

CS for EHB 3161

THE STATE SENATE
Wednesday, March 31, 2010

Committee Substitute for
ENGROSSED

House Bill No. 3161

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 3161 - By: Osborn
and Cooksey of the House and Justice of the Senate.

[amusements and sports - Oklahoma Lottery Commission]

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

SECTION 1. AMENDATORY Section 10, Chapter 58, O.S.L.

2003 (3A O.S. Supp. 2009, Section 709), is amended to read as
follows:

Section 709. A. The Oklahoma Lottery Commission shall have any
and all powers necessary or convenient to its usefulness in carrying
out and effectuating the purposes and provisions of the Oklahoma
Education Lottery Act which are not in conflict with the Oklahoma
Constitution and laws of this state including, but not limited to,
the following:

- 1. To sue and be sued in contract, equity, mandamus, and
similar actions in its own name and to complain and defend in all
courts;
- 2. To adopt and alter a seal;
- 3. To hold copyrights, trademarks, and service marks and
enforce its rights with respect thereto;

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

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

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

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

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

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

21 10. To advertise and promote the lottery and lottery games;
22 provided, the advertisement and promotion allowed by this paragraph
23 shall be subject to the following:

- 1 a. no children shall be involved in any manner, and
2 b. any claim of benefit represented shall be
3 substantiated by actual expenditures of revenue for
4 specified purposes and such information shall be made
5 available by the Commission to any person upon
6 request; and

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

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

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

23 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,

1 and any other matters necessary or desirable for the efficient and
2 effective operation of the lottery or the convenience of the public.

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

8 COMMITTEE REPORT BY: COMMITTEE ON FINANCE, dated 3-30-10 - DO PASS,
9 As Amended.