

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL 951

By: Helton

COMMITTEE SUBSTITUTE

[ amusements and sports - Oklahoma Charity Games Act  
- duties of Alcoholic Beverage Laws Enforcement  
Commission and Oklahoma Tax Commission - effective  
date -

emergency ]

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

SECTION 1. AMENDATORY 3A O.S. 2001, 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~~ a  
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. "Bingo face" includes an electronic representation or electronic image of a bingo face;

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. "Electromechanical breakopen ticket dispenser" means a device that is not a computerized version of a breakopen ticket game and that when played merely assists the player or the playing of the breakopen ticket game;

14. "Electronic bingo" means a bingo game conducted with the aid of an electronic, computer or technological device approved by the Commission in conjunction with a paper bingo face;

15. "Electronic, computer or technological device" means a device such as a computer used in the conduct of a charity game and that when used:

- a. merely assists a player or the playing of a charity game,
- b. is readily distinguishable from the playing of a game on an electronic or electromechanical facsimile, and
- c. is operated according to applicable state and federal law;

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

~~14.~~ 17. "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 € D of Section 405 of this title;

~~15.~~ 18. "Licensee" means any person, organization, or business entity which has received a license from the Commission;

~~16.~~ 19. "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.~~ 20. "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~~ E of Section 408 of this title;

~~18.~~ 21. "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.~~ 22. "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;

~~20.~~ 23. "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 domesticated in this state 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.~~ 24. "Progressive game" means a game in which prizes are allowed to be carried over and increased from session to session;

~~22.~~ 25. "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.~~ 26. "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 2. AMENDATORY 3A O.S. 2001, Section 404, is amended to read as follows:

Section 404. A. All licenses issued pursuant to the provisions of the Oklahoma Charity Games Act shall be valid for one (1) year from the date of issue.

B. A license issued by the ABLE Commission shall not be transferable, sold, leased or assigned under any circumstances.

C. A license shall not be issued to any organization if an officer thereof has been convicted of or pled guilty or nolo contendere to any felony, or a misdemeanor related to gambling or gaming, pursuant to the laws of the United States, the District of Columbia or any state or territory of the United States.

D. A license shall not be issued to any person who has been convicted of or pled guilty or nolo contendere to any felony, or a misdemeanor related to gambling or gaming, pursuant to the laws of the United States, the District of Columbia or any state or territory of the United States.

E. A distributor or manufacturer license shall not be issued to any person holding an organization license, employee license or manager license.

F. The initial and renewal fees for licenses authorized by the Oklahoma Charity Games Act shall be as follows:

1. Class B Organization License - One Hundred Dollars  
(\$100.00);

2. Class C Organization License - Two Thousand Five Hundred Dollars (\$2,500.00);

3. Class C Organization License to Conduct Electronic Bingo or Use Electromechanical Breakopen Ticket Dispensers - Five Hundred Dollars (\$500.00), which shall be in addition to the fee specified in paragraph 2 of this subsection;

4. Distributor License - ~~Five Thousand Dollars (\$5,000.00)~~ Six Thousand Five Hundred Dollars (\$6,500.00);

~~3.~~ 5. Manufacturer License - ~~Two Thousand Dollars (\$2,000.00)~~ Three Thousand Five Hundred Dollars (\$3,500.00);

~~4.~~ 6. Employee License - Fifteen Dollars (\$15.00); and

~~5.~~ 7. Manager License - Fifty Dollars (\$50.00).

There shall be no fee imposed for the issuance or renewal of a Class A exemption.

~~F. G.~~ All fees received by the Commission pursuant to this section shall be forwarded to the State Treasurer for deposit in the General Revenue Fund, except as otherwise provided in Section 12 of this act.

SECTION 3. AMENDATORY 3A O.S. 2001, Section 405, is amended to read as follows:

Section 405. A. Any organization which conducts any charity game activities not more than four times per year may obtain a Class A exemption, which shall entitle the organization to an exemption from specific provisions of the Oklahoma Charity Games Act, ~~Section 401 et seq. of this title,~~ as provided in this section. ~~Such exemption~~ A Class A exemption shall be obtained by the filing of a verified application with the ABLE Commission signed by the executive officer of ~~said~~ the organization and containing the following information:

1. The name and address of the organization;
2. The name, address and telephone number of the executive officer of the organization or such other person authorized to receive documents or other information from the Commission on behalf of the organization; and
3. A statement that ~~said~~ the organization shall conduct a charity game session four or fewer times per calendar year and the dates and times and location wherein such activities shall occur.

