

Memorandum

PREPARED FOR: Representative Lively

DATE: May 30, 2023

BY: Tyler Larson, Research Analyst

RE: Gaming regulations



LPRO
LEGISLATIVE POLICY
AND RESEARCH OFFICE

This memorandum contains a response to your request for documentation of all Oregon Constitution and statutory provisions related to gaming regulations (Table 1, page 2). Results include a hyperlinked reference and a summary of the relevant text, and are organized first by the related agency or authority, if any, and then numerically in ascending order, starting with constitutional provisions first then moving to statutory references. Related agencies and other authorities are:

- Oregon State Lottery pages 2-7
- Oregon Racing Commission pages 7-8
- Indian Gaming Regulatory Act page 8
- Oregon Department of Justice page 8
- Oregon Health Authority page 8
- Oregon Liquor and Cannabis Commission page 8
- General and Other pages 9-10

References were obtained using a text search of the [2022 edition of the Constitution of the State of Oregon](#) and the [2021 edition of the Oregon Revised Statutes](#). Results should be considered comprehensive but may not be exhaustive.

Table 1: Gaming Regulations in the Oregon Constitution and Oregon Revised Statutes

Authority	Topic	Reference	Summary
Oregon State Lottery	Lottery Funds	Or. Const. art. X-A sects. 2 and 4	Authorizes additional uses of lottery funds during a declared catastrophic disaster.
	Lottery Funds	Or. Const. art. XI-L sect. 2	Authorizes allocation of lottery funds for repayment of debts incurred to provide funds to finance capital costs of Oregon Health and Science University.
	Lottery Funds	Or. Const. art. XI-M sect. 2	Authorizes allocation of lottery funds for repayment of debts incurred to provide funds for the planning and implementation of seismic rehabilitation of public education buildings.
	Lottery Funds	Or. Const. art. XI-N sect. 2	Authorizes allocation of lottery funds for repayment of debts incurred to provide funds for the planning and implementation of seismic rehabilitation of emergency services buildings.
	Public Administration, Lottery Funds	Or. Const. art. XV sect. 4	Establishes the State Lottery Commission to operate a State Lottery and dedicates net proceeds after prizes and administration costs to creating jobs, furthering economic development, financing public education in Oregon, or restoring and protecting Oregon’s parks, beaches, watersheds, and native fish and wildlife.
	Public Safety	ORS 133.005 (2021)	Defines “reserve officer” to include peace officer commissioned by the Oregon State Lottery Commission.
	Public Safety	ORS 162.305 (2021)	Declares tampering with records of the Oregon State Lottery to be a Class C felony.
	Public Safety	ORS 164.377 (2021)	Declares knowingly accessing or attempting to access Oregon State Lottery computer systems with nefarious intent to be a Class C felony under the Oregon Criminal Code.



Authority	Topic	Reference	Summary
Oregon State Lottery	Public Safety	ORS 166.715 (2021)	Declares computer crimes related to the Oregon State Lottery to be an unlawful “racketeering activity” under the Oregon Criminal Code.
	Lottery Funds	ORS 173.420 (2021)	Requires the Legislative Fiscal Officer to report the administrative costs and transfer rate of the Oregon Lottery Commission for each biennium.
	Public Safety	ORS 181A.195 (2021)	Declares the Oregon State Lottery is not an authorized agency for the purposes of requesting a criminal records check from the Department of State Police for noncriminal justice purposes.
	Public Safety	ORS 181A.355(12), (14), and (18) (2021)	Defines “law enforcement unit,” “police officer,” and “reserve officer” to include the Oregon State Lottery Commission and peace officers commissioned by the agency.
	Public Administration	ORS 192.345(23) (2021)	Establishes that records or information related to the security procedures of the Oregon State Lottery are presumed exempt from public disclosure under Oregon’s public records law.
	Public Administration	ORS 238.005 (2021)	Defines “police officer” to include enforcement agents of the Oregon State Lottery Commission for purposes of the Oregon Public Employees Retirement System.
	Public Administration	ORS 243.005 (2021)	Defines “police officer” to include enforcement agents of the Oregon State Lottery Commission for purposes of certain life insurance benefits.
	Public Administration	ORS 244.045 and 244.050 (2021)	Establishes ethics requirements for members of the Oregon State Lottery and the Oregon State Lottery Commissioner.
	Campaign Finance	ORS chapter 259(1)(j)(1) (2021)	Campaign finance reforms enacted by voters as Ballot Measure 47 in 2006 and later found unconstitutional, identify campaign contributions from video poker operators as an example of “undue influence due to large campaign contributions.”



