

HOUSE BILL NO. HB0264

Bingo regulation.

Sponsored by: Representative(s) Childers and Senator(s) Burns

A BILL

for

1 AN ACT relating to crimes and offenses; amending the
 2 definition of bingo as an activity excluded from the
 3 definition of gambling; differentiating between traditional
 4 bingo and nontraditional bingo; specifying entities
 5 authorized to conduct bingo games; providing for permitting
 6 and licensing and specifying conditions for nontraditional
 7 bingo; providing for fees; authorizing cities, towns and
 8 counties to prohibit or restrict nontraditional bingo
 9 activities; providing for a sunset of certain provisions;
 10 requiring reports; providing a statement of legislative
 11 intent; and providing for an effective date.

12

13 *Be It Enacted by the Legislature of the State of Wyoming:*

14

15 **Section 1.** W.S. 6-7-105 is created to read:

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1 **6-7-105. Nontraditional bingo permitted for**
2 **restricted purposes; conditions; permits; licenses; fees;**
3 **repealer.**

4
5 (a) For the period commencing April 1, 2005 through
6 June 30, 2006, nontraditional bingo as authorized in W.S.
7 6-7-101(a)(iii)(H) shall not be construed as gambling under
8 this article, nor shall a device used to conduct the game
9 of nontraditional bingo be considered a gambling device
10 under this article, if all of the following are met:

11
12 (i) The nontraditional bingo game is conducted
13 by a charitable or nonprofit organization which has been in
14 operation in this state for at least three (3) years and
15 has been issued a permit by the commission in accordance
16 with this section;

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18 (ii) No corporation or other business entity
19 other than the permittee conducts the nontraditional bingo
20 game. In conducting the nontraditional bingo game the
21 permittee shall use only volunteers who are bona fide
22 members of the charitable or nonprofit organization or
23 employees who are paid by the organization to assist in the
24 operation of the nontraditional bingo game. The

1 nontraditional bingo game shall be played only on the
2 premises owned or occupied by the permittee;

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4 (iii) The permittee, before conducting a
5 nontraditional bingo game, provides thirty (30) days
6 written notice of the time and place thereof to the
7 governing body of the city or town in which it intends to
8 conduct the nontraditional bingo game, and the governing
9 body does not pass a resolution prohibiting the conduct of
10 the game. If the game is conducted in an unincorporated
11 area of a county, notice under this paragraph shall be
12 provided to the board of county commissioners and that
13 board shall have authority to pass a resolution prohibiting
14 the conduct of the game. If no such resolution is passed
15 by the city, town or county having jurisdiction, and
16 provided to the entity conducting the game at least ten
17 (10) days before the game is to be conducted, the game may
18 be conducted as specified in the notice. A governing body
19 may subsequently prohibit the conduct of a game by passing
20 a resolution and providing notice to the entity at least
21 ten (10) days before the game is to be conducted;

22

23 (iv) Any permittee conducting nontraditional
24 bingo in this state shall report to the commission. The

1 report shall be filed not later than fifteen (15) days
2 after the last day of the month for which the report is
3 filed. All amounts paid to the organization by persons
4 playing nontraditional bingo and amounts redeemed to
5 players as winnings shall be reported separately. The fee
6 required under subsection (c) of this section shall be
7 remitted to the commission with the monthly report.
8 Records related to any nontraditional bingo operation in
9 this state shall be made available upon request of the
10 commission; and

11

12 (v) At least sixty-five percent (65%) of all
13 monies paid by persons playing nontraditional bingo to the
14 charitable or nonprofit organization conducting the game
15 shall be redeemed as winnings each month.

