

WORKING DRAFT

HOUSE BILL NO. _____

Gaming regulation.

Sponsored by: Joint Travel, Recreation, Wildlife and Cultural Resources Interim Committee

A BILL

for

1 AN ACT relating to gaming; authorizing games of chance
2 subject to licensure requirements; creating a state gaming
3 commission; establishing cities, towns and counties as
4 local licensing authorities; amending and creating
5 definitions; imposing duties and responsibilities on a
6 state gaming commission and on local licensing authorities;
7 delegating enforcement and granting rulemaking authority;
8 imposing penalties; repealing definitions; and providing
9 for an effective date.

10

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

12

13 **Section 1.** W.S. 6-7-201 through 6-7-216 are created
14 to read:

15

1

ARTICLE 2

2

GAMING COMMISSION

3

4

6-7-201. Wyoming gaming commission created; appointment, terms of office and political affiliation of members; vacancies; appointment districts; officers; director; meetings; quorum; records; licenses generally.

8

9 (a) The Wyoming gaming commission is created to be
10 composed of seven (7) persons who reside in the state and
11 are qualified electors of Wyoming.

12

13 (b) The governor with the consent of the senate shall
14 appoint the seven (7) members of the commission in
15 accordance with W.S. 28-12-101 through 28-12-103. One (1)
16 member shall be appointed from each appointment district
17 under W.S. 9-1-218. No more than four (4) members shall be
18 registered in the same political party. Members shall be
19 appointed for terms of four (4) years and until their
20 successor is appointed and qualified provided that of the
21 initial commission, three (3) members shall be appointed
22 for a two (2) year term and four (4) members for a four (4)
23 year term. Vacancies on the board shall be filled by
24 appointment of the governor for the unexpired term. Any

1 vacancy shall be filled by appointment by the governor as
2 provided in W.S. 28-12-101. A member of the commission may
3 succeed himself for one (1) full four (4) year term. The
4 governor may remove any member as provided in W.S. 9-1-202.

5

6 (c) The commission shall annually elect from its
7 membership a president and vice-president and may employ a
8 director. Salary for the director shall be determined by
9 the commission with the consent of the personnel division.
10 The commission may also employ other personnel required to
11 carry out this act.

12

13 (d) The commission shall hold an annual meeting in
14 Wyoming and shall hold other meetings at such times and
15 places within Wyoming as the majority of the members
16 determine. A majority of the commission constitutes a
17 quorum and a majority vote of a quorum may act for the
18 commission. The commission shall keep a record of the
19 proceedings of the commission which is open at all times
20 for public inspection.

21

22 (e) The members of the commission shall receive as
23 compensation one hundred fifty dollars (\$150.00) for each
24 day necessarily employed in attending the meetings of the

1 commission, and shall also receive per diem and mileage
2 allowance as allowed to state employees for attending the
3 meetings and performing the duties incumbent upon them as
4 members of the commission.

5

6 **6-7-202. State gaming commission; duties; authority**
7 **to issue subpoenas; refusal to comply.**

8

9 (a) The state gaming commission shall:

10

11 (i) Investigate the qualifications of
12 applicants for local licenses authorized under this
13 chapter and review the merits of applications;

14

15 (ii) Regulate and license manufacturers,
16 distributors and operators of equipment, devices and
17 supplies for use in licensed games of chance authorized
18 under this chapter;

19

20 (iii) Monitor the conduct or business of
21 licensees under this chapter to the extent necessary to
22 ensure compliance with this chapter and its rules and
23 regulations;

24

1 (iv) Regulate games of chance conducted under
2 any license issued under this chapter to assure the games
3 are fairly held, operated and conducted in accordance
4 with the requirements of the appropriate license and this
5 chapter;

6

7 (v) Enforce this chapter and state gaming
8 commission rules and regulations and assist local law
9 enforcement in enforcing this chapter;

10

11 (vi) Promulgate rules and regulations necessary
12 to carry out the provisions and responsibilities imposed
13 by this chapter;

14

15 (vii) Conduct necessary examinations, inspec-
16 tions and investigations for the enforcement of this
17 chapter, applicable state law and state gaming commission
18 rules and regulations;

19

20 (viii) Require that license applicants be
21 fingerprinted for identification purposes as a condition
22 of licensing;

23

1 (ix) Receive reports from the pari-mutuel
2 commission as provided in W.S. 11-25-105(d).

