

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

468B0512

## HOUSE BILL NO. 1203

Introduced by: Representatives Dennert, Perry, and Pischke and Senator Wismer

1 FOR AN ACT ENTITLED, An Act to authorize certain poker tournaments for restricted  
2 purposes.

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

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

5 22-25-25. The game, bingo, as defined in § 22-25-23, or lottery, as defined in § 22-25-24,  
6 or poker tournament, as defined in section 2 of this Act, may not be construed as gambling or  
7 as a lottery within the meaning of § 22-25-1, if:

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

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

15 (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~~ The provisions of this subdivision do not  
6 apply to games or lotteries conducted in connection with any of the following events:  
7 a 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~~ four 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 (5B) Fifty percent of all tournament fees paid in any poker tournament will be paid out as  
16 tournament prizes;
- 17 (6) The organizations authorized under subdivision (1) of this section, before conducting  
18 a bingo game or before selling any chances for a lottery give thirty days' written  
19 notice of the time and place thereof to the governing body or designated  
20 administrative official of the county or municipality in which it intends to conduct  
21 the bingo game ~~or~~, lottery, or poker tournament, and the governing body does not  
22 pass a resolution ~~objecting thereto. However, any~~ in objection. Any organization that  
23 conducts a lottery and tickets or shares for ~~such~~ the lottery are sold state-wide shall  
24 provide written notice of ~~such~~ the lottery ~~pursuant to~~ under this subdivision ~~only~~ to

1 the secretary of state and to the governing body where the drawing for ~~such~~ the  
 2 lottery is held. A municipality pursuant to § 9-29-5 may by ordinance prohibit within  
 3 the municipality the sale of lottery tickets or shares for such lottery issued pursuant  
 4 to this section; ~~and~~

5 (7) Any organization authorized under this section to conduct a poker tournament shall  
 6 file with the Office of the Secretary of State an intent to conduct the tournament  
 7 thirty days before play is to be conducted. This intent shall include the location, date,  
 8 time, tournament fee, and blind schedule. When the poker tournament is concluded,  
 9 a list of all participants, total dollars paid in fees, and total dollars paid in prizes shall  
 10 be provided to the secretary of state no later than forty-eight hours after play has  
 11 concluded. If play is conducted on a weekend or holiday, the information shall be  
 12 filed on the next regular business day closest to the date the tournament was  
 13 conducted; and

14 (8) No organization authorized to conduct a bingo game ~~or, lottery, or poker tournament~~  
 15 under subdivision (1) of this section may enter into any lease or agreement with any  
 16 other person or organization to provide equipment or services associated with the  
 17 conduct of a bingo game ~~or, lottery, or poker tournament.~~ However, ~~this~~ This  
 18 subdivision does not apply to any lease or agreement with a distributor licensed  
 19 pursuant to ~~under~~ §§ 22-25-28 to 22-25-51, inclusive, to provide bingo or lottery  
 20 equipment and supplies.

21 Section 2. That chapter 22-25 be amended by adding a NEW SECTION to read:

22 As used in this chapter, the term, poker tournament, is a tournament of chance played with  
 23 a standard fifty-two card deck of playing cards. The approved games include Texas Hold Em,  
 24 Omaha, Omaha Hi-Lo, Five Card Draw, Seven Card Draw, or Razz. Each game shall be played

1 within the standard rules of the respective game as recognized by the World Series of Poker.  
2 The maximum buy in, or cost of chance to play, is one hundred dollars. Each person who has  
3 paid the buy in shall receive an equal amount of tournament chips, unless multiple chances are  
4 purchased.

5 Each poker tournament shall have a tournament director who shall enforce the rules of the  
6 game being played and shall have final authority over all disputes. The tournament director shall  
7 be in charge of seating all players and keeping time.

8 The tournament shall be played in sections of play called blinds where each blind shall last  
9 for twenty minutes and have a minimum level of bets to be played. During each hand of poker,  
10 there shall be a dealer, a small blind, and a big blind. The small and big blinds are required to  
11 place a required bet of tournament chips assigned to that blind level before that hand may be  
12 played. The blind level structure and points where breaks occur shall be posted before the  
13 tournament starts.