16

17 (b) The commission may issue permits to charitable or
18 nonprofit organizations meeting the requirements of this
19 section which permits shall authorize the organization to
20 conduct nontraditional bingo games subject to the
21 provisions of this section and which shall be valid through
22 June 30, 2006. Applications for permits shall be made to
23 the commission and shall fully identify the applicant, show
24 the purpose and use of the permit and describe the

1 nontraditional bingo games to be conducted and the
2 arrangements therefor. No permit shall be granted except
3 upon the express condition that it shall not, by any
4 arrangement of whatever kind or nature, transfer to any
5 person the authority to conduct nontraditional bingo games
6 as permitted under this section. The commission shall
7 revoke the permit of any permittee for any violation of the
8 foregoing condition. The permit is effective only for the
9 places for which it is issued.

10

11 (c) Any charitable or nonprofit organization
12 conducting a nontraditional bingo game in this state shall
13 pay to the commission a monthly fee of two percent (2%) of
14 the total amount paid to the organization by persons
15 playing nontraditional bingo less the amount returned to
16 players as winnings.

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18 (d) No person shall use a machine electronically
19 generating bingo cards or numbers for nontraditional bingo
20 unless the machine has been supplied by a person licensed
21 under this section to do so. The commission shall require
22 that providers of machines electronically generating bingo
23 cards or numbers for nontraditional bingo be fingerprinted
24 as a condition of licensing. No person shall be licensed

1 under this subsection if the person has been convicted of
2 any crime, an element of which is dishonesty or fraud,
3 under the laws of Wyoming or any state or of the United
4 States. Applications for licenses under this subsection
5 shall be made to the commission and shall fully identify
6 the applicant, authorize the commission to secure criminal
7 records relating to the applicant and provide such other
8 information required by the commission to ensure compliance
9 with this section. A list of all persons licensed under
10 this subsection shall be provided to all permittees. The
11 commission shall collect a fee of five thousand dollars
12 (\$5,000.00) for licensing providers under this subsection.

13

14 (e) The commission may observe and supervise the
15 conduct of nontraditional bingo games and shall make
16 reasonable rules and regulations for permitting and
17 licensing under this section and for the regulation of
18 nontraditional bingo games. Each permittee and each
19 nontraditional bingo game provider licensed by the
20 commission shall comply with all rules and regulations and
21 all orders issued by the commission.

22

23 (f) All monies received by the commission under this
24 section shall be deposited with the state treasurer to be

1 credited to a separate account which monies are
2 continuously appropriated to and shall be used by the
3 commission for the payment of all expenses incurred in
4 implementing this section. The state treasurer shall pay
5 out of the account all warrants drawn by the state auditor,
6 upon vouchers issued and signed by the president, vice-
7 president or executive secretary of the commission for
8 these purposes. The commission shall keep an accurate and
9 true account of all funds received and all vouchers issued
10 by the commission.

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12 (g) For purposes of this section:

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14 (i) "Nontraditional bingo" means a game of
15 chance in which a prize is awarded to a player who obtains
16 a designated pattern or sequence of numbers or symbols on a
17 bingo card that is the same as the patterns or sequence of
18 numbers or symbols previously selected at random by a
19 mechanical blower or a computer generated random generator;

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21 (ii) "Bingo card" means a device for
22 nontraditional bingo play which may include paper, hard
23 cards or electronic generated cards. Electronic generated
24 cards shall be played in conjunction with paper cards or

1 hard cards and the organization permitted to conduct the
2 nontraditional bingo game shall offer the player a choice
3 of cards which shall include paper or hard cards;

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5 (iii) "Nontraditional bingo game" means a bingo
6 game which begins when the designated numbers or symbols
7 are selected and shall end when either a new set of
8 designated numbers or symbols are drawn or the designated
9 jackpot price advertised is won. A game shall not end
10 until there has been at least one (1) winner. All players
11 during the course of a game, shall compete for the same
12 prizes utilizing the same set of numbers or symbols;

13

14 (iv) "Commission" means the Wyoming pari-mutuel
15 commission created by W.S. 11-25-103;

16

17 (v) "Charitable or nonprofit organization" means
18 a bona fide nonprofit organization formed to fulfill a
19 benevolent, charitable, social or religious purpose;

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21 (vi) "Permittee" means a charitable or nonprofit
22 organization permitted to conduct nontraditional bingo
23 games under this section.