3

4 (b) In any examination, inspection or investigation
5 conducted pursuant to this chapter, the state gaming
6 commission may by subpoena require the papers, records,
7 files, correspondence, documents and other evidence
8 relevant to the inquiry.

9

10 (c) Upon refusal of any person to comply with any
11 subpoena and upon application by the state gaming
12 commission, the district court of the county in which the
13 examination, inspection or investigation is conducted or
14 in which the person resides or may be found, may issue an
15 order requiring the person to comply with the subpoena
16 and produce evidence. Failure to obey a court order is
17 grounds for immediate license suspension and may be pun-
18 ished by the court as contempt.

19

20 **6-7-203. Investigation and review of applications**
21 **for local licensure; determination; submission to local**
22 **licensing authority; effect; conditions; investigation**
23 **costs; appeal.**

24

1 (a) The state gaming commission shall upon receipt
2 of any application for any local gaming license submitted
3 by a local licensing authority under this chapter,
4 investigate the qualifications of the applicant and the
5 merits of the application including requiring
6 fingerprints from persons enumerated under paragraph
7 (a)(i) of this section. In its investigation, the state
8 gaming commission shall determine:

9

10 (i) The existence of a prior criminal record
11 showing a conviction for violation of federal or state law
12 by any of the following persons:

13

14 (A) If applicable, any individual or member
15 of the applicant organization designated within the appli-
16 cation to be responsible for the conduct of the authorized
17 games of chance;

18

19 (B) If applicable, the person under whose
20 name the games of chance will be conducted;

21

22 (C) Any individual to be employed or per-
23 forming services for the applicant in connection with the
24 authorized games of chance;

1

2

(D) Any person leasing premises upon which the authorized games of chance are to be conducted.

4

5

(ii) If the applicant is duly qualified to hold, operate and conduct games of chance under this chapter;

7

8

(iii) If the authorized games of chance are to be held, operated and conducted in accordance with provisions of this chapter governing the holding, operation and conduct of the games of chance and if applicable, that the proceeds are to be disposed of as required under this chapter.

14

15

(b) Within a reasonable period of time not to exceed one hundred twenty (120) days following receipt of any application for a new license under W.S. 6-7-207 or within thirty (30) days following receipt of any application for license renewal, the state gaming commission shall submit to the appropriate local licensing authority in writing its approval or denial of the application for licensure under this chapter together with its findings. The local licensing authority shall not issue or renew a local license

24

1 authorized under this chapter unless the state gaming
2 commission has approved the application.

3

4 (c) The state gaming commission shall not approve
5 any application submitted by a local licensing authority
6 if based upon the investigation conducted under paragraph
7 (a)(i) of this section, it determines the prior activity
8 or criminal record of the applicant and persons
9 enumerated under paragraph (a)(i) of this section:

10

11 (i) Poses a threat to the public interest of
12 the state or the effective regulation and control of
13 authorized games of chance; or

14

15 (ii) Creates a danger of unlawful practices,
16 methods or activities in the conduct of authorized games
17 of chance or in the conduct of business and financial
18 arrangements incidental to games of chance.

19

20 (d) The cost of any necessary background
21 investigation of any applicant for a local license or
22 license renewal under this section shall be paid by the
23 applicant. The state gaming commission shall by rule and

1 regulation establish the conditions and procedures for
2 payment and may require payment in advance.

3

4 (e) Any determination by the state gaming commission
5 under this chapter is subject to appeal in accordance
6 with the Wyoming Administrative Procedure Act, however
7 final agency action has not occurred until an application
8 is approved or denied by the local licensing authority.

