

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

715R0287

HOUSE BILL NO. 1095

Introduced by: Representatives Nygaard, Frerichs, Lederman, Romkema, Turbiville, and Van Gerpen and Senators Olson (Russell), Adelstein, Brown, Gant, Nesselhuf, and Rhoden

1 FOR AN ACT ENTITLED, An Act to permit local industrial development corporations to
2 conduct bingo games and lotteries under certain conditions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-25-25 be amended to read as follows:

5 22-25-25. The game, bingo, as defined in § 22-25-23, or lottery, as defined in § 22-25-24,
6 may not be construed as gambling or as a lottery within the meaning of § 22-25-1, if:

7 (1) The bingo game or lottery is conducted by a bona fide congressionally chartered
8 veterans' organization; a religious, charitable, educational, or fraternal organization;
9 a local civic or service club; a political party; a volunteer fire department; a local
10 industrial development corporation as defined in § 5-14-23; or a political action
11 committee or political committee on behalf of any candidate for a political office
12 which exists under the laws of the State of South Dakota;

13 (2) The proceeds therefrom do not inure to the benefit of any individual;

14 (3) No separate organization or professional person is employed to conduct the bingo



1 game or lottery or assist therein;

2 (4) No compensation of any kind in excess of the state minimum wage per hour or sixty
3 dollars, whichever is greater, in value is paid to any person for services rendered
4 during any bingo session in connection with the conduct of the bingo game or in
5 consideration of any lottery. However, the provisions of this subdivision do not apply
6 to games or lotteries conducted in connection with any of the following events: a
7 county fair conducted pursuant to § 7-27-3, the state fair conducted pursuant to
8 chapter 1-21, or a civic celebration recognized by resolution or other similar official
9 action of the governing body of a county, municipality, or village;

10 (5) No prize in excess of two thousand dollars is awarded at any one play of bingo;

11 (5A) The actual value of any lottery prize is stated before any chances for the lottery are
12 sold. A lottery prize of a stated amount of dollars in value may be given to a person
13 who sells a winning lottery ticket or share as long as the winning lottery ticket or
14 share is selected at random;

15 (6) The organizations authorized under subdivision (1) of this section, before conducting
16 a bingo game or before selling any chances for a lottery give thirty days' written
17 notice of the time and place thereof to the governing body of the county or
18 municipality in which it intends to conduct the bingo game or lottery, and the
19 governing body does not pass a resolution objecting thereto. However, any
20 organization that conducts a lottery and tickets or shares for such lottery are sold
21 state-wide shall provide written notice of such lottery pursuant to this subdivision
22 only to the secretary of state and to the governing body where the drawing for such
23 lottery is held. A municipality pursuant to § 9-29-5 may by ordinance prohibit within
24 the municipality the sale of lottery tickets or shares for such lottery issued pursuant

1 to this section; and

2 (7) No organization authorized to conduct a bingo game or lottery under subdivision (1)
3 of this section may enter into any lease or agreement with any other person or
4 organization to provide equipment or services associated with the conduct of a bingo
5 game or lottery. However, this subdivision does not apply to any lease or agreement
6 with a distributor licensed pursuant to §§ 22-25-28 to 22-25-51, inclusive, to provide
7 bingo or lottery equipment and supplies.