

HOUSE BILL NO. HB0171

Wyoming gaming commission.

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

A BILL

for

1 AN ACT relating to gaming; generally amending statutes
2 concerning pari-mutuel events, gaming and gambling;
3 reconstituting the pari-mutuel commission as the Wyoming
4 gaming commission and increasing membership; establishing
5 duties for the commission; regulating skill based amusement
6 games as specified; authorizing skill based amusement game
7 fees, collections and distributions as specified; creating
8 an account; authorizing commission employees to be peace
9 officers and authorizing enforcement by the attorney
10 general as specified; providing penalties; providing
11 applicability; requiring rulemaking; making conforming
12 amendments; requiring a report; and providing for an
13 effective date.

14

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

1

2 **Section 1.**

3

4 (a) Notwithstanding W.S. 6-7-102, skill based
5 amusement games operating in the state prior to January 1,
6 2020 shall be allowed to continue operation until June 30,
7 2021 in accordance with the requirements of this section.

8

9 (b) Any skill based amusement game that does not meet
10 the requirements of this section shall be removed from the
11 state.

12

13 (c) Within sixty (60) days of the effective date of
14 this section a skill based amusement game that meets the
15 requirements of this section shall be approved by the
16 commission to continue operating in the state or it shall
17 be removed from the state.

18

19 (d) Each operator shall provide for a nationally
20 recognized, independent gaming laboratory approved by the
21 commission to directly submit to the commission a general
22 functional evaluation laboratory report regarding the
23 software installed on each skill based amusement game

1 indicating whether the skill based amusement game is in
2 compliance with this section. Any skill based amusement
3 game that does not meet the requirements of this section as
4 indicated by the laboratory report shall immediately be
5 removed from the state.

6

7 (e) Skill based amusement games that meet the
8 requirements of this section shall bear a commission issued
9 decal that identifies the operator of the game. No skill
10 based amusement game shall be operational unless it bears a
11 commission issued decal. The commission shall charge a fee
12 of fifty dollars (\$50.00) for a decal. Each decal shall
13 include the bucking horse and rider emblem. Fees collected
14 shall be deposited to the commission gaming account, which
15 is hereby created. For the period from the effective date
16 of this section through June 30, 2021, funds within the
17 account are continuously appropriated to the commission to
18 pay for reasonable expenses incurred to administer this
19 section.

20

21 (f) No skill based amusement game shall allow a game
22 play of more than three dollars (\$3.00) per play.

23

1 (g) No skill based amusement game shall allow a
2 payout of more than three thousand dollars (\$3,000.00) per
3 play.

4

5 (h) No establishment shall have more than four (4)
6 skill based amusement games at any one (1) time. Only an
7 establishment that had a skill based amusement game
8 operating within the establishment as of January 1, 2020
9 may continue to have a skill based amusement game operating
10 pursuant to this section.

11

12 (j) An establishment shall not locate a skill based
13 amusement game in an area of the establishment into which a
14 person under the age of twenty-one (21) years may enter. An
15 establishment shall conspicuously mark each area of the
16 establishment with a skill based amusement game as an "age
17 restricted area." The establishment shall not allow a
18 person under the age of twenty-one (21) years to play a
19 skill based amusement game.

20

21 (k) An establishment shall pay the commission a fee
22 of two hundred fifty dollars (\$250.00) to continue to have
23 skill based amusement games in the establishment until June

1 30, 2021. Operators of skill based amusement games shall
2 pay the commission a fee of two thousand five hundred
3 dollars (\$2,500.00) to operate skill based amusement games
4 until June 30, 2021. Fees paid pursuant to this subsection
5 shall be deposited into the commission gaming account.

6

7 (m) Taxes shall be calculated and paid on a weekly
8 basis based on the gross income earned during the prior
9 week on skill based amusement games. On a weekly basis, an
10 operator shall remit to the commission an amount equivalent
11 to twenty percent (20%) of the gross income earned during
12 the prior week on the operator's skill based amusement
13 games. The commission shall deposit these monies to the
14 commission gaming account. The commission shall report on
15 amounts received under this subsection to the joint
16 appropriations committee quarterly.