9

10 **6-7-204. Inspections and examinations; audits;**
11 **failure to permit entry; concurrent authority.**

12

13 (a) In enforcing this chapter, the state gaming
14 commission through its employees or agents may:

15

16 (i) Enter and inspect at any time the premises
17 upon which games of chance are conducted or from which
18 supplies, devices and equipment for games of chance are
19 manufactured, maintained or supplied;

20

21 (ii) Examine the records, books of account and
22 equipment, supplies or devices of any license applicant
23 or licensee, as necessary to conduct examinations,
24 inspections and investigations under this chapter;

1

2 (iii) Seize, remove and impound from the
3 premises of any licensee, equipment, supplies and devices
4 for the purpose of examination and inspection;

5

6 (iv) When warranted, conduct detailed
7 investigations and through the department of audit,
8 conduct detailed audits.

9

10 (b) Upon request of the state gaming commission, the
11 department of audit shall conduct an audit of any license
12 applicant or licensee as necessary to assist the
13 commission in enforcing this chapter.

14

15 (c) Entry for purposes of inspection is authorized
16 only during open business hours unless it is in the
17 presence of the licensee or a duly authorized
18 representative of the licensee, or unless the officer
19 making entry does so under court order, under search
20 warrant issued by a court of competent jurisdiction or
21 has probable cause to believe that evidence of any
22 violation of this chapter is within the place to be
23 entered. Refusal to permit the entry of an agent of the
24 state gaming commission to the licensed premises or place

1 of business for the purpose of inspection in accordance
2 with this subsection is grounds for immediate license
3 suspension.

4
5 (d) The state gaming commission shall have
6 concurrent authority and powers with the district and
7 county attorneys in this state in the investigation of
8 any criminal violation under this chapter. Upon refusal
9 of any district or county attorney to act on any criminal
10 violation of this chapter, the state gaming commission
11 may request the attorney general act on behalf of the
12 county, state or any agency thereof and the cost of the
13 prosecution arising from the investigation shall be paid
14 out of the budget of the district or county attorney for
15 which the prosecution is undertaken.

16

17 **6-7-205. Conflict of interests prohibited.**

18

19 (a) Members of the state gaming commission and any
20 employee of the commission shall not:

21

22 (i) Have any financial interest with or
23 involving any person licensed under this chapter;

24

1 (ii) Hold a license issued under this chapter;

2

3 (iii) Conduct or operate any authorized game of
4 chance;

5

6 (iv) Receive any gift, gratuity or anything of
7 value from any licensee;

8

9 (v) Participate in any authorized game of
10 chance or be eligible to receive prizes awarded in any
11 game of chance.

12

13 **6-7-206. Authority of cities, towns and counties;**
14 **limitations; assessment and payment of fees.**

15

16 (a) Nothing in this chapter prohibits a local
17 licensing authority of an incorporated city, town or
18 county from refusing to issue any license or to renew
19 any license authorized under this chapter.

20

21 (b) The state preempts the field of games of chance
22 authorized under this chapter and no city, town or
23 county shall authorize, regulate or prohibit authorized
24 games of chance except as provided by this chapter.

1 This subsection shall not prohibit any city, town or
2 county by local ordinance or resolution from regulating
3 the general health, safety and welfare within the local
4 jurisdiction or from imposing other requirements not in
5 conflict with this chapter.

6

7 (c) Unless otherwise provided, the local licensing
8 authority shall uniformly assess local license fees
9 annually for each particular license. Applicants for a
10 local license shall pay the required fee as provided in
11 W.S. 6-7-211(b) in advance by cash or certified check.

12

13 **6-7-207. Games of chance authorized; application for**
14 **licenses and license renewals; contents; submission to**
15 **state gaming commission; notification of change in**
16 **application information; penalty.**

17

18 (a) Games of chance shall be conducted only as
19 follows:

20

21 (i) Raffles, bingo games, pull tab games and
22 casino nights shall only be conducted by charitable or
23 nonprofit organizations, licensed under this act, where
24 the tickets for the raffle or bingo are sold only in this

1 state and the pull tabs are sold and casino nights are
2 held only on the premises owned or occupied by the
3 charitable or nonprofit organization, subject to the
4 following:

5

6 (A) Raffles, bingo games, pull tab games
7 and casino nights shall only be conducted by charitable
8 or nonprofit organizations which have been in operation
9 in this state for at least three (3) years and have been
10 issued a license by the local licensing authority in
11 accordance with this chapter;

