 509(a)(1), and
- d. formulates bylaws which clearly identify and establish:

- (1) method of electing officers and their duties,
- (2) method by which members are elected, initiated or admitted,
- (3) the rights and privileges of each member,
- (4) that each member has one vote, and
- (5) that membership rights are personal to the member and not assignable;

21. "Progressive game" means a game in which prizes are allowed to be carried over and increased from session to session;

22. "U-PIK-EM bingo game" means a game played wherein a player writes the numbers on a U-PIK-EM bingo game set. The player retains one sheet of the set and deposits the second sheet in a receptacle in the control of the organization. The player then covers the numbers as the caller announces a number. The numbers called are on an object selected at random either manually or mechanically from a receptacle in which have been placed the objects bearing the numbers. The winner of each U-PIK-EM bingo game is the player who first covers all the numbers appearing on the retained sheet in accordance with the pattern as designated on the sheet; and

23. "U-PIK-EM bingo game set" means two paper sheets of carbonless paper both bearing identical serial numbers on which a player writes numbers or letters, wherein one sheet is retained by the player and used for playing and one sheet is held by the organization and used for verifying winners.

SECTION 13. AMENDATORY Section 19, Chapter 328, O.S.L. 1992, as last amended by Section 10, Chapter 280, O.S.L. 1997 (3A O.S. Supp. 1997, Section 418), is amended to read as follows:

Section 418. A. No charity game shall be conducted on the first day of the week, commonly known and designated as Sunday.

B. No charity game shall be conducted between the hours of midnight and 10:00 a.m. Provided however, on New Year's Eve of each year, the charity games may continue until 2:00 a.m.

C. An organization shall not conduct more than two sessions at a location during a calendar day.

D. No person under eighteen (18) years of age shall play breakopen ticket games; provided, any person under the age of eighteen (18) may play charity games other than breakopen ticket games when accompanied by a parent or guardian if such play is permitted by the organization conducting the charity game.

E. No licensee shall sell any tangible property or services in connection with operations of charity games in any manner in which the purchaser incurs a debt to the organization or to any of its members or employees.

SECTION 14. This act shall become effective November 1, 1998.

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