

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1902

By: Allen

AS INTRODUCED

An Act relating to gaming activities; amending 3A O.S. 2011, Section 403, which relates to powers and duties of the ABLE Commission; adding certain power for regulation plan; amending 21 O.S. 2011, Sections 981 and 982, which relate to definitions and commercial gambling in the Oklahoma Charity Games Act; modifying certain term; providing certain exception for enforcement of penalty; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 3A O.S. 2011, Section 403, is amended to read as follows:

Section 403. A. The ABLE Commission shall be the licensing authority for the licensing of organizations, manufacturers, and distributors conducting, supplying, or otherwise providing charity games to the public in this state.

B. The Commission shall be responsible for the administration and enforcement of the Oklahoma Charity Games Act. In addition to such other duties as may be imposed on the Commission by law, and in order to perform that responsibility, the Commission shall:

1       1. Adopt and promulgate rules for the purpose of administering  
2 and enforcing the Oklahoma Charity Games Act;

3       2. Have the authority to issue, renew, suspend, or revoke any  
4 license authorized by the Oklahoma Charity Games Act;

5       3. Conduct or direct the conducting of investigations relating  
6 to issuing, renewing, suspending, or revoking any license authorized  
7 by the Oklahoma Charity Games Act;

8       4. Institute proceedings as the complainant against both  
9 licensees and nonlicensees for violations of the Oklahoma Charity  
10 Games Act;

11       5. Maintain records of all proceedings including minutes of  
12 meetings, applications for licenses and related documents of  
13 applicants, and official documents filed in any hearings conducted  
14 by the Commission arising out of any provision of the Oklahoma  
15 Charity Games Act or the rules and regulations of the Commission.  
16 Copies of such records certified by the Director of the Commission  
17 shall be admissible as evidence in a civil or criminal action;

18       6. Make such expenditures including employing such additional  
19 staff as may be necessary for the administration and enforcement of  
20 the Oklahoma Charity Games Act;

21       7. Establish a standard recordkeeping system for the conduct of  
22 charity games;

23       8. Establish a model internal control system for use by  
24 organizations;

1        9. Conduct all hearings including actions on investigations,  
2 issuance, denial, revocation, or suspension of a license, adoption  
3 of rules, and conduct meetings in accordance with the provisions of  
4 the Administrative Procedures Act, Section 250 et seq. of Title 75  
5 of the Oklahoma Statutes, and the Oklahoma Open Meeting Act, Section  
6 301 et seq. of Title 25 of the Oklahoma Statutes; ~~and~~

7        10. Be responsible for approving locations for the conducting  
8 of charity games; and

9        11. Establish a regulation plan for the operation of commercial  
10 gaming establishments in the state, which shall provide, at a  
11 minimum, exclusivity fees payable to the state of fifteen percent  
12 (15%) of adjusted gross revenues received by a tribe and a  
13 requirement for audits of all operations by the State Auditor and  
14 Inspector.

15        C. The members of the Commission, the Director and such agents  
16 as the Commission appoints shall have all the powers and authority  
17 of peace officers of this state for purposes of enforcing the  
18 provisions of the Oklahoma Charity Games Act.

19        D. The Commission shall have the authority to regularly inspect  
20 all locations or places of business of licensees and all other  
21 persons, firms or corporations dealing in the manufacture,  
22 distribution, transportation, sale or service of charity games or  
23 charity game equipment within this state. Any officer or employee  
24 of the Commission with responsibility for enforcement of the

Oklahoma Charity Games Act shall have the power and authority, without a warrant, to enter and examine the location or place of business of any licensee, during normal operating hours thereof, to determine if any violation of the provisions of the Oklahoma Charity Games Act or rules of the Commission is or may be occurring. The right of entry and inspection shall be a condition upon which every license shall be issued and the application for and acceptance of any license hereunder shall conclusively be deemed to be consent of the applicant and licensee to such entry and inspection. Officers and employees of the Commission or the Oklahoma Tax Commission shall be given free access to and shall not be hindered or interfered with in their examination of the location or place of business of any licensee, and in any case in which such officer or employee is denied free access and entry or is hindered or interfered with in making such examination, any license held for such location or place of business shall be subject to suspension or revocation.

