

HOUSE BILL NO. HB0085

Local approval for simulcasting.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to pari-mutuel wagering; specifying
2 requirements for permitting simulcasting and historic horse
3 racing machines; requiring approval and consent by a city,
4 town or county for the issuance of a simulcasting permit as
5 specified; authorizing conditions and revocation of
6 approval; authorizing appeals; amending enforcement
7 requirements; conforming provisions; specifying
8 applicability; and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 11-25-210 is created to read:

13

1 11-25-210. Simulcasting permits; rulemaking; approval
2 and consent by a city, town or county; conditions;
3 revocation; judicial review.

4

5 (a) Simulcasting shall be conducted only by the
6 holder of a simulcasting permit issued by the commission
7 and approved by the local approving authority, as specified
8 by this section.

9

10 (b) The commission shall promulgate rules for
11 simulcasting that are reasonably necessary to protect the
12 public interest.

13

14 (c) Except as specifically provided in this section,
15 simulcasting permits shall be subject to the same terms and
16 conditions and issued in the same manner as a pari-mutuel
17 permit issued under this act.

18

19 (d) A simulcasting permit or renewal issued by the
20 commission shall be subject to the following:

21

1 (i) If the simulcasting will be conducted within
2 the corporate limits of any city or town, the permit or
3 renewal shall be subject to approval by the governing body
4 of the city or town and consent by the board of county
5 commissioners of the county in which the simulcasting will
6 be conducted;

7
8 (ii) If the simulcasting will be conducted
9 outside the corporate limits of any city or town, the
10 permit or renewal shall be subject to approval by the board
11 of county commissioners of the county in which the
12 simulcasting will be conducted. If the simulcasting will
13 be conducted within one-half (1/2) mile of the corporate
14 limits of a city that has exercised the authority granted
15 under W.S. 15-3-202(b)(ii), the permit or renewal shall be
16 subject to consent by the governing body of that city;

17
18 (iii) A permit or renewal shall be issued by the
19 commission for a term not to exceed three (3) years from
20 the date of issuance;

21

1 (iv) A permit or renewal shall be issued by the
2 commission only to an applicant authorized under this act
3 to conduct a pari-mutuel event other than simulcasting.

4
5 (e) An applicant for a simulcasting permit or renewal
6 issued by the commission shall:

7
8 (i) File an application for approval with the
9 local approving authority. Renewal applications shall be
10 filed not later than ninety (90) days prior to expiration
11 of the permit;

12
13 (ii) At the time of filing the application, pay
14 an amount sufficient to reimburse the actual cost of
15 publishing notice of the application;

16
17 (iii) If the permit or renewal is subject to
18 consent by a second local authority under paragraph (d)(i)
19 or (ii) of this section, the applicant shall notify that
20 local authority of its application.

21

1 (f) After receipt of an approval or renewal
2 application under paragraph (e)(i) of this section, the
3 local approving authority shall promptly prepare and
4 publish notice of the application in a newspaper of local
5 circulation once a week for two (2) consecutive weeks and
6 post the notice on its official website. The notice shall
7 state that the named applicant has applied for approval or
8 renewal of a simulcasting permit and that protests against
9 the issuance or renewal of approval, if any, will be heard
10 at a designated meeting of the local approving authority.
11 For a renewal application, the local approving authority
12 shall hold the designated meeting not later than thirty
13 (30) days prior to expiration of the permit.

14

15 (g) With respect to approval and renewal of
16 simulcasting permits issued by the commission, the local
17 approving authority:

18

19 (i) Shall not approve or deny an application
20 until on or after the date set in its notice for hearing
21 protests;

22

1 (ii) Shall not consider, modify or impose
2 conditions that are solely within the jurisdiction of the
3 commission;

4

5 (iii) May impose reasonable conditions on its
6 approval, which shall be negotiated in good faith with an
7 applicant, including but not limited to the following:

8

9 (A) A schedule of operating hours for the
10 permitted premises, provided the hours of operation shall
11 not be more restrictive than the hours of operation for
12 alcohol sales set pursuant to W.S. 12-5-101 for holders of
13 retail liquor licenses under W.S. 12-4-201;

14

15 (B) Designations within the permitted
16 premises relating to areas historic horse racing machines
17 may be located, to the extent the designations are not
18 inconsistent with rules of the commission.

19

20 (iv) May modify the reasonable conditions
21 imposed under paragraph (iii) of this subsection only upon
22 a showing of good cause;

1

2 (v) Shall require the applicant to identify the
3 specific location in the city, town or county where
4 simulcasting will be conducted and the number of historic
5 horse racing machines to be permitted at that location;

6

7 (vi) Shall grant approval for the same term as
8 is granted by the commission for a simulcasting permit;

9

10 (vii) Shall issue written findings and
11 conclusions in the event of a denial of an application;

12

13 (viii) Shall have the right to revoke its
14 approval or deny a renewal of approval for a simulcasting
15 permit only for good cause, which shall be limited to any
16 of the following:

17

18 (A) A breach by the holder of the permit of
19 any reasonable conditions imposed by the local approving
20 authority or the commission that are not cured by the
21 holder of the permit within ten (10) business days of
22 receiving written notice of the breach from the local

1 approving authority or the commission, or the date agreed
2 upon by the holder of the permit and the local approving
3 authority or commission;

4

5 (B) Notification by the commission that the
6 holder of the permit, or any employee or agent thereof, has
7 acted in violation of any Wyoming gaming law specified in
8 this chapter, W.S. 6-7-101 through 6-7-104 or 9-24-101
9 through 9-24-106;

10

11 (C) The welfare of the people residing in
12 the immediate vicinity of the permitted premises is
13 adversely and seriously affected by the permitted premises;

14

15 (D) The holder of the permit fails to
16 demonstrate commencement of simulcasting at the approved
17 location within two (2) years after the permit is issued.
18 Upon a showing of good cause by the holder of the permit,
19 the local approving authority may extend the period for
20 commencement of simulcasting for one (1) additional year.

