

SENATE FILE NO. SF0056

Wyoming gaming commission-modifications and corrections.

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

A BILL

for

1 AN ACT relating to gaming; codifying provisions governing
2 skill based amusement games; modifying skill based
3 amusement game laboratory reporting requirements; amending
4 rulemaking authority of the Wyoming gaming commission;
5 providing and amending definitions; providing for criminal
6 background checks as specified; providing for application
7 of the Wyoming Administrative Procedure Act; requiring
8 applicable fees to be paid on an annual basis; allowing
9 applicable taxes to be prepaid; requiring a report;
10 repealing the sunset date applicable to skill based
11 amusement games; providing a process and criteria for
12 application approval, denial, revocation and suspension;
13 providing a grace period for persons to comply with
14 provisions of this act; requiring the Wyoming gaming
15 commission to review previously submitted skill based

1 amusement game applications; classifying peace officers
2 employed by the Wyoming gaming commission as law
3 enforcement officers under the Wyoming Retirement Act;
4 conforming the definition of skill based amusement game and
5 making other conforming amendments; repealing noncodified
6 law; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 11-25-301 through 11-25-306 are
11 created to read:

12

13 **ARTICLE 3**

14 **SKILL BASED AMUSEMENT GAMES**

15

16 **11-25-301. Skill based amusement games authorization;**
17 **commission authority; applicability.**

18

19 (a) Skill based amusement games operating in the
20 state in accordance with the provisions of 2020 Wyoming
21 Session Laws, Chapter 114 shall be allowed to continue
22 operation in accordance with the requirements of this
23 article and rules of the commission.

1

2 (b) A skill based amusement game that meets the
3 requirements of this article shall be approved by the
4 commission to continue operating in the state or it shall
5 be removed from the state by the vendor.

6

7 (c) The commission shall promulgate any necessary
8 rules to administer and enforce this article. The rules may
9 include provisions for the control, supervision, direction,
10 discipline, suspension or fining of any person for
11 violation of this article or rules adopted in accordance
12 with this article.

13

14 **11-25-302. Laboratory report required.**

15

16 (a) Each vendor shall provide for a nationally
17 recognized, independent gaming laboratory approved by the
18 commission to directly submit to the commission a general
19 functional evaluation laboratory report regarding the
20 software installed on each skill based amusement game
21 indicating whether the skill based amusement game is in
22 compliance with this article. Any skill based amusement

1 game that does not meet the requirements of this article
2 shall immediately be removed from the state by the vendor.

3

4 (b) Any alterations, modifications or updates to the
5 software or hardware of any skill based amusement game
6 shall require the vendor to submit to the commission a new
7 laboratory report as required under subsection (a) of this
8 section before the game may be used for play at an
9 establishment.

10

11 **11-25-303. Restrictions on operation of skill based**
12 **amusement games.**

13

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

16

17 (b) No skill based amusement game shall allow a
18 payout of more than three thousand dollars (\$3,000.00) per
19 play.

20

21 (c) No establishment shall have more than four (4)
22 skill based amusement games operating for play at any one
23 (1) time.

1

2 (d) An operator shall not locate a skill based
3 amusement game in an area of the establishment into which a
4 person under the age of twenty-one (21) years may enter. An
5 operator shall conspicuously mark each area of the
6 establishment containing a skill based amusement game as an
7 age restricted area. The operator shall not allow a person
8 under the age of twenty-one (21) years to play a skill
9 based amusement game.

10

11 **11-25-304. Applicable fees; tax imposition; taxation**
12 **rate; distribution.**

13

14 (a) Upon approval of an application by the
15 commission:

16

17 (i) An operator shall be issued a permit and
18 required to pay an annual fee of two hundred fifty dollars
19 (\$250.00) to continue to have skill based amusement games
20 operating for play in the operator's establishment;

21

22 (ii) A vendor shall be issued a license and
23 required to pay an annual fee of two thousand five hundred

1 dollars (\$2,500.00) to continue to possess and distribute
2 skill based amusement games.

