

# State of South Dakota

## SEVENTY-SIXTH SESSION LEGISLATIVE ASSEMBLY, 2001

707E0507

### SENATE BILL NO. 150

Introduced by: Senators Kleven, Dennert, Drake, Greenfield, Ham, and Putnam and  
Representatives Napoli, Clark, Flowers, Hennies (Thomas), Pederson  
(Gordon), and Pummel

1 FOR AN ACT ENTITLED, An Act to revise certain conditions regarding the authorization of  
2 bingo or lotteries for restricted purposes and to increase the size of prize certain lotteries may  
3 award.

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

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

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

8 (1) The bingo game or lottery is conducted by a bona fide congressionally chartered  
9 veterans organization; a religious, charitable, educational, or fraternal organization;  
10 a local civic or service club; a political party; a volunteer fire department; or a political  
11 action committee or political committee on behalf of any candidate for a political  
12 office 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 and  
11 no lottery prize is in excess of ~~eighteen~~ thirty thousand dollars in value. However, a  
12 lottery prize of ~~eighteen~~ thirty thousand dollars or less in value may also be given to  
13 a person who sells a winning lottery ticket or share as long as the winning lottery  
14 ticket or 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 notice  
17 of the time and place thereof to the governing body of the county or municipality in  
18 which it intends to conduct the bingo game or lottery, and the governing body does  
19 not pass a resolution objecting thereto. However, any organization that conducts a  
20 lottery and tickets or shares for such lottery are sold state-wide shall provide written  
21 notice of such lottery pursuant to this subdivision only to the secretary of state and  
22 to the governing body where the drawing for such lottery is held. A municipality  
23 pursuant to § 9-29-5 may by ordinance prohibit within the municipality the sale of  
24 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.