

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 games as
6 specified; authorizing fees and collection and distribution
7 of a portion of wagers; authorizing commission employees to
8 be peace officers and providing for enforcement by a
9 district attorney or the attorney general; providing
10 applicability; requiring rulemaking; making conforming
11 amendments; and providing for effective dates.

12

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

14

1 **Section 1.** W.S. 6-1-104(a)(vi)(P) and by creating a
2 new subparagraph (R), 6-7-101(a)(iii)(A), (D)(intro),
3 (F)(intro), (H) and by creating a new subparagraph (M),
4 7-2-101(a)(iv)(N) and by creating a new subparagraph (P),
5 9-1-627(d), 9-2-2008(e)(xiii), 11-25-101, 11-25-102(a)(ii)
6 and by creating new paragraphs (xv) and (xvi), 11-25-103,
7 11-25-104(a), (e) through (j) and by creating a new
8 subsection (n), 11-25-105(b)(ii) through (iv), (d) and by
9 creating new subsections (n) and (o), 11-25-109(c),
10 11-25-110 and 11-25-112 are amended to read:

11

12 **6-1-104. Definitions.**

13

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

15

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

18

19 (P) Any superintendent, assistant
20 superintendent or full-time park ranger of any state park,
21 state recreation area, state archeological site or state
22 historic site who has qualified pursuant to W.S. 9-1-701
23 through 9-1-707, when acting within the boundaries of the

1 state park, state recreation area, state archeological site
2 or state historic site or when responding to a request to
3 assist other peace officers acting within the scope of
4 their official duties in their own jurisdiction;~~and~~

5

6 (R) Any person qualified pursuant to W.S.
7 9-1-701 through 9-1-707 and employed by the Wyoming gaming
8 commission when engaged in the performance of that person's
9 duties.

10

11 **6-7-101. Definitions.**

12

13 (a) As used in this article:

14

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

21

22 (A) Bona fide contests of skill, speed,
23 strength or endurance in which awards are made only to

1 entrants or the owners of entries. This exception shall not
2 apply to skill based amusement games as defined by W.S.
3 11-25-102(a)(xvi);

4
5 (D) Bingo games conducted, or pull tabs
6 sold, by charitable or nonprofit organizations licensed by
7 the Wyoming gaming commission under W.S. 11-25-104(n) to
8 conduct bingo games or sell pull tabs where the tickets for
9 the bingo are sold only in this state and the pull tabs are
10 sold only on the premises owned or occupied by the
11 charitable or nonprofit organization provided that:

12
13 (F) Calcutta wagering on contests or events
14 conducted by a bona fide nationally chartered veterans',
15 religious, charitable, educational or fraternal
16 organization or nonprofit local civic or service club
17 organized or incorporated under the laws of this state and
18 licensed by the Wyoming gaming commission under W.S.
19 11-25-104(n) to conduct calcutta wagering on contests or
20 events, provided that:

21

1 (H) Raffles conducted for charitable
2 purposes by persons licensed by the Wyoming gaming
3 commission under W.S. 11-25-104(n) to conduct raffles;
4

5 (M) Activities authorized by the Wyoming
6 gaming commission pursuant to W.S. 11-25-101 through
7 11-25-113.
8

9 **7-2-101. Definitions.**
10

11 (a) As used in W.S. 7-2-101 through 7-2-107:
12

13 (iv) "Peace officer" means:
14

15 (N) The director and full-time staff
16 instructors of the Wyoming law enforcement academy when
17 duly appointed and acting pursuant to W.S. 9-1-633(b); ~~and~~
18

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

4
5 (d) Access to criminal history record information is
6 available to the Wyoming ~~pari-mutuel~~-gaming commission as
7 provided by W.S. 11-25-104(k). The commission shall take
8 reasonable security precautions to prevent unauthorized
9 persons from gaining access to criminal history record
10 information in accordance with rules and regulations
11 established by the Wyoming division of criminal
12 investigation. For the purpose of this subsection "criminal
13 history record information" means information, records and
14 data compiled by criminal justice agencies on individuals
15 for the purpose of identifying criminal offenders
16 consisting of identifiable descriptions of the offenders
17 and notations or a summary of arrests, detentions,
18 indictments, information, pre-trial proceedings, nature and
19 disposition of criminal charges, sentencing,
20 rehabilitation, incarceration, correctional supervision and
21 release. Criminal history record information is limited to
22 information recorded as the result of the initiation of
23 criminal proceedings. It does not include intelligence

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

4

5 **9-2-2008. Department of administration and**
6 **information created; director appointed; structure.**

7

8 (e) The following functions or programs shall be
9 transferred from the department of commerce to the
10 department of administration and information under a Type 3
11 transfer:

12

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

14

15 **11-25-101. Wyoming gaming commission created;**
16 **composition; qualifications.**

17

18 The Wyoming ~~pari-mutuel-gaming~~ commission is created to be
19 composed of ~~seven (7)~~eight (8) persons who have resided in
20 the state for four (4) years and are qualified electors of
21 Wyoming.

