

HOUSE BILL NO. HB0087

Consolidation of gaming.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to the administration of government;
 2 recreating, renumbering and amending statutes to
 3 consolidate gaming regulation statutes; repealing obsolete
 4 provisions; conforming provisions and references; providing
 5 for application as specified; and providing for an
 6 effective date.

7

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

9

10 **Section 1.** W.S. 9-24-201, 9-24-204 and 9-24-205,
 11 9-24-301 through 9-24-303 and 9-24-501 are created to read:

12

13

ARTICLE 2

14

IN GENERAL

15

16 **9-24-201. Definitions.**

1

2 (a) As used in this chapter unless otherwise defined:

3

4 (i) "Commission" means the Wyoming gaming
5 commission;

6

7 (ii) "Director" means the executive director of
8 the Wyoming gaming commission;

9

10 (iii) "Gaming activity" means all gaming
11 activities provided for and regulated by this chapter;

12

13 (iv) "Net proceeds" means all revenue less the
14 payment to the player.

15

16 **9-24-204. Gaming commission; officers; director;**
17 **meetings; personal or private interest; compensation;**
18 **records.**

19

20 (a) The commission shall annually elect from its
21 membership a president and vice-president, and may employ a
22 director who has a working knowledge of pari-mutuel
23 betting, horse racing and other forms of gaming regulated

1 by the commission or an executive secretary, or both. The
2 director and executive secretary may be retained on a
3 yearly basis or for the racing season only as determined by
4 the commission. Salary for the director and executive
5 secretary shall be determined by the commission with the
6 consent of the personnel division. The commission may also
7 employ other personnel required to carry out this act.

8

9 (b) The commission shall hold an annual fall meeting
10 in Wyoming and shall hold special meetings at such times
11 and places within Wyoming as the majority of the members
12 determine. A majority of the commission constitutes a
13 quorum and a majority vote of a quorum may act for the
14 commission. The commission shall keep a record of the
15 proceedings of the commission which is open at all times
16 for public inspection. Legislative liaisons shall be
17 considered members of the governing body of the commission
18 for purposes of attending executive sessions held pursuant
19 to W.S. 16-4-405(a) only.

20

21 (c) Any member of the commission who has a personal
22 or private interest in any matter proposed or pending

1 before the commission shall publicly disclose this fact to
2 the commission and shall not vote on the matter.

3

4 (d) The members of the commission shall receive per
5 diem and mileage as provided in W.S. 33-1-302(a)(vii), and
6 compensation of fifty dollars (\$50.00) for each day during
7 which they are actually engaged in the discharge of their
8 duties.

9

10 **9-24-205. Supervision of gaming activities;**
11 **rulemaking; prosecution.**

12

13 (a) The commission shall:

14

15 (i) Supervise the conduct of all gaming
16 activities provided for and regulated by this chapter;

17

18 (ii) Administer title 6, chapter 7, article 1 of
19 the Wyoming statutes;

20

21 (iii) Access criminal history record information
22 for all employees who supervise the conduct of gaming
23 activities or administer and enforce title 6, chapter 7,

1 article 1 of the Wyoming statutes, subject to W.S.
2 9-1-627(d).

3

4 (b) The commission may make reasonable rules for the
5 control, supervision and direction of applicants,
6 permittees and licensees under this chapter.

7

8 (c) The attorney general may, at the request of the
9 department, act on behalf of the commission to prosecute
10 criminal actions under W.S. 6-7-101 through 6-7-104 and
11 9-24-401 through 9-24-407 if after a thorough investigation
12 the action is deemed advisable by the attorney general.

13

14

ARTICLE 3

15

CHARITABLE GAMING

16

9-24-301. Definitions.

18

19 (a) As used in this article:

20

21 (i) "Calcutta wagering" means wagering on the
22 outcome of amateur contests, cutter horse racing, dog sled
23 racing, professional rodeo events or professional golf

1 tournaments in which those who wager bid at auction for the
2 exclusive right to "purchase" or wager upon a particular
3 contestant or entrant in the event and when the outcome of
4 the event has been decided the total wagers comprising the
5 pool, less a percentage "take-out" by the event's sponsor,
6 is distributed to those who "purchased" or wagered upon the
7 winning contestants or entrants;

8

9 (ii) "Charitable or nonprofit organization"
10 means an organization recognized as a charitable or
11 nonprofit organization under Wyoming statutes and which
12 possesses a valid exemption from federal income tax issued
13 by the Internal Revenue Service under the provisions of 26
14 U.S.C. § 501(c) and political parties organized under the
15 law of Wyoming and exempt from federal income tax issued by
16 the Internal Revenue Service under the provisions of 26
17 U.S.C. § 527.

18

19 **9-24-302. Bingo games and pull tab games.**

20

21 (a) The commission shall regulate bingo games and
22 pull tab games.

23

1 (b) Bingo games shall only be conducted and pull tab
2 games shall only be sold in accordance with this section by
3 charitable or nonprofit organizations that have been in
4 existence in this state for not less than three (3) years
5 and that are licensed under this section.

6

7 (c) A charitable or nonprofit organization applying
8 for a license under this section shall do so on a uniform
9 application furnished by the commission. The commission
10 shall not charge applicants any fee and shall not require
11 any fee for any license issued under this section.

12

13 (d) Any person required to be licensed under this
14 section shall file an annual report with the commission as
15 specified by rule.

16

17 (e) Bingo games and pull tab games authorized under
18 this section shall be subject to the following:

19

20 (i) Tickets for bingo games shall be sold only
21 in this state;

22

1 (ii) Pull tab games shall be sold only on the
2 premises owned or occupied by the charitable or nonprofit
3 organization licensed under this section;

4

5 (iii) In conducting bingo games and pull tab
6 games the charitable or nonprofit organization shall use
7 only volunteers who are bona fide members of the charitable
8 or nonprofit organization or employees or contractors who
9 are paid by the charitable or nonprofit organization to
10 assist in the operation of the game;

11

12 (iv) Players of bingo games or pull tab games
13 shall be eighteen (18) years or older;

14

15 (v) Not less than sixty-five percent (65%) of
16 all gross sales of bingo games and pull tab games shall be
17 redeemed as winnings each month. The net proceeds after
18 payment of winnings shall be restricted as follows:

19

20 (A) Not more than forty percent (40%) of
21 net proceeds shall be paid to distributors or manufacturers
22 of supplies or equipment necessary to conduct the game; and

23

1 (B) Seventy-five percent (75%) of the net
2 proceeds remaining after payment for all costs and supplies
3 shall be donated within one (1) year by the organization to
4 a bona fide charitable or benevolent purpose.

5
6 (vi) The charitable or nonprofit organization
7 conducting the bingo game or pull tab game may purchase
8 supplies or equipment necessary to conduct the game from a
9 distributor or manufacturer at a price based on a per card
10 or pull tab basis subject to the limitations provided in
11 subparagraph (v)(A) of this subsection.

12

13 **9-24-303. Calcutta wagering.**

14

15 (a) The commission shall regulate calcutta wagering
16 on contests and events.

17

18 (b) Calcutta wagering on contests or events shall
19 only be conducted by bona fide nationally chartered
20 veterans', religious, charitable, educational or fraternal
21 organizations and nonprofit local civic or service clubs
22 organized or incorporated under the laws of this state and
23 that are licensed under this section.

