

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2562

6 By: Martin (Steve)

7 COMMITTEE SUBSTITUTE

8 An Act relating to amusements and sports; creating
9 charity casino event exemption; requiring
10 application; limiting eligibility to certain
11 organizations; requiring certain information
12 accompany application; amending 3A O.S. 2001, Section
13 402, which relates to the Oklahoma Charity Games Act;
14 defining term; providing for codification; and
15 providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 405.1 of Title 3A, unless there
19 is created a duplication in numbering, reads as follows:

20 A. Any organization conducting a charity event where casino-
21 style games are played not more than two times per year may obtain
22 an exemption from specific provisions of the Oklahoma Charity Games
23 Act, Section 401 et seq. of Title 3A of the Oklahoma Statutes, if
24 the following requirements are met:

1 1. The organization conducting the event is exempt from
2 taxation pursuant to the provisions of the Internal Revenue Code, 26
3 U.S.C., Section 501(c)(3);

4 2. All prizes for the event shall be donated specifically for
5 that purpose;

6 3. No prizes donated or awarded shall be cash;

7 4. The event shall be held in a venue that is not normally
8 occupied by the organization conducting the event; and

9 5. The organization itself may only award nonvaluable prizes
10 such as ribbons or plaques.

11 B. The exemption provided by this section shall be obtained by
12 the filing of a verified application with the ABLE Commission signed
13 by the executive officer of the organization and containing the
14 following information:

15 1. The name and address of the organization;

16 2. The name, address and telephone number of the executive
17 officer of the organization or other person authorized to receive
18 documents or other information from the Commission on behalf of the
19 organization; and

20 3. A statement that the organization shall conduct a charity
21 game session two or fewer times per calendar year and the dates and
22 times and location wherein the activities shall occur.

1 C. Any organization which conducts any charity casino event not
2 more than two times per year which has obtained an exemption from
3 the Commission shall not:

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

6 2. Be required to purchase any equipment from persons or
7 business entities licensed pursuant to the provisions of the
8 Oklahoma Charity Games Act;

9 3. Be subject to any restrictions in this act or rules of the
10 Commission relating to conducting charity games on certain days of
11 the week or during certain hours; or

12 4. Be subject to Section 417 of Title 3A of the Oklahoma
13 Statutes.

14 SECTION 2. AMENDATORY 3A O.S. 2001, Section 402, is
15 amended to read as follows:

16 Section 402. As used in the Oklahoma Charity Games Act, Section
17 401 et seq. of this title:

18 1. "Bingo" means a game in which each player receives a bingo
19 face and covers the squares according to the numbers, letters, or
20 combination of numbers and letters that have been announced by the
21 caller. The numbers and letters called are on an object selected at
22 random either manually or mechanically from a receptacle in which
23 have been placed the objects bearing the numbers, letters, or
24 combinations of numbers and letters corresponding to the system used

1 for designating the bingo face squares. The winner of each bingo
2 game is the player who first properly covers a predetermined and
3 announced pattern of squares upon the bingo face being used by the
4 player;

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

12 3. "Breakopen ticket card" means a single folded or banded
13 ticket or a card, the face of which is initially covered or
14 otherwise hidden from view to conceal a number, letter, symbol, or
15 set of letters or symbols, a few of which numbers, letters or
16 symbols out of every set of charity game tickets have been
17 designated in advance at random as prize winners and which is used
18 in a breakopen ticket game;

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

22 a. the game shall be assembled so that no placement of
23 winners or losers exists that allows the possibility
24 of prize manipulation,

- 1 b. the concealed numbers, letters, or symbols shall not
2 be visible from the outside of the game using high
3 intensity lamps. Protection shall be provided by the
4 opaque paper stock employed, with the possible
5 addition of colors and printed blackout patterns or by
6 use of an aluminum foil laminate,
- 7 c. a unique symbol or printed security device, such as a
8 specific number keyed to particular winners or the
9 name of the symbol or some of the symbol colors
10 changed for a window, or other similar protection
11 shall be placed in the winning windows of prize
12 windows to ensure that the winner image is unique,
- 13 d. it shall not be possible to detect or pick out winning
14 from losing tickets through variations in printing
15 graphics, color, or use of different printing plates,
- 16 e. it shall not be possible to isolate winning or
17 potential winning tickets from minor variations in
18 size or cutting of the tickets comprising a particular
19 packet, and
- 20 f. each ticket in a game shall have a serial number. All
21 tickets in a game shall have the same serial number
22 appearing in a conspicuous place on the ticket;

