

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 1101

By: Luttrell

AS INTRODUCED

An Act relating to amusements and sports; ordering a legislative referendum pursuant to the Oklahoma Constitution; amending 3A O.S. 2021, Sections 262 and 280, which relate to state-tribal gaming; providing exception; updating references; offering Gaming Compact Supplement related to sports betting; defining term; authorizing fee related to tribal administration of the games; prescribing content of Gaming Compact Supplement; prescribing procedures for electing acceptance of supplements; providing for certain construction of supplements; allowing retention of funds by tribes in certain amounts; limiting scope of Gaming Compact Supplement; declaring certain conduct and participation lawful; providing for codification; providing ballot title; and directing filing.

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

SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma Constitution, there is hereby ordered the following legislative referendum which shall be filed with the Secretary of State and addressed to the Governor of the state, who shall submit the same to the people for their approval or rejection at the next General Election. Provided, however, that this measure shall not be referred to a vote of the people if the provisions of Enrolled House

1 Bill No. 1047 of the 1st Session of the 60th Oklahoma Legislature
2 become enacted as law.

3 SECTION 2. AMENDATORY 3A O.S. 2021, Section 262, is
4 amended to read as follows:

5 Section 262. A. If at least four Indian tribes enter into the
6 model tribal-state compact set forth in Section 281 of this title,
7 and such compacts are approved by the Secretary of the Interior and
8 notice of such approval is published in the Federal Register, the
9 Oklahoma Horse Racing Commission ("Commission") shall license
10 organization licensees which are licensed pursuant to Section 205.2
11 of this title to conduct authorized gaming as that term is defined
12 by this act pursuant to this act utilizing gaming machines or
13 devices authorized by this act subject to the limitations of
14 subsection C of this section. No fair association or organization
15 licensed pursuant to Section 208.2 of this title or a city, town or
16 municipality incorporated or otherwise, or an instrumentality
17 thereof, may conduct authorized gaming as that term is defined by
18 this act.

19 Notwithstanding the provisions of Sections 941 through 988 of
20 Title 21 of the Oklahoma Statutes, the conducting of and
21 participation in gaming in accordance with the provisions of this
22 act or the model compact set forth in Section 281 of this title is
23 lawful and shall not be subject to any criminal penalties. Provided
24 further, a licensed manufacturer or distributor licensed pursuant to

1 this act may manufacture, exhibit or store as a lawful activity any
2 machines or devices which are capable of being used to conduct the
3 following types of gaming:

4 1. Gaming authorized by the State-Tribal Gaming Act; or

5 2. Other gaming which may be lawfully conducted by an Indian
6 tribe in this state.

7 B. Except for Christmas Day, authorized gaming may only be
8 conducted by an organization licensee on days when the licensee is
9 either conducting live racing or is accepting wagers on simulcast
10 races at the licensee's racing facilities. Authorized gaming may
11 only be conducted by organization licensees at enclosure locations
12 where live racing is conducted. Under no circumstances shall
13 authorized gaming be conducted by an organization licensee at any
14 facility outside the organization licensee's racing enclosure. No
15 person who would not be eligible to be a patron of a pari-mutuel
16 system of wagering pursuant to the provisions of subsection B of
17 Section 208.4 of this title shall be admitted into any area of a
18 facility when authorized games are played nor be permitted to
19 operate, or obtain a prize from, or in connection with, the
20 operation of any authorized game, directly or indirectly.

21 C. In order to encourage the growth, sustenance and development
22 of live horse racing in this state and of the state's agriculture
23 and horse industries, the Commission is hereby authorized to issue
24 licenses to conduct authorized gaming to no more than three

1 organization licensees operating racetrack locations at which horse
2 race meetings with pari-mutuel wagering, as authorized by the
3 Commission pursuant to the provisions of this title, occurred in
4 calendar year 2001, as follows:

5 1. An organization licensee operating a racetrack location at
6 which an organization licensee is licensed to conduct a race meeting
7 pursuant to the provisions of Section 205.2 of this title located in
8 a county with a population exceeding six hundred thousand (600,000)
9 persons, according to the most recent Federal Decennial Census,
10 shall be licensed to operate not more than six hundred fifty (650)
11 player terminals in any year. Beginning with the third year after
12 an organization licensee is licensed pursuant to this paragraph to
13 operate such player terminals, such licensee may be licensed to
14 operate an additional fifty (50) player terminals. Beginning with
15 the fifth year after an organization licensee is licensed pursuant
16 to this paragraph to operate such player terminals, such licensee
17 may be licensed to operate a further additional fifty (50) player
18 terminals; and

19 2. Two organization licensees operating racetrack locations at
20 which the organization licensees are licensed to conduct race
21 meetings pursuant to the provisions of Section 205.2 of this title
22 located in counties with populations not exceeding four hundred
23 thousand (400,000) persons, according to the most recent Federal
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1 Decennial Census, may each be licensed to operate not more than two
2 hundred fifty (250) player terminals in any year.

