

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3319

By: Fetgatter

AS INTRODUCED

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.

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:

1 Section 1051. A. A lottery is any scheme for the disposal or
2 distribution of property by chance among persons who have paid, or
3 promised, or agreed to pay any valuable consideration for the chance
4 of obtaining such property, or a portion of it, or for any share of
5 or interest in such property, upon any agreement, understanding or
6 expectation that it is to be distributed or disposed of by a lot or
7 chance, whether called a lottery, a raffle, or a gift enterprise, or
8 by whatever name the same may be known. "Valuable consideration"
9 shall be construed to mean money or goods of actual pecuniary value.
10 Provided, it shall not be a violation of the lottery or gambling
11 laws of this state for:

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

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

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

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

- 18 (1) a church,
19 (2) a public or private school accredited by the
20 State Department of Education or registered by
21 the State Board of Education for purposes of
22 participating in federal programs,
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- 1 (3) a student group or organization affiliated with a
2 public or private school qualified pursuant to
3 division (2) of this subparagraph,
4 (4) a parent-teacher association or organization
5 affiliated with a public or private school
6 qualified pursuant to division (2) of this
7 subparagraph,
8 (5) fire departments,
9 (6) police departments,
10 (7) organizations that are exempt from taxation
11 pursuant to the provisions of subsection (c) of
12 Section 501 of the United States Internal Revenue
13 Code, as amended, 26 U.S.C., Section 501(c) et
14 seq., or
15 (8) an "organization" as such term is defined in
16 paragraph 20 of Section 402 of Title 3A of the
17 Oklahoma Statutes.

18 b. Any raffle conducted by a qualified organization shall
19 be conducted by members of the qualified organization
20 without compensation to any member. The organization
21 shall not hire or contract with any person or business
22 association, corporation, partnership, limited
23 partnership or limited liability company to conduct a
24 raffle, to sell raffle tickets or to solicit

1 contributions in connection with a raffle on behalf of
2 the organization; or

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

5 B. If the Oklahoma Education Lottery Act ceases to have the
6 force and effect of law pursuant to Section 36 of the Oklahoma
7 Education Lottery Act, the provisions of paragraph 3 of subsection A
8 of this section shall cease to have the force and effect of law.

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

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