1

2 (c) An organization or club applying for a license
3 under this section shall do so on a uniform application
4 furnished by the commission. The commission shall not
5 charge applicants any fee and shall not require any fee for
6 any license issued under this section.

7

8 (d) Any person required to be licensed under this
9 section shall file an annual report with the commission as
10 specified by rule.

11

12 (e) Calcutta wagering on contests or events
13 authorized under this section shall be subject to the
14 following:

15

16 (i) The contest or event shall be conducted
17 solely in this state;

18

19 (ii) Any rules affecting the contest or
20 requirements for participants shall be clearly posted;

21

1 (iii) The total prizes or prize money paid out
2 in any one (1) contest or event shall not exceed ninety
3 percent (90%) of the total wagers;

4

5 (iv) A minimum of ten percent (10%) of the total
6 wagers on each contest or event shall be donated within one
7 (1) year by the sponsoring organization or club to a bona
8 fide charitable or benevolent purpose;

9

10 (v) No separate organization, club or
11 professional person shall be employed to conduct the
12 contest or event or assist therein;

13

14 (vi) Thirty (30) days written notice of the time
15 and place of a contest or event shall be provided to the
16 governing body of the county or municipality in which the
17 organization or club intends to conduct the contest or
18 event. No contest or event shall be conducted if the
19 governing body passes a resolution objecting thereto;

20

21 (vii) The sponsoring organization or club shall
22 comply with the relevant sections of the internal revenue
23 code of 1954, as amended, relating to taxes on wagering;

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(viii) Persons wagering on calcutta contests or events shall be eighteen (18) years or older.

ARTICLE 5

SKILL BASED AMUSEMENT GAMES

9-24-501. Definitions.

(a) As used in this article:

(i) "Establishment" means a single physical place of business that operates as a truck stop, smoke shop or that is licensed or permitted to sell alcoholic liquor or malt beverages under W.S. 12-2-203(g), 12-4-201, 12-4-301, 12-4-401, 12-4-407, 12-4-413, 12-4-414 or 12-4-415;

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

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

4

5 (iv) "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 (v) "Smoke shop" means a retailer as defined in
18 W.S. 14-3-301(a)(iii) that derives fifty percent (50%) or
19 more of its gross annual revenue from nicotine products as
20 defined by W.S. 14-3-301(a)(vi);

21

22 (vi) "Truck stop" means a business premises that
23 is:

1

2 (A) Equipped with diesel islands used for
3 fueling commercial motor vehicles and that sells on average
4 one hundred twenty-five thousand (125,000) gallons of
5 diesel or biodiesel fuel each month based on the previous
6 twelve (12) months of sales; and

7

8 (B) Located on a parcel of land of not less
9 than two (2) acres that is either owned or leased by the
10 business and which includes a convenience store with
11 parking spaces dedicated to commercial motor vehicle use.

12

13 (vii) "Vendor" means a person who owns and
14 distributes a skill based amusement game to an operator for
15 profit.

16

17 **Section 2.** W.S. 6-7-101(a)(iii)(M), 7-19-201(a)(vi),
18 33-1-202(a)(i) and (ii)(intro), 33-1-301(a),
19 33-1-302(a)(intro) and (vii), 33-1-303(a)(intro) and
20 33-1-304(a)(intro), (c)(intro) and (e) are amended to read:

21

22 **6-7-101. Definitions.**

23

1 (a) As used in this article:

2

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

9

10 (M) Activities authorized by the Wyoming
11 gaming commission under ~~title 11, chapter 25~~ title 9,
12 chapter 24 of the Wyoming statutes;

13

14 **7-19-201. State or national criminal history record**
15 **information.**

16

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

20

21 (vi) Persons ~~applying for a permit or license~~
22 ~~under W.S. 11-25-104(f) or if~~ required under W.S.
23 11-25-104(k)-title 9, chapter 24 of the Wyoming statutes;

1

2 **33-1-202. Disposition of fees and interest.**

3

4 (a) Except as otherwise specifically provided by
5 statute:

6

7 (i) All fees and monies received and collected
8 by the boards or commissions under this title and under
9 W.S. ~~11-25-201(d)~~ 9-24-403(d), 21-2-802(d) and 23-2-414(d)
10 shall be deposited into the state treasury and credited to
11 each board's or commission's respective account as created
12 by statute;

13

14 (ii) The interest on all fees and monies
15 collected by the boards or commissions under this title and
16 under W.S. ~~11-25-201(d)~~ 9-24-403(d), 21-2-802(d) and
17 23-2-414(d) shall be credited as follows:

18

19 **33-1-301. Purpose and scope.**

20

21 (a) The purpose of this article is to establish
22 procedures for the operation of boards authorized to
23 establish examination, inspection, permit or license fees

1 for any profession or occupation regulated under this title
2 or under W.S. ~~11-25-201-9-24-403~~, 21-2-802 and 23-2-414.

3
4 **33-1-302. Duties of licensure boards.**

5
6 (a) Except as otherwise specifically provided by
7 statute, a board authorized to establish examination,
8 inspection, permit or license fees for any profession or
9 occupation regulated under this title or under W.S.
10 ~~11-25-201-9-24-403~~, 21-2-802 or 23-2-414 shall:

11
12 (vii) Compensate each member for per diem and
13 mileage for attending and traveling to and from meetings,
14 hearings and other activities necessary in the performance
15 of the duties of the office in the same manner and amount
16 as members of the Wyoming legislature. Members who are
17 state employees that receive compensation from their
18 employers for activities performed pursuant to this title
19 or under W.S. ~~11-25-201-9-24-403~~, 21-2-802 or 23-2-414
20 shall not receive additional compensation but shall receive
21 mileage and per diem as provided under this paragraph if
22 they are not reimbursed by their employers;

23

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

2

3 (a) Except as otherwise specifically provided by
4 statute, a board authorized to establish examination,
5 inspection, permit or license fees for any profession or
6 occupation regulated under this title or under W.S.
7 ~~11-25-201~~ 9-24-403, 21-2-802 or 23-2-414 may:

8

9 **33-1-304. Considering criminal convictions;**
10 **pre-application determinations.**

11

12 (a) Except as specifically required by its licensure,
13 certification or registration statutes, every board,
14 commission, commissioner or authority authorized to
15 establish examination, inspection, permit, license,
16 certification or registration requirements or fees for any
17 profession or occupation regulated under this title or
18 under W.S. 7-4-211, ~~11-25-201~~ 9-24-403, 15-5-103, 17-4-406,
19 21-2-802, 23-2-414, 26-4-101 or 40-22-109 and who considers
20 criminal convictions as part of its regulatory duties shall
21 not consider prior convictions that do not affect the
22 practice of the profession or occupation or the ability to
23 practice the profession or occupation regulated by the

1 board, commission, commissioner or authority. Specifically,
2 the board, commission, commissioner or authority may cite
3 as state policy the following:

4
5 (c) No board, commission, commissioner or authority
6 authorized to regulate through licensure, certification or
7 registration a profession or occupation under this title,
8 or under W.S. 7-4-211, ~~11-25-201~~9-24-403, 15-5-103,
9 17-4-406, 21-2-802, 23-2-414, 26-4-101 or 40-22-109, shall
10 consider evidence of any conviction more than twenty (20)
11 years old, or for a lesser period of time if expressly
12 provided by statute, when analyzing a person's criminal
13 history pursuant to the board's, commission's,
14 commissioner's or authority's regulatory duties, except
15 when:

16
17 (e) Any person who has been previously convicted of a
18 crime may at any time apply to a board, commission,
19 commissioner or authority authorized to establish
20 examination, inspection, permit, license, certification or
21 registration requirements for any profession or occupation
22 regulated under this title or under W.S. 7-4-211, ~~11-25-201~~
23 9-24-403, 15-5-103, 17-4-406, 21-2-802, 23-2-414, 26-4-101

1 or 40-22-103 for a determination as to whether one (1) or
2 more of the person's criminal convictions will prevent the
3 person from receiving a license, certification or
4 registration. Each board, commission, commissioner or
5 authority may by rule establish a procedure by which an
6 application submitted under this subsection is reviewed and
7 may by rule delegate the authority to review an application
8 to a staff member of the board, commission, commissioner or
9 authority. A board, commission, commissioner or authority
10 may request criminal history background information for
11 purposes of reviewing an application under this subsection
12 in accordance with W.S. 7-19-106(a)(xxxix). The board,
13 commission, commissioner or authority may by rule establish
14 and charge a reasonable fee to recover the costs of
15 researching and developing a determination under this
16 subsection, provided that any fee shall not exceed the
17 costs of providing the determination under this subsection.
18 A determination made by a board, commission, commissioner
19 or authority under this subsection shall not be binding
20 upon the board, commission, commissioner or authority.

21

22 **Section 3.** W.S. 11-25-102 as 9-24-401, 11-25-104 as
23 9-24-402, 11-25-208 as 9-24-410, 11-25-305 as 9-24-506,

1 9-24-101 through 9-24-103 as 9-24-601 through 9-24-603 and
2 9-24-106 as 9-24-606 are amended and renumbered to read:

3

4

ARTICLE 4

5

PARI-MUTUEL WAGERING

6

7

~~11-25-102~~ 9-24-401. Definitions.

8

9

(a) As used in this act:

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(i) "Breeder award" means monies collected pursuant to W.S. ~~11-25-201(j)~~ 9-24-403(j) and distributed by the commission to promote the improved breeding and development of the horse industry in Wyoming. Breeder awards may include purse enhancement of Wyoming bred races;

(ii) ~~"Commission" means the Wyoming gaming commission;~~

(iii) "Drug" means any substance foreign to a horse's body as prescribed by the commission;

(iv) "Event" means a pari-mutuel event;

1

2 (v) "Pari-mutuel event" means the events which
3 are authorized by the commission for the conduct of horse
4 racing (to include quarter horse, thoroughbred or other
5 approved races), harness racing, cutter racing, chariot
6 racing, chuckwagon racing, professional roping and rodeo
7 events and simulcasting of dog racing and the events
8 described in this paragraph as prescribed by the
9 commission. Notwithstanding W.S. 6-7-101(a)(iv) and
10 ~~11-25-203~~9-24-405, the commission may authorize and
11 promulgate rules providing for pari-mutuel wagering on
12 events that have previously occurred, utilizing an
13 electronic system or device that affords an opportunity for
14 the exercise of skill or judgment where the outcome is not
15 completely controlled by chance alone;

16

17 (vi) "Pari-mutuel wagering" means wagering on
18 the outcome of pari-mutuel events in which those who wager
19 purchase tickets of various denominations on entrants in
20 the events and all wagers for each event are pooled and
21 held by the permittee for distribution, and when the
22 outcome of the event has been decided, the permittee
23 distributes the total wagers comprising the pool, less an

1 amount not greater than twenty-five and nine-tenths percent
2 (25.90%) for live racing and in the event of simulcasting
3 an amount not to exceed the percentage allowed at the host
4 track or thirty-five percent (35%), whichever is less and
5 less the amount for breakage to holders of tickets on the
6 winning entries;

7

8 (vii) "Simulcasting" means the sale of
9 pari-mutuel pools electronically transmitted live or
10 historic on interstate or intrastate pari-mutuel events as
11 prescribed by the commission. The commission shall
12 authorize simulcasting subject to the following conditions:

13

14 (A) Simulcasting ~~may~~shall be conducted
15 only by a holder of a permit to simulcast issued under this
16 act. The permit shall be authorized by the commission for
17 a period not to exceed three (3) years from the date of
18 issuance. The commissioners shall issue a simulcast permit
19 only to an applicant authorized under this act to conduct a
20 pari-mutuel event other than simulcasting;

21

22 (B) Simulcasting ~~may~~shall be conducted off
23 the permitted premises only if the board of county

1 commissioners of the county in which such simulcasting will
2 be conducted grants its approval;

3

4 (C) No simulcasting ~~may~~shall be conducted
5 within one hundred (100) miles of any premises permitted
6 under this act, except that the commission may waive the
7 one hundred (100) mile limitation if the simulcast permit
8 application includes written approval from the permittee
9 whose permitted premises is within the one hundred (100)
10 mile limitation;

11

12 (D) The commission shall promulgate rules
13 for conducting simulcasting as are reasonably necessary to
14 protect the public interest.

15

16 (viii) "This act" means ~~W.S. 11-25-101 through~~
17 ~~11-25-306~~this article;

18

19 (ix) "Multiple wagering" means wagers which
20 consist of a single betting interest on two (2) entries;

21

22 (x) "Exotic wagering" means wagers which consist
23 of a single betting interest on three (3) or more entries;

1

2 (xi) "Advance deposit pari-mutuel wager" means a
3 wager in which a person who has opened an account in
4 advance with a licensee can place wagers from this account
5 in person, by telephone or other electronic means;

6

7 (xii) "Horsemen's association" means the
8 association that represents the majority of the owners and
9 trainers licensed by the commission to race horses at an
10 event;

11

12 (xiii) "Out-of-state simulcast facility" means a
13 track or other facility, located within a jurisdiction
14 other than Wyoming, at which pari-mutuel wagers are placed,
15 accepted or distributed, either in person or
16 electronically, on simulcast races pursuant to proper
17 authorization under the laws of that jurisdiction;

18

19 (xiv) "Source market fee" means a license fee,
20 assessed by the commission pursuant to W.S. ~~11-25-201(m)~~
21 9-24-403(m), payable by out-of-state simulcast facilities
22 that conduct pari-mutuel wagering on simulcast races and

1 that accept wagers from Wyoming residents by telephone or
2 other electronic means at those facilities;

3

4 (xv) ~~"Net proceeds" means all revenue less the~~
5 ~~payment to the player;~~

6

7 (xvi) ~~"Establishment" means a single physical~~
8 ~~place of business that operates as a truck stop, smoke shop~~
9 ~~or that is licensed or permitted to sell alcoholic liquor~~
10 ~~or malt beverages under W.S. 12-2-203(g), 12-4-201,~~
11 ~~12-4-301, 12-4-401, 12-4-407, 12-4-413, 12-4-414 or~~
12 ~~12-4-415;~~

13

14 (xvii) ~~"Operator" means a person who possesses~~
15 ~~and operates an establishment where skill based amusement~~
16 ~~games may be played for profit;~~

17

18 (xviii) ~~"Skill" means a player's knowledge,~~
19 ~~dexterity or any other ability or expertise relevant to~~
20 ~~game play;~~

21

22 (xix) ~~"Skill based amusement game" means a game~~
23 ~~played in exchange for consideration of cash, credit or~~

