

THE HOUSE OF REPRESENTATIVES
Wednesday, February 17, 2010

Committee Substitute for
House Bill No. 3161

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3161 - By: OSBORN of the House.

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

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

- 1 SECTION 1. AMENDATORY Section 10, Chapter 58, O.S.L. 2003 (3A O.S.
2 Supp. 2009, Section 709), is amended to read as follows:
3 Section 709. A. The Oklahoma Lottery Commission shall have any and all powers
4 necessary or convenient to its usefulness in carrying out and effectuating the purposes
5 and provisions of the Oklahoma Education Lottery Act which are not in conflict with the
6 Oklahoma Constitution and laws of this state including, but not limited to, the following:
7 1. To sue and be sued in contract, equity, mandamus, and similar actions in its own
8 name and to complain and defend in all courts;
9 2. To adopt and alter a seal;
10 3. To hold copyrights, trademarks, and service marks and enforce its rights with
11 respect thereto;

1 4. To acquire or lease real property and make improvements thereon and acquire
2 by lease or by purchase personal property, including, but not limited to, computers and
3 intangible property, including, but not limited to, computer programs, systems, and
4 software;

5 5. To enter into contracts to incur debt in its own name and enter into financing
6 agreements with the state, agencies or instrumentalities of the state, or with any
7 commercial financial institution or credit provider as provided in Section ~~33~~ 732 of this
8 ~~act~~ title;

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

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

13 8. To administer oaths, take depositions, issue subpoenas, and compel the
14 attendance of witnesses and the production of books, papers, documents, and other
15 evidence relative to any investigation or proceeding conducted by the Commission;

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

18 10. To advertise and promote the lottery and lottery games. The advertisement
19 and promotion allowed by this paragraph shall not include any beneficiary advertisement
20 or promotion. For the purposes of this paragraph, “beneficiary advertisement or
21 promotion” means any advertisement or promotion that illustrates the benefits or
22 potential benefits to schools resulting from lottery proceeds; and

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

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

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

13 2. To procure insurance;

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

17 4. To enter into written agreements with one or more other states or sovereigns for
18 the operation, participation in marketing, and promotion of a joint lottery or joint lottery
19 games. Such an agreement may be entered into with a federally recognized Indian tribe
20 only if a cooperative agreement authorizing the Commission to do so has been entered
21 into by the Governor and such a tribe and has been further approved by the Joint

1 Committee on State-Tribal Relations pursuant to the provisions of Section 1221 et seq. of
2 Title 74 of the Oklahoma Statutes;

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

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

12 C. The powers enumerated in subsections A and B of this section are cumulative of
13 and in addition to those powers enumerated elsewhere in the Oklahoma Education
14 Lottery Act, and no such powers limit or restrict any other powers of the Oklahoma
15 Lottery Commission or the board of trustees.

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

19 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION,
20 dated 02-16-10 - DO PASS, As Amended.