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1 (h) This section is repealed June 30, 2006.

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3 **Section 2.** W.S. 6-7-101(a)(iii)(D), (E), (G), by
4 creating a new subparagraph (H) and by creating a new
5 paragraph (xi), 7-19-201(a), 9-1-627(d), 11-25-104 by
6 creating a new subsection (k), 15-1-103(a)(xvi)(A) and
7 18-2-101(a) by creating a new paragraph (viii) are amended
8 to read:

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10 **6-7-101. Definitions.**

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12 (a) As used in this article:

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14 (iii) "Gambling" means risking any property for
15 gain contingent in whole or in part upon lot, chance, the
16 operation of a gambling device or the happening or outcome
17 of an event, including a sporting event, over which the
18 person taking a risk has no control, but does not include:

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20 (D) Raffles or traditional bingo conducted,
21 or pull tabs sold, by charitable or nonprofit organizations
22 where the tickets for the raffle or traditional bingo are
23 sold only in this state and the pull tabs are sold only on

1 the premises owned or occupied by the charitable or
2 nonprofit organization;

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4 (E) Any game, wager or transaction which is
5 incidental to a bona fide social relationship, is
6 participated in by natural persons only, and in which no
7 person is participating, directly or indirectly, in
8 professional gambling;~~or~~

9

10 (G) Display or private use of antique
11 gambling devices in the owner's residence;~~or~~ or

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13 (H) Bingo, other than traditional bingo,
14 conducted in accordance with W.S. 6-7-105.

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16 (xi) "Traditional bingo" means a game meeting
17 the specifications of this paragraph. Each player is
18 supplied a paper or cardboard card or board containing five
19 (5) adjoining horizontal and vertical rows with five (5)
20 spaces in each row, each containing a number or symbol
21 therein, except for the central row with four (4) spaces,
22 each containing a number or symbol therein and the word
23 "free" marked in the center space thereof. Upon
24 announcement by the person physically present conducting

1 the game of any randomly generated number or symbol
2 appearing on the player's card or board, the space
3 containing the symbol or number is covered by the player.
4 When the player shall have covered all five (5) spaces in
5 any horizontal or vertical row, or shall have covered four
6 (4) spaces and the "free" space in a five (5) space
7 diagonal, horizontal or vertical row, or shall have covered
8 the required combination of spaces in some other
9 preannounced pattern or arrangement, such combination of
10 spaces covered shall constitute "bingo". The player or
11 players first verified as covering the spaces constituting
12 "bingo" shall be awarded money, merchandise or some other
13 consideration by the person conducting the game. Each
14 bingo game shall continue until at least one (1) player's
15 card or board has reached the pattern or arrangement which
16 is verified as "bingo". All players during the course of a
17 game shall compete for the same prizes utilizing different
18 arrangements of the same set of numbers or symbols.

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20 **7-19-201. State or national criminal history record**
21 **information.**

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23 (a) Employees of substitute care providers certified
24 by the department of family services pursuant to W.S.

1 14-4-101 through 14-4-116 or state institution, department
2 of family services or department of health employees who
3 may have access to minors, to persons suffering mental
4 illness or developmental disabilities or to the elderly
5 shall be required to submit to fingerprinting for the
6 purpose of obtaining state and national criminal history
7 record information before employment or transfer to a
8 position where access is acquired. On and after July 1,
9 1996, applicants for initial certification by the
10 professional teaching standards board and employees
11 initially hired by a school district on or after July 1,
12 1996, who may have access to minors in the course of their
13 employment shall be required to submit to fingerprinting
14 for the same purposes. For purposes of this article,
15 department of health or department of family services
16 contractors providing specialized home care or respite care
17 to minors shall be considered departmental employees. In
18 order to determine an applicant's eligibility, any person
19 applying to the Wyoming pari-mutuel commission for a
20 license to provide games to be used to play nontraditional
21 bingo, shall be required to submit to fingerprinting for
22 the purpose of obtaining state and national criminal
23 history record information.

