

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1321

By: Wright of the House and Justice of the Senate

Title: Amusements and sports; prohibiting certain lottery advertisements.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its Amendment No. 1.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

HOUSE CONFEREES

Banz Gary W. Banz

Brumbaugh David Brumbaugh

Cockroft _____

Dorman Joe Dorman

Faught George Faught

Hamilton _____

Hilliard _____

Moore J. H. Moore

Murphey Jason W. Murphey

Quinn Marty Quinn

Stiles Alan Stiles

Walker Ernest D. Walker

Watson John Watson

Mr. Speaker Chris Steele

SENATE CONFEREES

Justice _____
Mazzei _____
Barrington _____
Newberry _____
Garrison _____
Ballenger _____

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1321

By: Wright, Russ and Ritze of
the House

and

Justice, Ivester, Garrison,
Marlatt, Treat, Shortey,
Brinkley, Brecheen,
Newberry, Allen, David and
Ford of the Senate

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12 CONFERENCE COMMITTEE SUBSTITUTE

13 An Act relating to amusements and sports; amending
14 Section 10, Chapter 58, O.S.L. 2003 (3A O.S. Supp.
15 2010, Section 709), which relates to the powers of
16 the Oklahoma Lottery Commission; and prohibiting
17 advertisements involving children under a certain
18 age.

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

20 SECTION 1. AMENDATORY Section 10, Chapter 58, O.S.L.
21 2003 (3A O.S. Supp. 2010, Section 709), is amended to read as
22 follows:

23 Section 709. A. The Oklahoma Lottery Commission shall have any
24 and all powers necessary or convenient to its usefulness in carrying

1 out and effectuating the purposes and provisions of the Oklahoma
2 Education Lottery Act which are not in conflict with the Oklahoma
3 Constitution and laws of this state including, but not limited to,
4 the following:

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

8 2. To adopt and alter a seal;

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

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

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

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

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

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

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

7 10. To advertise and promote the lottery and lottery games.
8 None of the advertisement and promotion allowed by this paragraph
9 shall involve children under the age of eighteen (18) in any manner;
10 and

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

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

21 1. To adopt, amend, and repeal policies and procedures and to
22 promulgate rules for the regulation of its affairs and the conduct
23 of its business, to prescribe the duties of officers of the board,
24 and to perform such other duties as may be required by law. In the

1 promulgation of rules, the board shall be subject to the
2 Administrative Procedures Act;

3 2. To procure insurance;

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

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

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

23 6. To adopt and amend such rules, policies, and procedures as
24 necessary to implement its powers and duties, organize and operate

1 the Commission, regulate the conduct of lottery games in general,
2 and any other matters necessary or desirable for the efficient and
3 effective operation of the lottery or the convenience of the public.

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

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