1 ~~other thing of value on a fixed, commercial electrical~~
2 ~~gaming device in which the bona fide skill of the player,~~
3 ~~determined by an individual's level of strategy and skill,~~
4 ~~rather than any inherent element of chance, is the primary~~
5 ~~factor in determining the outcome and for which the player~~
6 ~~may be awarded a prize or other thing of value for a~~
7 ~~successful outcome. "Skill based amusement game" shall not~~
8 ~~include any game played for prizes of nominal value as~~
9 ~~provided by rule of the commission;~~

10

11 ~~(xx) "Vendor" means a person who owns and~~
12 ~~distributes a skill based amusement game to an operator for~~
13 ~~profit;~~

14

15 ~~(xxi) "Truck stop" means a business premises~~
16 ~~that is;~~

17

18 ~~(A) Equipped with diesel islands used for~~
19 ~~fueling commercial motor vehicles and that sells on average~~
20 ~~one hundred twenty five thousand (125,000) gallons of~~
21 ~~diesel or biodiesel fuel each month based on the previous~~
22 ~~twelve (12) months of sales; and~~

23

1 ~~(B) Located on a parcel of land of not less~~
2 ~~than two (2) acres that is either owned or leased by the~~
3 ~~business and which includes a convenience store with~~
4 ~~parking spaces dedicated to commercial motor vehicle use.~~

5
6 ~~(xxii) "Smoke shop" means a retailer as defined~~
7 ~~in W.S. 14-3-301(a)(iii) that derives fifty percent (50%)~~
8 ~~or more of its gross annual revenue from nicotine products~~
9 ~~as defined by W.S. 14-3-301(a)(vi).~~

10
11 ~~11-25-104~~ 9-24-402. **Financial interest in events;**
12 **licenses generally; rulemaking.**

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

1 ~~division. The commission may also employ other personnel~~
2 ~~required to carry out this act.~~

3
4 (b) ~~The commission shall hold an annual fall meeting~~
5 ~~in Wyoming and shall hold special meetings at such times~~
6 ~~and places within Wyoming as the majority of the members~~
7 ~~determine. A majority of the commission constitutes a~~
8 ~~quorum and a majority vote of a quorum may act for the~~
9 ~~commission. The secretary of the commission shall keep a~~
10 ~~record of the proceedings of the commission which is open~~
11 ~~at all times for public inspection. Legislative liaisons~~
12 ~~shall be considered members of the governing body of the~~
13 ~~commission for purposes of attending executive sessions~~
14 ~~held pursuant to W.S. 16-4-405(a) only.~~

15
16 (c) ~~Any member of the commission who has a personal~~
17 ~~or private interest in any matter proposed or pending~~
18 ~~before the commission shall publicly disclose this fact to~~
19 ~~the commission and shall not vote on the matter.~~

20
21 (d) Any member of the commission who owns or has any
22 interest, or whose spouse or member of his immediate family
23 has any interest, in any ~~activity~~ pari-mutuel event

1 regulated by the commission or in an animal participating
2 in a pari-mutuel event shall disclose that interest and
3 shall not participate in any commission decision involving
4 a protest regarding that activity or occurring at that
5 pari-mutuel event.

6

7 (e) The commission may authorize by license or permit
8 and supervise all the conduct of all events provided for
9 and regulated by this act. The commission may make
10 reasonable rules for the control, supervision and direction
11 of applicants, permittees and licensees. The rules shall
12 include procedures for resolving scheduling conflicts and
13 settling disputes between permittees, for the supervising,
14 disciplining, suspending, fining and barring from
15 pari-mutuel events of all persons required to be licensed
16 or permitted by this act, and for the holding, conducting
17 and operating of all pari-mutuel events pursuant to this
18 act. The rules shall include requirements for internal
19 controls for all aspects of pari-mutuel wagering, including
20 procedures for system integrity, system security,
21 operations and accounting. The commission may require that
22 license applicants be fingerprinted for identification
23 purposes as a condition of licensing. The commission shall

1 announce the place, time and duration of pari-mutuel events
2 for which license or permit fees shall be required and
3 establish reasonable fees for all licenses and permits
4 provided for by this act. The fees shall be established to
5 ensure that the costs of administering this act are
6 recovered through the total revenues received under this
7 act. The commission shall establish security access
8 safeguards for licensees to use for advance deposit
9 pari-mutuel wagering. The commission shall prohibit advance
10 deposit pari-mutuel advertising that it determines to be
11 deceptive to the public.

12

13 (f) Each permittee, licensee, any current and
14 prospective employee, volunteer and contract employee of a
15 permittee or licensee and each person who has access to
16 restricted areas or animals housed on permitted event
17 grounds for horse racing or for pari-mutuel activities
18 shall be licensed by the commission and shall comply with
19 all rules and regulations and all orders issued by the
20 commission. No person shall hold any event with pari-mutuel
21 wagering without obtaining a permit. The commission may
22 require that all permittees, licensees, current and
23 prospective employees, volunteers and contract employees of

1 a permittee or licensee and each person who has access to
2 restricted areas or animals housed on permitted event
3 grounds for horse racing or for pari-mutuel activities
4 submit fingerprints to the Wyoming division of criminal
5 investigation to perform a criminal history background
6 check pursuant to W.S. 7-19-201 in order to obtain state
7 and national criminal history record information. The
8 division may share the results of the criminal history
9 background check with the commission pursuant to W.S.
10 7-19-106(a)(xxxv). For purposes of this subsection,
11 permittees, licensees, current and prospective employees,
12 volunteers and contract employees of a permittee or
13 licensee, shall include the following as defined:

14

15 (i) "Assistant starter" means a person who
16 handles a horse in the starting gate on race day and during
17 training;

18

19 (ii) "Assistant trainer" means a person who is
20 designated by the trainer to make decisions on behalf of
21 the trainer during the trainer's absence;

22

1 (iii) "Clerk of scales" means a person whose
2 primary responsibility is to weigh the riders before and
3 after a race to ensure proper weight is carried;

4

5 (iv) "Commission or permittee employee" means a
6 person who is an employee that by virtue of their required
7 employment duties has access to restricted areas of the
8 permitted event grounds or has access to information that
9 is limited by law or confidential in nature and could
10 effectuate or manipulate wagering activity or wagering
11 information;

12

13 (v) "Commission safety officer" means a person
14 who is employed by the commission to monitor activities and
15 practices in the stable area, barn area and on the
16 racetrack for compliance with this act and rules of the
17 commission;

18

19 (vi) "Commission veterinarian" means a Wyoming
20 licensed veterinarian hired directly by the commission;

21

22 (vii) "Exercise rider" means a person who
23 exercises a horse during a training session;

1

2 (viii) "Farrier" means a person who provides
3 hoof care, including the trimming and balancing of horses
4 hooves and placing of shoes on hooves, if necessary;

5

6 (ix) "Groom" means a person who cleans stalls,
7 bathes, brushes and provides general care to a race horse;

8

9 (x) "Horseman's bookkeeper" means a person whose
10 primary responsibility is to keep and preserve books ~~which~~
11 ~~will~~that reflect the deposits or other credits and
12 withdrawals or other charges that may be made by an owner
13 or other licensee;

14

15 (xi) "Host facility" means a person who leases
16 their property to a permitholder to operate or host
17 pari-mutuel wagering;

18

19 (xii) "Identifier" means a person who verifies
20 the identity of each race horse prior to the race;