Authority	Topic	Reference	Summary
Oregon State Lottery	Public Administration	ORS 276A.230 to 276A.323 (2021)	Exempts the Oregon State Lottery from the purview of the Office of Enterprise Information Services.
	Public Administration	ORS 279A.025 (2021)	Declares the Public Contracting Code does not apply to the contracting activities of the Oregon State Lottery Commission.
	Lottery Funds	ORS 280.518 (2021)	Requires any economic development program financed with proceeds from the Oregon State Lottery to “have displayed conspicuously [...] information specifying that the program is being financed by the state lottery.”
	Lottery Funds	ORS 284.126 (2021)	Subjects the portion of the Oregon Tourism Commission biennial budget funded by allocation of lottery funds to review and approval by the Legislative Assembly and future modification by the Emergency Board or Legislative Assembly.
	Lottery Funds	ORS 284.801 (2021)	Establishes that moneys in the Eastern Oregon Border Economic Development Board Fund include lottery bond proceeds allocated by the Legislative Assembly.
	Lottery Funds	ORS 285A.198 (2021)	Establishes that moneys in the Oregon Brownfield Properties Revitalization Fund include lottery bond proceeds allocated by the Legislative Assembly.
	Lottery Funds	ORS chapter 285B (2021)	Commits lottery funds for various economic development projects.
	Lottery Funds	ORS chapter 286A (2021)	Provides for the uniform administration of lottery bonds.
	Public Administration	ORS 291.227 (2021)	Exempts the Oregon State Lottery Commission from maximum supervisory ratios for certain state agencies.



Authority	Topic	Reference	Summary
Oregon State Lottery	Lottery Funds	ORS 291.348 to 291.349 (2021)	Requires the Oregon Department of Administrative Services to certify total of the State Lottery Fund each fiscal year, and to report State Lottery Fund Revenues to the Legislative Revenue Officer and the Legislative Fiscal Officer after sine die of each odd-numbered year regular session.
	Lottery Funds	ORS 294.444 (2021)	Requires county budgets to contain a summary of revenues and expenditures including total expenses for each program and revenues used to fund the programs including video lottery funds.
	Lottery Funds	ORS 297.210 (2021)	Authorizes the Secretary of State to audit the use of video lottery revenues transferred by the state to counties.
	Lottery Funds	ORS 314.625 and 314.642 (2021)	Clarifies treatment of lottery prizes for purposes of the Uniform Division of Income for Tax Purposes Act.
	Lottery Funds	ORS 316.127 and 316.194 (2021)	Clarifies treatment of lottery prizes for the purposes of Oregon's income tax and mandates the Oregon State Lottery Commission withhold and remit to the Department of Revenue eight percent of lottery prizes of \$1,500 or more for tax withholding.
	Lottery Funds	ORS 320.005 to 320.150 (2021)	Establishes a tax against net receipts of video lottery devices administered and enforced by the Department of Revenue, with assistance from the Oregon State Lottery. Based on population, 47.1 percent of tax receipts are remitted to county treasurers.
	Lottery Funds	ORS 327.700 to 327.731 (2021)	Establishes the education lottery bond program as an appropriate use of state lottery funds under the Oregon Constitution.
	Public Administration	ORS 342.974 (2021)	Requires the Oregon State Lottery Commission to collaborate with the Department of Education to honor and recognize the Oregon Education Support Professional of the Year.