3

4 (b) Skill based amusement games that meet the
5 requirements of this article shall bear a commission issued
6 decal that identifies the vendor of the game. Each decal
7 shall be valid for one (1) year. No skill based amusement
8 game shall be operational unless it bears a current
9 commission issued decal. The commission shall charge the
10 vendor a fee of fifty dollars (\$50.00) for a decal. Each
11 decal shall include the bucking horse and rider emblem.

12

13 (c) The fees required under subsections (a) and (b)
14 of this section shall be paid on or before July 1 of each
15 year and shall be deposited in the commission gaming
16 account created under 2020 Wyoming Session Laws, Chapter
17 114 and hereby continued under this subsection. Funds
18 within the account are continuously appropriated to the
19 commission to pay for reasonable expenses incurred to
20 administer this article.

21

22 (d) Taxes shall be calculated and paid on a weekly
23 basis based on the net proceeds earned during the prior

1 week on skill based amusement games. On a weekly basis, the
2 vendor shall remit to the commission an amount equivalent
3 to twenty percent (20%) of the net proceeds earned during
4 the prior week on the vendor's skill based amusement games.
5 The taxes imposed under this subsection may be prepaid as
6 provided by rule of the commission. The commission shall
7 remit these monies to the state treasurer for deposit in
8 the commission gaming account and for distribution of the
9 tax as follows:

10

11 (i) Forty-five percent (45%) to the county and
12 the city or town in which the skill based amusement game is
13 located, in equal shares, or to the county alone if the
14 skill based amusement game is not located within the
15 boundaries of a city or town;

16

17 (ii) Forty-five percent (45%) to the school
18 foundation program account;

19

20 (iii) Ten percent (10%) to the commission gaming
21 account.

22

1 11-25-305. Establishment permit, operator license and
2 skill based amusement game decal approval; criteria;
3 review.

4

5 (a) The commission shall, not more than sixty (60)
6 days after the date of receipt of an application or
7 application for renewal for an operator permit, vendor
8 license or skill based amusement game decal under W.S.
9 11-25-304 either:

10

11 (i) Issue the permit, license or decal; or

12

13 (ii) Deny the application based on the grounds
14 that the applicant failed to qualify as provided by
15 subsection (b) of this section.

16

17 (b) The commission shall deny any application under
18 this article upon finding any of the following:

19

20 (i) The applicant has been convicted of,
21 forfeited bail on or pleaded guilty to:

22

1 (A) A crime involving theft, dishonesty or
2 fraud;

3

4 (B) Bribery or unlawfully influencing a
5 public official;

6

7 (C) A crime involving physical harm to an
8 individual; or

9

10 (D) Any other crime identified by
11 commission rules.

12

13 (ii) The applicant concealed, failed to disclose
14 or otherwise attempted to mislead the commission with
15 respect to any material fact contained in the application
16 or contained in any other information required of or
17 submitted by an applicant to the commission;

18

19 (iii) The applicant failed or refused to
20 cooperate in the investigation of a crime relating to
21 gambling, corruption of a public official or any organized
22 criminal activity;

23

1 (iv) The applicant failed to otherwise meet the
2 requirements imposed under this article.

3

4 (c) Operators shall have a continuing duty to
5 disclose in writing any material change in the information
6 provided in the application to the commission, including:

7

8 (i) Changes to names and contact information;

9

10 (ii) Arrests, convictions, guilty pleas,
11 disciplinary actions or license denials in Wyoming and any
12 other jurisdiction;

13

14 (iii) Any civil action brought against the
15 operator or establishment; and

16

17 (iv) Any other information required by
18 commission rules.

19

20 (d) If the commission denies an application or
21 intends to revoke or suspend a license or permit issued
22 under this article, it shall notify the applicant,
23 licensee or permittee in writing, stating the grounds for

1 denial, revocation or suspension and informing the person
2 of a right to submit, before not more than thirty (30)
3 days, any additional documentation relating to the grounds
4 of denial, revocation or suspension. Upon receiving any
5 additional documentation, the commission shall reconsider
6 its decision and inform the applicant before not more than
7 twenty (20) days of the result of the reconsideration. A
8 denial of an application under this article shall be
9 subject to the contested case procedures of the Wyoming
10 Administrative Procedure Act.

