

AN ACT

ENTITLED, An Act to revise certain provisions regarding the regulation of limited gaming in  
Deadwood, South Dakota.

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

Section 1. That § 42-7B-4 be amended to read:

42-7B-4. Terms used in this chapter mean:

- (1) "Adjusted gross proceeds," except in the case of the games of poker, gross proceeds less cash prizes. In games of poker, the term means any sums wagered in a poker hand which may be retained by the licensee as compensation which must be consistent with the minimum and maximum amount established by the South Dakota Commission on Gaming;
- (1A) "Associated equipment," any equipment or any mechanical, electromechanical, or electronic device, component, or machine, or any combination thereof, that is used remotely or directly in connection with gaming or any gaming device;
- (1B) "Associated equipment manufacturer or distributor," any person who designs, assembles, fabricates, produces, constructs, sells, leases, or otherwise prepares a product or component of any associated equipment;
- (2) "Bet," an amount placed as a wager in a game of chance;
- (3) "Blackjack," a card game played by a maximum of seven players in which each player bets against the dealer. The object is to draw cards whose value will equal or approach twenty-one without exceeding that amount and win bets, payable by the dealer, if the player holds cards more valuable than the dealer's cards;
- (3A) "Cheating," any attempt to alter the elements of chance, method of selection, or criteria that determines the:

- (a) Result of a game;
  - (b) Amount or frequency of payment in a game;
  - (c) Value of a wagering instrument; or
  - (d) Value of a wagering credit;
- (3B) "Cheating device," any computerized, electronic, electrical, or mechanical device, or any software or hardware, or any combination thereof, that is designed, constructed, altered, or programmed to obtain an advantage at playing any game in a licensed gaming establishment or any game that is offered by a licensee including a device that:
- (a) Projects the outcome of the game;
  - (b) Keeps track of cards played or cards prepared for play in the game;
  - (c) Tracks play and analyzes the probability of the occurrence of an event relating to the game; or
  - (d) Tracks play and analyzes the strategy for playing or betting to be used in the game except as may be made available as part of an approved game or otherwise permitted by the commission;
- (4) "City limits," the boundaries of the city of Deadwood as they existed on January 1, 1989;
- (5) "Commission," the South Dakota Commission on Gaming;
- (5A) "Craps," a game in which the players place bets on the outcome of the roll or series of rolls of a pair of dice;
- (5B) "Fraudulent scheme," a dishonest or deceptive plan or arrangement used or intended to be used to play a game or slot machine that gives any person an advantage when playing a game or slot machine;
- (5C) "Fraudulent technique," a dishonest or deceptive procedure or method of playing a game or slot machine that gives any person an advantage when playing a game or slot machine;

- (6) "Gaming," limited card games, slot machines, craps, roulette, and keno as allowed and regulated by this chapter;
- (6A) "Gaming device," a poker table, a blackjack table, a slot machine, a craps table, a roulette table, or a keno number selection device;
- (7) "Gaming employee," any person twenty-one years of age or older employed by an operator or retailer hosting gaming to work directly with the gaming portion of that business and who must hold a support license;
- (8) "Gaming equipment," any equipment used in gaming that is allowed by this chapter and which requires licensing;
- (9) "Gaming license," any license issued by the commission pursuant to this chapter which authorizes any person to engage in gaming within the city of Deadwood;
- (9A) "Gaming property owner," any person other than a licensed retailer who owns real property where licensed gaming is conducted within the city of Deadwood. The term, gaming property owner, does not include any person who owned real property where licensed gaming was conducted within the city of Deadwood prior to January 1, 2010;
- (10) "Historic restoration and preservation," the restoration and preservation of the city of Deadwood to maintain its historical background, cultural heritage, and necessary supporting infrastructures;
- (10A) "Keno," a game in which players place bets by marking their selections on a blank ticket form with eighty numbered selection boxes and the outcome is determined by a number selection device;
- (10B) "Key employee," any executive, employee, or agent of a gaming licensee having the power to exercise a significant influence over decisions concerning any part of the operation of a gaming licensee;

