

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 585

By: Coleman

6 AS INTRODUCED

7 An Act relating to amusement and sports; amending 3A  
8 O.S. 2021, Sections 262 and 280, which relate to  
9 state-tribal gaming; providing exception; updating  
language related to sports pools; updating statutory  
10 references; defining term; authorizing fees related  
11 to tribal administration of games; prescribing  
content of Gaming Compact Supplement; prescribing  
procedures for electing acceptance of supplements;  
12 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;  
13 providing for codification; and providing an  
effective date.

14  
15  
16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 3A O.S. 2021, Section 262, is  
18 amended to read as follows:

19 Section 262. A. If at least four Indian tribes enter into the  
20 model tribal-state compact set forth in Section 281 of this title,  
21 and such compacts are approved by the Secretary of the Interior and  
22 notice of such approval is published in the Federal Register, the  
23 Oklahoma Horse Racing Commission ("Commission") shall license  
24 organization licensees which are licensed pursuant to Section 205.2

1 of this title to conduct authorized gaming as that term is defined  
2 by this act pursuant to this act utilizing gaming machines or  
3 devices authorized by this act subject to the limitations of  
4 subsection C of this section. No fair association or organization  
5 licensed pursuant to Section 208.2 of this title or a city, town or  
6 municipality incorporated or otherwise, or an instrumentality  
7 thereof, may conduct authorized gaming as that term is defined by  
8 this act.

9 Notwithstanding the provisions of Sections 941 through 988 of  
10 Title 21 of the Oklahoma Statutes, the conducting of and  
11 participation in gaming in accordance with the provisions of this  
12 act or the model compact set forth in Section 281 of this title is  
13 lawful and shall not be subject to any criminal penalties. Provided  
14 further, a licensed manufacturer or distributor licensed pursuant to  
15 this act may manufacture, exhibit or store as a lawful activity any  
16 machines or devices which are capable of being used to conduct the  
17 following types of gaming:

- 18     1. Gaming authorized by the State-Tribal Gaming Act; or
- 19     2. Other gaming which may be lawfully conducted by an Indian  
20 tribe in this state.

21     B. Except for Christmas Day, authorized gaming may only be  
22 conducted by an organization licensee on days when the licensee is  
23 either conducting live racing or is accepting wagers on simulcast  
24 races at the licensee's racing facilities. Authorized gaming may

1 only be conducted by organization licensees at enclosure locations  
2 where live racing is conducted. Under no circumstances shall  
3 authorized gaming be conducted by an organization licensee at any  
4 facility outside the organization licensee's racing enclosure. No  
5 person who would not be eligible to be a patron of a pari-mutuel  
6 system of wagering pursuant to the provisions of subsection B of  
7 Section 208.4 of this title shall be admitted into any area of a  
8 facility when authorized games are played nor be permitted to  
9 operate, or obtain a prize from, or in connection with, the  
10 operation of any authorized game, directly or indirectly.

11 C. In order to encourage the growth, sustenance and development  
12 of live horse racing in this state and of the state's agriculture  
13 and horse industries, the Commission is hereby authorized to issue  
14 licenses to conduct authorized gaming to no more than three  
15 organization licensees operating racetrack locations at which horse  
16 race meetings with pari-mutuel wagering, as authorized by the  
17 Commission pursuant to the provisions of this title, occurred in  
18 calendar year 2001, as follows:

19 1. An organization licensee operating a racetrack location at  
20 which an organization licensee is licensed to conduct a race meeting  
21 pursuant to the provisions of Section 205.2 of this title located in  
22 a county with a population exceeding six hundred thousand (600,000)  
23 persons, according to the most recent Federal Decennial Census,  
24 shall be licensed to operate not more than six hundred fifty (650)

1 player terminals in any year. Beginning with the third year after  
2 an organization licensee is licensed pursuant to this paragraph to  
3 operate such player terminals, such licensee may be licensed to  
4 operate an additional fifty (50) player terminals. Beginning with  
5 the fifth year after an organization licensee is licensed pursuant  
6 to this paragraph to operate such player terminals, such licensee  
7 may be licensed to operate a further additional fifty (50) player  
8 terminals; and

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

16       Subject to the limitations on the number of player terminals  
17 permitted to each organization licensee, an organization licensee  
18 may utilize electronic amusement games as defined in this act,  
19 electronic bonanza-style bingo games as defined in this act and  
20 electronic instant bingo games as defined in this act, and any type  
21 of gaming machine or device that is specifically allowed by law and  
22 that an Indian tribe in this state is authorized to utilize pursuant  
23 to a compact entered into between the state and the tribe in  
24 accordance with the provisions of the Indian Gaming Regulatory Act