3 Subject to the limitations on the number of player terminals
4 permitted to each organization licensee, an organization licensee
5 may utilize electronic amusement games as defined in this act,
6 electronic bonanza-style bingo games as defined in this act and
7 electronic instant bingo games as defined in this act, and any type
8 of gaming machine or device that is specifically allowed by law and
9 that an Indian tribe in this state is authorized to utilize pursuant
10 to a compact entered into between the state and the tribe in
11 accordance with the provisions of the Indian Gaming Regulatory Act
12 and any other machine or device that an Indian tribe in this state
13 is lawfully permitted to operate pursuant to the Indian Gaming
14 Regulatory Act, referred to collectively as "authorized games". An
15 organization licensee's utilization of such machines or devices
16 shall be subject to the regulatory control and supervision of the
17 Commission; provided, the Commission shall have no role in oversight
18 and regulation of gaming conducted by a tribe subject to a compact.
19 The Commission shall promulgate rules to regulate the operation and
20 use of authorized gaming by organization licensees. In promulgating
21 such rules, the Commission shall consider the provisions of any
22 compact which authorizes electronic gaming which is specifically
23 authorized by law by an Indian tribe. For the purpose of paragraphs
24 1 and 2 of this subsection, the number of player terminals in an

1 authorized game that permits multiple players shall be determined by
2 the maximum number of players that can participate in that game at
3 any given time; provided, however, that nothing in this act
4 prohibits the linking of player terminals for progressive jackpots,
5 so long as the limitations on the number of permitted player
6 terminals at each organization licensee are not exceeded. Each
7 organization licensee shall keep a record of, and shall report at
8 least quarterly to the Oklahoma Horse Racing Commission, the number
9 of games authorized by this section utilized in the organization
10 licensee's facility, by the name or type of each and its identifying
11 number.

12 D. No zoning or other local ordinance may be adopted or amended
13 by a political subdivision where an organization licensee conducts
14 live horse racing with the intent to restrict or prohibit an
15 organization licensee's right to conduct authorized gaming at such
16 location.

17 E. For purposes of this act, "adjusted gross revenues" means
18 the total receipts received by an organization licensee from the
19 play of all authorized gaming minus all monetary payouts.

20 F. The Oklahoma Horse Racing Commission shall promulgate rules
21 to regulate, implement and enforce the provisions of this act with
22 regard to the conduct of authorized gaming by organization
23 licensees; provided, regulation and oversight of games covered by a
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compact and operated by an Indian tribe shall be conducted solely pursuant to the requirements of the compact.

G. If an organization licensee operates or attempts to operate more player terminals which offer authorized games than it is authorized to offer to the public by this act or the terms of its license, upon written notice from the Commission, such activity shall cease forthwith. Such activity shall constitute a basis upon which the Commission may suspend or revoke the licensee's license. The Commission shall promulgate any rules and regulations necessary to enforce the provisions of this subsection.

H. This act is game-specific and shall not be construed to allow the operation of any other form of gaming unless specifically allowed by this act. This act shall not permit the operation of slot machines, house-banked card games, house-banked table games involving dice or roulette wheels, or ~~games where winners are determined by~~ wagering on the outcome of a sports contest; provided, however, that wagering on the outcome of sports contests may be conducted in accordance with Section 4 of this act.

SECTION 3. AMENDATORY 3A O.S. 2021, Section 280, is amended to read as follows:

Section 280. The State of Oklahoma through the concurrence of the Governor after considering the executive prerogatives of that office and the power to negotiate the terms of a compact between the state and a tribe, and by means of the execution of the State-Tribal

1 Gaming Act, and with the concurrence of the State Legislature
2 through the enactment of the State-Tribal Gaming Act, hereby makes
3 the following offer of a ~~model tribal gaming compact~~ Model Tribal
4 Gaming Compact regarding gaming to all federally recognized Indian
5 tribes as identified in the Federal Register within this state that
6 own or are the beneficial owners of Indian lands as defined by the
7 Indian Gaming Regulatory Act, 25 U.S.C., Section 2703(4), and over
8 which the tribe has jurisdiction as recognized by the Secretary of
9 the Interior and is a part of the tribe's "Indian reservation" as
10 defined in 25 C.F.R., Part 151.2 or has been acquired pursuant to 25
11 C.F.R., Part 151, which, if accepted, shall constitute a gaming
12 compact between this state and the accepting tribe for purposes of
13 the Indian Gaming Regulatory Act. Acceptance of the offer contained
14 in this section shall be through the signature of the chief
15 executive officer of the tribal government whose authority to enter
16 into the ~~compact~~ Compact shall be set forth in an accompanying law
17 or ordinance or resolution by the governing body of the tribe, a
18 copy of which shall be provided by the tribe to the Governor. No
19 further action by the Governor or the state is required before the
20 ~~compact~~ Compact can take effect. A tribe accepting this Model
21 Tribal Gaming Compact is responsible for submitting a copy of the
22 Compact executed by the tribe to the Secretary of the Interior for
23 approval and publication in the Federal Register. The tribe shall
24 provide a copy of the executed Compact to the Governor. No tribe