21

1 (xiii) "Jockey" means a person who is a race
2 rider of a horse, including a licensed jockey or an
3 apprentice jockey;

4

5 (xiv) "Jockey agent" means a person who handles
6 the daily business of a jockey or apprentice;

7

8 (xv) "Mutuel employee" means a person who acts
9 under the direction of the mutuel managers and sells
10 betting tickets;

11

12 (xvi) "Mutuel manager" means a person who is an
13 employee of the permittee who manages the mutuel department
14 overseeing all wagering activity;

15

16 (xvii) "Owner" means a person who is the owner,
17 part owner or lessee of a horse;

18

19 (xviii) "Paddock judge" means a person who is
20 responsible for the paddock area and saddling routine of
21 the race horses;

22

1 (xix) "Pari-mutuel service provider" means any
2 ~~business or~~ person providing goods or services to a
3 pari-mutuel permitholder who is required to have access to
4 designated and secured areas of the pari-mutuel event or
5 provides direct services for the support of players or
6 wagering terminals;

7

8 (xx) "Patrol judge" means a person who observes
9 the progress of a race from various vantage points around
10 the track;

11

12 (xxi) "Permitholder" means a person or entity
13 holding a permit issued by the Wyoming gaming commission to
14 operate a pari-mutuel facility;

15

16 (xxii) "Permittee official" means any mutuel
17 manager, steward, events judge, placing judge, patrol
18 judge, paddock judge, clerk of scale, identifier, starter,
19 horsemen bookkeeper, track safety officer, racing secretary
20 and track superintendent who by virtue of their position
21 has unrestricted access to the pari-mutuel event grounds
22 and animals participating;

23

1 (xxiii) "Placing judge" means a person who posts
2 the order of finish in a race;

3

4 (xxiv) "Pony rider" means a person that rides a
5 horse while leading another race horse, either during a
6 training session or escorting the race horse to the post on
7 race days;

8

9 (xxv) "Private practice veterinarian" means a
10 Wyoming licensed veterinarian hired to provide services to
11 owners and trainers;

12

13 (xxvi) "Racing secretary" means a person who
14 drafts conditions of races and assigns weights for handicap
15 events;

16

17 (xxvii) "Security employee" means a person who
18 is responsible for the protection of property, and people,
19 acting in accordance with the permittee's guidelines;

20

21 (xxviii) "Service provider employee" means a
22 person who is an employee of the pari-mutuel service

1 providers who ~~provide~~provides additional support to the
2 vendor;

3

4 (xxix) "Starter" means a person who is
5 responsible for the official dispatching of horses for a
6 race;

7

8 (xxx) "Steward" or "event judge" means a person
9 who is the head event official, or their designee, charged
10 with the duty of making sure the events comply with this
11 act and the rules of the commission;

12

13 (xxxii) "Track safety officer" means a person who
14 monitors the paddock and racetrack areas during all
15 training and racing hours for safety related issues;

16

17 (xxxiii) "Track superintendent" means a person
18 who is responsible for all track maintenance, ensuring that
19 the track surface is properly groomed and prepared for
20 training and racing hours;

21

22 (xxxiiii) "Trainer" means a person who is engaged
23 in the training of race horses;

1

2 (xxxiv) "Valet" means a person who assists in
3 the saddling of horses for the jockeys in a pari-mutuel
4 event;

5

6 (xxxv) "Veterinarian assistant" means a person
7 who is hired by a commission veterinarian or a private
8 practice veterinarian to assist in providing veterinarian
9 services under the direct supervision of a licensed
10 veterinarian.

11

12 (g) The commission may delegate authority to enforce
13 rules of the commission and this act to three (3) stewards
14 at each pari-mutuel event, at least one (1) of whom shall
15 be an employee of and selected by the commission. The
16 commission shall require at least one (1) steward to
17 supervise each simulcast location that is approved by the
18 commission. Stewards shall exercise such reasonable and
19 necessary authority as is designated by rules of the
20 commission including the following:

21

22 (i) Enforce rules of the commission and this
23 act;

1

2 (ii) Rule on the outcome of events;

3

4 (iii) Levy fines not to exceed one thousand
5 dollars (\$1,000.00) for violations of rules of the
6 commission. Violations shall be reported daily and fines
7 shall be paid to the commission within forty-eight (48)
8 hours of imposition and notice;

9

10 (iv) Suspend licenses not to exceed thirty (30)
11 calendar days for violations of rules of the commission.
12 Suspensions shall be reported to the commission daily;

13

14 (v) Recommend that the commission impose fines
15 or suspensions greater than permitted by paragraphs (iii)
16 and (iv) of this subsection.

17

18 (h) Only a licensed steward of the permitted event
19 may impose fines or license suspensions except that a
20 starter may impose fines when horses arrive at the gate
21 until off time in an amount not exceeding two hundred
22 dollars (\$200.00).

23

1 (j) Any fine or license suspension imposed by a
2 steward or fine imposed by a starter may be appealed in
3 writing to the commission within five (5) days after its
4 imposition. The commission may affirm or reverse the
5 decision of a steward or starter or may increase or
6 decrease any fine or suspension. A fine imposed by the
7 commission shall not exceed ten thousand dollars
8 (\$10,000.00). Suspensions of a license may be for any
9 period of time, but shall be commensurate with the
10 seriousness of the offense.

11

12 (k) The commission shall access criminal history
13 record information for ~~all operators and vendors under~~
14 ~~article 3 of this chapter and~~ all licensees, permittees and
15 employees of the commission under W.S. 9-1-627(d) for the
16 purposes of this act. Every applicant for a permit or
17 license under this act shall provide the commission
18 fingerprints and other information necessary for a criminal
19 history record background check as provided under W.S.
20 7-19-201.

21

22 (m) The commission shall establish the number of
23 actual live horse racing or pari-mutuel event days required

1 to qualify for a simulcasting permit. The commission shall
2 adopt rules governing establishment of live horse racing or
3 pari-mutuel event days required for a simulcasting permit
4 in a manner that ensures fair and equitable involvement of
5 all affected parties, including consideration of the
6 economic viability of those days to permit applicants.

7

8 (n) ~~Commencing July 1, 2020, any person conducting an~~
9 ~~activity as specified by W.S. 6-7-101(a)(iii)(D) or (F)~~
10 ~~shall first obtain a license from the commission. Under~~
11 ~~this subsection, the commission shall not charge license~~
12 ~~applicants any fee and shall not require any fee for any~~
13 ~~license issued. Any person required to be licensed under~~
14 ~~this subsection shall file an annual report with the~~
15 ~~commission as specified by rule.~~

16

17 (o) ~~In addition to all other duties, the commission,~~
18 ~~in the reasonable exercise of its discretion, shall:~~

19

20 (i) ~~Enforce W.S. 6-7-101 through 6-7-104;~~

21

1 ~~(ii) Regulate online sports wagering and sports~~
2 ~~wagering operators and vendors under W.S. 9-24-101 through~~
3 ~~9-24-106.~~

4
5 ~~11-25-208~~ 9-24-410. **Penalties.**

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

14
15 (b) ~~The attorney general may, at the request of the~~
16 ~~commission, act on behalf of the commission to prosecute~~
17 ~~criminal actions under this chapter or title 6, chapter 7,~~
18 ~~article 1 of the Wyoming statutes if after a thorough~~
19 ~~investigation the action is deemed advisable by the~~
20 ~~attorney general.~~

21

1 ~~11-25-305~~ 9-24-506. Operator permit, vendor license
2 and 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~~ 9-24-505 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 within ten (10) years
22 before the date of filing the application to:

23

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 felony involving physical harm to an
8 individual; or

9

10 (D) Any other crime identified by
11 commission rules that negatively impacts the applicant's
12 credibility or the security, integrity or fairness of play
13 of skill based amusement games operated by the applicant.

