

HOUSE BILL NO. HB0209

Gambling suppliers-licensing.

Sponsored by: Representative(s) Edmonds

A BILL

for

1 AN ACT relating to gambling; providing for licensure of
2 manufacturers and distributors of supplies for bingo and
3 pull tab games; providing for enforcement of gambling
4 provisions by the department of revenue; granting
5 rulemaking authority; providing for fees; providing for
6 inspection of records of manufacturers, suppliers and
7 organizations operating bingo and pull tab games; imposing
8 penalties; and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 6-7-201 through 6-7-207 are created
13 to read:

14

15

ARTICLE 2

16

LICENSING AND ENFORCEMENT

17

1 **6-7-201. Department of revenue; duties; authority to**
2 **issue subpoenas; refusal to comply.**

3
4 (a) The department of revenue shall:

5
6 (i) Investigate the qualifications of
7 applicants for licenses as manufacturers and distributors
8 of equipment, devices and supplies for use in bingo games
9 and pull tab games authorized under this chapter and
10 review the merits of applications;

11
12 (ii) Regulate and license manufacturers and
13 distributors of equipment, devices and supplies for use
14 in bingo games and pull tab games authorized under this
15 chapter;

16
17 (iii) Monitor the conduct or business of
18 licensees under this article and organizations operating
19 bingo games and pull tab games to the extent necessary to
20 ensure compliance with this chapter and department rules
21 and regulations;

1 (iv) Enforce this chapter and department rules
2 and regulations and assist local law enforcement in
3 enforcing this chapter;

4
5 (v) Promulgate rules and regulations necessary
6 to carry out the provisions and responsibilities imposed
7 by this chapter, including the establishment of
8 application or renewal fees. Any funds collected by the
9 department under this article shall be deposited in the
10 general fund;

11
12 (vi) Conduct necessary examinations,
13 inspections and investigations for the enforcement of
14 this chapter, applicable state law and department rules
15 and regulations;

16
17 (vii) Require that license applicants be
18 fingerprinted for identification purposes as a condition
19 of licensing.

20
21 (b) In any examination, inspection or investigation
22 conducted pursuant to this chapter, the department may by
23 subpoena require papers, records, files, correspondence,
24 documents and other evidence relevant to the inquiry.

1

2 (c) Upon refusal of any person to comply with any
3 subpoena and upon application by the department, the
4 district court of the county in which the examination,
5 inspection or investigation is conducted or in which the
6 person resides or may be found, may issue an order
7 requiring the person to comply with the subpoena and
8 produce evidence.

9

10 (d) As used in this article, "department" means the
11 department of revenue.

12

13 **6-7-202. Investigation and review of applications**
14 **for licensure; determination; effect; conditions;**
15 **investigation costs; appeal.**

16

17 (a) The department shall upon receipt of any
18 application for any manufacturer or distributor license
19 under this article, investigate the qualifications of the
20 applicant and the merits of the application including
21 requiring fingerprints from the applicant.

22

23 (b) Within a reasonable period of time not to
24 exceed one hundred twenty (120) days following receipt of

1 any application for a new license or within thirty (30)
2 days following receipt of any application for license
3 renewal, the department shall approve or deny the
4 application for licensure under this article together
5 with its findings.

6

7 (c) The department shall not approve any
8 application if based upon the investigation conducted
9 under subsection (a) of this section, it determines the
10 prior activity or criminal record of the applicant:

11

12 (i) Poses a threat to the public interest of
13 the state or the effective regulation and control of
14 authorized bingo or pull tab games; or

15

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

21

22 (d) The cost of any necessary background
23 investigation of any applicant under this section shall
24 be paid by the applicant. The department shall by rule

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

3

4 (e) Any determination by the department under this
5 article is subject to appeal in accordance with the
6 Wyoming Administrative Procedure Act.

7

8 **6-7-203. Inspections and examinations; audits;**
9 **failure to permit entry; concurrent authority.**

10

11 (a) In enforcing this chapter, the department
12 through its employees or agents may:

13

14 (i) Enter and inspect at any time the premises
15 upon which bingo or pull tab games are conducted or from
16 which supplies, devices and equipment for bingo or pull
17 tab games are manufactured, maintained or supplied;

18

19 (ii) Examine the records, books of account and
20 equipment, supplies or devices of any license applicant
21 or licensee or any organization operating bingo or pull
22 tab games, as necessary to conduct examinations, inspec-
23 tions and investigations under this article;

24

1 (iii) Seize, remove and impound from the
2 premises of any licensee or organization operating bingo
3 or pull tab games, equipment, supplies and devices for
4 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 of licensees and organizations
9 operating bingo or pull tab games.