11

12 **11-25-306. Penalties.**

13

14 Any person who violates any provision of this article is
15 guilty of a misdemeanor and shall be fined not more than
16 ten thousand dollars (\$10,000.00), imprisoned for not more
17 than six (6) months, or both. Each violation of this
18 section shall constitute a separate offense.

19

20 **Section 2.** W.S. 6-7-101(a)(iii)(M) and (xiii),
21 7-19-106(a) by creating a new paragraph (xxxiv),
22 7-19-201(a)(vi), 9-3-402(a)(xviii), 11-25-102(a)(i), (v),
23 (viii), (xiv) and by creating new paragraphs (xvi) through

1 (xx), 11-25-104(k), 33-1-202(a)(i) and (ii)(intro),
2 33-1-301(a), 33-1-302(a)(intro) and (vii),
3 33-1-303(a)(intro) and 33-1-304(a)(intro) and (c)(intro)
4 are amended to read:

5

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

7

8 (a) As used in this article:

9

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

16

17 (M) Activities authorized by the Wyoming
18 gaming commission ~~pursuant to law~~ under title 11, chapter
19 25 of the Wyoming statutes.

20

21 (xiii) "Skill based amusement game" ~~means a game~~
22 ~~played in exchange for consideration of cash, credit or~~
23 ~~other thing of value on a fixed, commercial electrical~~

~~gaming device in which the bona fide skill of the player,~~
~~determined by an individual's level of strategy and skill,~~
~~is a factor in determining the outcome and for which the~~
~~player may be awarded a prize or other thing of value for a~~
~~successful outcome~~ means as defined by W.S.
11-25-102(a)(xix).

**7-19-106. Access to, and dissemination of,
information.**

(a) Criminal history record information shall be
disseminated by criminal justice agencies in this state,
whether directly or through any intermediary, only to:

(xxxiv) The Wyoming gaming commission.

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

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

1 (vi) Persons applying for a permit or license
2 under W.S. 11-25-104(f), if required under W.S.
3 11-25-104(k) or if otherwise required under title 11,
4 chapter 25 of the Wyoming statutes;

5
6 **9-3-402. Definitions.**

7
8 (a) As used in this article:

9
10 (xviii) "Law enforcement officer" or "officer"
11 means any member who is a county sheriff, deputy county
12 sheriff, municipal police officer, duly authorized
13 investigator of the Wyoming livestock board meeting the
14 specifications of W.S. 7-2-101(a)(iv)(E), duly authorized
15 personnel of the Wyoming gaming commission meeting the
16 specifications of W.S. 7-2-101(a)(iv)(P), investigator
17 employed by the Wyoming state board of outfitters and
18 professional guides meeting the specifications of W.S.
19 7-2-101(a)(iv)(J), Wyoming correctional officer, probation
20 and parole agent employed by the Wyoming department of
21 corrections, Wyoming law enforcement academy instructor,
22 University of Wyoming campus police officer, community

1 college police officer, detention officer or dispatcher for
2 law enforcement agencies;

3
4 **11-25-102. Definitions.**

5
6 (a) As used in this act:

7
8 (i) "Breeder award" means monies collected
9 pursuant to W.S. ~~11-25-105(j)~~11-25-201(j) and distributed
10 by the commission to promote the improved breeding and
11 development of the horse industry in Wyoming. Breeder
12 awards may include purse enhancement of Wyoming bred races;

13
14 (v) "Pari-mutuel event" means the events which
15 are authorized by the commission for the conduct of horse
16 racing (to include quarter horse, thoroughbred or other
17 approved races), harness racing, cutter racing, chariot
18 racing, chuckwagon racing, professional roping and rodeo
19 events and simulcasting of dog racing and the events
20 described in this paragraph as prescribed by the
21 commission. Notwithstanding W.S. 6-7-101(a)(iv) and
22 ~~11-25-107~~11-25-203, the commission may authorize and
23 promulgate rules providing for pari-mutuel wagering on

