

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 HOUSE BILL 3730

 By: Phillips

7 AS INTRODUCED

8 An Act relating to crimes and punishments; amending
9 21 O.S. 2011, Section 1051, as amended by Section 2,
10 Chapter 123, O.S.L. 2018 (21 O.S. Supp. 2019, Section
11 1051), which relates to lotteries; providing
12 exception for certain political parties; and
13 providing an effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1051, as
15 amended by Section 2, Chapter 123, O.S.L. 2018 (21 O.S. Supp. 2019,
16 Section 1051), is amended to read as follows:

17 Section 1051. A. A lottery is any scheme for the disposal or
18 distribution of property by chance among persons who have paid, or
19 promised, or agreed to pay any valuable consideration for the chance
20 of obtaining such property, or a portion of it, or for any share of
21 or interest in such property, upon any agreement, understanding or
22 expectation that it is to be distributed or disposed of by a lot or
23 chance, whether called a lottery, a raffle, or a gift enterprise, or
24 by whatever name the same may be known. "Valuable consideration"

1 shall be construed to mean money or goods of actual pecuniary value.

2 Provided, it shall not be a violation of the lottery or gambling
3 laws of this state for:

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

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

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

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

10 (1) a church,

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

15 (3) a student group or organization affiliated with a
16 public or private school qualified pursuant to
17 division (2) of this subparagraph,

18 (4) a parent-teacher association or organization
19 affiliated with a public or private school
20 qualified pursuant to division (2) of this
21 subparagraph,

22 (5) fire departments,

23 (6) police departments,

1 (7) organizations that are exempt from taxation
2 pursuant to the provisions of subsection (c) of
3 Section 501 of the United States Internal Revenue
4 Code, as amended, 26 U.S.C., Section 501(c) et
5 seq., ~~or~~

6 (8) an "organization" as such term is defined in
7 paragraph 20 of Section 402 of Title 3A of the
8 Oklahoma Statutes, or

9 (9) a political party recognized by the State
10 Election Board pursuant to Section 1-108 of Title
11 26 of the Oklahoma Statutes.

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

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

23 B. If the Oklahoma Education Lottery Act ceases to have the
24 force and effect of law pursuant to Section 735 of Title 3A of the

1 Oklahoma Statutes, the provisions of paragraph 3 of subsection A of
2 this section shall cease to have the force and effect of law.

3 SECTION 2. This act shall become effective November 1, 2020.
4

5 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/18/2020 - DO PASS.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24