12

13 (B) In conducting raffles, bingo games,
14 pull tab games and casino nights the licensee shall use
15 only volunteers who are bona fide members of the
16 charitable or nonprofit organization or employees who are
17 paid by the organization to assist in the operation of
18 the game of chance;

19

20 (C) Any licensee conducting a raffle,
21 bingo game, pull tab game or casino night shall report to
22 the state gaming commission no later than fifteen (15)
23 days after the last day of the month, the amounts paid to

1 the licensee by persons playing the game of chance and
2 the amounts redeemed to players as winnings;

3

4 (D) At least sixty-five percent (65%) of
5 all gambling proceeds collected shall be redeemed as
6 winnings each month;

7

8 (E) Casino nights may only be held three
9 (3) times per year by any individual licensee and may
10 last no longer than three (3) days in duration;

11

12 ***** Staff note: Casino night**
13 **implies that the game will only**
14 **last one night. Should this be**
15 **different than the three day**
16 **limitation on poker tournaments?**
17 *******

18

19 (F) Players of raffles, bingo games, pull
20 tab games and casino nights shall be eighteen (18) years
21 or older to play;

22

23 (G) Licensees may purchase or lease
24 supplies or equipment necessary to conduct raffles, bingo
25 games and pull tab games from a distributor or
26 manufacturer at a price based on a per card, raffle
27 ticket or pull tab basis and a minimum of sixty percent

1 (60%) of the gross sales less the prizes paid shall be
2 retained by the licensee after payment to the distributor
3 or manufacturer.

4

5 (ii) Poker tournaments, card tournaments or
6 other games, wagers or transactions incidental to a bona
7 fide social relationship may be held in a business
8 licensed under this chapter subject to the following:

9

10 (A) Poker tournaments and card
11 tournaments may only be held three (3) times per year at
12 any individual business and each tournament may last no
13 longer than three (3) days in duration;

14

15 (B) The licensee holding poker
16 tournaments, card tournaments or other games, wagers or
17 transactions incidental to a bona fide social
18 relationship may not profit directly from the gambling
19 proceeds in any game of chance;

20

21 (C) The licensee holding poker
22 tournaments, card tournaments or other games, wagers or
23 transactions incidental to a bona fide social
24 relationship may indirectly profit from sponsoring the

1 game of chance through sales of other non-gaming related
2 products, but purchase of other products shall not be
3 required of the participants as a condition of
4 participation.

5

6 (iii) Calcutta wagering on contests or events
7 may be conducted by a bona fide nationally chartered
8 veterans', religious, charitable, educational or
9 fraternal organization or nonprofit local civic or
10 service club organized or incorporated under the laws of
11 this state, provided that:

12

13 (A) The contest or event is conducted
14 solely in this state;

15

16 (B) Any rules affecting the contest or
17 requirements for participants are clearly posted;

18

19 (C) The total prizes or prize money paid
20 out in any one (1) contest or event does not exceed
21 ninety percent (90%) of the total wagers;

22

23 (D) A minimum of ten percent (10%) of the
24 total wagers on each contest or event is donated within

1 one (1) year by the sponsoring organization to a bona
2 fide charitable or benevolent purpose;

3

4 (E) No separate organization or
5 professional person is employed to conduct the contest or
6 event or assist therein;

7

8 (F) The sponsoring organization has
9 complied with the relevant sections of the internal
10 revenue code of 1986, as amended, relating to taxes on
11 wagering.

12

13 (b) To conduct any authorized game of chance, an
14 applicant for any local license or local license renewal
15 under this chapter shall file written application with
16 the appropriate local licensing authority. The
17 application shall be made under oath upon a form prepared
18 by the state gaming commission and furnished to the local
19 licensing authority. The application shall contain
20 information required by this chapter for granting or
21 renewing any local license authorizing the conduct of a
22 specified and authorized game of chance and shall be
23 filed in the office of the clerk of the appropriate local
24 licensing authority.