14

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

21

22 (iii) The applicant failed or refused to
23 cooperate in the investigation of a crime relating to

1 gambling, corruption of a public official or any organized
2 criminal activity;

3

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

6

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

10

11 (i) Changes to names and contact information;

12

13 (ii) Arrests, convictions, guilty pleas,
14 disciplinary actions or license denials in Wyoming and any
15 other jurisdiction;

16

17 (iii) Any civil action brought against the
18 operator or establishment; and

19

20 (iv) Any other information required by
21 commission rules.

22

1 (d) If the commission denies an application or
2 intends to revoke or suspend a license or permit issued
3 under this article, it shall notify the applicant, licensee
4 or permittee in writing, stating the grounds for denial,
5 revocation or suspension and informing the person of a
6 right to submit, before not more than thirty (30) days, any
7 additional documentation relating to the grounds of denial,
8 revocation or suspension. Upon receiving any additional
9 documentation, the commission shall reconsider its decision
10 and inform the applicant before not more than twenty (20)
11 days of the result of the reconsideration. A denial of an
12 application under this article shall be subject to the
13 contested case procedures of the Wyoming Administrative
14 Procedure Act.

15

16

ARTICLE 6

17

ONLINE SPORTS WAGERING

18

19

~~9-24-101~~ 9-24-601. Definitions.

20

21

(a) As used in this ~~chapter~~ article:

22

1 (i) "Cash equivalent" means an asset that is
2 convertible to cash and approved for use in connection with
3 online sports wagering. Approved cash equivalents include:

4

5 (A) Travelers checks;

6

7 (B) Foreign currency and coin;

8

9 (C) Certified checks, cashier's checks and
10 money orders;

11

12 (D) Personal checks and drafts;

13

14 (E) Digital, crypto and virtual currencies;

15

16 (F) Online and mobile payment systems that
17 support online money transfers;

18

19 (G) Credit cards and debit cards;

20

21 (H) Prepaid access instruments;

22

1 (J) Any other form of asset that is
2 convertible to cash approved by commission rules.

3

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

6

7 (iii) ~~"Director" means the executive director of~~
8 ~~the commission;~~

9

10 ~~(xvi)~~(iv) "Critical component" means any part or
11 component of a mobile application or digital platform that:

12

13 (A) Records, stores, processes, shares,
14 transmits or receives sensitive information, including
15 validation numbers and personal identification numbers; or

16

17 (B) Stores the results or the current
18 status of a patron's wager with an online sports wagering
19 operator.

20

21 ~~(iv)~~(v) "Fantasy sports contest" means a
22 simulated game or contest with an entry fee that meets all
23 of the following conditions:

1

2 (A) No fantasy sports contest team is
3 composed entirely of individual contestants who are members
4 of the same real world sports team;

5

6 (B) Each prize and award or the value of
7 all prizes and awards offered to winning fantasy sports
8 contest players is made known to the fantasy sports contest
9 players in advance of the fantasy sports contest;

10

11 (C) Each winning outcome reflects the
12 relative knowledge and skill of the fantasy sports contest
13 players and is determined by the aggregated statistical
14 results of the performance of multiple individual
15 contestants who each fantasy sports contest player has
16 selected to form that player's fantasy sports contest team.
17 The individual performances of the individual contestants
18 in the fantasy sports contest directly correspond with the
19 actual performances of those contestants in a real world
20 sporting event in which those individuals participated;

21

22 (D) A winning outcome is not based on the
23 performance of a single real world sports team, any

1 combination of real world sports teams or a single
2 contestant in a real world sporting event, nor is it based
3 on the score or point spread of one (1) or more real world
4 sporting events;

5

6 (E) The fantasy sports contest does not
7 constitute or involve a slot machine or a fixed, commercial
8 electrical gaming device.

9

10 ~~(v)~~(vi) "Fantasy sports contest player" means a
11 person who engages in selecting individual contestants to
12 comprise a team for a fantasy sports contest;

13

14 ~~(xvii)~~(vii) "Key personnel" means any person
15 employed in an executive or supervisory capacity by a
16 license holder, permit holder or applicant and who is
17 authorized to make discretionary decisions that exhibit
18 influence or control over gaming operations~~;~~;

19

20 ~~(vi)~~(viii) "Online sports wagering" means
21 engaging in sports wagering conducted by a sports wagering
22 operator through a sports wagering account over the
23 internet by use of a computer, digital platform or mobile

1 application on a mobile device, any of which uses
2 communications technology to accept sports wagers or any
3 system or method of electronic sports wagering approved by
4 commission rules. "Online sports wagering" shall not
5 include or be conducted from any physical location created
6 by a sports wagering operator or vendor for a patron to
7 physically visit to place a wager;

8

9 ~~(vii)~~(ix) "Online sports wagering revenue" means
10 the total of all wagers placed by patrons with an online
11 sports wagering operator, excluding the actual dollar value
12 of free wagers and promotional play provided, minus all
13 payments to patrons and minus any applicable federal excise
14 taxes. Payments to patrons include all payments of cash,
15 cash equivalents, merchandise and any other thing of value;

16

17 ~~(viii)~~(x) "Patron" means a person who places an
18 online sports wagering wager;

19

20 ~~(ix)~~(xi) "Prohibited sports wager" means:

21

22 (A) A wager involving any sporting event or
23 other event where the majority of contestants or athletes

1 in the sporting event are under the age of eighteen (18)
2 years;

3

4 (B) Any wagering category not authorized by
5 law or commission rules adopted in compliance with law.

6

7 ~~(x)~~(xii) "Qualified gaming entity" means a
8 gaming entity that offers online sports wagering through
9 computers, digital platforms or mobile applications in not
10 less than three (3) jurisdictions in the United States
11 pursuant to a state regulatory structure;

12

13 ~~(xi)~~(xiii) "Sporting event" means any
14 professional sports event or athletic event, any Olympic or
15 international sports event or athletic event, any amateur
16 sports event or athletic event, any collegiate sports event
17 or athletic event, electronic sports, or any portion
18 thereof, including the individual performance statistics of
19 contestants or athletes in sports events, athletic events
20 or a combination of sports and athletic events, or any
21 other event approved by commission rules;

22

1 ~~(xii)~~(xiv) "Sports wagering" means the business
2 of accepting wagers from patrons on sporting events through
3 online sports wagering. "Sports wagering" wagers include
4 single game bets, teaser bets, parlays, over-under,
5 moneyline, pools, exchange wagering, in-game wagering,
6 in-play bets, proposition bets and straight bets. "Sports
7 wagering" shall not include any of the following:

8

9 (A) Activities other than online sports
10 wagering that are exempted from criminal penalties under
11 W.S. 6-7-101 through 6-7-104;

12

13 (B) Activities outside of this ~~chapter~~
14 article authorized or regulated by the commission;

15

16 (C) Lotteries authorized by law;

17

18 (D) Fantasy sports contests;

19

20 (E) Prohibited sports wagers.