Authority	Topic	Reference	Summary
Oregon State Lottery	Lottery Funds	ORS 348.716 (2021)	Establishes the Oregon Education Fund and appropriates moneys in the fund for public education lottery bond debt.
	Lottery Funds	ORS 367.080 (2021)	Establishes that moneys in the Connect Oregon Fund include lottery bond proceeds.
	Lottery Funds	ORS 390.060 to 390.067 (2021)	Establishes the state park lottery bonds program with the finding that the program is an appropriate use of state lottery funds under the Oregon Constitution.
	Lottery Funds	ORS 391.090 to 391.130 (2021)	Finds light rail transit is an appropriate use of state lottery funds under the Oregon Constitution and allocates lottery funds to light rail projects.
	Lottery Funds	ORS 406.140 to 406.146 (2021)	Dedicates one and one-half of one percent of the net proceeds from the Oregon State Lottery to the Veterans' Service Fund to finance specified Veteran-related programs.
	Lottery Funds	ORS 413.522 (2021)	Establishes the Problem Gambling Treatment Fund which includes proceeds from the Oregon State Lottery.
	Lottery Funds	ORS 447.255 (2021)	Declares it is the intent of the Legislative Assembly that any buildings for which the construction was paid for in whole or in part by lottery funds is accessible to and usable by persons with disabilities.
	Lottery Funds	ORS 456.576 (2021)	Establishes the Self-Sufficiency Housing Fund which includes proceeds from lottery bonds.
	Lottery Funds	ORS 458.720 (2021)	Establishes the Community Development Project Fund which includes proceeds from lottery bonds.
	Public Administration	ORS chapter 461 (2021)	Provides for the administration and operation of the Oregon State Lottery.



Authority	Topic	Reference	Summary
Oregon State Lottery	Lottery Funds	ORS 468.423 to 468.440 (2021)	Establishes the Water Pollution Control Revolving Fund and authorizes lottery bonds with the finding that the projects are an appropriate use of state lottery funds under the Oregon Constitution.
	Public Administration	ORS 479.940 (2021)	Exempts certain electrical installation, maintenance, or repair or lottery equipment from the licensing requirements of Oregon's Electrical Safety Law.
	Lottery Funds	ORS 541.940 to 541.942 (2021)	Establishes the Parks and Natural Resources Fund and dedicates 15 percent of the net proceeds from the Oregon State Lottery to the Fund.
	Lottery Funds	ORS 565.445 to 565.447 (2021)	Establishes the County Fair Account and allocates lottery funds with the finding that the account is an appropriate use of state lottery funds under the Oregon Constitution.
	Public Administration	ORS 659A.320 (2021)	Allows the Oregon State Lottery Commission to discriminate based on information in credit history with regard to individuals employed by the agency as peace officers.
	Lottery Funds	ORS 777.282 and 777.284 (2021)	Establishes the Channel Deepening Account and allows lottery bond proceeds to be deposited into the account for payment of the Oregon nonfederal share.
Oregon Racing Commission	Public Safety	ORS 166.715 (2021)	Declares certain crimes related to racing to be an unlawful "racketeering activity" under the Oregon Criminal Code.
	Public Safety	ORS 167.114 (2021)	Exempts activities licensed and regulated by the Oregon Racing Commission from certain gambling offenses under the Oregon Criminal Code.
	Public Administration	ORS 183.635 (2021)	Exempts Oregon Racing Commission from requirement to use administrative law judges assigned from the Office of Administrative Hearings.



Authority	Topic	Reference	Summary
Oregon Racing Commission	Public Administration	ORS 244.050 (2021)	Establishes ethics requirements for the Oregon Racing Commission and the Executive Director of the Commission.
	Public Administration	ORS 305.410 (2021)	Establishes that racing taxes are not tax laws under the purview of the Oregon Tax Court.
	Public Administration	ORS chapter 462 (2021)	Establishes the Oregon Racing Commission and provides for the regulation of animal racing, exchange wagering, and off-race course mutuel wagering.
Indian Gaming Regulatory Act	Public Safety	ORS 181A.210 (2021)	Establishes that Native American tribes authorized by the Indian Gaming Regulatory Act and the State of Oregon to conduct gambling operations on tribal land are “agencies” for the purpose of requesting and receiving background checks for individuals applying for employment at a tribal gaming facility.
	Public Administration	ORS 227.172 (2021)	Aligns definition of “tribal casino” with provisions of the Indian Gaming Regulatory Act for purposes of Oregon’s city planning and zoning laws.
	Public Administration	ORS 244.045 (2021)	Establishes ethics requirements for members of the Department of State Police related to gaming by a Native American tribe.
Department of Justice	Public Administration	ORS chapter 464 (2021)	Establishes regulations for bingo, lotto, or raffle games or Monte Carlo events administered by the Department of Justice.
Oregon Health Authority	Public Health	ORS 413.520 and 413.522 (2013)	Requires the Oregon Health Authority, in collaboration with counties, to administer a statewide gambling addiction program which is financed in part by lottery funds.
Oregon Liquor and Cannabis Commission	Public Safety	ORS 471.315, 471.610, 471.657 and 471.700 (2021)	Authorizes confiscation and forfeiture of gambling devices for any violation of the Oregon Liquor Control Act. Authorizes revocation of any license if the licensee or an employee of the licensee is convicted of a gambling offense under the Oregon Criminal Code.