1 shall be required to agree to terms different than the terms set
2 forth in the Model Tribal Gaming Compact, which is set forth in
3 Section 281 of this title. As a precondition to execution of the
4 Model Tribal Gaming Compact by any tribe, the tribe must have paid
5 or entered into a written agreement for payment of any fines
6 assessed prior to the effective date of the State-Tribal Gaming Act
7 by the federal government with respect to the tribe's gaming
8 activities pursuant to the Indian Gaming Regulatory Act.

9 Notwithstanding the provisions of Sections 941 through 988 of
10 Title 21 of the Oklahoma Statutes, the conducting of and the
11 participation in any game authorized by the ~~model compact~~ Model
12 Tribal Gaming Compact set forth in Section 281 of this title are
13 lawful when played pursuant to a compact which has become effective.

14 1. Prior to July 1, 2008, of all fees received by the state
15 pursuant to subsection A of Part 11 of the Model Tribal Gaming
16 Compact set forth in Section 281 of this title:

- 17 a. twelve percent (12%) shall be deposited in the
- 18 Oklahoma Higher Learning Access Trust Fund, and
- 19 b. eighty-eight percent (88%) of such fees shall be
- 20 deposited in the Education Reform Revolving Fund.

21 2. On or after July 1, 2008, of all fees received by the state
22 pursuant to subsection A of Part 11 of the Model Tribal Gaming
23 Compact set forth in Section 281 of this title and Gaming Compact
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Supplements offered pursuant to Section ~~2~~ 280.1 of this title and
Section 4 of this act:

- a. twelve percent (12%) shall be deposited in the General Revenue Fund, and
- b. eighty-eight percent (88%) of such fees shall be deposited in the Education Reform Revolving Fund.

Provided, the first ~~Twenty Thousand Eight Hundred Thirty-three Dollars and thirty-three cents (\$20,833.33)~~ Twenty-five Thousand Dollars (\$25,000.00) of all fees received each month by the state pursuant to subsection A of Part 11 of the Model Tribal Gaming Compact set forth in Section 281 of this title and Gaming Compact Supplements offered pursuant to Section ~~2~~ 280.1 of this title and Section 4 of this act shall be transferred to the Department of Mental Health and Substance Abuse Services for the treatment of compulsive gambling disorder and educational programs related to such disorder.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 280.2 of Title 3A, unless there is created a duplication in numbering, reads as follows:

A. Provided that federal laws permit and pursuant to the offer of the Model Tribal Gaming Compact made in Section 280 of Title 3A of the Oklahoma Statutes and the definition of "covered games" in the Model Tribal Gaming Compact codified in Section 281 of Title 3A of the Oklahoma Statutes, which said codified compact offer provides

1 the state may approve additional forms of covered games under said
2 compact by amendment of the State-Tribal Gaming Act and a compacting
3 tribe may operate such additional forms of covered games by written
4 supplement to an existing compact, the state hereby approves,
5 subject to this section, an additional game offering as follows:

6 "Sports betting" means any wagering on the outcome of sporting
7 events or other events, other than horse or other animal races.

8 B. Should a tribe that has compacted with the state in
9 accordance with Sections 280 and 281 of Title 3A of the Oklahoma
10 Statutes elect to accept this offer of an additional covered game
11 and, accordingly, to operate sports betting under the terms of its
12 existing gaming compact with the state, said tribe shall execute a
13 supplement to said compact, to provide as follows:

14 MODEL TRIBAL GAMING COMPACT SUPPLEMENT

15 Between the [Name of Tribe]

16 and the STATE OF OKLAHOMA

17 To be governed in accord with the [Name of Tribe]'s State-Tribal
18 Gaming Compact ("Compact"), approved by the United States Department
19 of the Interior on [Date], the [Name of Tribe] ("Tribe") accepts the
20 state's offer of additional covered game codified in Section 280.2
21 of Title 3A of the Oklahoma Statutes, which offer and this
22 acceptance are subject to the following terms:

23 Part 1. TITLE
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1 This document shall be referred to as the "[Name of Tribe] and
2 State of Oklahoma Gaming Compact Sports Betting Supplement ("Gaming
3 Compact Supplement").