21

22 ~~(xiii)~~(xv) "Sports wagering account" means a
23 financial record established by a sports wagering operator

1 for an individual patron into which the patron may deposit
2 and from which the patron may withdraw funds for sports
3 wagering and other purchases, and into which the sports
4 wagering operator may credit winnings or other amounts due
5 to that patron or authorized by that patron. In compliance
6 with any other applicable law, a sports wagering account
7 may be established electronically through an approved
8 mobile application or digital platform;

9

10 ~~(xiv)~~(xvi) "Sports wagering operator" means any
11 qualified gaming entity authorized by the commission to
12 accept online sports wagers;

13

14 ~~(xv)~~(xvii) "Sports wagering vendor" means a
15 vendor that provides services to a sports wagering operator
16 that the sports wagering operator uses to accept online
17 sports wagers, including geolocation services, know your
18 customer services, payment processors, server host
19 providers, integrity monitoring services, cyber security
20 services and data providers.†

21

22 ~~9-24-102~~9-24-602. **Online sports wagering regulation;**
23 **rulemaking.**

1

2 (a) The commission shall regulate online sports
3 wagering and sports wagering operators and vendors.

4

5 (b) The commission shall promulgate rules to
6 implement this ~~chapter~~article. The rules the commission
7 promulgates shall establish standards and procedures for
8 online sports wagering and associated sports wagering
9 systems. The rules shall include:

10

11 (i) Governance of the conduct of online sports
12 wagering and the system of wagering associated with online
13 sports wagering, including all of the following:

14

15 (A) Terms and conditions for online sports
16 wagering that are compliant with all applicable federal
17 laws;

18

19 (B) Identification of the sporting events
20 upon which online sports wagers may be accepted and methods
21 of play;

22

1 (C) The manner in which online sports
2 wagers are received and payoffs are remitted;

3

4 (D) Procedures for managing and resolving
5 suspected cheating, sports wagering irregularities and
6 complaints;

7

8 (E) A requirement that for a patron to make
9 a lawful wager the patron must be physically present in the
10 state when making the wager unless otherwise authorized by
11 the commission;

12

13 (F) A requirement for each sports wagering
14 operator to use a geolocation system to ensure that a
15 patron making an online sports wager is physically present
16 in the state when making the wager unless otherwise
17 authorized by the commission;

18

19 (G) Internal controls for all aspects of
20 online sports wagering, including procedures for system
21 integrity, system security, operations and accounting;

22

1 (H) Operational controls for online gaming
2 accounts;

3

4 (J) Procedures to ensure that sports
5 wagering operators do not offer prohibited sports wagers.

6

7 (ii) Establishing the method for calculating
8 online sports wagering revenue and standards for the
9 counting and recording of cash and cash equivalents
10 received in the conduct of online sports wagering, to
11 include methods for ensuring that internal controls are
12 followed, financial records are maintained and audits are
13 conducted;

14

15 (iii) Reasonable minimum qualifications for
16 sports wagering operators;

17

18 (iv) Any other matters necessary for overseeing
19 online sports wagering and sports wagering operators and
20 vendors.

21

22 (c) In promulgating rules pursuant to this ~~section~~
23 article, the commission shall examine the regulations

1 implemented in other states where online sports wagering is
2 conducted and shall, as far as practicable, adopt a similar
3 regulatory framework to maximize revenue generated for the
4 state.

5

6 ~~9-24-103~~ 9-24-603. **Permits; licenses; fees;**
7 **application.**

8

9 (a) A sports wagering operator shall possess a permit
10 issued by the commission to accept online sports wagers. No
11 person shall accept online sports wagers without holding a
12 valid permit issued by the commission.

13

14 (b) A qualified gaming entity applying for a sports
15 wagering operator permit shall do so on a uniform
16 application furnished by the commission. The fee for both
17 an initial application and renewal application shall be two
18 thousand five hundred dollars (\$2,500.00). The application
19 shall require an applicant, at a minimum, to provide:

20

21 (i) The full name, current address and contact
22 information of the applicant;

23

1 (ii) Disclosure of each person who has control
2 of the applicant as described in subsection (g) of this
3 section;

4

5 (iii) The applicant's fingerprints and the
6 fingerprints of individuals identified in subsection (g) of
7 this section considered to have control of an applicant or
8 permit holder;

9

10 (iv) Allowance for the commission to obtain
11 fingerprints and to conduct a national criminal history
12 record check of the applicant, each individual disclosed
13 under subsection (g) of this section and each person
14 required to be licensed under subsections (p) and (q) of
15 this section in accordance with procedures established by
16 the commission. This subsection shall not require an
17 applicant or individual who has submitted to a criminal
18 background check in this or any other state within the
19 twelve (12) months before submitting the application to
20 resubmit to another criminal background check provided that
21 the applicant or individual submits the results of the
22 previous criminal background check and affirms that there
23 has been no material change in the criminal history since

1 the time of the criminal background check. The cost of the
2 criminal history record background check shall be paid
3 using a portion of the applicant's application fee;

4

5 (v) Other information and permissions as
6 requested by the commission;

7

8 (vi) For the applicant and each person disclosed
9 under subsection (g) of this section, a record of previous
10 issuances and denials of any gambling related license or
11 application under Wyoming statutes or in any other
12 jurisdiction in the United States;

13

14 (vii) Any additional information required by
15 commission rules.

16

17 (c) The commission shall charge a permit fee of one
18 hundred thousand dollars (\$100,000.00) for an initial
19 sports wagering operator permit. An initial permit and any
20 renewal permit shall each be valid for five (5) years. The
21 commission shall charge a fee of fifty thousand dollars
22 (\$50,000.00) for a sports wagering operator permit renewal.

23

1 (d) A sports wagering vendor shall possess a permit
2 issued by the commission to conduct business in the state.
3 No person shall provide vendor services to a sports
4 wagering operator without holding a valid permit issued by
5 the commission.

6

7 (e) The commission shall charge a fee of ten thousand
8 dollars (\$10,000.00) for an initial sports wagering vendor
9 permit. An initial permit and any renewal permit shall each
10 be valid for five (5) years. The commission shall charge a
11 fee of five thousand dollars (\$5,000.00) for a sports
12 wagering vendor permit renewal.

13

14 (f) Sports wagering operator fees, sports wagering
15 vendor permit fees and license fees charged pursuant to
16 subsections (c), (e), (p) and (q) of this section shall be
17 deposited in the sports wagering account, which is hereby
18 created. Subject to legislative appropriation, amounts
19 within the account may be used by the commission for all
20 expenses incurred in administering this ~~chapter~~article. On
21 a quarterly basis, the commission shall transfer amounts
22 within the account in excess of five hundred thousand

1 dollars (\$500,000.00) to the state treasurer for credit to
2 the general fund.

3

4 (g) The following persons are considered to have
5 control of a sports wagering operator permit applicant or
6 permit holder:

7

8 (i) Each holding company, parent company or
9 subsidiary company of the applicant or permit holder;

10

11 (ii) Each person, except for a bank or other
12 licensed lending institution that holds a mortgage or other
13 lien acquired in the ordinary course of business, who owns
14 fifteen percent (15%) or more of a corporate applicant or
15 permit holder and has the ability to:

16

17 (A) Control the activities of the corporate
18 applicant or permit holder; or

19

20 (B) Elect a majority of the board of
21 directors of that corporate applicant or permit holder.