1 events that have previously occurred, utilizing an
2 electronic system or device that affords an opportunity for
3 the exercise of skill or judgment where the outcome is not
4 completely controlled by chance alone;

5
6 (viii) "This act" means W.S. 11-25-101 through
7 ~~11-25-113~~ 11-25-306;

8
9 (xiv) "Source market fee" means a license fee,
10 assessed by the commission pursuant to W.S. ~~11-25-105(m)~~
11 11-25-201(m), payable by out-of-state simulcast facilities
12 that conduct pari-mutuel wagering on simulcast races and
13 that accept wagers from Wyoming residents by telephone or
14 other electronic means at those facilities.

15
16 (xvi) "Establishment" means a single physical
17 place of business;

18
19 (xvii) "Operator" means a person who possesses
20 and operates an establishment where skill based amusement
21 games may be played for profit;

22

1 (xviii) "Skill" means a player's knowledge,
2 dexterity or any other ability or expertise relevant to
3 game play;

4
5 (xix) "Skill based amusement game" means a game
6 played in exchange for consideration of cash, credit or
7 other thing of value on a fixed, commercial electrical
8 gaming device in which the bona fide skill of the player,
9 determined by an individual's level of strategy and skill,
10 rather than any inherent element of chance, is the primary
11 factor in determining the outcome and for which the player
12 may be awarded a prize or other thing of value for a
13 successful outcome. "Skill based amusement game" shall not
14 include any game played for prizes of nominal value as
15 provided by rule of the commission;

16
17 (xx) "Vendor" means a person who owns and
18 distributes a skill based amusement game to an operator for
19 profit.

20
21 **11-25-104. Gaming commission; officers; director;**
22 **meetings; quorum; records; licenses generally; effect of**
23 **financial interest in events.**

1

2 (k) The commission ~~is authorized to~~ shall access
3 criminal history record information for all operators and
4 vendors under chapter 3 of this article and all licensees,
5 permittees and employees of the commission under W.S.
6 9-1-627(d) for the purposes of this act. Every applicant
7 for a permit or license under this act shall provide the
8 commission fingerprints and other information necessary for
9 a criminal history record background check as provided
10 under W.S. 7-19-201.

11

12 **33-1-202. Disposition of fees and interest.**

13

14 (a) Except as otherwise specifically provided by
15 statute:

16

17 (i) All fees and monies received and collected
18 by the boards or commissions under this title and under
19 W.S. ~~11-25-105(d)~~ 11-25-201(d), 21-2-802(d) and 23-2-414(d)
20 shall be deposited into the state treasury and credited to
21 each board's or commission's respective account as created
22 by statute;

23

1 (ii) The interest on all fees and monies
2 collected by the boards or commissions under this title and
3 under W.S. ~~11-25-105(d)~~ 11-25-201(d), 21-2-802(d) and
4 23-2-414(d) shall be credited as follows:

5

6 **33-1-301. Purpose and scope.**

7

8 (a) The purpose of this article is to establish
9 procedures for the operation of boards authorized to
10 establish examination, inspection, permit or license fees
11 for any profession or occupation regulated under this title
12 or under W.S. ~~11-25-105~~ 11-25-201, 21-2-802 and 23-2-414.

13

14 **33-1-302. Duties of licensure boards.**

15

16 (a) Except as otherwise specifically provided by
17 statute, a board authorized to establish examination,
18 inspection, permit or license fees for any profession or
19 occupation regulated under this title or under W.S.
20 ~~11-25-105~~ 11-25-201, 21-2-802 or 23-2-414 shall:

21

22 (vii) Compensate each member for per diem and
23 mileage for attending and traveling to and from meetings,

1 hearings and other activities necessary in the performance
2 of the duties of the office in the same manner and amount
3 as members of the Wyoming legislature. Members who are
4 state employees that receive compensation from their
5 employers for activities performed pursuant to this title
6 or under W.S. ~~11-25-105~~ 11-25-201, 21-2-802 or 23-2-414
7 shall not receive additional compensation but shall receive
8 mileage and per diem as provided under this paragraph if
9 they are not reimbursed by their employers;