22

23 **11-25-102. Definitions.**

1

2 (a) As used in this act:

3

4 (ii) "Commission" means the Wyoming ~~pari-mutuel~~
5 gaming commission;

6

7 (xv) "Net proceeds" means all revenue less the
8 payment to the player;

9

10 (xvi) "Skill based amusement game" means a game
11 played in exchange for consideration of cash, credit or
12 other thing of value on an electromechanical, mechanical or
13 electrical gaming device in which the bona fide skill of
14 the player is the factor in determining the outcome and for
15 which the player may be awarded a prize or other thing of
16 value for a successful outcome. Under this subsection, the
17 following shall apply:

18

19 (A) A player must be able to exercise
20 control over the game;

21

1 (B) Increased game prizes or other things
2 of value shall require a higher level of skill from the
3 player; and

4
5 (C) If a skill based amusement game
6 includes any form of a puzzle game, the player must be able
7 to preview and evaluate the puzzle prior to the payment of
8 any cash, credit or other thing of value in order to play
9 the game.

10
11 **11-25-103. Gaming commission; appointment, terms of**
12 **office and political affiliation of members; vacancies;**
13 **appointment districts.**

14
15 The governor with the consent of the senate shall appoint
16 the ~~seven (7)~~ eight (8) members of the commission in
17 accordance with W.S. 28-12-101 through 28-12-103. ~~One (1)~~
18 ~~member~~ Seven (7) of the eight (8) members shall be
19 appointed from each appointment district under W.S.
20 9-1-218. The remaining member shall be, at the time of
21 appointment and during his term of appointment, an active
22 county or municipal law enforcement officer certified under
23 title 9, chapter 1, article 7 of the Wyoming statutes.

1 Members shall be appointed for terms of four (4) years and
2 until their successor is appointed and qualified. Any
3 vacancy shall be filled by appointment by the governor as
4 provided in W.S. 28-12-101. A member of the commission may
5 succeed himself for one (1) full four (4) year term. The
6 governor may remove any member as provided in W.S. 9-1-202.

7

8 **11-25-104. Gaming commission; officers; director;**
9 **meetings; quorum; records; licenses generally; effect of**
10 **financial interest in events.**

11

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

23

1 (e) The commission shall authorize by ~~permits~~license
2 or permit and supervise all skill based amusement games and
3 the conduct of all events provided for and regulated by
4 this act.~~, and~~ The commission shall make reasonable rules
5 ~~and regulations~~ for the control, supervision and direction
6 of applicants, permittees,~~including regulations providing~~
7 and licensees. The rules shall include procedures for
8 resolving scheduling conflicts and settling disputes
9 between permittees, ~~and~~for the supervising, disciplining,
10 suspending, fining and barring from pari-mutuel events and
11 establishments where skill based amusement games are
12 operated of all persons required to be licensed or
13 permitted by this act, and for the holding, conducting and
14 operating of all pari-mutuel events ~~conducted~~and skill
15 based amusement games pursuant to this act. The commission
16 shall adopt reasonable rules governing skill based
17 amusement games, including hardware and software
18 specifications for the gaming devices, to ensure fair and
19 equitable rules of play, appropriate record keeping
20 requirements, reporting requirements and game standards.
21 The commission shall adopt reasonable rules governing
22 vendors and suppliers of skill based amusement games. The
23 commission may require that license applicants be

1 fingerprinted for identification purposes as a condition of
2 licensing. The commission shall announce the place, time
3 and duration of pari-mutuel events for which license or
4 permit fees shall be required and establish reasonable fees
5 for all licenses and permits ~~provided for by this act.~~
6 relating to pari-mutuel events. The commission shall
7 establish reasonable fees for licensing vendors and
8 suppliers of skill based amusement games and establishments
9 where skill based amusement games are operated. The fees
10 shall be established to ensure that the costs of
11 administering this act are recovered through the total
12 revenues received under this act. The commission shall
13 establish security access safeguards for licensees to use
14 for advance deposit pari-mutuel wagering. The commission
15 shall prohibit advance deposit pari-mutuel advertising that
16 it determines to be deceptive to the public.