Authority	Topic	Reference	Summary
General and Other	Public Administration	ORS 30.740 and 30.780 (2021)	Establishes civil liability for any person committing gambling offense under the Oregon Criminal Code and right to recover double losses resulting from prohibited games.
	Public Administration	ORS 79.0102 (2021)	Includes winnings from lottery or other game of chance operated or sponsored by a state government in the definition of “account” for purpose of the Uniform Commercial Code.
	Public Safety	ORS 91.240 to 91.245 (2021)	Prohibits renting any space for gambling purposes and establishes penalty for violations enforceable by the district attorney.
	Public Safety	ORS 105.555 (2021)	Declares any place used and maintained for profit and the purpose of gambling or a lottery a nuisance subject to abatement.
	Public Safety	ORS 131.602 (2021)	Establishes that gambling offenses under the Oregon Criminal Code are grounds for criminal forfeiture.
	Public Safety	ORS 163.575 (2021)	Establishes that inducing or causing a person under 18 years of age to participate in gambling is a Class A misdemeanor.
	Public Safety	ORS 164.115 (2021)	Establishes that the value of gambling chips and other token or imitation currency is the face value for the purposes of valuing property under the Oregon Criminal Code.
	Public Safety	ORS 166.715 (2021)	Establishes that gambling offenses are a “racketeering activity” under the Oregon Criminal Code.
	Public Safety	ORS 167.108 to 167.167 (2021)	Establishes gambling offenses for the Oregon Criminal Code.
	Public Safety	ORS 180.600 (2021)	Defines “organized crime” as a conspiracy of two or more persons to engage in criminal activity relating to gambling.



Authority	Topic	Reference	Summary
General and Other	Public Safety	ORS 221.916 (2021)	Authorizes mayor and city council at any regular council meeting to “prevent and suppress gaming and gambling houses, and all games of chance, including lotteries and pool selling.”
	Public Administration	ORS 399.115 (2021)	Authorizes commanding officer to prohibit and abate as common nuisances all gambling within the limits of any space or facility of the Oregon Army National Guard.
	Public Administration	ORS 433.835 and 433.847 (2021)	Prohibits business that offers video lottery games, social gaming, or betting on the premises from obtaining certification as a smoke shop.
	Public Administration	ORS 659A.130 (2021)	Establishes that compulsive gambling is not an impairment for the purposes of employment discrimination.
	Public Health	ORS 676.553 and 676.866 (2021)	Prohibits problem gambling treatment provider from accepting or paying referral fees and making certain representations in advertisements. Requires licensees to obtain regular suicide risk assessment training.
	Public Administration	ORS 708A.660 (2021)	Establishes that savings promotion raffle is not subject to existing state laws with respect to gambling.
	Public Administration	ORS 725A.060 (2021)	Prohibits certain lenders from conducting business where liquor or lottery tickets are sold or where gambling devices are located.
	Public Administration	ORS 807.240 (2021)	Requires ODOT to issue a hardship driver permit to a person that must operate a motor vehicle to get to or from a gambling addiction treatment program.

Table: Legislative Policy and Research Office

Source: [The Constitution of the State of Oregon](#), [Oregon Revised Statutes](#).

Notes: Results of keyword search for terms “lotter*”, “racing”, “wager”, “gaming”, and “gambl*”. Results were manually reviewed for relevance; temporary provisions printed but not codified are not included.