1 and any other machine or device that an Indian tribe in this state  
2 is lawfully permitted to operate pursuant to the Indian Gaming  
3 Regulatory Act, referred to collectively as "authorized games". An  
4 organization licensee's utilization of such machines or devices  
5 shall be subject to the regulatory control and supervision of the  
6 Commission; provided, the Commission shall have no role in oversight  
7 and regulation of gaming conducted by a tribe subject to a compact.  
8 The Commission shall promulgate rules to regulate the operation and  
9 use of authorized gaming by organization licensees. In promulgating  
10 such rules, the Commission shall consider the provisions of any  
11 compact which authorizes electronic gaming which is specifically  
12 authorized by law by an Indian tribe. For the purpose of paragraphs  
13 1 and 2 of this subsection, the number of player terminals in an  
14 authorized game that permits multiple players shall be determined by  
15 the maximum number of players that can participate in that game at  
16 any given time; provided, however, that nothing in this act  
17 prohibits the linking of player terminals for progressive jackpots,  
18 so long as the limitations on the number of permitted player  
19 terminals at each organization licensee are not exceeded. Each  
20 organization licensee shall keep a record of, and shall report at  
21 least quarterly to the Oklahoma Horse Racing Commission, the number  
22 of games authorized by this section utilized in the organization  
23 licensee's facility, by the name or type of each and its identifying  
24 number.

1       D. No zoning or other local ordinance may be adopted or amended  
2 by a political subdivision where an organization licensee conducts  
3 live horse racing with the intent to restrict or prohibit an  
4 organization licensee's right to conduct authorized gaming at such  
5 location.

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

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

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

23      H. This act is game-specific and shall not be construed to  
24 allow the operation of any other form of gaming unless specifically

1 allowed by this act. This act shall not permit the operation of  
2 slot machines, house-banked card games, house-banked table games  
3 involving dice or roulette wheels, or ~~games where winners are~~  
4 ~~determined by wagering on the outcome of a sports contest; provided,~~  
5 however, that in-person wagering and wagering conducted on a mobile  
6 device on the outcome of a sports contest may be conducted in  
7 accordance with Section 3 of this act.

8 SECTION 2. AMENDATORY 3A O.S. 2021, Section 280, is  
9 amended to read as follows:

10 Section 280. The State of Oklahoma through the concurrence of  
11 the Governor after considering the executive prerogatives of that  
12 office and the power to negotiate the terms of a compact between the  
13 state and a tribe, and by means of the execution of the State-Tribal  
14 Gaming Act, and with the concurrence of the State Legislature  
15 through the enactment of the State-Tribal Gaming Act, hereby makes  
16 the following offer of a ~~model tribal gaming compact~~ Model Tribal  
17 Gaming Compact regarding gaming to all federally recognized Indian  
18 tribes as identified in the Federal Register within this state that  
19 own or are the beneficial owners of Indian lands as defined by the  
20 Indian Gaming Regulatory Act, 25 U.S.C., Section 2703(4), and over  
21 which the tribe has jurisdiction as recognized by the Secretary of  
22 the Interior and is a part of the tribe's "Indian reservation" as  
23 defined in 25 C.F.R., Part 151.2 or has been acquired pursuant to 25  
24 C.F.R., Part 151, which, if accepted, shall constitute a gaming

1 compact between this state and the accepting tribe for purposes of  
2 the Indian Gaming Regulatory Act. Acceptance of the offer contained  
3 in this section shall be through the signature of the chief  
4 executive officer of the tribal government whose authority to enter  
5 into the ~~compact~~ Compact shall be set forth in an accompanying law  
6 or ordinance or resolution by the governing body of the tribe, a  
7 copy of which shall be provided by the tribe to the Governor. No  
8 further action by the Governor or the state is required before the  
9 ~~compact~~ Compact can take effect. A tribe accepting this Model  
10 Tribal Gaming Compact is responsible for submitting a copy of the  
11 Compact executed by the tribe to the Secretary of the Interior for  
12 approval and publication in the Federal Register. The tribe shall  
13 provide a copy of the executed Compact to the Governor. No tribe  
14 shall be required to agree to terms different than the terms set  
15 forth in the Model Tribal Gaming Compact, which is set forth in  
16 Section 281 of this title. As a precondition to execution of the  
17 Model Tribal Gaming Compact by any tribe, the tribe must have paid  
18 or entered into a written agreement for payment of any fines  
19 assessed prior to the effective date of the State-Tribal Gaming Act  
20 by the federal government with respect to the tribe's gaming  
21 activities pursuant to the Indian Gaming Regulatory Act.

