

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 HOUSE BILL 3916

 By: Wallace of the House

5 and

6 **David** of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to amusements and sports; amending 3A
11 O.S. 2011, Sections 710, as amended by Section 1,
12 Chapter 172, O.S.L. 2018 and 712 (3A O.S. Supp. 2019,
13 Section 710), which relate to the Oklahoma Education
14 Lottery Act; modifying the authority of the Oklahoma
15 Lottery Commission's board of trustees to regulate
16 forms of payment for tickets and shares; directing
17 the executive director to establish an Oklahoma
18 Lottery law enforcement division; providing agent
19 requirements; granting agents certain powers;
20 granting immunity; authorizing right to carry
21 firearms; authorizing certain expenditures; and
22 providing an effective date.

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

24 SECTION 1. AMENDATORY 3A O.S. 2011, Section 710, as
 amended by Section 1, Chapter 172, O.S.L. 2018 (3A O.S. Supp. 2019,
 Section 710), is amended to read as follows:

1 Section 710. The board of trustees of the Oklahoma Lottery
2 Commission may promulgate rules regulating the conduct of lottery
3 games in general, including, but not limited to, rules specifying:

4 1. The type of lottery games to be conducted, including, but
5 not limited to, instant lotteries and other games traditional to the
6 lottery;

7 2. The sale price of tickets or shares and the manner of sale.

8 ~~All sales shall be for cash or debit cards only and payment by~~
9 ~~checks, credit cards, charge cards, or any form of deferred payment~~
10 ~~is prohibited~~ All forms of applicable retail payment shall be
11 accepted;

12 3. The number and amount of prizes;

13 4. The method and location of selecting or validating winning
14 tickets or shares;

15 5. The manner and time of payment of prizes, which may include
16 lump-sum payments or installments over a period of years;

17 6. The manner of payment of prizes to the holders of winning
18 tickets or shares, including, without limitation, provision for
19 payment of prizes by retailers not exceeding Six Hundred Dollars
20 (\$600.00) after deducting the price of the ticket or share and after
21 performing validation procedures appropriate to the game and as
22 specified by the board. The board may provide for a limited number
23 of retailers who can pay prizes of up to Five Thousand Dollars
24 (\$5,000.00) after performing validation procedures appropriate to

1 the game and as specified by the board without regard to where the
2 ticket or share was purchased;

3 7. The frequency of games and drawings or selection of winning
4 tickets or shares;

5 8. The means of conducting drawings;

6 9. The method to be used in selling tickets or shares;

7 10. The manner and amount of compensation to lottery retailers;
8 and

9 11. Any other matters necessary to ensure the efficient and
10 effective operation of lottery games, the continued entertainment
11 and convenience of the public, and the integrity of the lottery.

12 The board of trustees shall not permit the operation of any
13 lottery game using a video lottery machine. "Video lottery machine"
14 means any electronic video game machine that, upon furnishing of
15 consideration, is available to play or simulate the play of a video
16 game, including, but not limited to, bingo and games conducted
17 pursuant to the Oklahoma Charity Games Act, poker, blackjack, slot
18 machines, pulltab machines, card games, dice, dominos, roulette
19 wheels, or other similar forms of gambling, or games where winners
20 are determined by the outcome of a sports contest, using a video
21 display and microprocessors in which the player may receive free
22 games or credits that can be redeemed for cash, coins or tokens, or
23 that directly dispenses cash, coins or tokens.

1 SECTION 2. AMENDATORY 3A O.S. 2011, Section 712, is
2 amended to read as follows:

3 Section 712. A. The executive director of the Oklahoma Lottery
4 Commission, with the approval of the board of trustees, shall employ
5 such personnel as may be necessary to carry out the provisions of
6 this act and shall set the compensation and terms of compensation of
7 such employees. All offices, positions, and personnel of the
8 Oklahoma Lottery Commission shall be in the unclassified service.

9 B. No employee of the Commission shall have a financial
10 interest in any vendor doing business or proposing to do business
11 with the Commission.

12 C. No employee of the Commission shall participate in any
13 decision involving a retailer with whom the employee has a financial
14 interest.

15 D. No employee of the Commission who leaves the employment of
16 the Commission may represent any vendor or lottery retailer before
17 the Commission for a period of two (2) years following termination
18 of employment with the Commission.

19 E. A background investigation shall be conducted on each
20 applicant who has reached the final selection process prior to
21 employment by the Commission at the level of division director and
22 above and at any level within any division of security and as
23 otherwise required by the board of trustees of the Oklahoma Lottery
24 Commission. The Commission shall pay for the actual cost of the

1 investigations and shall contract with the Oklahoma State Bureau of
2 Investigation for the performance of the investigations. The
3 results of a background investigation shall not be considered a
4 record open to the public pursuant to the Oklahoma Open Records Act.

5 F. No person who has been convicted of any felony or a
6 misdemeanor involving illegal gambling or involving moral turpitude
7 shall be employed by the Commission, nor shall the Commission employ
8 a person who is awaiting sentencing on a plea of guilt or nolo
9 contendere to such a felony or misdemeanor.

10 G. The Commission shall bond Commission employees with access
11 to Commission funds or lottery revenue in an amount specified by the
12 board and may bond other employees as deemed necessary.

13 H. The executive director or designee shall establish an
14 Oklahoma Lottery law enforcement division, which shall have the
15 responsibility for conducting investigations relating to the rules
16 and regulations of the Oklahoma Education Lottery Act. The law
17 enforcement division will enforce the civil, criminal and
18 administrative provisions relating to the Oklahoma Education
19 Lottery.

20 1. Agents of the Oklahoma Lottery law enforcement division
21 shall have a minimum of three (3) years experience in the field of
22 law enforcement or in lieu thereof a minimum of six (6) years
23 combined experience within the lottery industry and law enforcement
24 and must complete the basic CLEET police certification within six

1 (6) months of hire unless the individual has already successfully
2 completed such certification related to previous employment.

3 2. Oklahoma Lottery law enforcement agents will have in all
4 parts of the state the same powers with respect to criminal matters
5 and enforcement of the laws relating thereto as sheriff's, highway
6 patrol and peace officers in their respective jurisdictions,
7 including the right and power of search and seizure. Upon further
8 request of a sheriff's officer or other peace officer of this state
9 any Oklahoma Lottery law enforcement agent shall assist in the
10 apprehension and arrest of a violator or suspected violator of any
11 laws of this state.

12 3. Oklahoma Lottery law enforcement agents will possess all
13 immunities and matters of defense now available or hereafter made
14 available to sheriff's, highway patrol and police officers in any
15 suit brought against them in consequence of acts done in the course
16 of their employment.

17 4. Oklahoma Lottery law enforcement agents shall have the right
18 to carry firearms as authorized by the executive director.

19 5. The Oklahoma Lottery executive director or designee shall be
20 authorized to utilize funds to purchase or lease automobiles
21 necessary for use in its law enforcement operations. Said
22 automobiles shall not be required to have any identifying marking.

23 6. The Oklahoma Lottery executive director or designee shall be
24 authorized to utilize funds to purchase the necessary equipment,

1 including firearms and ammunition, for issuance to Oklahoma Lottery
2 law enforcement agents to be used only in the performance of their
3 duties as law enforcement officers of this state.

4 SECTION 3. This act shall become effective November 1, 2020.
5

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