B. Any organization which conducts any charity game activities not more than four times per year which has obtained ~~an exemption~~ a Class A exemption from the Commission shall not:

1. ~~Be required to obtain any type of license required by the Oklahoma Charity Games Act;~~
2. Be restricted to the use of bingo faces as defined in the Oklahoma Charity Games Act but shall not be authorized to ~~use~~

~~electronic facsimile of faces~~ conduct bingo games in which an electronic representation or electronic image of a bingo face is used or use or allow the use of electromechanical breakopen ticket dispensers;

~~3.~~ 2. Be required to purchase charity game equipment from persons or business entities licensed pursuant to the provisions of the Oklahoma Charity Games Act; or

~~4.~~ 3. Be subject to any restrictions in ~~this act~~ the Oklahoma Charity Games Act or rules of the Commission relating to conducting charity games on certain days of the week or during certain hours.

C. Any hospital, nursing home, residential care facility, senior citizens' center, retirement center or convalescent facility which conducts charity games at such facilities on a regular basis for the residents or regular patrons of the facility and their immediate family members may obtain an exemption from specific provisions of the Oklahoma Charity Games Act as provided in this section. Such exemption shall be obtained by the filing of a verified application with the Commission signed by the owner or supervisor of the facility and containing the following information:

1. The name and address of the hospital, nursing home, residential care facility, senior citizens' center, retirement center or convalescent facility;

2. The name, address and telephone number of the owner or supervisor of the facility or such other person authorized to receive documents or other information from the Commission on behalf of the facility; and

3. A statement that ~~said~~ the facility shall conduct charity games at the specified facility for the residents or regular patrons of the facility and their immediate family members. Provided, the prizes awarded either in cash or any other thing of value shall not exceed Two Hundred Fifty Dollars (\$250.00) in any one (1) day at any

such hospital, nursing home, residential care facility, senior citizens' center, retirement center or convalescent facility.

D. Any hospital, nursing home, residential care facility, senior citizens' center, retirement center or convalescent facility which conducts charity games at such facilities on a regular basis for the residents or regular patrons of the facility or their immediate family members which has obtained an exemption from the Commission shall not:

1. Be required to obtain any type of license required by the Oklahoma Charity Games Act;

2. Be restricted to the use of bingo faces, as defined in the Oklahoma Charity Games Act but shall not be authorized to ~~use electronic facsimile of faces~~ conduct electronic bingo or use or allow the use of electromechanical breakopen ticket dispensers;

3. Be required to purchase charity game equipment from persons or business entities licensed pursuant to the provisions of the Oklahoma Charity Games Act; or

4. Be subject to any restrictions in the Oklahoma Charity Games Act or rules of the Commission relating to conducting charity games on certain days of the week or during certain hours.

SECTION 4. AMENDATORY 3A O.S. 2001, Section 408, is amended to read as follows:

Section 408. A. ~~Any~~ Except as otherwise specifically provided by the Oklahoma Charity Games Act, any organization desiring to conduct a charity game in this state shall apply to the ABLE Commission for ~~an~~ a Class A exemption, Class B organization license or Class C organization license.

B. With respect to a Class B or Class C organization license:

1. An organization license shall only be issued to an organization and shall be used by that organization only~~;~~;

2. A business entity shall not be qualified under any conditions to hold or use an organization license~~;~~;

~~B.~~ 3. An organization shall be limited to only one license and to doing business at only one location~~;~~;

~~C.~~ 4. An organization shall use only disposable bingo faces purchased from a licensed distributor. Bingo faces and other supplies used in the conducting of electronic bingo shall be purchased from a licensed distributor and applicable taxes as set forth in subsection D of Section 421 of this title shall be paid by the distributor. Only one game shall be played on each bingo face; provided, nothing in this section shall be construed to exclude progressive games~~;~~ and

~~D.~~ 5. Only an organization or an employee or manager of an organization shall conduct a charity game for which a charge is made. Compensation may be paid to an organization or other person for conducting a charity game. Compensation for conducting charity games shall be paid in accordance with minimum wage provisions of federal law, and shall not exceed two times the amount of the minimum wage specified pursuant to federal law.