1

2 (c) Upon receipt of an application for any local
3 license or license renewal containing all information
4 required under this chapter, the local licensing
5 authority shall immediately transmit a copy of the
6 completed application to the state gaming commission for
7 investigation and review pursuant to W.S. 6-7-202. No
8 local licensing authority shall approve the application
9 unless the state gaming commission first approves the
10 application in accordance with this chapter.

11

12 (d) An applicant shall during pendency of the
13 application, immediately notify the local licensing
14 authority of any change in the information stated in the
15 application. If any substantial change occurs after
16 local license issuance or renewal, the change shall be
17 reported to the local licensing authority within ten (10)
18 days after the date of the change. The local licensing
19 authority shall immediately notify the state gaming
20 commission of any change reported by an applicant or
21 licensee. Failure to report any change in the
22 information stated in the initial application or any
23 substantial change after issuance or renewal of a local

1 license shall be grounds for denial of an application or
2 revocation of an existing license.

3

4 (e) Any person knowingly submitting an application
5 containing false information in violation of this chapter
6 is guilty of a felony punishable by a fine of not more
7 than ten thousand dollars (\$10,000.00), imprisonment for
8 not more than three (3) years, or both.

9

10 **6-7-208. Combination of interests prohibited;**
11 **license limitation per person.**

12

13 (a) Any local license authorized by this chapter
14 shall not be held by, issued or transferred to:

15

16 (i) Any person or organization in which any
17 officer, director, manager, employee or agent has a
18 direct or indirect interest in any manufacturer or
19 distributor of equipment, devices or supplies used in a
20 game of chance, or who serves as an officer, director,
21 proprietor or employee or is a stockholder holding more
22 than two percent (2%) of the outstanding shares of the
23 manufacturer or distributor;

24

1 (ii) Any mayor, member of a town council or
2 county commissioner within their respective jurisdiction;

3

4 (iii) Any person employed by the local
5 licensing authority or to any organization in which the
6 employed person has an ownership interest;

7

8 (iv) Any person employed by the state gaming
9 commission or to any organization in which the employed
10 person has an ownership interest;

11

12 (v) Any peace officer employed by the state or
13 any city, town or county.

14

15 (b) No licensing authority shall issue more than one
16 (1) local license to any one (1) applicant.

17

18 **6-7-209. Publication of notice; grant or denial;**
19 **copy of application and notice to state gaming**
20 **commission; judicial review.**

21

22 (a) Upon receipt of an application for any local
23 license or license renewal and following approval by the
24 state gaming commission, the local licensing authority

1 shall promptly prepare a notice of application, place
2 the notice conspicuously upon the premises shown by the
3 application as the proposed location upon which the
4 games are to be conducted and publish the notice in a
5 newspaper of local circulation once a week for a period
6 of four (4) consecutive weeks. The notice shall state
7 that a named applicant has applied for a local license
8 or license renewal, the proposed location upon which the
9 games are to be conducted and that protests against the
10 issuance or renewal of the license will be heard at a
11 designated meeting of the local licensing authority.
12 Each applicant shall at the time of filing his
13 application, pay the clerk an amount sufficient to cover
14 the costs of publishing the notice.

15

16 (b) Any local license authorized under this chapter
17 shall not be issued or renewed until on or after the
18 date set in the notice for public hearing. If a
19 hearing is for license renewal, the hearing shall be
20 held no later than thirty (30) days preceding the
21 expiration date of the license and no later than forty-
22 five (45) days following approval of the license
23 renewal by the state gaming commission.

24

1 (c) Any local license shall not be issued or
2 renewed by the local licensing authority until:

3

4 (i) The state gaming commission approves the
5 qualifications of the applicant and the merits of the
6 application;

7

8 (ii) The state gaming commission has executed
9 and transmitted the proposed license or license renewal
10 to the local licensing authority;

11

12 (iii) The applicant complies with the
13 criteria, standards and regulations imposed by this
14 chapter.

15

16 (d) Upon approval or denial of a local license or a
17 license renewal, the local licensing authority shall
18 promptly notify the state gaming commission.

