

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SUBCOMMITTEE RECOMMENDATION
4 FOR

5 HOUSE BILL NO. 3344

6 By: Christian

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to intoxicating liquors; amending 3A
9 O.S. 2001, Section 402, which relates to the Charity
10 Games Act; modifying definition; amending 37 O.S.
11 2001, Section 514, which relates to the ABLE
12 Commission; expanding the disciplinary powers of the
13 ABLE Commission; allowing recoupment of certain
14 costs; and providing an effective date.

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

16 SECTION 1. AMENDATORY 3A O.S. 2001, Section 402, is
17 amended to read as follows:

18 Section 402. As used in the Oklahoma Charity Games Act, Section
19 401 et seq. of this title:

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

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

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

13 3. "Breakopen ticket card" means a single folded or banded
14 ticket or a card, whether dispensed by an employee or an approved
15 electronic machine, the face of which is initially covered or
16 otherwise hidden from view to conceal a number, letter, symbol, or
17 set of letters or symbols, a few of which numbers, letters or
18 symbols out of every set of charity game tickets have been
19 designated in advance at random as prize winners and which is used
20 in a breakopen ticket game; provided, only those electronic machines
21 that dispense traditional breakopen ticket cards shall be construed
22 as an approved electronic machines. Electronic machines that are
23 determined to be a computerized version of a breakopen ticket game
24 or an electronic facsimile of a Class III gaming device by the

1 Indian Gaming Regulatory Act, 25 U.S.C., Section 2721 et seq., shall
2 not be construed as an approved electronic machine;

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

6 a. the game shall be assembled so that no placement of
7 winners or losers exists that allows the possibility
8 of prize manipulation,

9 b. the concealed numbers, letters, or symbols shall not
10 be visible from the outside of the game using high
11 intensity lamps. Protection shall be provided by the
12 opaque paper stock employed, with the possible
13 addition of colors and printed blockout patterns or by
14 use of an aluminum foil laminate,

15 c. a unique symbol or printed security device, such as a
16 specific number keyed to particular winners or the
17 name of the symbol or some of the symbol colors
18 changed for a window, or other similar protection
19 shall be placed in the winning windows of prize
20 windows to ensure that the winner image is unique,

21 d. it shall not be possible to detect or pick out winning
22 from losing tickets through variations in printing
23 graphics, color, or use of different printing plates,
24

1 e. it shall not be possible to isolate winning or
2 potential winning tickets from minor variations in
3 size or cutting of the tickets comprising a particular
4 packet, and

5 f. each ticket in a game shall have a serial number. All
6 tickets in a game shall have the same serial number
7 appearing in a conspicuous place on the ticket;

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

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

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

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

21 9. "Day session" means the set time frame within which
22 conducting of charity games is authorized beginning no earlier than
23 10:00 a.m. and ending no later than 5:00 p.m.;

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

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

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

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

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

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

18 16. "Location" means the building, including the individual
19 rooms and equipment in the rooms, grounds, and appurtenances,
20 including adjacent premises if subject to the direct or indirect
21 control of the organization while conducting a charity game, which
22 are used in connection with or in furtherance of the conducting of a
23 charity game;

24 17. "Manager" means a person who:

- 1 a. is an employee of an organization,
- 2 b. has supervisory authority over other employees or over
- 3 the conduct of charity games, and
- 4 c. has been designated as such by the organization
- 5 pursuant to the provisions of subsection D of Section
- 6 408 of this title;

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

12 19. "Night session" means the set time frame within which
13 conducting of charity games is authorized beginning no earlier than
14 5:00 p.m. and ending no later than 12:00 p.m. midnight;

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

- 18 a. operates without profit to its members,
- 19 b. has been in existence and been operating as a
- 20 nonprofit organization for not less than two (2) years
- 21 prior to applying for an organization license,
- 22 c. is exempt from taxation pursuant to the provisions of
- 23 paragraphs (3), (4), (5), (6), (7), (8), (9), (10), or
- 24 (19) of subsection (c) of Section 501 or paragraph (1)

1 of subsection (a) of Section 509 of the United States
2 Internal Revenue Code of 1986, as amended, 26 U.S.C.,
3 Section 501(c) et seq. or Section 509(a)(1), and

4 d. formulates bylaws which clearly identify and
5 establish:

6 (1) method of electing officers and their duties,

7 (2) method by which members are elected, initiated or
8 admitted,

9 (3) the rights and privileges of each member,

10 (4) that each member has one vote, and

11 (5) that membership rights are personal to the member
12 and not assignable;