- (11) "Licensed gaming establishment," any premises licensed pursuant to this chapter where gaming is conducted;
- (12) "Licensee," any person licensed under this chapter;
- (13) "Licensing authority," the South Dakota Commission on Gaming;
- (14) "Limited card games and slot machines," any card games including poker and blackjack and slot machines authorized by this chapter and regulated by the commission;
- (15) "Net municipal proceeds," the amount remitted to the city of Deadwood by the South Dakota Commission on Gaming;
- (16) "Operator," any person who places poker tables, blackjack tables, slot machines, craps tables, roulette tables, or keno number selection devices in the person's own business premises;
- (17) "Person," includes individuals, partnerships, limited liability companies, associations, and corporations;
- (18) "Poker," a card game played by players who are dealt cards by a nonplayer dealer. The object of the game is for each player to bet the superiority of the player's own hand and win the other players' bets by either making a bet no other player is willing to match or proving to hold the most valuable cards after all the betting is over. Poker includes draw, stud, low ball, or any combination thereof;
- (19) "Retailer," any licensee who maintains gaming at the licensee's place of business within the city of Deadwood for use and operation by the public;
- (20) "Retail space," the area where the retailer's business is principally conducted;
- (20A) "Roulette," a game in which players place bets on a single number or a range of numbers or the colors red or black or whether the number is odd or even or a combination thereof and the winning numbers and color are determined by a ball which is spun on a wheel;

- (20B) "Route operator," any person who, individually or jointly pursuant to an agreement whereby consideration is paid for the right to place poker tables, blackjack tables, slot machines, craps tables, roulette tables, or a keno number selection device, engages in the business of placing and operating poker tables, blackjack tables, slot machines, craps tables, roulette tables, or a keno number selection device within the city of Deadwood;
- (21) "Slot machines," any mechanical, electrical, or other device, contrivance, or machine which, upon insertion of a coin, token or similar object, or upon payment of any consideration whatsoever, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash premiums, merchandise, tokens, redeemable game credits or anything of value other than unredeemable free games whether the payoff is made automatically from the machines or in any other manner;
- (22) "Slot machine manufacturer," any person or distributor who designs, assembles, fabricates, produces, constructs, sells, leases, or who otherwise prepares a product or a component part of a slot machine, other than tables or cabinetry;
- (23) "Suitability" or "suitable," in relation to a person is the ability to be licensed by the commission and as to acts or practices, are lawful acts or practices;
- (24) "Unsuitability" or "unsuitable," in relation to a person is the inability to be licensed by the commission because of prior acts, associations, or financial condition, and as to acts or practices, are those that would violate the statutes or rules or would be contrary to the declared legislative purpose of this chapter.

Section 2. That § 42-7B-42 be amended to read:

42-7B-42. It is unlawful for any person playing or conducting any authorized game of chance,

conducted by a licensee to:

- (1) Use bogus or counterfeit chips, tokens, devices, coins, tickets, cards, dice, roulette balls, or any other item of artificial value;
- (2) Employ or have on one's person any cheating device to facilitate cheating in any game of chance;
- (3) Use any fraudulent scheme or technique; or
- (4) Have located on the premises equipment for gaming that is not licensed by the commission pursuant to this chapter except any equipment exempted by the commission, this chapter, or other statutes.

A violation of this section is a Class 5 felony.

Section 3. That § 42-7B-43 be amended to read:

42-7B-43. All slot machines and associated equipment allowed under this chapter shall have the security and audit specifications established in rules adopted by the commission.

Section 4. That § 42-7B-12 be amended to read:

42-7B-12. Any person aggrieved by a final action of the commission may appeal the final action to the circuit court in accordance with the provisions of chapter 1-26, however any denial of an application for a license under § 42-7B-19 is not appealable.

An Act to revise certain provisions regarding the regulation of limited gaming in Deadwood, South Dakota.

=====

I certify that the attached Act originated in the

SENATE as Bill No. 43

\_\_\_\_\_  
Secretary of the Senate

=====

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 43  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

=====

Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

=====

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

=====

STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State