

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

663U0158

SENATE LOCAL GOVERNMENT ENGROSSED NO. **HB 1085** - 02/27/2013

Introduced by: Representatives Campbell and Heinert and Senators Omdahl and Welke

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the notice given to
2 municipalities and counties for bingo games and lotteries.

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
15 game or lottery or assist therein;



- (4) No compensation of any kind in excess of the state minimum wage per hour or sixty dollars, whichever is greater, in value is paid to any person for services rendered during any bingo session in connection with the conduct of the bingo game or in consideration of any lottery. However, the provisions of this subdivision do not apply to games or lotteries conducted in connection with any of the following events: a county fair conducted pursuant to § 7-27-3, the state fair conducted pursuant to chapter 1-21, or a civic celebration recognized by resolution or other similar official action of the governing body of a county, municipality, or village;
- (5) No prize in excess of two thousand dollars is awarded at any one play of bingo;
- (5A) The actual value of any lottery prize is stated before any chances for the lottery are sold. A lottery prize of a stated amount of dollars in value may be given to a person who sells a winning lottery ticket or share as long as the winning lottery ticket or share is selected at random;
- (6) The organizations authorized under subdivision (1) of this section, before conducting a bingo game or before selling any chances for a lottery give thirty days' written notice of the time and place thereof to the governing body or designated administrative official of the county or municipality in which it intends to conduct the bingo game or lottery, and the governing body does not pass a resolution objecting thereto. However, any organization that conducts a lottery and tickets or shares for such lottery are sold state-wide shall provide written notice of such lottery pursuant to this subdivision only to the secretary of state and to the governing body where the drawing for such lottery is held. A municipality pursuant to § 9-29-5 may by ordinance prohibit within the municipality the sale of lottery tickets or shares for such lottery issued pursuant to this section; and

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