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

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

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

6 SECTION 2. AMENDATORY 37 O.S. 2001, Section 514, is
7 amended to read as follows:

8 Section 514. The Alcoholic Beverage Laws Enforcement Commission
9 shall have the following powers and duties:

10 1. To supervise, inspect, and regulate every phase of the
11 business of manufacturing, importing, exporting, transporting,
12 storing, selling, distributing, and possessing for the purpose of
13 sale, all alcoholic beverages which shall be necessary and proper to
14 carry out the purposes of the Oklahoma Alcoholic Beverage Control
15 Act;

16 2. To promulgate rules and regulations, in the manner herein
17 provided, to carry out the purposes of the Oklahoma Alcoholic
18 Beverage Control Act;

19 3. To have the sole authority to issue any license provided for
20 in the Oklahoma Alcoholic Beverage Control Act;

21 4. To refuse to issue any license provided for in the Oklahoma
22 Alcoholic Beverage Control Act for cause provided for in said act;

23 5. To revoke ~~or~~, suspend, reprimand, fine or take whatever
24 disciplinary action it deems appropriate, for cause after hearing,

1 against any license issued under the authority of the Oklahoma
2 Alcoholic Beverage Control Act, which shall include the power to
3 assess costs against a respondent in order to recoup investigative
4 and administrative costs incurred by the Commission in connection
5 with the administrative hearing;

6 6. To prescribe the forms of applications for licenses and the
7 information to be shown thereon, and of all reports which it deems
8 necessary in administering the Oklahoma Alcoholic Beverage Control
9 Act;

10 7. To fix standards, not in conflict with those prescribed by
11 any law of this state or of the United States, to secure the use of
12 proper ingredients and methods of manufacture and dispensing of
13 alcoholic beverages;

14 8. To make seizures of alcoholic beverages manufactured, sold,
15 possessed, imported, or transported in violation of the Oklahoma
16 Alcoholic Beverage Control Act, and apply for the confiscation
17 thereof whenever required by said act, and cooperate in the
18 prosecution of offenders before any court of competent jurisdiction;

19 9. To submit to the Governor and members of the State
20 Legislature annual or semiannual reports upon request of the
21 Governor;

22 10. To inspect or cause to be inspected any premises where
23 alcoholic beverages are manufactured, stored, distributed, sold,
24 dispensed or served;

1 11. In the conduct of any hearing authorized to be held by the
2 ABLE Commission, to examine or cause to be examined, under oath, any
3 person, and to examine or cause to be examined books and records of
4 any licensee; to hear testimony and take proof material for the ABLE
5 Commission's information and the discharge of its duties hereunder;
6 to administer or cause to be administered oaths; and for any such
7 purposes to issue subpoenas for the attendance of witnesses and the
8 production of books or records which shall be effective in any part
9 of the state; and any district court or any judge thereof, either in
10 term or vacation, may by order duly entered require the attendance
11 of witnesses and the production of relevant books or records
12 subpoenaed by the ABLE Commission, and the court or judge may compel
13 obedience to its or his order by proceedings for contempt;

14 12. To prescribe the kind and size of retail containers of
15 alcoholic beverages other than beer which may be purchased,
16 possessed and sold by a licensee;

17 13. To prescribe by regulations, in addition to those herein
18 required, the kinds of records to be kept and reports to be rendered
19 by licensees, and the information to be shown therein; provided,
20 that the period for which all such records and reports be retained
21 shall not be less than five (5) years;

22 14. To gather, compile and print such statistical data as may
23 in the opinion of the ABLE Commission be needed or useful, and
24 prescribe charges or fees to be collected from any person or company

1 to whom such data shall be provided. No reports shall contain sales
2 information of either wholesalers, retailers, mixed beverage
3 licensees, caterers or special event licensees by name or license
4 number;

5 15. To educate persons employed by licensees to serve alcoholic
6 beverages as to the provisions of Article XXVIII of the Oklahoma
7 Constitution and the Oklahoma Alcoholic Beverage Control Act, with
8 emphasis on recognizing and preventing intoxication and particular
9 emphasis on those provisions prohibiting the serving of alcoholic
10 beverages to minors. The ABLE Commission may contract with one or
11 more persons to perform the duties specified in this paragraph; and

12 16. To exercise all other powers and duties conferred by the
13 Oklahoma Alcoholic Beverage Control Act, and all powers incidental,
14 convenient or necessary to enable it to administer or carry out any
15 of the provisions of the Oklahoma Alcoholic Beverage Control Act.

16 SECTION 3. This act shall become effective November 1, 2010.

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