

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3886

By: Caldwell (Chad)

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to banking; defining term;
10 authorizing savings promotion raffles; amending 21
11 O.S. 2011, Section 1051, as amended by Section 2,
12 Chapter 123, O.S.L. 2018 (21 O.S. Supp. 2019, Section
13 1051), which relates to the lottery; allowing for
14 savings promotion raffles; providing for
15 codification; and providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 908 of Title 6, unless there is
19 created a duplication in numbering, reads as follows:

20 A. As used in this section, the term "savings promotion raffle"
21 means a contest in which the sole consideration required for a
22 chance of winning designated prizes is obtained by the deposit of a
23 specified amount of money in a savings account or other savings
24 program and each ticket or entry has an equal chance of being drawn,
with such contest being subject to regulations that may from time to

1 time be promulgated by the bank's or credit union's primary
2 regulator.

3 B. Oklahoma banks and credit unions are authorized to offer
4 savings promotion raffles.

5 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1051, as
6 amended by Section 2, Chapter 123, O.S.L. 2018 (21 O.S. Supp. 2019,
7 Section 1051), is amended to read as follows:

8 Section 1051. A. A lottery is any scheme for the disposal or
9 distribution of property by chance among persons who have paid, or
10 promised, or agreed to pay any valuable consideration for the chance
11 of obtaining such property, or a portion of it, or for any share of
12 or interest in such property, upon any agreement, understanding or
13 expectation that it is to be distributed or disposed of by a lot or
14 chance, whether called a lottery, a raffle, or a gift enterprise, or
15 by whatever name the same may be known. "Valuable consideration"
16 shall be construed to mean money or goods of actual pecuniary value.
17 Provided, it shall not be a violation of the lottery or gambling
18 laws of this state for:

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

21 2. A bona fide resident merchant or merchants of a city or
22 town, acting in conjunction with the Chamber of Commerce or
23 Commercial Club of this state thereof, to issue free of charge
24 numbered tickets on sales of merchandise, the corresponding stub of

1 one or more of which tickets to be drawn or chosen by lot by a
2 representative or representatives of the Chamber of Commerce or of
3 the Commercial Club in the manner set forth on the tickets, the
4 numbered stub or stubs so drawn to entitle the holder of the
5 corresponding numbered issued ticket to a valuable prize donated by
6 the merchant;

7 3. A bona fide community chest welfare fund on a military post
8 or reservation to issue numbered tickets in conjunction with
9 voluntary contributions to the fund, the corresponding stub or stubs
10 of one or more of the tickets to be drawn by lot under the
11 supervision of a military commander, the stub or stubs so drawn
12 entitling the ticket holder to a prize of some value. Provided,
13 however, that no person shall sell tickets or receive contributions
14 to the fund off the military reservation;

15 4. a. A qualified organization to raise funds by issuing
16 numbered tickets in conjunction with voluntary
17 contributions to the qualified organization, the
18 corresponding stub or stubs of one or more of the
19 tickets to be drawn by lot under the supervision of an
20 official of the qualified organization, the stub or
21 stubs so drawn entitling the ticket holder to a prize.
22 As used in this paragraph, "qualified organization"
23 means:

24 (1) a church,

- 1 (2) a public or private school accredited by the
2 State Department of Education or registered by
3 the State Board of Education for purposes of
4 participating in federal programs,
5 (3) a student group or organization affiliated with a
6 public or private school qualified pursuant to
7 division (2) of this subparagraph,
8 (4) a parent-teacher association or organization
9 affiliated with a public or private school
10 qualified pursuant to division (2) of this
11 subparagraph,
12 (5) fire departments,
13 (6) police departments,
14 (7) organizations that are exempt from taxation
15 pursuant to the provisions of subsection (c) of
16 Section 501 of the United States Internal Revenue
17 Code, as amended, 26 U.S.C., Section 501(c) et
18 seq., or
19 (8) an "organization" as such term is defined in
20 paragraph 20 of Section 402 of Title 3A of the
21 Oklahoma Statutes.

22 b. Any raffle conducted by a qualified organization shall
23 be conducted by members of the qualified organization
24 without compensation to any member. The organization

1 shall not hire or contract with any person or business
2 association, corporation, partnership, limited
3 partnership or limited liability company to conduct a
4 raffle, to sell raffle tickets or to solicit
5 contributions in connection with a raffle on behalf of
6 the organization; ~~or~~

7 5. The Oklahoma Department of Wildlife Conservation to conduct
8 controlled, draw, lottery or raffle hunts; or

9 6. Savings promotion raffle accounts or programs pursuant to
10 Section 1 of this act.

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

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

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17 COMMITTEE REPORT BY: COMMITTEE ON BANKING, FINANCIAL SERVICES AND
18 PENSIONS, dated 02/26/2020 - DO PASS, As Amended.