

An Act

ENROLLED HOUSE
BILL NO. 3319

By: Fetgatter of the House

and

Fields of the Senate

An Act relating to controlled hunts; amending 29 O.S. 2011, Section 4-137, which relates to controlled hunt application fees; modifying controlled hunt application fee; amending 21 O.S. 2011, Section 1051, which relates to definition of lottery; authorizing controlled hunt lotteries; and providing an effective date.

SUBJECT: Controlled hunts

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

SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-137, is amended to read as follows:

Section 4-137. In addition to any other fees authorized by law, the Department of Wildlife Conservation is authorized to impose a ~~processing~~ fee of not more than ~~Five Dollars (\$5.00)~~, Ten Dollars (\$10.00) per calendar year, per person, for controlled hunts applications hunt choice pursuant to the O.A.C. 800:25-9-3 rules promulgated by the Department.

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1051, is amended to read as follows:

Section 1051. A. A lottery is any scheme for the disposal or distribution of property by chance among persons who have paid, or promised, or agreed to pay any valuable consideration for the chance of obtaining such property, or a portion of it, or for any share of or interest in such property, upon any agreement, understanding or expectation that it is to be distributed or disposed of by a lot or

chance, whether called a lottery, a raffle, or a gift enterprise, or by whatever name the same may be known. "Valuable consideration" shall be construed to mean money or goods of actual pecuniary value. Provided, it shall not be a violation of the lottery or gambling laws of this state for:

1. The Oklahoma Lottery Commission to conduct a lottery pursuant to the provisions of the Oklahoma Education Lottery Act;

2. A bona fide resident merchant or merchants of a city or town, acting in conjunction with the Chamber of Commerce or Commercial Club of this state thereof, to issue free of charge numbered tickets on sales of merchandise, the corresponding stub of one or more of which tickets to be drawn or chosen by lot by a representative or representatives of the Chamber of Commerce or of the Commercial Club in the manner set forth on the tickets, the numbered stub or stubs so drawn to entitle the holder of the corresponding numbered issued ticket to a valuable prize donated by the merchant;

3. A bona fide community chest welfare fund on a military post or reservation to issue numbered tickets in conjunction with voluntary contributions to the fund, the corresponding stub or stubs of one or more of the tickets to be drawn by lot under the supervision of a military commander, the stub or stubs so drawn entitling the ticket holder to a prize of some value. Provided, however, that no person shall sell tickets or receive contributions to the fund off the military reservation; ~~or~~

4. a. A qualified organization to raise funds by issuing numbered tickets in conjunction with voluntary contributions to the qualified organization, the corresponding stub or stubs of one or more of the tickets to be drawn by lot under the supervision of an official of the qualified organization, the stub or stubs so drawn entitling the ticket holder to a prize. As used in this paragraph, "qualified organization" means:

(1) a church,

(2) a public or private school accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs,

- (3) a student group or organization affiliated with a public or private school qualified pursuant to division (2) of this subparagraph,
- (4) a parent-teacher association or organization affiliated with a public or private school qualified pursuant to division (2) of this subparagraph,
- (5) fire departments,
- (6) police departments,
- (7) organizations that are exempt from taxation pursuant to the provisions of subsection (c) of Section 501 of the United States Internal Revenue Code, as amended, 26 U.S.C., Section 501(c) et seq., or
- (8) an "organization" as such term is defined in paragraph 20 of Section 402 of Title 3A of the Oklahoma Statutes.

b. Any raffle conducted by a qualified organization shall be conducted by members of the qualified organization without compensation to any member. The organization shall not hire or contract with any person or business association, corporation, partnership, limited partnership or limited liability company to conduct a raffle, to sell raffle tickets or to solicit contributions in connection with a raffle on behalf of the organization; or

5. The Oklahoma Department of Wildlife Conservation to conduct controlled, draw, lottery or raffle hunts.

B. If the Oklahoma Education Lottery Act ceases to have the force and effect of law pursuant to Section ~~36 of the Oklahoma Education Lottery Act~~ 735 of Title 3A of the Oklahoma Statutes, the provisions of paragraph 3 of subsection A of this section shall cease to have the force and effect of law.

SECTION 3. This act shall become effective November 1, 2018.

Passed the House of Representatives the 14th day of March, 2018.

Presiding Officer of the House
of Representatives

Passed the Senate the 19th day of April, 2018.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____