4 Part 2. TERMS

5 A. The Tribe hereby memorializes its election to accept the
6 state's offer of an additional covered game, which offer is codified
7 in Section 280.2 of Title 3A of the Oklahoma Statutes. The Tribe
8 further certifies and agrees it shall not offer such additional
9 covered game unless and until doing so would be legal under federal
10 law.

11 B. The Tribe agrees, subject to the enforcement and exclusivity
12 provisions of its Compact, to pay to the state a fee derived from
13 sports betting revenues calculated as set forth in this subsection.
14 Such fee shall be paid no later than the twentieth day of the month
15 for revenues received by the Tribe in the preceding month. The fee
16 shall be ten percent (10%) of monthly adjusted gross revenue from
17 sports betting.

18 Payments of such fees shall be made to the Treasurer of the State of
19 Oklahoma. Nothing herein shall require the allocation of such fees
20 to particular state purposes, including, but not limited to, the
21 actual costs of performing the State's regulatory responsibilities
22 hereunder. "Net win" shall mean all money wagered less prizes paid
23 out and less applicable federal taxes. For all purposes, such
24 payment shall be deemed an exclusivity and fee payment under

1 paragraph 2 of subsection A of Part 11 of the State-Tribal Gaming
2 Compact between the electing Tribe and the State.

3 C. The Tribe's operation of sports betting pursuant to this
4 Gaming Compact Supplement shall, for all purposes, including
5 enforcement and exclusivity, be treated as subject to and lawfully
6 conducted under the terms and provisions of the Compact.

7 Part 3. AUTHORITY TO EXECUTE

8 This Gaming Compact Supplement, to the extent it conforms with
9 Section 280.2 of Title 3A of the Oklahoma Statutes, is deemed
10 approved by the State of Oklahoma. No further action of the State
11 or any state official is necessary for this Gaming Compact
12 Supplement to take effect upon approval by the Secretary of the
13 United States Department of the Interior and publication in the
14 Federal Register. The undersigned tribal official(s) represents
15 that he or she is duly authorized and has the authority to execute
16 this Gaming Compact Supplement on behalf of the Tribe for whom he or
17 she is signing.

18 APPROVED:

19 [Name of Tribe]

20 _____ Date: _____

21 [Title]

22 C. A tribe electing to accept this additional game offering is
23 responsible for submitting a copy of the executed supplement to the
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1 Secretary of the United States Department of the Interior for
2 approval and publication in the Federal Register.

3 D. Upon approval of a supplement by the Secretary of the United
4 States Department of the Interior, said supplement shall be
5 construed as an acceptance of this offer and a supplement to the
6 Tribe's existing State-Tribal Gaming Compact with the State.
7 Thereafter, sports betting shall be deemed a covered game pursuant
8 to said Compact.

9 E. The Tribe is entitled to keep an amount equal to state
10 payments from the operation of sports betting. For all purposes,
11 such payment shall be deemed an exclusivity and fee payment under
12 paragraph 2 of subsection A of Part 11 of the State-Tribal Gaming
13 Compact between the electing Tribe and the State.

14 F. The offer contained in this section shall not be construed
15 to permit the operation of any additional form of gaming by
16 organization licensees or permit any additional electronic or
17 machine gaming within Oklahoma.

18 G. Notwithstanding the provisions of Sections 941 through 988
19 of Title 21 of the Oklahoma Statutes, the conducting of and
20 participation in any game authorized pursuant to this section are
21 lawful when played pursuant to a compact supplement which has become
22 effective in accordance with this section.

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SECTION 5. The Ballot Title for the proposed amendments as set forth in SECTIONS 2 through 4 of this act shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

The measure authorizes the wagering on sports contests. The measure raises certain fee to be received by the state for the treatment of compulsive gambling disorder to Twenty-five Thousand Dollars (\$25,000.00). The measure authorizes a tribe that has compacted with the state to accept the offer of the gaming compact supplement. The measure provides a form that the supplement shall be submitted on to the United States Department of the Interior. The measure directs that the tribe pay a fee to the state from certain revenues. The fee will be ten percent (10%) of monthly adjusted gross revenue from sports betting. The measure allows the tribe to keep an amount equal to state payments from the operation of sports betting.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES _____

AGAINST THE PROPOSAL — NO _____

SECTION 6. The Chief Clerk of the House of Representatives, immediately after the passage of this act, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 5

1 hereof, with the Secretary of State and one copy with the Attorney
2 General.

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