

SF0056

Wyoming gaming commission-modifications and corrections.

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

AN ACT relating to gaming; codifying provisions governing skill based amusement games; modifying skill based amusement game laboratory reporting requirements; amending rulemaking authority of the Wyoming gaming commission; providing and amending definitions; providing for criminal background checks as specified; providing for application of the Wyoming Administrative Procedure Act; requiring applicable fees to be paid on an annual basis; allowing applicable taxes to be prepaid; requiring a report; repealing the sunset date applicable to skill based amusement games; providing a process and criteria for application approval, denial, revocation and suspension; providing a grace period for persons to comply with provisions of this act; requiring the Wyoming gaming commission to review previously submitted skill based amusement game applications; classifying peace officers employed by the Wyoming gaming commission as law enforcement officers under the Wyoming Retirement Act; conforming the definition of skill based amusement game and making other conforming amendments; repealing noncodified law; and providing for an effective date.

1/11/2021 Bill Number Assigned
1/12/2021 S Received for Introduction
1/12/2021 S Introduced and Referred to S06 - Travel
1/27/2021 S06 - Travel:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Ellis, Gierau, Landen, Salazar, Schuler
Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

1/27/2021 S Placed on General File
1/28/2021 S COW:Passed

SF0056SS001/ADOPTED

That Substitute No. 1 for SF 0056 DO Pass. ELLIS, CHAIRMAN

SF0056S2001/ADOPTED

[TO SUBSTITUTE BILL No. 1]

Page 1-line 6 After "specified;" insert "providing for application of the Wyoming Administrative Procedure Act;".

Page 1-line 9 After "games;" insert "providing a process and criteria for application approval, denial, revocation and suspension; providing a grace period for persons to comply with provisions of this act; requiring the Wyoming gaming commission to review previously submitted skill based amusement game applications;".

Page 2-line 4 Delete "11-25-305" and insert "11-25-306".

Page 2-line 22 After "by the" delete balance of line and insert "vendor.".

Page 3-lines 1 and 2 Delete entirely.

Page 3-line 13 Delete "Subject to subsection (b) of this section,".
Page 3-line 14 Delete "operator" and insert "vendor".
Page 3-lines 20 and 21 Delete entirely.
Page 3-line 22 Delete "requirements of this article."
Page 3-line 23 After "article" delete "as".
Page 4-line 1 Delete "determined by the commission".
Page 4-line 2 Delete "operator" and insert "vendor".
Page 4-lines 4 through 23 Delete entirely.
Page 5-lines 2 through 8 Delete entirely and insert:

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

Page 5-line 19 Delete "contain" and insert "have".
Page 5-line 20 After "games" insert "operating for play".
Page 5-line 22 Delete "establishment" and insert "operator".
Page 6-line 2 Delete "establishment" and insert "operator".
Page 6-line 4 Delete "establishment" and insert "operator".
Page 6-lines 11 through 17 Delete entirely and insert:

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

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

(ii) A vendor shall be issued a license and required to pay an annual fee of two thousand five hundred dollars (\$2,500.00) to continue to possess and distribute skill based amusement games."

Page 6-line 19 Delete "(c)" and insert "(b)".
Page 6-line 21 Delete "operator" and insert "vendor".
Page 7-line 1 After "charge" insert "the vendor".
Page 7-line 5 Delete entirely and insert "(c) The fees required under subsections (a) and (b)".
Page 7-line 14 Delete "(e)" and insert "(d)".

Page 7-line 16 Delete "operator" and insert "vendor".

Page 7-line 19 Delete "operator's" and insert "vendor's".

Page 8-after line 12 Insert and renumber as necessary:

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

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

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

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

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

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

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

(B) Bribery or unlawfully influencing a public official;

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

(D) Any other crime identified by commission rules.

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

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

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

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

(i) Changes to names and contact information;

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

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

(iv) Any other information required by commission rules.

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

Page 8-line 14 Delete "11-25-305" and insert "11-25-306".

Page 9-line 3 Delete "(xix)" and insert "(xx)".

Page 13-line 6 Delete "11-25-305" and insert "11-25-306".

Page 13-line 19 Delete entirely and insert "operates an establishment where skill based amusement games may be played for profit;".

Page 14-line 11 Before "nominal" insert "prizes of".

Page 14-after line 12 Insert:

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

Page 14-line 18 Strike "is authorized to" and insert "shall".

Page 14-line 20 Delete "establishments" and insert "vendors".

Page 14-line 22 Delete "operator".

Page 14-line 23 Delete "and establishment and every".

Page 18-after line 16 Insert and renumber as necessary:

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

Section 4. Any application submitted to the Wyoming gaming commission on or before June 1, 2020, seeking to possess, distribute or operate a skill based amusement game in accordance with 2020 Wyoming Session Laws, Chapter 114, which application was denied by the commission, shall again be reviewed by the commission to determine whether the applicant may be authorized to operate or distribute skill based amusement games in accordance with the requirements of title 11, chapter 25, article 3, as created by section 1 of this act and rules of the commission. The review required under this section shall be conducted for any application submitted to the commission regardless of whether the

commission determined the application was incomplete and failed to meet the deadline imposed under 2020 Wyoming Session Laws, Chapter 114 unless an applicant affirmatively notifies the commission that he does not wish for his application to be reconsidered. For any application being reviewed under this section, the commission is authorized to require the applicant to provide additional information to complete any previously submitted application. No applicant shall be charged any fee for the review required under this section, nor shall an additional laboratory report be required for any skill based amusement game that remains in the same physical and functional state for which a qualified laboratory report was already submitted to the commission. A denial of an application under this section shall be subject to the contested case procedures of the Wyoming Administrative Procedure Act."