17

18 (f) Each permittee, participant and employee of a
19 permittee or participant who is directly involved in the
20 horse racing or pari-mutuel wagering activities of the
21 permittee or participant, as defined in commission rule and
22 regulation, shall be licensed by the commission and shall
23 comply with all rules and ~~regulations and all~~ orders issued

1 by the commission. No person shall hold any event with
2 pari-mutuel wagering without obtaining a permit. Each
3 establishment where skill based amusement games are
4 operated shall be licensed by the commission, shall be
5 authorized to operate no more than five (5) game devices
6 and shall comply with all rules and orders issued by the
7 commission. Each vendor or supplier of skill based
8 amusement games shall be licensed by the commission and
9 shall comply with all rules and orders issued by the
10 commission. The commission shall adopt reasonable rules
11 requiring each skill based amusement game to bear a sticker
12 designating the gaming device as a commission authorized
13 device.

14
15 (g) The commission may delegate authority to enforce
16 this act and the rules of the commission ~~and this act~~
17 governing pari-mutuel events to three (3) stewards at each
18 pari-mutuel event, at least one (1) of whom shall be an
19 employee of and selected by the commission. The commission
20 shall require at least one (1) steward to supervise each
21 simulcast location that is approved by the commission. The
22 commission may delegate authority to enforce this act and
23 the rules of the commission governing skill based amusement

1 games to employees of the commission. Stewards and
2 employees shall exercise such reasonable and necessary
3 authority as is designated by rules of the commission
4 including the following:

5
6 (h) For permitted pari-mutuel events, only a licensed
7 steward ~~of the permitted event~~ may impose fines or license
8 suspensions except that a starter may impose fines when
9 horses arrive at the gate until off time in an amount not
10 exceeding two hundred dollars (\$200.00).

11
12 (j) Any fine or license suspension imposed by a
13 steward or commission employee or fine imposed by a starter
14 may be appealed in writing to the commission within five
15 (5) days after its imposition. The commission may affirm or
16 reverse the decision ~~of a steward or starter~~ or may
17 increase or decrease any fine or suspension. A fine imposed
18 by the commission shall not exceed ten thousand dollars
19 (\$10,000.00). Suspensions of a license may be for any
20 period of time, but shall be commensurate with the
21 seriousness of the offense.

22

1 (n) Any person conducting an activity as specified by
2 W.S. 6-7-101(a)(iii)(D) through (F) or (H) shall first
3 obtain a license from the commission. Under this section,
4 the commission shall not charge license applicants any fee
5 and shall not require any fee for any license issued. Any
6 person required to be licensed under this subsection shall
7 file an annual report with the commission as specified by
8 rule.

9
10 **11-25-105. Licenses and permits; fees and reports;**
11 **disposition of funds; enforcement of provisions.**

12
13 (b) Every Wednesday following any pari-mutuel event,
14 the permittee shall:

15
16 (ii) 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 and one and
20 one-half percent (1 1/2%) of the total amount wagered
21 attributable to live pari-mutuel events, shown by the
22 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

1 (d) All sums paid to the commission under this act
2 except contributions from permittees to the breeder award
3 fund, amounts paid under paragraphs (b)(iii) and (iv) and
4 (o)(iii) and (iv) of this section, fines and penalties
5 shall be credited to the ~~pari-mutuel-gaming~~ commission
6 account which shall be used by the commission for the
7 payment of all expenses incurred in enforcing this act. On
8 a quarterly basis, the commission shall transfer amounts
9 within the account in excess of one million five hundred
10 thousand dollars (\$1,500,000.00) to the state treasurer for
11 credit to the legislative stabilization reserve account.
12 All fines and penalties collected under this act shall be
13 paid to the state treasurer and credited as provided in
14 W.S. 8-1-109. The state treasurer shall pay out of the
15 account all warrants drawn by the state auditor, upon
16 vouchers issued and signed by the president, vice-president
17 or executive secretary of the commission. The commission
18 shall keep an accurate and true account of all funds
19 received and all vouchers issued by the commission. All
20 funds received and all vouchers issued by the commission
21 shall be audited at least biennially by the director of the
22 state department of audit or his designee and a copy of the
23 audit shall be delivered within thirty (30) days after

1 completion to the governor and the commission. The costs of
2 the audit shall be borne by the commission. The members of
3 the commission shall receive per diem and mileage as
4 provided in W.S. 33-1-302(a)(vii), and compensation of
5 fifty dollars (\$50.00) for each day during which they are
6 actually engaged in the discharge of their duties. The
7 total expenses incurred by the commission shall not exceed
8 the total amount in the ~~pari-mutuel~~gaming commission
9 account.

10
11 (n) The commission may issue licenses for a specified
12 period of time not to exceed three (3) years for
13 establishments where skill based amusement games may be
14 conducted and for vendors and suppliers of skill based
15 amusement games. The commission may adopt reasonable rules
16 to govern the license application process and to impose
17 restrictions on the use or transfer of a license.

