

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1321

By: Wright, Russ and Ritze of
the House

and

Justice of the Senate

8 An Act relating to amusements and sports; amending
9 Section 10, Chapter 58, O.S.L. 2003 (3A O.S. Supp.
10 2010, Section 709), which relates to the powers of
the Oklahoma Lottery Commission; and prohibiting
advertisements involving children.

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12 AUTHORS: Add the following Senate Coauthors: Ivester,
13 Garrison, Marlatt, Treat, Shortey, Brinkley,
Brecheen, Newberry, Allen, David and Ford

14 AMENDMENT NO. 1. Page 1, strike the title to read

15 "[amusements and sports - Oklahoma Lottery
16 Commission - prohibiting advertisements involving
children]"

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9 2010, Section 709), which relates to the powers of
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY Section 10, Chapter 58, O.S.L.
14 2003 (3A O.S. Supp. 2010, Section 709), is amended to read as
15 follows:

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

22 1. To sue and be sued in contract, equity, mandamus, and
23 similar actions in its own name and to complain and defend in all
24 courts;

- 1 2. To adopt and alter a seal;
- 2 3. To hold copyrights, trademarks, and service marks and
3 enforce its rights with respect thereto;
- 4 4. To acquire or lease real property and make improvements
5 thereon and acquire by lease or by purchase personal property,
6 including, but not limited to, computers and intangible property,
7 including, but not limited to, computer programs, systems, and
8 software;
- 9 5. To enter into contracts to incur debt in its own name and
10 enter into financing agreements with the state, agencies or
11 instrumentalities of the state, or with any commercial financial
12 institution or credit provider as provided in Section 33 of this
13 act;
- 14 6. To select and contract with vendors and retailers;
- 15 7. To enter into contracts or agreements with state or local
16 law enforcement agencies for the performance of law enforcement,
17 background investigations, and security checks;
- 18 8. To administer oaths, take depositions, issue subpoenas, and
19 compel the attendance of witnesses and the production of books,
20 papers, documents, and other evidence relative to any investigation
21 or proceeding conducted by the Commission;
- 22 9. To enter into contracts of any and all types on such terms
23 and conditions as the Commission may determine;

24

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

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

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

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

20 2. To procure insurance;

21 3. To initiate, supervise, and administer the operation of the
22 lottery in accordance with the provisions of the Oklahoma Education
23 Lottery Act and rules, policies, and procedures adopted pursuant
24 thereto;

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

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

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

21 C. The powers enumerated in subsections A and B of this section
22 are cumulative of and in addition to those powers enumerated
23 elsewhere in the Oklahoma Education Lottery Act, and no such powers
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