Page 18-line 18 Delete "**Section 3**" and insert "**Section 5**".

Page 18-line 21 Delete "**Section 4**" and insert "**Section 6**".

Page 19-line 1 Delete "**Section 5**" and insert "**Section 7**". ELLIS

1/29/2021 S 2nd Reading:Passed

2/1/2021 S 3rd Reading:Passed 22-5-1-1-1

ROLL CALL

Ayes: Senator(s) Baldwin, Boner, Bouchard, Cooper, Dockstader, Driskill, Ellis, French, Furphy, Gierau, Hicks, James, Kolb, Kost, Landen, Mckeown, Pappas, Rothfuss, Salazar, Schuler, Scott, Wasserburger

Nays: Senator(s) Case, Hutchings, Kinskey, Perkins, Steinmetz

Excused: Senator Biteman

Absent: Senator Anderson

Conflicts: Senator Nethercott

Ayes 22 Nays 5 Excused 1 Absent 1 Conflicts 1

2/2/2021 H Received for Introduction

2/5/2021 H Introduced and Referred to H02 - Appropriations

3/4/2021 H02 - Appropriations:Recommend Amend and Do Pass 5-2-0-0-0

ROLL CALL

Ayes: Representative(s) Kinner, Nicholas, Schwartz, Stith, Walters

Nays: Representative(s) Larsen, Simpson

Ayes 5 Nays 2 Excused 0 Absent 0 Conflicts 0

3/4/2021 H Placed on General File

SF0056HS001/FAILED

(TO ENGROSSED COPY)

(CORRECTED COPY)

Page 1-line 3 After "requirements;" insert "limiting where skill based amusement games may be located;".

Page 1-line 14 After "this act;" insert "allowing previously authorized skill based amusement games to continue operating as specified;".

Page 2-line 19 Delete "operating in the".

Page 2-lines 20 and 21 Delete entirely.

Page 2-line 22 Delete "operation" and insert "shall be allowed to operate in the state".

Page 3-line 4 Delete "continue operating" and insert "operate".

Page 3-line 18 Delete "directly".

Page 5-line 2 After "(d)" insert "Skill based amusement games may only be operated for play at an establishment.

Page 5-line 11 After "**11-25-304.**" insert "**Required permits and licenses;**".

Page 5-line 14 After "(a)" insert "Any person seeking to obtain any license, permit or decal as required under this section shall submit an application to the commission on a form prescribed by the commission."

Page 5-line 19 Delete "to continue".

Page 6-line 1 Delete "to continue".

Page 8-line 21 After "guilty" insert "within ten (10) years before the date of filing the application".

Page 9-line 7 Delete "crime" and insert "felony".

Page 9-line 11 After "rules" insert "that negatively impacts the applicant's credibility or the security, integrity or fairness of play of skill based amusement games operated by the applicant".

Page 9-line 13 After "applicant" insert "tampered with submitted documentation or".

Page 12-line 1 Delete "(xx)" and insert "(xxi)".

Page 14-line 2 After "11-25-104(f)" delete "," and insert "or".

Page 14-line 3 After "11-25-104(k)" insert "i" and strike balance of line.

Page 14-line 4 Strike entirely.

Page 16-line 17 After "business" insert "which operates as a truck stop or is licensed or permitted to sell alcoholic liquor or malt beverages under W.S. 12-4-201, 12-4-301, 12-4-401, 12-4-407 or 12-4-413".

Page 17-after line 15 Insert:

"(xx) "Truck stop" means a business premises that:

(i) Is equipped with diesel islands used for fueling commercial motor vehicles that sells on average twenty-five thousand (25,000) gallons of diesel or biodiesel fuel each month based on the previous twelve

(12) months of sales or that is projected to sell on average twenty-five thousand (25,000) gallons of diesel or biodiesel fuel each month over the next twelve (12) month period; and

(ii) Is situated on a parcel of land of not less than two (2) acres that is either owned or leased by business establishment, which includes a convenience store with parking spaces dedicated to commercial motor vehicle use."

Page 17-line 17 Delete "(xx)" and insert "(xxi)".

Page 23-after line 20 Insert:

"**Section 5.** Any person operating a skill based amusement game in accordance with 2020 Wyoming Session Laws, Chapter 114 and before the effective date of this act, who would no longer be authorized to operate a skill based amusement game because the location upon which the person had operated a skill based amusement game does not meet the definition of "establishment" under W.S. 11-25-102(a)(xvii) as created under section 2 of this act, shall be permitted to continue operating the previously authorized skill based amusement game if the person otherwise meets the requirements imposed under this act."