~~E.~~ C. An initial application for ~~an~~ a Class B or Class C organization license shall be sworn and attested to by a principal officer of the applicant organization and shall include:

1. A certified copy of the document from the U.S. Internal Revenue Service which grants the applicant tax-exempt status and the federal identification number;

2. A certified copy of the articles of incorporation and certificate of incorporation of the organization;

3. A copy of the bylaws of the organization;

4. A copy of the minutes of the meeting of the organization at which the governing body was elected and the terms of office of each member of the governing body;

5. A copy of the minutes of the meeting of the governing body of the organization at which the application for the license was authorized;

6. The name and address of a person authorized to receive service of process on behalf of the organization;

7. The address of the location where the charity games will be conducted; and

8. Such other information deemed necessary by the Commission to assure eligibility for a license.

~~F.~~ D. A renewal application shall only include any changes in the information required to be submitted with the initial application.

~~G.~~ E. An organization license shall be placed within public view at all times in a conspicuous place at the location where the charity game is being conducted.

F. A Class C organization license shall only be granted if the applicant has been the holder of a Class B organization license for a period of not less than five (5) years or if the applicant is an organization that is otherwise qualified to apply for a Class A charity exemption on the effective date of this act.

G. If an organization which has received a Class C organization license desires to conduct electronic bingo or use an electromechanical breakopen ticket dispenser, it shall make a separate application to the ABLE Commission for a Class C organization license to conduct electronic bingo or use an electromechanical breakopen ticket dispenser. If granted, the authority to conduct such bingo or breakopen ticket games shall be granted for the remainder of the period for which the original Class C organization license is in effect. The application shall be accompanied by the fee prescribed in paragraph 3 of subsection F of Section 404 of this title and shall include such information as may be required by the ABLE Commission or the Oklahoma Tax Commission to allow them to perform their duties as set forth in the Oklahoma Charity Games Act. The ABLE Commission and the Oklahoma Tax Commission shall promulgate rules to implement the provisions of

this subsection, which shall include requirements that electronic equipment used in the conduct of bingo have the capability of monitoring the number of bingo faces played and the amount of tax due pursuant to the provisions of subsection D of Section 421 of this title. The ABLE Commission shall develop and periodically update a list of approved types of electronic bingo games which shall be permitted to be played pursuant to the Oklahoma Charity Games Act, and any electronic bingo game which is not included on such list shall be prohibited.

SECTION 5. AMENDATORY 3A O.S. 2001, Section 408.1, is amended to read as follows:

Section 408.1 A compensated employee or manager of an organization which has received a Class B or Class C organization license shall be required to obtain an employee or manager license from the ABLE Commission. Every Class B or Class C organization licensee pursuant to the Oklahoma Charity Games Act shall designate one person to be manager of its charity gaming operations. If a manager is compensated for such service, the organization shall report the name and address of the manager to the Commission. Each such organization shall report a change in managers, if such managers are compensated for such service, to the Commission on the first working day after such change is made and receive approval from the Commission for the change. A manager who is compensated shall be held responsible for any violation of the Oklahoma Charity Games Act or any rule of the Commission and for any act of his or her servant, agent, employee or representative in violation of any law or rule.

SECTION 6. AMENDATORY 3A O.S. 2001, Section 411, is amended to read as follows:

Section 411. A. An applicant for an initial Class B or Class C organization license shall, prior to applying for such license, twice publish, in such form and containing such information as the

ABLE Commission shall by rule prescribe, a notice of its intention to apply for such license, once a week for two (2) successive weeks in a legal newspaper of general circulation within the county of the location of the licensee. Proof of such publication shall be filed with the Commission.

B. Upon an application for a Class B or Class C organization license being filed with the ABLE Commission, the Commission shall give written notice of the application to the district attorney, county sheriff, city attorney, and chief of police or marshal of the municipality and county in which the applicant will be doing business.

1. The written notice shall be provided by regular first-class mail sent not more than ten (10) calendar days from the date of receipt of the application.

2. The written notice shall contain the name of the applicant, the location at which the organization or business entity will be doing business, and the date on which the Commission will consider the application.

C. Applications for any of the licenses provided for in the Oklahoma Charity Games Act, ~~Section 401 et seq. of this title,~~ shall be on such form as designated by the Commission.

SECTION 7. AMENDATORY 3A O.S. 2001, Section 415, is amended to read as follows:

Section 415. A. Licensed organizations shall purchase their supplies only from distributors licensed by this state and payment for supplies shall be made upon receipt of the supplies at the place of delivery.

B. Distributors shall market, sell, or supply charity game equipment in this state only to an organization, exempt organization, exempt hospital, nursing home, residential care facility, senior citizens' center, retirement center or convalescent

facility, entity of the United States government, federally recognized Indian tribe or nation or other licensed distributor.

