

SENATE FLOOR VERSION

February 27, 2023

SENATE BILL NO. 616

By: Howard of the Senate

and

Kannady of the House

An Act relating to lotteries; amending 21 O.S. 2021, Section 1051, which relates to organizations permitted to issue tickets; modifying requirements for certain tickets; modifying persons authorized to conduct raffles for qualified organization; updating statutory references; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, 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"

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~~ numbered ticket or tickets
5 of one or more of the tickets to be drawn by lot under
6 the supervision of an official of the qualified
7 organization, the ~~stub or stubs~~ corresponding numbered
8 ticket or tickets so drawn entitling the ticket holder
9 to a prize. As used in this paragraph, "qualified
10 organization" means:

11 (1) a church,

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

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

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

23 (5) fire departments,

24 (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.

9 b. Any raffle conducted by a qualified organization shall
10 be conducted by employees or members of the qualified
11 organization ~~without compensation to any member or~~
12 employees of a company associated with or an affiliate
13 of the qualified organization, whether paid or unpaid;
14 provided, such persons shall not be provided with
15 additional compensation, incentives, or bonuses based
16 on the number of tickets sold. The qualified
17 organization shall not hire or contract with any
18 person or business association, corporation,
19 partnership, limited partnership or limited liability
20 company to conduct a raffle, to sell raffle tickets or
21 to solicit contributions in connection with a raffle
22 on behalf of the organization;

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

1 6. Savings promotion raffle accounts or programs pursuant to
2 ~~Section 1 of this act~~ 908 of Title 6 of the Oklahoma Statutes.

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

7 SECTION 2. This act shall become effective November 1, 2023.

8 COMMITTEE REPORT BY: COMMITTEE ON FINANCE
9 February 27, 2023 - DO PASS
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