17

18 (n) The commission may promulgate any necessary rules
19 to implement and administer this section.

20

21 (o) This section shall not apply to pari-mutuel
22 wagering on events that have previously occurred.

23

1 (p) As used in this section:

2

3 (i) "Commission" means the commission created
4 under W.S. 11-25-101;

5

6 (ii) "Establishment" means a single physical
7 place of business;

8

9 (iii) "Gross income" means all revenue less
10 payment of winnings;

11

12 (iv) "Manufacturer" means a person engaged in
13 the business of constructing or procuring skill based
14 amusement games and selling or leasing skill based
15 amusement games and software to operators;

16

17 (v) "Operator" means a person that possesses and
18 operates skill based amusement games for profit;

19

20 (vi) "Skill based amusement game" means a game
21 played in exchange for consideration of cash, credit or
22 other thing of value on a fixed, commercial electrical
23 gaming device in which the bona fide skill of the player,

1 determined by an individual's level of strategy and skill,
2 rather than any inherent element of chance, is the primary
3 factor in determining the outcome and for which the player
4 may be awarded a prize or other thing of value for a
5 successful outcome.

6

7 (q) Any person who violates any provision of this
8 section is guilty of a misdemeanor and shall be fined not
9 more than ten thousand dollars (\$10,000.00), imprisoned for
10 not more than six (6) months, or both.

11

12 (r) This section is repealed effective July 1, 2021.

13

14 **Section 2.** W.S. 6-1-104(a)(vi)(P) and by creating a
15 new subparagraph (R), 6-7-101(a)(iii)(A), (D)(I),
16 (F)(intro), by creating a new subparagraph (M) and by
17 creating a new paragraph (xiii), 7-2-101(a)(iv)(N) and by
18 creating a new subparagraph (P), 7-19-201(a)(vi),
19 9-1-627(d), 9-2-2008(e)(xiii), 11-25-101, 11-25-102(a)(ii)
20 and by creating a new paragraph (xv), 11-25-103,
21 11-25-104(a), (e) and by creating new subsections (n) and
22 (o), 11-25-105(b)(ii) through (iv) and 11-25-112 are
23 amended to read:

1

2 **6-1-104. Definitions.**

3

4 (a) As used in this act, unless otherwise defined:

5

6 (vi) "Peace officer" includes the following
7 officers assigned to duty in the state of Wyoming:

8

9 (P) Any superintendent, assistant
10 superintendent or full-time park ranger of any state park,
11 state recreation area, state archeological site or state
12 historic site who has qualified pursuant to W.S. 9-1-701
13 through 9-1-707, when acting within the boundaries of the
14 state park, state recreation area, state archeological site
15 or state historic site or when responding to a request to
16 assist other peace officers acting within the scope of
17 their official duties in their own jurisdiction;~~and~~

18

19 (R) Any person qualified pursuant to W.S.
20 9-1-701 through 9-1-707 and employed by the Wyoming gaming
21 commission when engaged in the performance of that person's
22 duties.

23

1 **6-7-101. Definitions.**

2

3 (a) As used in this article:

4

5 (iii) "Gambling" means risking any property for
6 gain contingent in whole or in part upon lot, chance, the
7 operation of a gambling device or the happening or outcome
8 of an event, including a sporting event, over which the
9 person taking a risk has no control, but does not include
10 any of the following:

11

12 (A) Bona fide contests of skill, speed,
13 strength or endurance in which awards are made only to
14 entrants or the owners of entries. This exception shall not
15 include skill based amusement games;

16

17 (D) Bingo games conducted, or pull tabs
18 sold, by charitable or nonprofit organizations where the
19 tickets for the bingo are sold only in this state and the
20 pull tabs are sold only on the premises owned or occupied
21 by the charitable or nonprofit organization provided that:

22

1 (I) Bingo games and pull tab games
2 shall only be conducted by charitable or nonprofit
3 organizations, which have been in existence in this state
4 for at least three (3) years and, commencing July 1, 2020,
5 are licensed by the Wyoming gaming commission under W.S.
6 11-25-104(n) to conduct bingo or pull tab games;

7
8 (F) Calcutta wagering on contests or events
9 conducted by a bona fide nationally chartered veterans',
10 religious, charitable, educational or fraternal
11 organization or nonprofit local civic or service club
12 organized or incorporated under the laws of this state and,
13 commencing July 1, 2020, licensed by the Wyoming gaming
14 commission under W.S. 11-25-104(n) to conduct calcutta
15 wagering on contests or events, provided that:

16
17 (M) Activities authorized by the Wyoming
18 gaming commission pursuant to law.