22 Notwithstanding the provisions of Sections 941 through 988 of  
23 Title 21 of the Oklahoma Statutes, the conducting of and the  
24 participation in any game authorized by the ~~model compact~~ Model

Tribal Gaming Compact set forth in Section 281 of this title are lawful when played pursuant to a compact which has become effective.

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

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

2. On or after July 1, 2008, of all fees received 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 3 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) 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 3 of this act shall be transferred to the

1      Department of Mental Health and Substance Abuse Services for the  
2      treatment of compulsive gambling disorder and educational programs  
3      related to such disorder.

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

7                A.   Provided that federal laws permit and pursuant to the offer  
8      of the Model Tribal Gaming Compact made in Section 280 of Title 3A  
9      of the Oklahoma Statutes and the definition of "covered games" in  
10     the Model Tribal Gaming Compact codified in Section 281 of Title 3A  
11     of the Oklahoma Statutes, which codified compact offer provides that  
12     the state may approve additional forms of covered games under the  
13     compact by amendment of the State-Tribal Gaming Act and a compacting  
14     tribe may operate such additional forms of covered games by written  
15     supplement to an existing compact, the state hereby approves,  
16     subject to this section, an additional game offering as follows:

17                "Sports pools" means any in-person wagering and wagering  
18     conducted on a mobile device on the outcome of sporting events or  
19     other events, other than horse or other animal races.

20                B.   Should a tribe that has compacted with the state in  
21     accordance with Sections 280 and 281 of Title 3A of the Oklahoma  
22     Statutes elect to accept this offer of an additional covered game  
23     and, accordingly, to operate sports pools under the terms of its

1 existing gaming compact with the state, the tribe shall execute a  
2 supplement to the compact, to provide as follows:

3 MODEL TRIBAL GAMING COMPACT SUPPLEMENT

4 Between the [Name of Tribe]

5 and the STATE OF OKLAHOMA

6 To be governed in accord with the [Name of Tribe]'s State-Tribal  
7 Gaming Compact ("Compact"), approved by the United States Department  
8 of the Interior on [Date], the [Name of Tribe] ("Tribe") accepts the  
9 State's offer of an additional covered game codified in Section  
10 280.2 of Title 3A of the Oklahoma Statutes, which offer and this  
11 acceptance are subject to the following terms:

12 Part 1. TITLE

13 This document shall be referred to as the "[Name of Tribe] and  
14 State of Oklahoma Gaming Compact Sports Pools Supplement (Gaming  
15 Compact Supplement)".

16 Part 2. TERMS

17 A. The Tribe hereby memorializes its election to accept the  
18 State's offer of an additional covered game, which offer is codified  
19 in Section 280.2 of Title 3A of the Oklahoma Statutes. The Tribe  
20 further certifies and agrees it shall not offer such additional  
21 covered game unless and until doing so would be legal under federal  
22 law.

23 B. The Tribe agrees, subject to the enforcement and exclusivity  
24 provisions of its Compact, to pay to the state a fee derived from

1 sports pool revenues calculated as set forth in paragraph 1 of this  
2 subsection. Such fee shall be paid no later than the twentieth day  
3 of the month for revenues received by the Tribe in the preceding  
4 month.

5 1. The fee shall be:

- 6 a. four percent (4%) of the first Five Million Dollars  
7 (\$5,000,000.00) of monthly net win received by a Tribe  
8 in a calendar year from the play of sports pools,  
9 b. five percent (5%) of the next Five Million Dollars  
10 (\$5,000,000.00) of adjusted gross revenues received by  
11 a Tribe in a calendar year from the play of sports  
12 pools, and  
13 c. six percent (6%) of all subsequent adjusted gross  
14 revenues received by a Tribe in a calendar year from  
15 the play of sports pools.

16 2. Payment of such fee shall be made to the State Treasurer.

17 Nothing herein shall require the allocation of such fees to  
18 particular state purposes, including, but not limited to, the actual  
19 costs of performing the State's regulatory responsibilities  
20 hereunder. "Net win" shall mean all money wagered less prizes paid  
21 out and less applicable federal taxes. For all purposes, such  
22 payment shall be deemed an exclusivity and fee payment under  
23 paragraph 2 of subsection A of Part 11 of the Model Tribal Gaming  
24 Compact between the electing Tribe and the State.  
25

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

5           Part 3. AUTHORITY TO EXECUTE

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

16           APPROVED:

17           [Name of Tribe]

18           \_\_\_\_\_ Date: \_\_\_\_\_

19           [Title]

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

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

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

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

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

21      SECTION 4. This act shall become effective November 1, 2025.  
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