Page 23-line 22 Delete "**Section 5.**" and insert "**Section 6.**".

Page 24-line 2 Delete "**Section 6.**" and insert "**Section 7.**".

Page 24-line 7 Delete "**Section 7.**" and insert "**Section 8.**". NICHOLAS,
CHAIRMAN

SF0056HW001.01/ADOPTED (TO ENGROSSED COPY)
(CORRECTED CORRECTED COPY)
[DIVIDED AMENDMENT]

Page 12-line 1 Delete "11-25-104(k)," and insert "11-25-104(b) and (k),".

Page 18-before line 2 Insert:

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

SF0056HW001.02/FAILED (TO ENGROSSED COPY)
(CORRECTED CORRECTED COPY)
[DIVIDED AMENDMENT]

Page 17-after line 15 In the House standing committee amendment (SF0056HS001/A) to this line, in subparagraph (xx)(ii) created by that amendment, after "owned or leased by" insert "the". WALTERS

3/25/2021 H COW:Passed

SF0056H2001/ADOPTED

(TO ENGROSSED COPY)

- Page 3-line 4 Delete "continue operating" and insert "operate".
- Page 3-line 18 Delete "directly".
- Page 5-line 11 After "11-25-304." insert "**Required permits and licenses;**".
- Page 5-line 14 After "(a)" insert "Any person seeking to obtain or renew any license, permit or decal as required under this section shall submit an application to the commission on a form prescribed by the commission.".
- Page 5-line 19 Delete "to continue".
- Page 6-line 1 Delete "to continue".
- Page 8-line 21 After "guilty" insert "within ten (10) years before the date of filing the application".
- Page 9-line 7 Delete "crime" and insert "felony".
- Page 9-line 11 After "rules" insert "that negatively impacts the applicant's credibility or the security, integrity or fairness of play of skill based amusement games operated by the applicant".
- Page 9-line 13 After "applicant" insert "tampered with submitted documentation or".
- Page 14-line 2 After "11-25-104(f)" delete "," and insert "or".
- Page 14-line 3 After "11-25-104(k)" insert ";" and strike balance of line.
- Page 14-line 4 Strike entirely. WALTERS

SF0056H2002/FAILED

(TO ENGROSSED COPY)

- Page 7-line 3 Delete "twenty percent (20%)" and insert "twenty-five percent (25%)". BAKER, YIN

3/26/2021 H 2nd Reading:Passed

SF0056H3001/WITHDRAWN

SF0056H3002/ADOPTED

(TO ENGROSSED COPY)

- Page 11-line 20 After "6-7-101(a)(iii)(M)" insert ", (xi)".
- Page 12-after line 19 Insert:

"(xi) "Charitable or nonprofit organization" means an organization recognized as a charitable or nonprofit organization under Wyoming statutes and which possesses a valid exemption from federal income tax issued by the Internal Revenue Service under the provisions of 26 U.S.C. 501(c) and political parties

organized under the law of Wyoming and exempt from federal income tax issued by the Internal Revenue Service under the provisions of 26 U.S.C. § 527;". NICHOLAS

3/29/2021 H 3rd Reading:Passed 46-14-0-0-0

ROLL CALL

Ayes: Representative(s) Andrew, Banks, Barlow, Blackburn, Brown, Burkhart, Burt, Clausen, Clifford, Connolly, Crago, Duncan, Flitner, Greear, Harshman, Heiner, Henderson, Hunt, Jennings, Kinner, Knapp, Larsen, L, Macguire, Martinez, Neiman, Newsome, Nicholas, Oakley, Obermueller, O'hearn, Olsen, Ottman, Paxton, Provenza, Roscoe, Schwartz, Sherwood, Sommers, Stith, Sweeney, Walters, Washut, Western, Wharff, Winter, Zwonitzer

Nays: Representative(s) Baker, Bear, Eklund, Eyre, Fortner, Gray, Hallinan, Haroldson, Laursen, D, Simpson, Styvar, Williams, Wilson, Yin

Ayes 46 **Nays** 14 **Excused** 0 **Absent** 0 **Conflicts** 0

3/30/2021 S Received for Concurrence

3/30/2021 S Concur:Passed 27-2-0-0-1

ROLL CALL

Ayes: Senator(s) Anderson, Baldwin, Biteman, Boner, Bouchard, Case, Cooper, Dockstader, Driskill, Ellis, French, Furphy, Gierau, Hicks, James, Kinskey, Kolb, Kost, Landen, Mckeown, Pappas, Perkins, Rothfuss, Salazar, Schuler, Scott, Wasserburger

Nays: Senator(s) Hutchings, Steinmetz

Conflicts: Senator Nethercott

Ayes 27 **Nays** 2 **Excused** 0 **Absent** 0 **Conflicts** 1

4/1/2021 Assigned Number SEA No. 0044

4/1/2021 S President Signed SEA No. 0044

4/1/2021 H Speaker Signed SEA No. 0044

4/5/2021 Governor Signed SEA No. 0044

4/5/2021 Assigned Chapter Number 109

Chapter No. 109 Session Laws of Wyoming 2021