10

11 **33-1-303. Powers of licensure boards.**

12

13 (a) Except as otherwise specifically provided by
14 statute, a board authorized to establish examination,
15 inspection, permit or license fees for any profession or
16 occupation regulated under this title or under W.S.
17 ~~11-25-105~~ 11-25-201, 21-2-802 or 23-2-414 may:

18

19 **33-1-304. Considering criminal convictions.**

20

21 (a) Except as specifically required by its licensure,
22 certification or registration statutes, every board,
23 commission, commissioner or authority authorized to

1 establish examination, inspection, permit, license,
2 certification or registration requirements or fees for any
3 profession or occupation regulated under this title or
4 under W.S. 7-4-211, ~~11-25-105~~11-25-201, 15-5-103,
5 17-4-406, 21-2-802, 23-2-414, 26-4-101 or 40-22-109 and who
6 considers criminal convictions as part of its regulatory
7 duties shall not consider prior convictions that do not
8 affect the practice of the profession or occupation or the
9 ability to practice the profession or occupation regulated
10 by the board, commission, commissioner or authority.
11 Specifically, the board, commission, commissioner or
12 authority may cite as state policy the following:

13

14 (c) No board, commission, commissioner or authority
15 authorized to regulate through licensure, certification or
16 registration a profession or occupation under this title,
17 or under W.S. 7-4-211, ~~11-25-105~~11-25-201, 15-5-103,
18 17-4-406, 21-2-802, 23-2-414, 26-4-101 or 40-22-109, shall
19 consider evidence of any conviction more than twenty (20)
20 years old, or for a lesser period of time if expressly
21 provided by statute, when analyzing a person's criminal
22 history pursuant to the board's, commission's,

1 commissioner's or authority's regulatory duties, except
2 when:

3

4 **Section 3.** Any person who by operation of this act is
5 required to reapply to the Wyoming gaming commission to
6 retain a permit, license or other type of authorization
7 required to continue to sell, distribute or operate a skill
8 based amusement game in Wyoming shall have a period of six
9 (6) months after the effective date of this act to complete
10 any act required by this act or rule of the Wyoming gaming
11 commission. No permit, license or other type of required
12 authorization shall be denied or revoked without the
13 commission complying with W.S. 11-25-305(d) as created
14 under section 1 of this act.

15

16 **Section 4.** Any application submitted to the Wyoming
17 gaming commission on or before June 1, 2020, seeking to
18 possess, distribute or operate a skill based amusement game
19 in accordance with 2020 Wyoming Session Laws, Chapter 114,
20 which application was denied by the commission, shall again
21 be reviewed by the commission to determine whether the
22 applicant may be authorized to operate or distribute skill
23 based amusement games in accordance with the requirements

1 of title 11, chapter 25, article 3, as created by section 1
2 of this act and rules of the commission. The review
3 required under this section shall be conducted for any
4 application submitted to the commission regardless of
5 whether the commission determined the application was
6 incomplete and failed to meet the deadline imposed under
7 2020 Wyoming Session Laws, Chapter 114 unless an applicant
8 affirmatively notifies the commission that he does not wish
9 for his application to be reconsidered. For any application
10 being reviewed under this section, the commission is
11 authorized to require the applicant to provide additional
12 information to complete any previously submitted
13 application. No applicant shall be charged any fee for the
14 review required under this section, nor shall an additional
15 laboratory report be required for any skill based amusement
16 game that remains in the same physical and functional state
17 for which a qualified laboratory report was already
18 submitted to the commission. A denial of an application
19 under this section shall be subject to the contested case
20 procedures of the Wyoming Administrative Procedure Act.

21

22 **Section 5.** W.S. 11-25-105 through 11-25-113 are
23 renumbered as W.S. 11-25-201 through 11-25-209.

1

2 **Section 6.** 2020 Wyoming Session Laws, Chapter 114 is
3 repealed.

4

5 **Section 7.** This act is effective immediately upon
6 completion of all acts necessary for a bill to become law
7 as provided by Article 4, Section 8 of the Wyoming
8 Constitution.

9

10 (END)