19
20 (xiii) "Skill based amusement game" means a game
21 played in exchange for consideration of cash, credit or
22 other thing of value on a fixed, commercial electrical
23 gaming device in which the bona fide skill of the player,

1 determined by an individual's level of strategy and skill,
2 is a factor in determining the outcome and for which the
3 player may be awarded a prize or other thing of value for a
4 successful outcome.

5

6 **7-2-101. Definitions.**

7

8 (a) As used in W.S. 7-2-101 through 7-2-107:

9

10 (iv) "Peace officer" means:

11

12 (N) The director and full-time staff
13 instructors of the Wyoming law enforcement academy when
14 duly appointed and acting pursuant to W.S. 9-1-633(b); ~~and~~

15

16 (P) Any person qualified pursuant to W.S.
17 9-1-701 through 9-1-707 and employed by the Wyoming gaming
18 commission when engaged in the performance of that person's
19 duties.

20

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

23

1 (a) The following persons shall be required to submit
2 to fingerprinting in order to obtain state and national
3 criminal history record information:
4

5 (vi) Persons applying for a permit or license
6 under W.S. 11-25-104(f) or if otherwise required under
7 title 11, chapter 25 of the Wyoming statutes;
8

9 **9-1-627. Authority to compile, disseminate and**
10 **exchange information; immunity; access to information**
11 **limited; security precautions.**
12

13 (d) Access to criminal history record information is
14 available to the Wyoming ~~pari-mutuel-gaming~~ commission as
15 provided for by ~~W.S. 11-25-104(k)-law~~. The commission shall
16 take reasonable security precautions to prevent
17 unauthorized persons from gaining access to criminal
18 history record information in accordance with rules and
19 regulations established by the Wyoming division of criminal
20 investigation. For the purpose of this subsection "criminal
21 history record information" means information, records and
22 data compiled by criminal justice agencies on individuals
23 for the purpose of identifying criminal offenders

1 consisting of identifiable descriptions of the offenders
2 and notations or a summary of arrests, detentions,
3 indictments, information, pre-trial proceedings, nature and
4 disposition of criminal charges, sentencing,
5 rehabilitation, incarceration, correctional supervision and
6 release. Criminal history record information is limited to
7 information recorded as the result of the initiation of
8 criminal proceedings. It does not include intelligence
9 data, analytical prosecutorial files, investigative reports
10 and files of statistical records and reports in which
11 individual identities are not ascertainable.

12

13 **9-2-2008. Department of administration and**
14 **information created; director appointed; structure.**

15

16 (e) The following functions or programs shall be
17 transferred from the department of commerce to the
18 department of administration and information under a Type 3
19 transfer:

20

21 (xiii) ~~Pari-mutuel~~Gaming commission;

22

1 11-25-101. Wyoming gaming commission created;
2 composition; qualifications.

3

4 The Wyoming ~~pari-mutuel-gaming~~ commission is created to be
5 composed of ~~seven (7)~~ nine (9) persons who have resided in
6 the state for four (4) years and are qualified electors of
7 Wyoming.

8

9 11-25-102. Definitions.

10

11 (a) As used in this act:

12

13 (ii) "Commission" means the Wyoming ~~pari-mutuel~~
14 gaming commission;

15

16 (xv) "Net proceeds" means all revenue less the
17 payment to the player.

18

19 11-25-103. Gaming commission; appointment, terms of
20 office and political affiliation of members; vacancies;
21 appointment districts.

