

HOUSE BILL NO. HB0210

Bingo and pull tabs-licensing.

Sponsored by: Representative(s) Edmonds

A BILL

for

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

10

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

12

13 **Section 1.** W.S. 6-7-201 through 6-7-209 are created
14 to read:

15

16

ARTICLE 2

17

LICENSING AND ENFORCEMENT

1

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

4

5 (a) The department of revenue shall:

6

7 (i) Regulate and license operators of bingo
8 and pull tab games authorized under this chapter;

9

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

14

15 (iii) Monitor the conduct or business of
16 licensees under this article to the extent necessary to
17 ensure compliance with this chapter and department rules
18 and regulations;

19

20 (iv) Regulate bingo and pull tab games
21 conducted under any license issued under this article to
22 assure the games are fairly held, operated and conducted
23 in accordance with the requirements of the appropriate
24 license and this chapter;

1

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

5

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

12

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

17

18 (viii) Require that license applicants be
19 fingerprinted for identification purposes as a condition
20 of licensing.

21

22 (b) In any examination, inspection or investigation
23 conducted pursuant to this chapter, the department may by

1 subpoena require papers, records, files, correspondence,
2 documents and other evidence relevant to the inquiry.

3

4 (c) Upon refusal of any person to comply with any
5 subpoena and upon application by the department, the
6 district court of the county in which the examination,
7 inspection or investigation is conducted or in which the
8 person resides or may be found, may issue an order
9 requiring the person to comply with the subpoena and
10 produce evidence. Failure to obey a court order is
11 grounds for immediate license suspension and may be
12 punished by the court as contempt.

13

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

16

17 **6-7-202. Investigation and review of applications**
18 **for licensure; determination; effect; conditions;**
19 **investigation costs; appeal.**

20

21 (a) The department shall upon receipt of any
22 application for any license under this article,
23 investigate the qualifications of the applicant and the
24 merits of the application including requiring

1 fingerprints from persons enumerated under paragraph (i)
2 of this subsection. In its investigation, the department
3 shall determine:

4
5 (i) The existence of a prior criminal record
6 showing a conviction for violation of federal or state law
7 by any of the following persons:

8
9 (A) If applicable, any individual or
10 member of the applicant organization designated within the
11 application to be responsible for the conduct of the
12 authorized bingo or pull tab games;

13
14 (B) If applicable, the person under whose
15 name the bingo or pull tab games will be conducted;

16
17 (C) If applicable, the person applying for
18 the license to manufacture or distribute equipment,
19 devices or supplies used in any licensed bingo or pull tab
20 games.

21
22 (ii) If the applicant is duly qualified to
23 hold, operate and conduct bingo or pull tab games under
24 this chapter;

1

2 (iii) If the authorized bingo or pull tab games
3 are to be held, operated and conducted in accordance with
4 provisions of this chapter governing the holding,
5 operation and conduct of the bingo or pull tab games and
6 if applicable, that the proceeds are to be disposed of as
7 required under this chapter.

8

9 (b) Within a reasonable period of time not to
10 exceed one hundred twenty (120) days following receipt of
11 any application for a new license or within thirty (30)
12 days following receipt of any application for license
13 renewal, the department shall approve or deny the
14 application for licensure under this article together
15 with its findings.

16

17 (c) The department shall not approve any
18 application if based upon the investigation conducted
19 under paragraph (a)(i) of this section, it determines the
20 prior activity or criminal record of the applicant and
21 persons enumerated under paragraph (a)(i) of this
22 section:

23

1 (i) Poses a threat to the public interest of
2 the state or the effective regulation and control of
3 authorized bingo or pull tab games; or

4
5 (ii) Creates a danger of unlawful practices,
6 methods or activities in the conduct of authorized bingo
7 or pull tab games or in the conduct of business and
8 financial arrangements incidental to bingo or pull tab
9 games.

10
11 (d) The cost of any necessary background
12 investigation of any applicant for a license or license
13 renewal under this section shall be paid by the
14 applicant. The department shall by rule and regulation
15 establish the conditions and procedures for payment and
16 may require payment in advance.

17
18 (e) Any determination by the department under this
19 article is subject to appeal in accordance with the
20 Wyoming Administrative Procedure Act.

