

THE HOUSE OF REPRESENTATIVES  
Wednesday, February, 24, 2010

Committee Substitute for  
House Bill No. 3344

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3344 - By: CHRISTIAN of the House.

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

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

1 SECTION 1. AMENDATORY 3A O.S. 2001, Section 402, is amended to read as  
2 follows:  
3 Section 402. As used in the Oklahoma Charity Games Act, Section 401 et seq. of  
4 this title:  
5 1. "Bingo" means a game in which each player receives a bingo face and covers the  
6 squares according to the numbers, letters, or combination of numbers and letters that  
7 have been announced by the caller. The numbers and letters called are on an object  
8 selected at random either manually or mechanically from a receptacle in which have  
9 been placed the objects bearing the numbers, letters, or combinations of numbers and  
10 letters corresponding to the system used for designating the bingo face squares. The

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

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

8 3. "Breakopen ticket card" means a single folded or banded ticket or a card,  
9 whether dispensed by an employee or an approved electronic machine, the face of which  
10 is initially covered or otherwise hidden from view to conceal a number, letter, symbol, or  
11 set of letters or symbols, a few of which numbers, letters or symbols out of every set of  
12 charity game tickets have been designated in advance at random as prize winners and  
13 which is used in a breakopen ticket game; provided, only those electronic machines that  
14 dispense traditional breakopen ticket cards shall be construed as an approved electronic  
15 machines. Electronic machines that are determined to be a computerized version of a  
16 breakopen ticket game or an electronic facsimile of a Class III gaming device by the  
17 Indian Gaming Regulatory Act, 25 U.S.C., Section 2721 et seq., shall not be construed as  
18 an approved electronic machine;

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

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

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

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

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

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

9           8. "Commission" or "ABLE Commission" means the Alcoholic Beverage Laws  
10 Enforcement Commission;

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

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

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

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

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

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

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

6           16. "Location" means the building, including the individual rooms and equipment  
7 in the rooms, grounds, and appurtenances, including adjacent premises if subject to the  
8 direct or indirect control of the organization while conducting a charity game, which are  
9 used in connection with or in furtherance of the conducting of a charity game;

10          17. "Manager" means a person who:

- 11           a.     is an employee of an organization,  
12           b.     has supervisory authority over other employees or over the conduct of  
13                 charity games, and  
14           c.     has been designated as such by the organization pursuant to the  
15                 provisions of subsection D of Section 408 of this title;

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

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

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

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

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

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

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

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

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

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

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

- 1           3. To have the sole authority to issue any license provided for in the Oklahoma  
2 Alcoholic Beverage Control Act;
- 3           4. To refuse to issue any license provided for in the Oklahoma Alcoholic Beverage  
4 Control Act for cause provided for in said act;
- 5           5. To revoke ~~or~~, suspend, reprimand, fine or take whatever disciplinary action it  
6 deems appropriate, for cause after hearing, against any license issued under the  
7 authority of the Oklahoma Alcoholic Beverage Control Act, which shall include the power  
8 to assess costs against a respondent in order to recoup investigative and administrative  
9 costs incurred by the Commission in connection with the administrative hearing;
- 10          6. To prescribe the forms of applications for licenses and the information to be  
11 shown thereon, and of all reports which it deems necessary in administering the  
12 Oklahoma Alcoholic Beverage Control Act;
- 13          7. To fix standards, not in conflict with those prescribed by any law of this state or  
14 of the United States, to secure the use of proper ingredients and methods of manufacture  
15 and dispensing of alcoholic beverages;
- 16          8. To make seizures of alcoholic beverages manufactured, sold, possessed, imported,  
17 or transported in violation of the Oklahoma Alcoholic Beverage Control Act, and apply  
18 for the confiscation thereof whenever required by said act, and cooperate in the  
19 prosecution of offenders before any court of competent jurisdiction;
- 20          9. To submit to the Governor and members of the State Legislature annual or  
21 semiannual reports upon request of the Governor;



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

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

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

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

20           14. To gather, compile and print such statistical data as may in the opinion of the  
21 ABLE Commission be needed or useful, and prescribe charges or fees to be collected from  
22 any person or company to whom such data shall be provided. No reports shall contain

1 sales information of either wholesalers, retailers, mixed beverage licensees, caterers or  
2 special event licensees by name or license number;

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

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

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

14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,  
15 dated 02-23-10 - DO PASS, As Amended.