

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

400W0120

SENATE ENGROSSED NO. **SB 58** - 01/21/2015

Introduced by: The Committee on State Affairs at the request of the Department of Revenue

1 FOR AN ACT ENTITLED, An Act to revise certain authority, monetary penalties, and hearing
2 procedures of the South Dakota Commission on Gaming.

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

4 Section 1. That § 42-7B-32 be amended to read as follows:

5 42-7B-32. Any license granted pursuant to this chapter may be suspended or revoked for any
6 cause which may have prevented its issuance, or for violation by the licensee, or any officer,
7 director, agent, member, or employee of the licensee, of this chapter or any rule adopted by the
8 commission or for conviction of a crime of moral turpitude or a felony, after notice to the
9 licensee and a hearing, upon grounds determined adequate by the commission. In addition to
10 revocation or suspension or in lieu of revocation or suspension, the commission may impose a
11 reprimand or a monetary penalty for each offense not to exceed the following amounts:

12 (1) If the licensee is a slot machine manufacturer or distributor, ~~the amount of one~~
13 ~~hundred~~ two hundred fifty thousand dollars;

14 (2) If the licensee is an operator, ~~the amount of twenty-five~~ one hundred thousand
15 dollars;



- 1 (3) If the licensee is a retailer or gaming property owner, ~~the amount of twelve thousand~~
2 ~~five hundred~~ twenty-five thousand dollars;
- 3 (4) If the licensee is a key employee, ~~the amount of~~ five thousand dollars; and
- 4 (5) If the licensee has a support license, ~~the sum of~~ two thousand five hundred dollars.

5 Any monetary penalty received by the commission under this section shall ~~go into~~ be
6 deposited in the gaming commission fund established by § 42-7B-48 and is to be used solely
7 for the purposes prescribed by subdivision 42-7B-48(2) and is not subject to the provisions of
8 subdivision 42-7B-48(4).

9 Section 2. That chapter 42-7B be amended by adding thereto a NEW SECTION to read as
10 follows:

11 Any slot machine seized pursuant to the provisions of § 42-7B-39 may be destroyed after
12 notice and without hearing if the person from whom the slot machine was seized fails to appear
13 at the time and place scheduled in the hearing notice.

14 Section 3. That chapter 42-7B be amended by adding thereto a NEW SECTION to read as
15 follows:

16 Any license granted pursuant to the provisions of this chapter which is voluntarily
17 surrendered by the licensee may be cancelled or revoked without a hearing unless the licensee
18 files a written request for a hearing within thirty days after receiving written notice of the
19 revocation or cancellation from the commission.

20 Section 4. That § 23A-27-14.2 be amended to read as follows:

21 23A-27-14.2. Notwithstanding §§ 23A-27-14 and 23A-27-17, a person who has received
22 an order pursuant to the provisions of § 23A-27-13 for a felony offense, who is licensed or seeks
23 to be licensed by the South Dakota Commission on Gaming pursuant to the provisions of § 42-
24 7B-22 or subdivision 42-7-56(12), shall have an application refused or a license revoked after

1 a hearing as provided pursuant to chapter 1-26 unless the person has successfully completed the
2 probationary period imposed by the court. However, the commission may grant a conditional
3 license during the probationary period imposed by the court if the applicant or licensee proves
4 by clear and convincing evidence to the satisfaction of the commission that the person is
5 suitable to hold the license.