

1 ENGROSSED HOUSE  
2 BILL NO. 2956

By: Wright (Harold), Ortega,  
Pittman, Cooksey, Reynolds,  
Coody, McCullough, Tibbs,  
Kern, Faught, Ritze, Banz,  
Sears, Denney, Osborn, and  
Billy of the House

5 and

6 Jolley of the Senate

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10 An Act relating to amusements and sports; amending  
11 Section 10, Chapter 58, O.S.L. 2003 (3A O.S. Supp.  
12 2009, Section 709), which relates to the powers of  
the Oklahoma Lottery Commission; prohibiting  
13 advertisements involving children; and declaring an  
14 emergency.

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

17 SECTION 1. AMENDATORY Section 10, Chapter 58, O.S.L.  
18 2003 (3A O.S. Supp. 2009, Section 709), is amended to read as  
19 follows:

20 Section 709. A. The Oklahoma Lottery Commission shall have any  
21 and all powers necessary or convenient to its usefulness in carrying  
22 out and effectuating the purposes and provisions of the Oklahoma  
23 Education Lottery Act which are not in conflict with the Oklahoma

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1 Constitution and laws of this state including, but not limited to,  
2 the following:

3 1. To sue and be sued in contract, equity, mandamus, and  
4 similar actions in its own name and to complain and defend in all  
5 courts;

6 2. To adopt and alter a seal;

7 3. To hold copyrights, trademarks, and service marks and  
8 enforce its rights with respect thereto;

9 4. To acquire or lease real property and make improvements  
10 thereon and acquire by lease or by purchase personal property,  
11 including, but not limited to, computers and intangible property,  
12 including, but not limited to, computer programs, systems, and  
13 software;

14 5. To enter into contracts to incur debt in its own name and  
15 enter into financing agreements with the state, agencies or  
16 instrumentalities of the state, or with any commercial financial  
17 institution or credit provider as provided in Section 33 of this  
18 act;

19 6. To select and contract with vendors and retailers;

20 7. To enter into contracts or agreements with state or local  
21 law enforcement agencies for the performance of law enforcement,  
22 background investigations, and security checks;

23 8. To administer oaths, take depositions, issue subpoenas, and  
24 compel the attendance of witnesses and the production of books,

1 papers, documents, and other evidence relative to any investigation  
2 or proceeding conducted by the Commission;

3 9. To enter into contracts of any and all types on such terms  
4 and conditions as the Commission may determine;

5 10. To advertise and promote the lottery and lottery games.  
6 None of the advertisement and promotion allowed by this paragraph  
7 shall involve children in any manner; and

8 11. To act as a retailer, to conduct promotions which involve  
9 the dispensing of lottery tickets or shares, and to establish and  
10 operate a sales facility to sell lottery tickets or shares and any  
11 related merchandise.

12 B. The board of trustees of the Oklahoma Lottery Commission  
13 shall have any and all powers necessary or convenient to its  
14 usefulness in carrying out and effectuating the purposes and  
15 provisions of the Oklahoma Education Lottery Act which are not in  
16 conflict with the Oklahoma Constitution and laws of this state  
17 including, but not limited to, the following:

18 1. To adopt, amend, and repeal policies and procedures and to  
19 promulgate rules for the regulation of its affairs and the conduct  
20 of its business, to prescribe the duties of officers of the board,  
21 and to perform such other duties as may be required by law. In the  
22 promulgation of rules, the board shall be subject to the  
23 Administrative Procedures Act;

24 2. To procure insurance;

1           3. To initiate, supervise, and administer the operation of the  
2 lottery in accordance with the provisions of the Oklahoma Education  
3 Lottery Act and rules, policies, and procedures adopted pursuant  
4 thereto;

5           4. To enter into written agreements with one or more other  
6 states or sovereigns for the operation, participation in marketing,  
7 and promotion of a joint lottery or joint lottery games. Such an  
8 agreement may be entered into with a federally recognized Indian  
9 tribe only if a cooperative agreement authorizing the Commission to  
10 do so has been entered into by the Governor and such a tribe and has  
11 been further approved by the Joint Committee on State-Tribal  
12 Relations pursuant to the provisions of Section 1221 et seq. of  
13 Title 74 of the Oklahoma Statutes;

14           5. To direct the executive director to conduct or have  
15 conducted such market research as is necessary or appropriate, which  
16 may include an analysis of the demographic characteristics of the  
17 players of each lottery game and an analysis of advertising,  
18 promotion, public relations, incentives, and other aspects of  
19 communication; and

20           6. To adopt and amend such rules, policies, and procedures as  
21 necessary to implement its powers and duties, organize and operate  
22 the Commission, regulate the conduct of lottery games in general,  
23 and any other matters necessary or desirable for the efficient and  
24 effective operation of the lottery or the convenience of the public.

1 C. The powers enumerated in subsections A and B of this section  
2 are cumulative of and in addition to those powers enumerated  
3 elsewhere in the Oklahoma Education Lottery Act, and no such powers  
4 limit or restrict any other powers of the Oklahoma Lottery  
5 Commission or the board of trustees.

6 SECTION 2. It being immediately necessary for the preservation  
7 of the public peace, health and safety, an emergency is hereby  
8 declared to exist, by reason whereof this act shall take effect and  
9 be in full force from and after its passage and approval.

10 Passed the House of Representatives the 11th day of February,  
11 2010.

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Presiding Officer of the House of  
Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2010.

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Presiding Officer of the Senate

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