C. Distributors shall purchase or otherwise obtain charity game equipment only from manufacturers or other distributors licensed pursuant to the provisions of the Oklahoma Charity Games Act, ~~Section 401 et seq. of this title.~~

D. Manufacturers shall sell charity game equipment in this state only to distributors licensed pursuant to the provisions of the Oklahoma Charity Games Act or federally recognized Indian tribes or nations.

E. Charity game equipment owned by an organization may be disposed of with the written permission of the Director of the ABLE Commission and with proper notification to the Oklahoma Tax Commission, as follows:

1. By selling the equipment or giving it away to another organization, an exempt organization, or exempt hospital, nursing home, residential care facility, senior citizens' center, retirement center or convalescent facility; or

2. By selling the equipment or trading it in on the purchase of other charity game equipment to a distributor licensed pursuant to the provisions of the Oklahoma Charity Games Act.

SECTION 8. AMENDATORY 3A O.S. 2001, Section 417, is amended to read as follows:

Section 417. No licensed organization holding a Class A exemption or a Class B organization license shall sell, serve or permit to be consumed any alcoholic beverage as defined in Section 506 of Title 37 of the Oklahoma Statutes or low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes in any room or outdoor area where and during the time a ~~bingo or U-PIK-EM~~ charity game is being conducted. A licensed organization holding a Class C organization license may sell, serve or permit to be

consumed any such alcoholic beverage or low-point beer in accordance with the provisions of Title 37 of the Oklahoma Statutes.

SECTION 9. AMENDATORY 3A O.S. 2001, 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 by a Class A exemption or a Class B organization licensee between the hours of 12:00 midnight and 10:00 a.m.

C. ~~An~~ The holder of a Class A exemption or a Class B organization licensee shall not conduct more than two sessions at a location during a calendar day.

D. No person under eighteen (18) years of age shall purchase or 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. all electromechanical breakopen ticket dispensers shall be clearly marked with signs stating that persons under eighteen (18) years of age are prohibited from playing breakopen ticket games or using such dispensers.

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 10. AMENDATORY 3A O.S. 2001, Section 419, is amended to read as follows:

Section 419. A. In the conducting of a bingo game or a U-PIK-EM bingo game pursuant to a Class A exemption or a Class B organization license, not more than a total of Six Thousand Dollars (\$6,000.00) in cash or any other thing of value shall be paid out during a day session or a night session; provided, the ABLE

Commission may, in its discretion, raise the limit to an amount not to exceed Twelve Thousand Dollars (\$12,000.00) for an individual Class A exemption or a Class B organization licensee. Any person may protest the raising of the limit by filing a written and signed protest with the Commission. Within thirty (30) calendar days of the date of receipt of such protest, the Commission shall conduct a hearing on such protest. Such total shall include awards for winning the game, and all other cash or other thing of value given or awarded during the session. For purposes of this subsection, "value" means the retail cost which would be paid if the item were bought in a retail store.

B. The Commission is hereby authorized to set the limits on the type and purchase price of each breakopen ticket game conducted by the holder of a Class A exemption or a Class B organization license. Such breakopen ticket card price limit shall not exceed Two Dollars (\$2.00). A breakopen ticket game shall be submitted by the manufacturer to the Commission for approval. Only approved breakopen ticket games may be offered pursuant to ~~an~~ a Class A exemption or Class B organization license.

C. The limits imposed by this section shall not be applicable to charity games conducted by a Class C organization licensee.

SECTION 11. AMENDATORY 3A O.S. 2001, Section 421, is amended to read as follows:

Section 421. A. There is hereby levied a tax in the amount of one cent (\$0.01) upon each bingo face and each U-PIK-EM bingo game set sold in this state to be paid by the distributor.

B. There is hereby levied upon each breakopen ticket game sold in this state a tax in the amount of ~~ten percent (10%)~~ two and one-half percent (2.5%) on the gross receipts of the retail sales value to be paid by the distributor. Such tax shall be applicable to breakopen ticket games for which tickets are dispensed by an electromechanical breakopen ticket dispenser. For purposes of this

subsection, "gross receipts of the retail sales value" means the stated retail per breakopen ticket price multiplied by the number of tickets in each packaging container of breakopen tickets.

C. There is hereby levied upon all charity game equipment except bingo faces, U-PIK-EM bingo game sets, ~~and~~ breakopen ticket games and electromechanical breakopen ticket dispensers a tax in the amount of ten percent (10%) of the price paid for such equipment as shown on the purchase invoice.