10

11 (b) Upon request of the department, the department
12 of audit shall conduct an audit of any license applicant
13 or licensee or any organization operating bingo or pull
14 tab games as necessary to assist the department in
15 enforcing this chapter.

16

17 (c) Entry for purposes of inspection is authorized
18 only during open business hours unless it is in the
19 presence of the licensee or organization operating bingo
20 or pull tab games or a duly authorized representative of
21 the licensee or organization operating bingo or pull tab
22 games, or unless the officer making entry does so under
23 court order, under search warrant issued by a court of
24 competent jurisdiction or has probable cause to believe

1 that evidence of any violation of this chapter is within
2 the place to be entered. Refusal to permit the entry of
3 an agent of the department to the licensed premises or
4 place of business for the purpose of inspection in
5 accordance with this section is grounds for immediate
6 license suspension. Refusal to permit the entry of an
7 agent of the department to the premises or place of
8 business of an organization operating bingo or pull tab
9 games for the purpose of inspection in accordance with
10 this section shall result in opening of a criminal
11 investigation.

12

13 (d) The department shall have concurrent authority
14 and powers with the district attorneys in this state in
15 the investigation of any criminal violation under this
16 chapter. Upon refusal of any district attorney to act on
17 any criminal violation of this chapter, the department
18 may request the attorney general to act on behalf of the
19 county, state or any agency thereof.

20

21 **6-7-204. Application for licenses and license**
22 **renewals; contents; submission to department;**
23 **notification of change in application information;**
24 **penalty.**

1

2 (a) To manufacture or distribute equipment, devices
3 or supplies for any authorized bingo or pull tab games,
4 an applicant for any license or license renewal under
5 this article shall file written application with the
6 department. The application shall be made under oath
7 upon a form prepared by the department.

8

9 (b) An applicant shall during pendency of the
10 application, immediately notify the department of any
11 change in the information stated in the application. If
12 any substantial change occurs after license issuance or
13 renewal, the change shall be reported to the department
14 within ten (10) days after the date of the change.
15 Failure to report any change in the information stated in
16 the initial application or any substantial change after
17 issuance or renewal of a license shall be grounds for
18 denial of an application or revocation of an existing
19 license.

20

21 (c) Any person knowingly submitting an application
22 containing false information in violation of this article
23 is guilty of a felony punishable by a fine of not more

1 than ten thousand dollars (\$10,000.00), imprisonment for
2 not more than three (3) years, or both.

3

4 **6-7-205. Disposition of license fees; terms of**
5 **licenses.**

6

7 (a) Fees authorized by this article shall be
8 established by the department in amounts sufficient to
9 ensure that the total revenue generated by the collection
10 of such fees approximates the direct and indirect costs
11 incurred by the department in carrying out its duties under
12 this article. The amounts of all fees shall be reviewed
13 annually by the department.

14

15 (b) Any license issued or renewed under this
16 article is considered a privilege to the holder and the
17 term of the license is for one (1) year unless sooner
18 revoked.

19

20 **6-7-206. Transfer of license location or ownership**
21 **prohibited; ownership transfer specified.**

22

23 (a) No license issued under this article shall be
24 transferred or sold.

1

2 (b) A transfer or sale of a cumulative fifty
3 percent (50%) or more of the ownership of a license is a
4 transfer or sale for purposes of this section.

5

6 **6-7-207. Suspension and revocation; penalties.**

7

8 (a) The department may suspend or revoke any
9 license issued under this chapter for any violation of
10 this chapter or rule or regulation of the department.
11 Suspension or revocation by the department is subject to
12 appeal in accordance with the Wyoming Administrative
13 Procedure Act.

14

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

21

22 **Section 2.** W.S. 7-19-201(a) by creating a new
23 paragraph (xiii) and 39-11-102(c)(xxiii) and by creating a
24 new paragraph (xxv) are amended to read:

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2 7-19-201. State or national criminal history record
3 information.

4

5 (a) The following persons shall be required to submit
6 to fingerprinting in order to obtain state and national
7 criminal history record information:

8

9 (xiii) Persons applying to the department of
10 revenue for a license to manufacture or distribute supplies
11 for bingo or pull tab games under W.S. 6-7-201 through
12 6-7-207.

13

14 39-11-102. Administration; confidentiality;
15 department of revenue.

16

17 (c) In addition to the other powers and duties
18 imposed by law, the department shall:

19

20 (xxiii) Review boundaries for proposed special
21 districts pursuant to W.S. 22-29-109(a); ~~and~~

22

23 (xxv) Enforce the provisions of W.S. 6-7-101
24 through 6-7-207.

1

2 **Section 3.** This act is effective July 1, 2009.

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(END)