21
22 **6-7-203. Inspections and examinations; audits;**
23 **failure to permit entry; concurrent authority.**

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

3

4 (i) Enter and inspect at any time the premises
5 upon which bingo or pull tab games are conducted or from
6 which supplies, devices and equipment for bingo or pull
7 tab games are manufactured, maintained or supplied;

8

9 (ii) Examine the records, books of account and
10 equipment, supplies or devices of any license applicant
11 or licensee, as necessary to conduct examinations,
12 inspections and investigations under this chapter;

13

14 (iii) Seize, remove and impound from the
15 premises of any licensee, equipment, supplies and devices
16 for the purpose of examination and inspection;

17

18 (iv) When warranted, conduct detailed
19 investigations and through the department of audit,
20 conduct detailed audits.

21

22 (b) Upon request of the department, the department
23 of audit shall conduct an audit of any license applicant

1 or licensee as necessary to assist the department in
2 enforcing this chapter.

3

4 (c) Entry for purposes of inspection is authorized
5 only during open business hours unless it is in the
6 presence of the licensee or a duly authorized
7 representative of the licensee, or unless the officer
8 making entry does so under court order, under search
9 warrant issued by a court of competent jurisdiction or
10 has probable cause to believe that evidence of any
11 violation of this chapter is within the place to be
12 entered. Refusal to permit the entry of an agent of the
13 department to the licensed premises or place of business
14 for the purpose of inspection in accordance with this
15 section is grounds for immediate license suspension.

16

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

24

1 6-7-204. Games of chance authorized; application
2 for licenses and license renewals; contents; submission
3 to department; notification of change in application
4 information; penalty.

5

6 (a) Authorized bingo or pull tab games are
7 permitted only as provided in W.S. 6-7-101 through
8 6-7-104.

9

10 (b) To conduct any authorized bingo or pull tab
11 game, an applicant for any license or license renewal
12 under this article shall file written application with
13 the department. The application shall be made under oath
14 upon a form prepared by the department.

15

16 (c) An applicant shall during pendency of the
17 application, immediately notify the department of any
18 change in the information stated in the application. If
19 any substantial change occurs after license issuance or
20 renewal, the change shall be reported to the department
21 within ten (10) days after the date of the change.
22 Failure to report any change in the information stated in
23 the initial application or any substantial change after
24 issuance or renewal of a license shall be grounds for

1 denial of an application or revocation of an existing
2 license.

3

4 (d) Any person knowingly submitting an application
5 containing false information in violation of this article
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 **6-7-205. Combination of interests prohibited.**

11

12 (a) Any license for operation of a bingo or pull
13 tab game authorized by this chapter shall not be held by,
14 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
20 bingo or pull tab games, or who serves as an officer,
21 director, proprietor or employee or is a stockholder
22 holding more than two percent (2%) of the outstanding
23 shares of the 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 department or
5 to any organization in which the employed person has an
6 ownership interest;

7

8 (iv) Any peace officer employed by the state
9 or any city, town or county.

10

11 **6-7-206. Proof of financial responsibility**
12 **required.**

13

14 Before issuing or renewing any license for operation of a
15 bingo or pull tab game and in addition to payment of
16 license fees, the department shall require the license
17 applicant to furnish a bond or other form of financial
18 responsibility approved by the department, in an amount
19 established by the department for the appropriate game.

20

21 **6-7-207. Disposition of license fees; terms of**
22 **licenses.**

23

1 (a) Fees authorized by this article shall be
2 established by the department in amounts sufficient to
3 ensure that the total revenue generated by the collection
4 of such fees approximates the direct and indirect costs
5 incurred in carrying out its duties under this article.
6 The amounts of all fees shall be reviewed annually by the
7 department.

8
9 (b) Any license issued or renewed under this
10 article is considered a privilege to the holder and the
11 term of the license is for one (1) year unless sooner
12 revoked.

13

14 **6-7-208. Transfer of license location or ownership**
15 **prohibited; ownership transfer specified.**

16

17 (a) No license issued under this article shall be
18 transferred or sold.

19

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

23

24 **6-7-209. Suspension and revocation; penalties.**

1

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

8

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

15

16 (b) Any person conducting bingo or pull tab games
17 authorized by this chapter without holding a license
18 authorizing the conduct is guilty of professional
19 gambling as prohibited and penalized under W.S.
20 6-7-102(b).

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:

1

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 under W.S. 6-7-201 through 6-7-209.

11

12 39-11-102. Administration; confidentiality;
13 department of revenue.

14

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

17

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

20

21 (xxv) Enforce the provisions of W.S. 6-7-101
22 through 6-7-209.

23