19

20 (e) An applicant for license renewal may appeal to
21 the district court from an adverse decision by the local
22 licensing authority or the state gaming commission. In
23 an appeal pursuant to this subsection, the person
24 applying for license renewal shall be named as plaintiff

1 and the local licensing authority as defendant. Upon
2 notice of an appeal, the local licensing authority shall
3 transmit to the clerk of district court a certified copy
4 of the application, of any protests and of the minutes
5 recording the decision appealed. The appeal shall be
6 heard pursuant to the Wyoming Administrative Procedures
7 Act.

8

9 **6-7-210. Proof of financial responsibility required.**

10

11 Before issuing or renewing any local license and in
12 addition to payment of license fees, the local licensing
13 authority shall require the license applicant to furnish
14 the local licensing authority a bond or other form of
15 financial responsibility approved by the local licensing
16 authority, in an amount established by the state gaming
17 commission for the appropriate game of chance. Proof of
18 financial responsibility shall be immediately forwarded
19 to and recorded by the state gaming commission.

20

21 **6-7-211. Disposition of license fees; refunds**
22 **prohibited.**

23

1 (a) All fees for local licenses issued or renewed by
2 a local licensing authority paid under this chapter shall
3 be deposited into the general fund of the local licensing
4 authority. No refund of all or any part of a license fee
5 shall be made at any time following issuance.

6
7 (b) Fees authorized by this section shall be
8 established by the state gaming commission in amounts
9 sufficient to ensure that the total revenue generated by
10 the collection of such fees approximated the direct and
11 indirect costs incurred by the local licensing authority in
12 carrying out its duties under this chapter. The amounts of
13 all fees shall be reviewed annually by the state gaming
14 commission. The local licensing authority shall furnish to
15 the commission both an annual and a quarterly accounting of
16 all fee and fine revenues received and expenditures made
17 pursuant to this chapter, together with a list of all fees
18 in effect.

19

20 ***** Staff note: You have not**
21 **discussed what fees will be**
22 **required for licenses to be paid**
23 **to the state gaming commission.**
24 *******

25

26 **6-7-212. Term of license and permit; exception.**

1

2 (a) Any local license issued or renewed under this
3 chapter by a local licensing authority is considered a
4 privilege to the holder and the term of the license is
5 for one (1) year unless sooner revoked or for a lesser
6 term as provided in subsection (b) of this section.

7

8 (b) The term of a local license may be less than one
9 (1) year if specified by the local licensing authority to
10 coincide with the annual date set by the authority for
11 consideration of license issuance and license renewals.
12 A local licensing authority issuing a license for a term
13 less than one (1) year shall prorate the annual fee
14 accordingly.

15

16 **6-7-213. Transfer of license location or ownership**
17 **prohibited; ownership transfer specified.**

18

19 (a) No local license issued under this chapter
20 shall be transferred or sold.

21

22 (b) A transfer or sale of a cumulative fifty percent
23 (50%) or more of the ownership of a local license is a
24 transfer or sale for purposes of this section.

1

2 **6-7-214. Duty to prepare and furnish license forms;**
3 **signature and attestation; contents; display required.**

4

5 (a) The state gaming commission shall prepare and
6 furnish to each city, town and county a form for local
7 licenses issued under this chapter. A license on a form
8 other than as prescribed by the state gaming commission
9 is invalid.

10

11 (b) Each local license issued by a city or town
12 shall be signed by the mayor and attested by the clerk.
13 Each local license issued by a county shall be signed by
14 the chairman of the board of county commissioners and
15 attested by the county clerk.

16

17 (c) The following shall be shown on each local
18 license:

19

20 (i) The name of the licensee;

21

22 (ii) A description of the premises on which
23 specific authorized games of chance may be conducted;

24

1 (iii) The date of issuance;

2

3 (iv) The amount of the fee;

4

5 (v) That the fee has been paid; and

6

7 (vi) The written signature of the state gaming
8 commission and the local licensing authority.

9

10 (d) Each licensee shall display his local license in
11 a conspicuous place on the licensed premises.