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

1 6. "Casino-style game" means poker, roulette, craps, or any
2 gambling game played with dice or cards;

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

6 ~~7.~~ 8. "Charity game equipment" means any object uniquely
7 designed for use in the conducting of a charity game including, but
8 not limited to, bingo faces, U-PIK-EM bingo game sets, and breakopen
9 ticket cards. Items used in conducting charity games which are not
10 charity game equipment are ink markers, furniture and general
11 furnishings of rooms where charity games are conducted;

12 ~~8.~~ 9. "Commission" or "ABLE Commission" means the Alcoholic
13 Beverage Laws Enforcement Commission;

14 ~~9.~~ 10. "Day session" means the set time frame within which
15 conducting of charity games is authorized beginning no earlier than
16 10:00 a.m. and ending no later than 5:00 p.m.;

17 ~~10.~~ 11. "Deal" means one series of breakopen ticket game cards
18 which has a stated number of winner payouts and a stated amount of
19 the payouts;

20 ~~11.~~ 12. "Distributor" means a person or business entity that
21 sells, markets, or otherwise provides charity game equipment to an
22 organization;

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1 ~~12.~~ 13. "Doing business" means either conducting a charity game
2 by an organization or providing goods or services to an organization
3 by a business entity;

4 ~~13.~~ 14. "Employee" means a person who works for compensation in
5 a licensed charity game establishment;

6 ~~14.~~ 15. "Immediate family member" means a spouse, parent, child
7 or sibling or spouse of a parent, child or sibling of a resident of
8 a facility exempt from specific provisions of the Oklahoma Charity
9 Games Act as provided in subsection C of Section 405 of this title;

10 ~~15.~~ 16. "Licensee" means any person, organization, or business
11 entity which has received a license from the Commission;

12 ~~16.~~ 17. "Location" means the building, including the individual
13 rooms and equipment in the rooms, grounds, and appurtenances,
14 including adjacent premises if subject to the direct or indirect
15 control of the organization while conducting a charity game, which
16 are used in connection with or in furtherance of the conducting of a
17 charity game;

18 ~~17.~~ 18. "Manager" means a person who:

- 19 a. is an employee of an organization,
- 20 b. has supervisory authority over other employees or over
21 the conduct of charity games, and
- 22 c. has been designated as such by the organization
23 pursuant to the provisions of subsection D of Section
24 408 of this title;

1 ~~18.~~ 19. "Manufacturer" means a person or business entity that
2 assembles from raw materials, supplies, or subparts to form a
3 completed series of charity game equipment for use in charity games
4 and that sells, markets, or otherwise provides such equipment to a
5 distributor;

6 ~~19.~~ 20. "Night session" means the set time frame within which
7 conducting of charity games is authorized beginning no earlier than
8 5:00 p.m. and ending no later than 12:00 p.m. midnight;

9 ~~20.~~ 21. "Organization" means a religious, charitable, labor,
10 fraternal, educational, or other type of association or any branch,
11 lodge, chapter, or auxiliary of such association which:

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

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

7 ~~21.~~ 22. "Progressive game" means a game in which prizes are
8 allowed to be carried over and increased from session to session;

9 ~~22.~~ 23. "U-PIK-EM bingo game" means a game played wherein a
10 player writes the numbers on a U-PIK-EM bingo game set. The player
11 retains one sheet of the set and deposits the second sheet in a
12 receptacle in the control of the organization. The player then
13 covers the numbers as the caller announces a number. The numbers
14 called are on an object selected at random either manually or
15 mechanically from a receptacle in which have been placed the objects
16 bearing the numbers. The winner of each U-PIK-EM bingo game is the
17 player who first covers all the numbers appearing on the retained
18 sheet in accordance with the pattern as designated on the sheet; and

19 ~~23.~~ 24. "U-PIK-EM bingo game set" means two paper sheets of
20 carbonless paper both bearing identical serial numbers on which a
21 player writes numbers or letters, wherein one sheet is retained by
22 the player and used for playing and one sheet is held by the
23 organization and used for verifying winners.

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SECTION 3. This act shall become effective November 1, 2008.

51-2-10528 SD 03/04/08