22

1 The governor with the consent of the senate shall appoint
2 the ~~seven (7)~~ nine (9) members of the commission in
3 accordance with W.S. 28-12-101 through 28-12-103. ~~One (1)~~
4 ~~member~~ Seven (7) of the nine (9) members shall be appointed
5 from each appointment district under W.S. 9-1-218. One (1)
6 of the remaining members shall be, at the time of
7 appointment and during the term of appointment, an active
8 county or municipal law enforcement officer certified under
9 title 9, chapter 1, article 7 of the Wyoming statutes.
10 Members shall be appointed for terms of four (4) years and
11 until their successor is appointed and qualified. Any
12 vacancy shall be filled by appointment by the governor as
13 provided in W.S. 28-12-101. A member of the commission may
14 succeed himself for one (1) full four (4) year term. The
15 governor may remove any member as provided in W.S. 9-1-202.
16 Additionally, one (1) senator appointed by the president of
17 the senate, one (1) representative appointed by the speaker
18 of the house and one (1) gubernatorial representative shall
19 serve as liaisons to the commission. Legislative liaisons
20 shall be paid salary, per diem and mileage as provided in
21 W.S. 28-5-101 when attending meetings of the commission.
22

1 11-25-104. Gaming commission; officers; director;
2 meetings; quorum; records; licenses generally; effect of
3 financial interest in events.

4
5 (a) The commission shall annually elect from its
6 membership a president and vice-president, and may employ a
7 director who has a working knowledge of pari-mutuel
8 betting, ~~and~~ horse racing and other forms of gaming
9 regulated by the commission or an executive secretary, or
10 both. The director may be retained on a yearly basis or for
11 the racing season only as determined by the commission.
12 Salary for the director or executive secretary shall be
13 determined by the commission with the consent of the
14 personnel division. The commission may also employ other
15 personnel required to carry out this act.

16
17 (e) The commission shall authorize by ~~permits~~ license
18 or permit and supervise all the conduct of all events
19 provided for and regulated by this act, ~~and~~ The commission
20 shall make reasonable rules ~~and regulations~~ for the
21 control, supervision and direction of applicants, ~~and~~
22 permittees, ~~including regulations providing~~ and licensees.
23 The rules shall include procedures for resolving scheduling

1 conflicts and settling disputes between permittees, ~~and for~~
2 the supervising, disciplining, suspending, fining and
3 barring from pari-mutuel events of all persons required to
4 be licensed or permitted by this act, and for the holding,
5 conducting and operating of all pari-mutuel events
6 ~~conducted~~ pursuant to this act. The commission may require
7 that license applicants be fingerprinted for identification
8 purposes as a condition of licensing. The commission shall
9 announce the place, time and duration of pari-mutuel events
10 for which license or permit fees shall be required and
11 establish reasonable fees for all licenses and permits
12 provided for by this act. The fees shall be established to
13 ensure that the costs of administering this act are
14 recovered through the total revenues received under this
15 act. The commission shall establish security access
16 safeguards for licensees to use for advance deposit
17 pari-mutuel wagering. The commission shall prohibit advance
18 deposit pari-mutuel advertising that it determines to be
19 deceptive to the public.

20

21 (n) Commencing July 1, 2020, any person conducting an
22 activity as specified by W.S. 6-7-101(a)(iii)(D) or (F)
23 shall first obtain a license from the commission. Under

1 this subsection, the commission shall not charge license
2 applicants any fee and shall not require any fee for any
3 license issued. Any person required to be licensed under
4 this subsection shall file an annual report with the
5 commission as specified by rule.

6

7 (o) In addition to all other duties, the commission,
8 in the reasonable exercise of its discretion, shall enforce
9 W.S. 6-7-101 through 6-7-104.

