

## 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~~

1 ~~gaming device in which the bona fide skill of the player,~~  
2 ~~determined by an individual's level of strategy and skill,~~  
3 ~~is a factor in determining the outcome and for which the~~  
4 ~~player may be awarded a prize or other thing of value for a~~  
5 ~~successful outcome~~ means as defined by W.S.  
6 11-25-102(a)(xix).

7  
8 **7-19-106. Access to, and dissemination of,**  
9 **information.**

10  
11 (a) Criminal history record information shall be  
12 disseminated by criminal justice agencies in this state,  
13 whether directly or through any intermediary, only to:

14  
15 (xxxiv) The Wyoming gaming commission.

16  
17 **7-19-201. State or national criminal history record**  
18 **information.**

19  
20 (a) The following persons shall be required to submit  
21 to fingerprinting in order to obtain state and national  
22 criminal history record information:

23

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)