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1 **9-1-627. Authority to compile, disseminate and**
2 **exchange information; immunity; access to information**
3 **limited; security precautions.**

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5 (d) Access to criminal history record information is
6 available to the Wyoming pari-mutuel commission as provided
7 by W.S. ~~11-25-104(j)~~ 11-25-104(j) and (k). The commission
8 shall take reasonable security precautions to prevent
9 unauthorized persons from gaining access to criminal
10 history record information in accordance with rules and
11 regulations established by the Wyoming division of criminal
12 investigation. For the purpose of this subsection
13 "criminal history record information" means information,
14 records and data compiled by criminal justice agencies on
15 individuals for the purpose of identifying criminal
16 offenders consisting of identifiable descriptions of the
17 offenders and notations or a summary of arrests,
18 detentions, indictments, information, pre-trial
19 proceedings, nature and disposition of criminal charges,
20 sentencing, rehabilitation, incarceration, correctional
21 supervision and release. Criminal history record
22 information is limited to information recorded as the
23 result of the initiation of criminal proceedings. It does
24 not include intelligence data, analytical prosecutorial

1 files, investigative reports and files of statistical
2 records and reports in which individual identities are not
3 ascertainable.

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5 **11-25-104. Pari-mutuel commission; officers;**
6 **director; meetings; quorum; records; licenses generally;**
7 **effect of financial interest in events.**

8

9 (k) The commission is authorized to access criminal
10 history record information for persons seeking to be
11 licensed under W.S. 6-7-105(d).

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13 **15-1-103. General powers of governing bodies.**

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15 (a) The governing bodies of all cities and towns may:

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17 (xvi) Suppress or prohibit:

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19 (A) All gambling games or devices except
20 antique gambling devices as defined in W.S. 6-7-101(a)(x)
21 and authorize the destruction thereof. "Nontraditional
22 bingo" as defined by W.S. 6-7-105(g)(i) may be prohibited
23 or restricted by the governing body in accordance with W.S.
24 6-7-105(a)(iii);

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18-2-101. General powers.

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Section 3.

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(a) Each organized county in the state is a body corporate and politic. The powers of the county shall be exercised by a board of county commissioners which may:

(viii) Prohibit or restrict "nontraditional bingo" as defined by W.S. 6-7-105(g)(i) in accordance with W.S. 6-7-105(a)(iii).

(a) The pari-mutuel commission shall report to the joint travel, recreation, wildlife and cultural resources interim committee not later than August 1, 2005:

(i) The total amounts reported to the commission as being paid to the organization by persons playing nontraditional bingo and the total amounts redeemed to players as winnings;

(ii) The number of permits issued under W.S. 6-7-105(b) and a list of permittees;

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2 (iii) The number of licenses issued under W.S.
3 6-7-105(d) and a list of licensed providers;

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5 (iv) Fees paid to the commission under W.S.
6 6-7-105.

7

8 **Section 4.** It is the intent of the legislature to
9 authorize nontraditional bingo games to be conducted as
10 specified under this act through the period of June 30,
11 2006. It is the intent of the legislature to allow
12 traditional bingo games to be conducted in the same manner
13 and to the same extent as authorized by law prior to the
14 effective date of this act. The joint travel, recreation,
15 wildlife and cultural resources interim committee shall
16 review the status of nontraditional bingo operations in
17 this state and shall prepare legislation as that committee
18 determines appropriate to prohibit or authorize and
19 regulate the conduct of nontraditional bingo games in this
20 state. The legislation shall be prepared for introduction
21 in the 2006 budget session.

22

1 **Section 5.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

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(END)