10

11 **11-25-105. Licenses and permits; fees and reports;**
12 **disposition of funds; enforcement of provisions.**

13

14 (b) Every Wednesday following any pari-mutuel event,
15 the permittee shall:

16

17 (ii) Pay an amount equal to ~~one-quarter percent~~
18 ~~(1/4%)~~ three and three hundred seventy-five thousandths
19 percent (3.375%) of the ~~total amount wagered net proceeds~~
20 attributable to historic pari-mutuel events and one and
21 one-half percent (1 1/2%) of the total amount wagered
22 attributable to live pari-mutuel events, shown by the
23 report to the commission, to be credited by the state

1 treasurer to a separate account, in the manner indicated in
2 subsection (d) of this section;

3
4 (iii) Pay an amount equal to ~~one percent (1%)~~
5 thirteen and one-half percent (13.5%) of the ~~total amount~~
6 wagered net proceeds attributable to historic pari-mutuel
7 events, shown by the report to the commission, to be
8 transferred by the commission to the county and the city or
9 town in which the permittee is located, in equal shares, or
10 to the county alone if the permittee is not located within
11 the boundaries of a city or town. The county, city or town
12 receiving an amount under this paragraph may credit that
13 amount to the state fair account upon a majority vote of
14 the county's, city's or town's governing body; and

15
16 (iv) Pay an amount equal to ~~one-quarter percent~~
17 ~~(1/4%)~~ three and three hundred seventy-five thousandths
18 percent (3.375%) of the ~~total amount wagered net proceeds~~
19 attributable to historic pari-mutuel events, shown by the
20 report to the commission, to be credited to the legislative
21 stabilization reserve account.

22

23 **11-25-112. Penalties.**

1

2 (a) Any person, ~~corporation or association~~ holding or
3 conducting any pari-mutuel event in connection with the
4 pari-mutuel system of wagering without a permit issued in
5 accordance with this act, or any person, ~~corporation or~~
6 ~~association~~ who violates any other provision of this act is
7 guilty of a misdemeanor and shall be fined not more than
8 ten thousand dollars (\$10,000.00), imprisoned for not more
9 than six (6) months, or both.

10

11 **(b) The attorney general may, at the request of the**
12 **commission, act on behalf of the commission to prosecute**
13 **criminal actions under this chapter or title 6, chapter 7,**
14 **article 1 of the Wyoming statutes if after a thorough**
15 **investigation the attorney general determines the action is**
16 **supported by probable cause.**

17

18 **Section 3.**

19

20 (a) The Wyoming pari-mutuel commission is continued
21 as the Wyoming gaming commission, as provided in this act.
22 All positions, personnel, appropriations, property and
23 equipment of the Wyoming pari-mutuel commission shall be

1 under control of the Wyoming gaming commission, as created
2 by this act. The validity of rules, regulations, orders,
3 contracts, agreements or other obligations of the Wyoming
4 pari-mutuel commission shall not be affected by this act.

5

6 (b) Notwithstanding any other provision of this act,
7 members of the Wyoming pari-mutuel commission shall
8 continue their current terms as members of the Wyoming
9 gaming commission.

10

11 (c) The appointment of the newly created eighth and
12 ninth members to the Wyoming gaming commission may be made
13 under this act on or after the effective date of this
14 section.

15

16 **Section 4.** The Wyoming pari-mutuel commission or the
17 Wyoming gaming commission, as applicable, shall promulgate
18 rules necessary to implement and administer this act as
19 expeditiously as necessary.

20

21 **Section 5.** The Wyoming pari-mutuel commission or the
22 Wyoming gaming commission, as applicable, shall conduct a
23 study of gaming in the state. The study shall evaluate

1 skill based amusement games in the state. The commission
2 shall examine how many games are operating in the state,
3 the locations of all of the games, the amount of wagers
4 made on the games and revenues earned from the games.
5 Additionally, the commission shall provide options to the
6 legislature for regulation of skill based amusement games,
7 video game terminals, sports wagering and other
8 commercially viable forms of gaming. Additionally, the
9 commission shall evaluate impacts to other states that have
10 recently expanded forms of legal gaming. The commission
11 shall report in writing the results of its study to the
12 legislature by September 1, 2020.

13

14 **Section 6.** This act is effective immediately upon
15 completion of all acts necessary for a bill to become law
16 as provided by Article 4, Section 8 of the Wyoming
17 Constitution.

18

19

(END)