D. There is hereby levied a tax in the amount of one cent (\$0.01) upon each bingo face sold in this state for use in electronic bingo to be paid by the distributor.

E. There is hereby levied a tax in the amount of Fifty Dollars (\$50.00) per year upon each electromechanical breakopen ticket dispenser used in this state to be paid by the licensed organization using such dispenser. Payment of the tax shall be evidenced by a decal issued by the Oklahoma Tax Commission, which shall be valid until December 31 of the year for which the tax was paid and which shall be affixed to the dispenser. The provisions of Sections 1507 and 1508 of Title 68 of the Oklahoma Statutes shall be applicable with respect to any electromechanical breakopen ticket dispenser to which a decal is not affixed as required in this subsection.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 428 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund for the Alcoholic Beverage Laws Enforcement Commission to be designated the "Gaming Enforcement Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Commission from:

1. Fees for Class C organization licenses to conduct electronic bingo as specified in paragraph 3 of subsection F of Section 404 of Title 3A of the Oklahoma Statutes;

2. Revenue from taxes imposed pursuant to the provisions of subsection D of Section 421 of Title 3A of the Oklahoma Statutes;

3. Revenue directed to the Fund pursuant to the provisions of Section 973 of Title 21 of the Oklahoma Statutes;

4. All other revenue not otherwise apportioned by law collected by the Commission from enforcement of the Oklahoma Charity Games Act or other gaming or gambling-related laws of this state; and

5. Funds received from the sale or other disposition of property seized by the ABLE Commission in the enforcement of the Oklahoma Charity Games Act.

B. The Commission shall enforce the provisions of the Oklahoma Charity Games Act and all other gaming or gambling-related laws of this state.

C. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended by the Commission for the purpose of enforcement of the Oklahoma Charity Games Act and other gaming or gambling-related laws of this state. Such expenditures shall include, but shall not be limited to, those necessary to employ five (5) additional enforcement agents, one (1) auditor and one (1) support staff person within the division of the Commission responsible for enforcement of the Oklahoma Charity Games Act. Expenditures from the 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.

SECTION 13. AMENDATORY 21 O.S. 2001, Section 973, is amended to read as follows:

Section 973. A. Every sheriff, constable, policeman, and peace officer in this state is hereby required to seize every slot machine and every punch board, together with all money contained therein or used in connection therewith, and all property and items of value incident thereto or used or employed in connection therewith, and hold and safely keep the same, subject to the order of the district

court. Procedures for seizure of such property by agents of the Alcoholic Beverage Laws Enforcement (ABLE) Commission shall be set according to rules promulgated by the ABLE Commission in accordance with the Administrative Procedures Act. Immediately following such seizure, such officer or agent of the ABLE Commission shall report the same and give all facts in relation thereto to the district attorney of the county in which the seizure was made. The district attorney shall, immediately following such report, file an application in the district court of his county in the name of the State of Oklahoma against the slot machine or punch board seized, and the money and items, if any, used therewith.

The application shall include:

1. A statement showing the time and place of seizure and by whom made;
2. A general description of the slot machine or punch board, and of the money and items, if any, seized;
3. The name and address, if known, of the person from whom seized; and
4. A prayer for judgment:
  - a. confiscating ~~said~~ the slot machine or punch board and money and items seized, and
    - (1) ordering ~~said~~ the slot machine or punch board either to be sold, with the approval of the court and on such notice as the court may direct, by the sheriff of the county in which the seizure was made, within any state, county or municipality in which the use of such slot machine or punch board is not prohibited by law and ordering the proceeds of sale paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes, provided that if such slot machine or punch board

is not sold within ninety (90) calendar days, the court shall order such to be destroyed under the provisions of this section, or ordering the proceeds of sale of any slot machine or punch board seized by an agent of the Alcoholic Beverage Laws Enforcement Commission to be deposited to the Gaming Enforcement Revolving Fund created in Section 12 of this act, or (2) ordering the immediate destruction of ~~said~~ the slot machine or punch board by the officer seizing the same or by some other officer or person to be appointed for such purpose by the court,

- b. ordering the money seized with ~~said~~ the slot machine or punch board paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes, or ordering the money seized with any slot machine or punch board seized by an agent of the ABLE Commission to be deposited to the Gaming Enforcement Revolving Fund created in Section 12 of this act, and
- c. ordering any item of value seized with ~~said~~ the slot machine or punch board, if not in itself offensive or a gambling device, to be sold by the sheriff of the county in which the seizure was made, on such notice as the court may direct, and the proceeds of sale paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes, or ordering the proceeds of sale of any item of value seized with any slot machine or punch board by an agent of the ABLE Commission to be deposited to the

Gaming Enforcement Revolving Fund created in Section  
12 of this act.