22

1 (iii) Each person associated with a noncorporate
2 applicant or permit holder who directly or indirectly holds
3 a beneficial or proprietary interest in the noncorporate
4 applicant's or permit holder's business operations or who
5 the commission otherwise determines has the ability to
6 control the noncorporate applicant or permit holder;

7

8 (iv) Key personnel of an applicant or permit
9 holder, including any executive, employee or agent having
10 the power to exercise ultimate decision making authority
11 over the applicant's or permit holder's sports wagering
12 operations in this state.

13

14 (h) The commission shall, not more than ninety (90)
15 days after the date of receipt of an application for a
16 permit or license or application for renewal of a permit or
17 license under this ~~section~~article, either:

18

19 (i) Issue the permit or license; or

20

21 (ii) Deny the application based on the grounds
22 that the applicant failed to qualify as provided by
23 subsection (j) of this section.

1

2 (j) The commission shall deny an application under
3 this article upon finding any of the following:

4

5 (i) The applicant or permit holder has been
6 convicted of, forfeited bail on or pleaded guilty to:

7

8 (A) A crime involving theft, dishonesty or
9 fraud;

10

11 (B) Bribery or unlawfully influencing a
12 public official;

13

14 (C) A felony crime involving physical harm
15 to a person; or

16

17 (D) Any other crime identified by rule of
18 the commission that negatively impacts the applicant's
19 credibility or the security, integrity or fairness of
20 online sports wagering.

21

22 (ii) The applicant tampered with submitted
23 documentation or concealed, failed to disclose or otherwise

1 attempted to mislead the commission with respect to any
2 material fact contained in the application or contained in
3 any other information required of or submitted by an
4 applicant to the commission;

5

6 (iii) The applicant, license holder or permit
7 holder failed or refused to cooperate in the investigation
8 of a crime related to gambling, corruption of a public
9 official or any organized criminal activity;

10

11 (iv) The applicant, license holder or permit
12 holder has intentionally not disclosed the existence or
13 identity of other persons who have control of the applicant
14 or permit holder as required by this section;

15

16 (v) The applicant, license holder or permit
17 holder has had a permit or license revoked by any
18 government authority responsible for the regulation of
19 sports wagering;

20

21 (vi) The applicant, license holder or permit
22 holder has not demonstrated financial responsibility

1 sufficient to adequately meet the requirements of this
2 ~~chapter~~article, as specified by rule of the commission; or

3

4 (vii) The applicant, license holder or permit
5 holder has not met the requirements of this section, any
6 other provision of this ~~chapter~~article, commission rules
7 or any applicable federal laws.

8

9 (k) Given a sufficient number of applicants, at any
10 one (1) time the commission shall issue not less than five
11 (5) sports wagering operator permits to applicants that
12 satisfy the requirements under this ~~chapter~~article. If an
13 insufficient number of applicants apply for a sports
14 wagering operator permit, this provision shall not be
15 interpreted to direct the commission to issue a permit to
16 an unqualified applicant.

17

18 (m) The commission shall issue a permit to a sports
19 wagering vendor that is currently operating in good
20 standing in a similar role in at least three (3)
21 jurisdictions in the United States under a state regulatory
22 structure and that has paid all required fees under
23 subsection (e) of this section.

1

2 (n) Permit holders and license holders under this
3 article shall have an ongoing obligation to disclose in
4 writing any material change in the information provided in
5 the application to the commission, including:

6

7 (i) Changes to names and contact information;

8

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

12

13 (iii) Any civil action brought against the
14 permit holder or license holder; and

15

16 (iv) Any other information specified by rule of
17 the commission.

18

19 (o) If the commission denies an application or
20 intends to revoke or suspend a permit or license issued
21 under this article, it shall notify the applicant, licensee
22 or permittee in writing, stating the grounds for denial,
23 revocation or suspension and informing the person of a

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

11

12 (p) Key personnel of an applicant, license holder or
13 permit holder who may exercise ultimate decision making
14 authority over the applicant's, permit holder's or license
15 holder's online sports wagering operations in this state
16 shall be licensed by the commission. The commission shall
17 charge a fee of two hundred fifty dollars (\$250.00) for an
18 initial license and renewal application under this
19 subsection. An initial license and any renewal license
20 issued under this subsection shall each be valid for five
21 (5) years.

22

1 (q) Any employee of an applicant, license holder or
2 permit holder who is not subject to licensure under
3 subsection (p) of this section and who is authorized to
4 change and is capable of changing play or outcome of wagers
5 through the deployment of code to production for any
6 critical component of the applicant's, permit holder's or
7 license holder's mobile application or digital platform in
8 this state shall be licensed by the commission. The
9 commission shall charge a fee of two hundred fifty dollars
10 (\$250.00) for an initial license and renewal application
11 under this subsection. An initial license and any renewal
12 license issued under this subsection shall each be valid
13 for five (5) years.

14

15 ~~9-24-106~~ 9-24-606. Penalties; compliance.

16

17 (a) Any person who knowingly accepts online sports
18 wagers or otherwise operates a business of sports wagering
19 and does not possess a valid permit or license issued by
20 the commission under this ~~chapter~~ article shall be subject
21 to the following, in addition to any penalty imposed under
22 W.S. 6-7-102:

23

1 (i) For a first offense, a civil penalty of
2 twenty-five thousand dollars (\$25,000.00);

3

4 (ii) For a second or subsequent offense, a civil
5 penalty of fifty thousand dollars (\$50,000.00).

6

7 (b) When a series of similar events result in a
8 violation under this ~~chapter~~article or commission rules,
9 those events that occur within the same month shall be
10 treated as one offense and not separate and distinct
11 offenses.

12

13 (c) The commission shall develop a compliance program
14 that includes establishing procedures to review online
15 sports wagering and related activities occurring in the
16 state to ensure compliance with and enforcement of this
17 ~~chapter~~article. The program shall include review and
18 evaluation of the conduct of:

19

20 (i) Sports wagering operators, sports wagering
21 vendors, qualified gaming entities, patrons and any other
22 person permitted or authorized to engage in activities
23 under this ~~chapter~~article; and

1

2 (ii) Persons operating without a valid permit or
3 license under this ~~chapter~~article, engaging in activities
4 not authorized or regulated under this ~~chapter~~article or
5 pursuing or engaging in activities otherwise in violation
6 of this ~~chapter~~article.

7

8 **Section 4.** W.S. 9-24-104 and 9-24-105 are renumbered
9 as 9-24-604 and 9-24-605, 11-25-101 is renumbered as
10 9-24-202, 11-25-103 is renumbered as 9-24-203, 11-25-201
11 through 11-25-207 are renumbered as 9-24-403 through
12 9-24-409, 11-25-209 is renumbered as 9-24-411, 11-25-301
13 through 11-25-304 are renumbered as 9-24-502 through
14 9-24-505 and 11-25-306 is renumbered as 9-24-507.

15

16 **Section 5.** W.S. 6-7-101(a)(i), (iii)(D), (F), (N) and
17 (O) is repealed.

18

19 **Section 6.** W.S. 11-25-102(a)(ii) and (xv) through
20 (xxii), renumbered as 9-24-401(a)(ii) and (xv) through
21 (xxii) by this act, 11-25-104(a) through (c), (n) and (o),
22 renumbered as 9-24-402(a) through (c), (n) and (o) by this