SECTION 2. AMENDATORY 21 O.S. 2011, Section 981, is amended to read as follows:

Section 981. As used in ~~this act~~ Section 981 et seq. of this title:

1. A "bet" is a bargain in which the parties agree that, dependent upon chance, or in which one of the parties to the transaction has valid reason to believe that it is dependent upon

1 chance, one stands to win or lose something of value specified in  
2 the agreement. A bet does not include:

- 3 a. bona fide business transactions which are valid under  
4 the law of contracts including, but not limited to,  
5 contracts for the purchase or sale at a future date of  
6 securities or other commodities and agreements to  
7 compensation for loss caused by the happening of the  
8 chance including, but not limited to, contracts of  
9 indemnity or guaranty and life or health and accident  
10 insurance; or
- 11 b. any charity game conducted pursuant to the provisions  
12 of the Oklahoma Charity Games Act; or
- 13 c. offers of purses, prizes or premiums to the actual  
14 participants in public and semipublic events, as  
15 follows, to wit: Rodeos, animal shows, hunting,  
16 fishing or shooting competitions, expositions, fairs,  
17 athletic events, tournaments and other shows and  
18 contests where the participants qualify for a monetary  
19 prize or other recognition. This subparagraph further  
20 excepts an entry fee from the definition of "a bet" as  
21 applied to enumerated public and semipublic events.

22 2. "Consideration" as used in this section means anything which  
23 is a commercial or financial advantage to the promoter or a  
24 disadvantage to any participant. Mere registration without purchase  
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1 of goods or services; personal attendance at places or events,  
2 without payment of an admission price or fee; listening to or  
3 watching radio and television programs; answering the telephone or  
4 making a telephone call and acts of like nature are not  
5 consideration. As used in this paragraph, the term "consideration"  
6 shall not include sums of money paid by or for participants in any  
7 bingo game or a game of chance with comparable characteristics as  
8 defined by subparagraph b of paragraph 1 of this section and it  
9 shall be conclusively presumed that such sums paid by or for ~~said~~  
10 the participants were intended by ~~said~~ the participants to be for  
11 the benefit of the organizations described in subparagraph b of  
12 paragraph 1 of this section for the use of such organizations in  
13 furthering the purposes of such organizations;

14 3. A "gambling device" is a contrivance designed primarily for  
15 gambling purposes which for a consideration affords the player an  
16 opportunity to obtain something of value, the award of which is  
17 determined by chance, or any token, chip, paper, receipt or other  
18 document which evidences, purports to evidence or is designed to  
19 evidence participation in a lottery or the making of a bet. The  
20 fact that the prize is not automatically paid by the device does not  
21 affect its character as a gambling device; and

22 4. A "gambling place" is any place, room, building, vehicle,  
23 tent or location which is used for any of the following: making and  
24 settling bets; receiving, holding, recording or forwarding bets or  
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1 offers to bet; conducting lotteries; or playing gambling devices.  
2 Evidence that the place has a general reputation as a gambling place  
3 or that, at or about the time in question, it was frequently visited  
4 by persons known to be commercial gamblers or known as frequenters  
5 of gambling places is admissible on the issue of whether it is a  
6 gambling place. On and after November 1, 2020, a gambling place may  
7 be authorized as further defined in rule by the ABLE Commission as  
8 authorized to formulate a regulation plan pursuant to Section 403 of  
9 Title 3A of the Oklahoma Statutes.

10 SECTION 3. AMENDATORY 21 O.S. 2011, Section 982, is  
11 amended to read as follows:

12 Section 982. A. Commercial gambling is:

13 1. Operating or receiving all or part of the earnings of a  
14 gambling place;

15 2. Receiving, recording or forwarding bets or offers to bet or,  
16 with intent to receive, record or forward bets or offers to bet,  
17 possessing facilities to do so;

18 3. For gain, becoming a custodian of anything of value bet or  
19 offered to be bet;

20 4. Conducting a lottery or with intent to conduct a lottery  
21 possessing facilities to do so;

22 5. Setting up for use or collecting the proceeds of any  
23 gambling device; or  
24

1       6. Alone or with others, owning, controlling, managing or  
2 financing a gambling business.

3       B. Any person found guilty of commercial gambling shall be  
4 guilty of a felony and punished by imprisonment for not more than  
5 ten (10) years or a fine of not more than Twenty-five Thousand  
6 Dollars (\$25,000.00), or by both such fine and imprisonment; except,  
7 that such penalty shall not apply to commercial gambling activities  
8 as may be defined by the ABLE Commission as authorized to formulate  
9 a regulation plan pursuant to Section 403 of Title 3A of the  
10 Oklahoma Statutes.

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

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