18
19 (o) An establishment licensed to conduct a skill
20 based amusement game may retain an amount equal to nineteen
21 and four-tenths percent (19.4%) of the net proceeds on the
22 skill based amusement games. Every Wednesday each

1 establishment licensed to operate skill based amusement
2 games shall:

3
4 (i) File a report with the commission showing
5 the total amount of money wagered in the skill based
6 amusement games operated in the licensee's establishment
7 during the prior week and the total amount retained;

8
9 (ii) Pay an amount equal to three and three
10 hundred seventy-five thousandths percent (3.375%) of the
11 net proceeds, shown by the report to the commission, to be
12 credited by the state treasurer to the gaming commission
13 account in the manner indicated in subsection (d) of this
14 section;

15
16 (iii) Pay an amount equal to thirteen and one-
17 half percent (13.5%) of the net proceeds, shown by the
18 report to the commission, to be transferred by the
19 commission to the city or town in which the licensee is
20 located, or to the county in which the licensee is located
21 if the licensee is not located within the boundaries of a
22 city or town; and

23

1 (iv) Pay an amount equal to three and three
2 hundred seventy-five thousandths percent (3.375%) of the
3 net proceeds, shown by the report to the commission, to be
4 credited to the legislative stabilization reserve account.

5
6 **11-25-109. Bribery, touting and betting by minors**
7 **prohibited.**

8
9 (c) No person under the age of eighteen (18) years
10 shall place or be allowed to place a bet on a pari-mutuel
11 event or on a skill based amusement game.

12
13 **11-25-110. Elections.**

14
15 (a) No pari-mutuel event shall be held in any county
16 until the question has been put to the people of the county
17 to accept or reject pari-mutuel wagering. If the election
18 fails no other election shall be held for two (2) years.

19
20 (b) Except as provided in subsection (c) of this
21 section, skill based amusement games shall not be allowed
22 at any establishment in any unincorporated area of a county
23 or in any municipality until the question has been put to

1 the people of the unincorporated area of a county or to the
2 municipality to accept or reject skill based amusement
3 games. If the election fails no other election shall be
4 held for two (2) years.

5
6 (c) Skill based amusement games operating in the
7 state and purchased prior to January 1, 2020 shall be
8 allowed to continue operating subject to authorization by
9 the commission as established by rule. Under this
10 subsection, skill based amusement games shall only be
11 authorized to continue operation up until the Wednesday
12 following the 2020 general election, after which they shall
13 only be allowed to continue operating if accepted as
14 provided in subsection (b) of this section.

15
16 **11-25-112. Penalties.**

17
18 (a) Any person, ~~corporation or association~~ holding or
19 conducting any pari-mutuel event in connection with the
20 pari-mutuel system of wagering without a permit issued in
21 accordance with this act, or any person, ~~corporation or~~
22 association who violates any other provision of this act is
23 guilty of a misdemeanor and shall be fined not more than

1 ten thousand dollars (\$10,000.00), imprisoned for not more
2 than six (6) months, or both.

3

4 (b) Any person holding, conducting, offering,
5 supplying or distributing a skill based amusement game
6 without a license issued in accordance with 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 (c) Upon the failure or refusal of any district
12 attorney to act in any criminal case or matter arising
13 under this act or under title 6, chapter 7, article 1 of
14 Wyoming statutes, the attorney general shall, at the
15 request of the commission, act on behalf of the commission
16 if after a thorough investigation the attorney general
17 determines the action is supported by probable cause. The
18 cost of investigation and the cost of any prosecution
19 arising therefrom shall be paid out of the gaming
20 commission account.

21

22 **Section 2.**

23

1 (a) The Wyoming pari-mutuel commission is continued
2 as the Wyoming gaming commission, as provided in this act.
3 All positions, personnel, appropriations, property and
4 equipment of the Wyoming pari-mutuel commission shall be
5 under control of the Wyoming gaming commission, as created
6 by this act. The validity of rules, regulations, orders,
7 contracts, agreements or other obligations of the Wyoming
8 pari-mutuel commission shall not be affected by this act.

9

10 (b) Notwithstanding any other provision of this act,
11 members of the Wyoming pari-mutuel commission shall
12 continue their current terms as members of the Wyoming
13 gaming commission.

14

15 (c) The pari-mutuel account established in W.S.
16 11-25-105 is continued as the gaming commission account, as
17 provided in section 1 of this act. All assets within the
18 pari-mutuel account shall be transferred to the gaming
19 commission account. This act shall not affect the validity
20 of any obligations on the pari-mutuel account.

21

