

1 ENGROSSED HOUSE
2 BILL NO. 2347

By: Caldwell (Chad) of the
House

3 and

4 Bice of the Senate
5
6

7 An Act relating to the lottery; amending 3A O.S.
8 2011, Section 709, which relates to the Oklahoma
9 Lottery Commission; modifying powers of Commission;
and providing an effective date.
10
11

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

13 SECTION 1. AMENDATORY 3A O.S. 2011, Section 709, is
14 amended to read as follows:

15 Section 709. A. The Oklahoma Lottery Commission shall have any
16 and all powers necessary or convenient to its usefulness in carrying
17 out and effectuating the purposes and provisions of the Oklahoma
18 Education Lottery Act which are not in conflict with the Oklahoma
19 Constitution and laws of this state including, but not limited to,
20 the following:

21 1. To sue and be sued in contract, equity, mandamus, and
22 similar actions in its own name and to complain and defend in all
23 courts;

24 2. To adopt and alter a seal;

1 3. To hold copyrights, trademarks, and service marks and
2 enforce its rights with respect thereto;

3 4. To acquire or lease real property and make improvements
4 thereon and acquire by lease or by purchase personal property,
5 including, but not limited to, computers and intangible property,
6 including, but not limited to, computer programs, systems, and
7 software;

8 5. To enter into contracts to incur debt in its own name and
9 enter into financing agreements with the state, agencies or
10 instrumentalities of the state, or with any commercial financial
11 institution or credit provider as provided in Section 732 of this
12 title;

13 6. To select and contract with vendors and retailers;

14 7. To enter into contracts or agreements with state or local
15 law enforcement agencies for the performance of law enforcement,
16 background investigations, and security checks;

17 8. To administer oaths, take depositions, issue subpoenas, and
18 compel the attendance of witnesses and the production of books,
19 papers, documents, and other evidence relative to any investigation
20 or proceeding conducted by the Commission;

21 9. To enter into contracts of any and all types on such terms
22 and conditions as the Commission may determine;

23 10. To advertise and promote the lottery and lottery games.

24 None of the advertisement and promotion for games and products

1 offered by the Oklahoma Lottery allowed by this paragraph shall
2 involve children under the age of eighteen (18) in any manner; ~~and~~

3 11. To inform the public about Oklahoma Lottery Commission
4 contributions to Oklahoma education programs; and

5 12. To act as a retailer, to conduct promotions which involve
6 the dispensing of lottery tickets or shares, and to establish and
7 operate a sales facility to sell lottery tickets or shares and any
8 related merchandise.

9 B. The board of trustees of the Oklahoma Lottery Commission
10 shall have any and all powers necessary or convenient to its
11 usefulness in carrying out and effectuating the purposes and
12 provisions of the Oklahoma Education Lottery Act which are not in
13 conflict with the Oklahoma Constitution and laws of this state
14 including, but not limited to, the following:

15 1. To adopt, amend, and repeal policies and procedures and to
16 promulgate rules for the regulation of its affairs and the conduct
17 of its business, to prescribe the duties of officers of the board,
18 and to perform such other duties as may be required by law. In the
19 promulgation of rules, the board shall be subject to the
20 Administrative Procedures Act;

21 2. To procure insurance;

22 3. To initiate, supervise, and administer the operation of the
23 lottery in accordance with the provisions of the Oklahoma Education
24

1 Lottery Act and rules, policies, and procedures adopted pursuant
2 thereto;

3 4. To enter into written agreements with one or more other
4 states or sovereigns for the operation, participation in marketing,
5 and promotion of a joint lottery or joint lottery games. Such an
6 agreement may be entered into with a federally recognized Indian
7 tribe only if a cooperative agreement authorizing the Commission to
8 do so has been entered into by the Governor and such a tribe and has
9 been further approved by the Joint Committee on State-Tribal
10 Relations pursuant to the provisions of Section 1221 et seq. of
11 Title 74 of the Oklahoma Statutes;

12 5. To direct the executive director to conduct or have
13 conducted such market research as is necessary or appropriate, which
14 may include an analysis of the demographic characteristics of the
15 players of each lottery game and an analysis of advertising,
16 promotion, public relations, incentives, and other aspects of
17 communication; and

18 6. To adopt and amend such rules, policies, and procedures as
19 necessary to implement its powers and duties, organize and operate
20 the Commission, regulate the conduct of lottery games in general,
21 and any other matters necessary or desirable for the efficient and
22 effective operation of the lottery or the convenience of the public.

23 C. The powers enumerated in subsections A and B of this section
24 are cumulative of and in addition to those powers enumerated

1 elsewhere in the Oklahoma Education Lottery Act, and no such powers
2 limit or restrict any other powers of the Oklahoma Lottery
3 Commission or the board of trustees.

4 SECTION 2. This act shall become effective November 1, 2019.

5 Passed the House of Representatives the 12th day of February,
6 2019.

7
8 Presiding Officer of the House
9 of Representatives

10 Passed the Senate the ____ day of _____, 2019.

11
12 Presiding Officer of the Senate
13