12

13 **6-7-215. Suspension and revocation; judicial review.**

14

15 (a) A local licensing authority may suspend or
16 revoke any local license issued under this chapter for
17 any violation of this chapter or rule or regulation of
18 the state gaming commission. A licensee may appeal
19 license suspension or revocation by a local licensing
20 authority to the district court in the manner specified
21 under W.S. 6-7-209(e) and the appeal proceedings shall
22 be in accordance with the Wyoming Rules of Appellate
23 Procedure. The suspension or revocation shall remain in
24 effect pending a decision by the district court.

1

2 (b) The state gaming commission may suspend or
3 revoke any local license issued under this chapter for
4 any violation of this chapter or rule or regulation of
5 the commission. Suspension or revocation by the state
6 gaming commission is subject to appeal in accordance with
7 the Wyoming Administrative Procedure Act.

8

9 **6-7-216. Penalties for violation.**

10

11 (a) Any person violating any provision of this
12 chapter for which no specific penalty is provided is
13 guilty of a felony punishable by a fine of not more than
14 one thousand dollars (\$1,000.00), imprisonment for not
15 more than five (5) years, or both. Each violation is a
16 separate offense.

17

18 (b) Any person conducting games of chance
19 authorized by this chapter without holding a local
20 license authorizing the conduct is guilty of professional
21 gambling as prohibited and penalized under W.S. 6-7-
22 102(b).

23

1 **Section 2.** W.S. 6-7-101(a)(intro), (iii) by creating
2 a new subparagraph (H), (vi), (viii), (ix) and by creating
3 new paragraphs (xi) through (xv), 6-7-104, 7-19-201(a) by
4 creating a new paragraph (vi) and 11-25-105(d) are amended
5 to read:

6

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

8

9 (a) As used in this ~~article~~chapter:

10

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

16

17 (H) Games of chance authorized and licensed
18 under W.S. 6-7-207.

19

20 (vi) "Gambling proceed" means all money or
21 property at stake or displayed in or in connection with
22 professional gambling or games of chance;

23

24 (viii) "Professional gambling" means:

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(A) Aiding or inducing another to engage in gambling other than an authorized game of chance licensed under W.S. 6-7-201 through 6-7-216, with the intent to derive a profit therefrom; or

(ix) "Profit" means benefit other than a gain, which is realized or unrealized and direct ~~or indirect~~, including benefits from ~~proprietorship, management or~~ unequal advantage in a series of transactions but does not include benefits of proprietorship or management of a business conducting authorized games of chance which are licensed under W.S. 6-7-201 through 6-7-216;

(xi) "Games of chance" means the specific kinds of games of chance authorized under W.S. 6-7-207(a);

(xii) "Local licensing authority" means the governing body of an incorporated city, town or county in Wyoming with the responsibility to issue and administer a particular local gaming license;

(xiii) "State gaming commission" means the state gaming commission created pursuant to W.S. 6-7-201;

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(xiv) "Charitable or nonprofit organization" means an organization recognized as a charitable or nonprofit organization under Wyoming statutes and which possesses a valid exemption from federal income tax issued by the Internal Revenue Service under the provisions of 26 U.S.C. § 501(c).

***** Staff note: Further restrictions on a licensed game are found in new W.S. 6-7-207(a). *****

(xv) "Bingo game" means a game of chance in which a prize or prizes are awarded to a player or players who obtain a designated pattern or sequence of numbers or symbols on a card that is the same pattern or sequence of numbers or symbols selected at random by a mechanical blower or a computer generated random generator subject to the following:

(A) The bingo card shall be a paper, hard card or electronically generated card, but an electronically generated card shall be played only in conjunction with a paper or hard card unless the player has a disability that prevents the use of a paper or hard card.

1 The licensee conducting the bingo game shall keep a paper
2 copy of all electronically generated cards offered, used or
3 sold on the premises;

4
5 (B) All players during the course of a
6 bingo game shall compete for the same prizes utilizing the
7 same set of numbers or symbols and shall share the same
8 deck or series of bingo cards for each game wherein no two
9 (2) cards distributed to the players are identical in the
10 same game and at least one (1) player shall win the prize
11 in each game played;

12
13 (C) There shall be a minimum of two (2)
14 players participating in each game before a game can begin;

15
16 (D) Electronic bingo aids shall only
17 include equipment which is networked, is not a stand-alone
18 device and which is connected to other bingo aids and a
19 main host server located on the premises where the bingo
20 game is being conducted. Electronic bingo aids shall not
21 simulate, replicate or mimic slot machines in the images,
22 symbols or play and shall play and display only bingo
23 cards. Electronic bingo aids shall not accept or dispense
24 any form of currency or tokens.

