

THE HOUSE OF REPRESENTATIVES  
Thursday, March 6, 2008

Committee Substitute for  
House Bill No. 2562

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2562 - By: MARTIN (STEVE) of the House.

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

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

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

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

- 8 1. The organization conducting the event is exempt from taxation pursuant to the  
9 provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3);
- 10 2. All prizes for the event shall be donated specifically for that purpose;
- 11 3. No prizes donated or awarded shall be cash;

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

3 5. The organization itself may only award nonvaluable prizes such as ribbons or  
4 plaques.

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

8 1. The name and address of the organization;

9 2. The name, address and telephone number of the executive officer of the  
10 organization or other person authorized to receive documents or other information from  
11 the Commission on behalf of the organization; and

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

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

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

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

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

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

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

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

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

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

19 3. "Breakopen ticket card" means a single folded or banded ticket or a card, the face  
20 of which is initially covered or otherwise hidden from view to conceal a number, letter,  
21 symbol, or set of letters or symbols, a few of which numbers, letters or symbols out of

1 every set of charity game tickets have been designated in advance at random as prize  
2 winners and which is used in a breakopen ticket game;

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

- 5 a. the game shall be assembled so that no placement of winners or losers  
6 exists that allows the possibility of prize manipulation,
- 7 b. the concealed numbers, letters, or symbols shall not be visible from the  
8 outside of the game using high intensity lamps. Protection shall be  
9 provided by the opaque paper stock employed, with the possible  
10 addition of colors and printed blockout patterns or by use of an  
11 aluminum foil laminate,
- 12 c. a unique symbol or printed security device, such as a specific number  
13 keyed to particular winners or the name of the symbol or some of the  
14 symbol colors changed for a window, or other similar protection shall  
15 be placed in the winning windows of prize windows to ensure that the  
16 winner image is unique,
- 17 d. it shall not be possible to detect or pick out winning from losing tickets  
18 through variations in printing graphics, color, or use of different  
19 printing plates,
- 20 e. it shall not be possible to isolate winning or potential winning tickets  
21 from minor variations in size or cutting of the tickets comprising a  
22 particular packet, and

1 f. each ticket in a game shall have a serial number. All tickets in a game  
2 shall have the same serial number appearing in a conspicuous place on  
3 the ticket;

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

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

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

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

16 ~~8.~~ 9. "Commission" or "ABLE Commission" means the Alcoholic Beverage Laws  
17 Enforcement Commission;

18 ~~9.~~ 10. "Day session" means the set time frame within which conducting of charity  
19 games is authorized beginning no earlier than 10:00 a.m. and ending no later than 5:00  
20 p.m.;

21 ~~10.~~ 11. "Deal" means one series of breakopen ticket game cards which has a stated  
22 number of winner payouts and a stated amount of the payouts;

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1        ~~11.~~ 12. "Distributor" means a person or business entity that sells, markets, or  
2 otherwise provides charity game equipment to an organization;

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

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

7        ~~14.~~ 15. "Immediate family member" means a spouse, parent, child or sibling or  
8 spouse of a parent, child or sibling of a resident of a facility exempt from specific  
9 provisions of the Oklahoma Charity Games Act as provided in subsection C of Section  
10 405 of this title;

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

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

1 c. has been designated as such by the organization pursuant to the  
2 provisions of subsection D of Section 408 of this title;

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

7 ~~19.~~ 20. "Night session" means the set time frame within which conducting of  
8 charity games is authorized beginning no earlier than 5:00 p.m. and ending no later than  
9 12:00 p.m. midnight;

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

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

- 1 (1) method of electing officers and their duties,
- 2 (2) method by which members are elected, initiated or 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 and not
- 6 assignable;

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

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

17 ~~23.~~ 24. "U-PIK-EM bingo game set" means two paper sheets of carbonless paper  
18 both bearing identical serial numbers on which a player writes numbers or letters,  
19 wherein one sheet is retained by the player and used for playing and one sheet is held by  
20 the organization and used for verifying winners.

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

2 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,  
3 dated 03-05-08 - DO PASS, As Amended.