B. The application required to be filed by the district attorney under the provisions of subsection A of this section may include any number of slot machines or punch boards, or both, and all money and items, if any, seized therewith. Upon filing ~~said~~ the application in the district court, the court shall order the district attorney to cause a copy thereof to be served on the person from whom the slot machine or punch board was seized, together with written notice that such person may appear before the district court at any date, which shall be fixed in ~~said~~ the notice, not less than five (5) days from the date ~~said~~ the application was filed in the district court, to show cause why ~~said~~ the application should not be granted and judgment rendered as therein prayed. If the person from whom seizure was made cannot be located, or is unknown, or if ~~said~~ the slot machine or punch board was unattended at the time of seizure, then the foregoing service shall not be required, but in lieu thereof, a copy of ~~said~~ the application and notice shall be delivered to the place where seizure was made. On the date set forth in the foregoing notice, the district court shall hear the application without a jury, and neither party shall have the right to demand a jury trial. The district attorney shall present ~~said~~ the application on ~~said~~ the hearing, together with all the evidence pertinent thereto, and the owner of or person from whom the slot machine or punch board was seized, if present at ~~said~~ the hearing, may introduce any competent evidence. The district court after hearing ~~said~~ the application and the evidence introduced at ~~said~~ the hearing, shall determine whether or not the slot machine or punch board, or both, mentioned in ~~said~~ the application, is a slot machine or punch board as defined in Sections 964 and 966 of this title, and if determined to be such, the court shall make and enter judgment:

1. Confiscating ~~said~~ the slot machine or punch board and money and items seized, and

- a. ordering ~~said~~ the slot machine or punch board either to be sold, with the approval of the court and on such notice as the court may direct, by the sheriff of the county in which the seizure was made, within any state, county or municipality in which the use of such slot machine or punch board is not prohibited by law and ordering the proceeds of sale paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes, or ordering the proceeds of sale of any slot machine or punch board seized by an agent of the ABLE Commission to be deposited to the Gaming Enforcement Revolving Fund created in Section 12 of this act; provided that if such slot machine or punch board is not sold within ninety (90) calendar days, the court shall order such to be destroyed under the provisions of this section, or
- b. ordering the immediate destruction of ~~said~~ the slot machine or punch board by the officer seizing the same or by some other officer or person to be appointed for such purpose by the court;

2. Ordering the money seized in or with ~~said~~ the slot machine or punch board paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes, or ordering money seized with any slot machine or punch board by an agent of the ABLE Commission to be deposited to the Gaming Enforcement Revolving Fund created in Section 12 of this act; and

3. Ordering any other item of value seized with the ~~said~~ the slot machine or punch board, if not in itself offensive or a gambling device, to be sold by the sheriff of the county in which

the seizure was made, on such notice as the court may direct, and the proceeds of sale to be paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes, or ordering the proceeds of sale of any other item of value seized with any slot machine or punch board by an agent of the ABLE Commission to be deposited to the Gaming Enforcement Revolving Fund created in Section 12 of this act.

C. The officer or person ordered to destroy a slot machine or punch board under the provisions of subsection B of this section shall execute such order and make return thereof within five (5) days from the date thereof, showing the manner in which ~~he~~ the order was executed ~~the same~~. An appeal may be had from the judgment of the district court to the Supreme Court, as in civil actions, pursuant to the provisions of the code of civil procedure; and in the event of an appeal by either party, the judgment of the district court shall be stayed pending the determination of ~~said~~ the appeal.

SECTION 14. AMENDATORY 68 O.S. 2001, Section 1503.1, is amended to read as follows:

Section 1503.1 The following coin-operated vending devices shall be exempt from the provisions of ~~this article~~, Section 1501 et seq. of this title:

1. All coin-operated vending devices owned by and located in a public or private school, a church, or a governmental entity;

2. All coin-operated vending devices which dispense only newspapers or periodicals;

3. All coin-operated vending devices which dispense only postage stamps; ~~and~~

4. All coin-operated vending devices installed on federal military bases; and

5. All electromechanical breakopen ticket dispensers for which the tax levied in subsection E of Section 421 of Title 3A of the Oklahoma Statutes has been paid.

SECTION 15. This act shall become effective July 1, 2002.

SECTION 16. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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