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2 **6-7-104. Advertising of allowable gambling activities**
3 **or events.**

4

5 Nothing in this chapter prohibits the advertising of any
6 gambling activity or event excluded from gambling under
7 W.S. 6-7-101(a)(iii), ~~and~~—conducted by or for any
8 charitable or nonprofit organization or conducted as a
9 promotional activity by a private business entity which is
10 clearly occasional and ancillary to the primary business of
11 that entity unless otherwise regulated under W.S. 6-7-201
12 through 6-7-216.

13

14 **7-19-201. State or national criminal history record**
15 **information.**

16

17 (a) The following persons shall be required to submit
18 to fingerprinting in order to obtain state and national
19 criminal history record information:

20

21 (vi) Persons applying to the state gaming
22 commission for a license to provide games of chance under
23 W.S. 6-7-201 through 6-7-216 or those referenced in W.S. 6-
24 7-203(a)(i).

1

2 **11-25-105. Pari-mutuel permits; fees and reports;**
3 **disposition of funds; enforcement of provisions.**

4

5 (d) All sums paid to the commission under this act
6 except contributions from permittees to the breeder award
7 fund, fines and penalties shall be credited to the pari-
8 mutuel account which shall be used by the commission for
9 the payment of all expenses incurred in enforcing this act.
10 All fines and penalties collected under this act shall be
11 paid to the state treasurer and credited as provided in
12 W.S. 8-1-109. The state treasurer shall pay out of the
13 account all warrants drawn by the state auditor, upon
14 vouchers issued and signed by the president, vice-president
15 or executive secretary of the commission. The commission
16 shall keep an accurate and true account of all funds
17 received and all vouchers issued by the commission. All
18 funds received and all vouchers issued by the commission
19 shall be audited at least biennially by the director of the
20 state department of audit or his designee and a copy of the
21 audit shall be delivered within thirty (30) days after
22 completion to the governor, the state gaming commission and
23 the commission. The costs of the audit shall be borne by
24 the commission. The members of the commission shall

1 receive statutory per diem expenses and mileage as allowed
2 state employees, and compensation of fifty dollars (\$50.00)
3 for each day during which they are actually engaged in the
4 discharge of their duties. The total expenses incurred by
5 the commission shall not exceed the total amount in the
6 pari-mutuel account.

7

8 ***** Staff note: Need to consider what**
9 **other reporting requirements might be**
10 **required. *****

11

12 **Section 3.** W.S. 6-7-101(a)(iii)(D) through (F) are
13 repealed.

14

15 ***** Staff note: These**
16 **definitions have been incorporated**
17 **into 6-7-207(a) which provides for**
18 **the types of games of chance that**
19 **may be authorized. *****

20

21 **Section 4.** There is appropriated six hundred fifty
22 thousand dollars (\$650,000.00) from the general fund to the
23 state gaming commission for purposes of this act.

24

25 ***** Staff note: This section (4)**
26 **presumes that the gaming**
27 **commission will be funded by the**
28 **general fund. *****

29

1 **Section 5.** Initial appointments to the state gaming
2 commission shall be made not later than July 15, 2006.

3

4 **Section 6.** The state gaming commission shall adopt
5 final rules to implement this act not earlier than December
6 31, 2006 and not later than June 30, 2007.

7

8 **Section 7.**

9

10 (a) Except as provided in subsection (b) of this
11 section, this act is effective July 1, 2007.

12

13 (b) Sections 5 and 6 of this act are effective
14 immediately upon completion of all acts necessary for a
15 bill to become law as provided by Article 4, Section 8 of
16 the Wyoming Constitution.

17

18

(END)

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