21

1 (h) For simulcasting permits or renewals that require
2 the consent of a second local authority, the second local
3 authority shall notify the applicant, the commission and
4 the local approving authority of any objections or concerns
5 in writing not later than thirty (30) days after receipt of
6 the notification of an application under paragraph (e)(iii)
7 of this section. The commission and the local approving
8 authority shall not approve a permit or renewal unless all
9 objections and concerns raised by the second local
10 authority have been considered and settled, as determined
11 by the local approving authority.

12

13 (j) An applicant for renewal of a simulcasting permit
14 or the holder of a simulcasting permit may appeal to the
15 district court in the county where the permitted premises
16 are located from an adverse decision or revocation by the
17 local approving authority. During the pendency of the
18 appeal, the approval of the local approving authority for
19 the applicant to conduct simulcasting shall remain in full
20 force and effect.

21

1 (k) No applicant for approval by a local approving
2 authority for a new simulcasting permit shall have a right
3 of appeal from the decision of the local approving
4 authority.

5

6 **Section 2.** W.S. 11-25-102(a)(v), (vii)(intro) and by
7 creating new paragraphs (xxiii) through (xxv),
8 11-25-104(g)(intro) and 11-25-201(a) and (b)(ii) through
9 (iv) are amended to read:

10

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

12

13 (a) As used in this act:

14

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

1 ~~11-25-203, the commission may authorize and promulgate~~
2 ~~rules providing for pari-mutuel~~ including ~~wagering on~~
3 ~~events that have previously occurred, utilizing an~~
4 ~~electronic system or device that affords an opportunity for~~
5 ~~the exercise of skill or judgment where the outcome is not~~
6 ~~completely controlled by chance alone~~ historic horse racing
7 machines;

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

14
15 (xxiii) "Historic horse racing machine" means a
16 commercial electrical gaming device approved by the
17 commission by which a person can engage in pari-mutuel
18 wagering on the outcome of a horse race that has previously
19 occurred and that affords an opportunity for the exercise
20 of skill or judgment where the outcome is not completely
21 controlled by chance alone;

22

1 (xxiv) "Local approving authority" means the
2 local authority with responsibility to approve or deny an
3 application or renewal of a simulcasting permit issued by
4 the commission;

5

6 (xxv) "Local authority" means the governing body
7 of a city, town or county in Wyoming.

8

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

12

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

22

1 **11-25-201. Pari-mutuel permits; fees and reports;**
2 **disposition of funds; enforcement of provisions.**

3
4 (a) The commission may issue pari-mutuel permits for
5 a specified period not to exceed three (3) years from the
6 date of issuance to any Wyoming county, city, incorporated
7 town, county fair board or any corporation or association
8 ~~which~~that has been approved by the board of county
9 commissioners, except as provided for simulcasting permits
10 in W.S. 11-25-210, and that provides a bond acceptable to
11 the commission. No permit shall be granted to any city,
12 town, county, county fair board or any corporation or
13 association except upon the express condition that it shall
14 not, by any lease, contract, understanding or arrangement
15 of whatever kind or nature, grant, assign or turn over to
16 any person, corporation or association the operation or
17 management of the pari-mutuel event permitted under this
18 act or of the pari-mutuel system of wagering or in any
19 manner permit any person, corporation or association to
20 retain any of the money received for admission to the race
21 meeting or from the operations of the pari-mutuel system.
22 The commission shall revoke the permit of any permittee for

1 any violation of the foregoing condition and such acts are
2 a violation of this act. The permit is effective only for
3 the times and at the places for which issued. In addition
4 to all other fees and charges, there shall be charged
5 before issuance of a permit a daily fee established by the
6 commission to defray expenses of enforcing this act.

7

8 (b) Every Wednesday following any pari-mutuel event,
9 the permittee shall:

10

11 (ii) Pay an amount equal to one-quarter percent
12 (1/4%) of the total amount wagered attributable to historic
13 ~~pari-mutuel events~~ horse racing machines and one and
14 one-half percent (1 1/2%) of the total amount wagered
15 attributable to live pari-mutuel events, shown by the
16 report to the commission, to be credited by the state
17 treasurer to a separate account, in the manner indicated in
18 subsection (d) of this section;

19

20 (iii) Pay an amount equal to one percent (1%) of
21 the total amount wagered attributable to historic
22 ~~pari-mutuel events~~ horse racing machines, shown by the

1 report to the commission, to be transferred by the
2 commission to the county and the city or town in which the
3 permittee is located, in equal shares, or to the county
4 alone if the permittee is not located within the boundaries
5 of a city or town. The county, city or town receiving an
6 amount under this paragraph may credit that amount to the
7 state fair account upon a majority vote of the county's,
8 city's or town's governing body; and

9

10 (iv) Pay an amount equal to one-quarter percent
11 (1/4%) of the total amount wagered attributable to historic
12 ~~pari-mutuel events~~ horse racing machines, shown by the
13 report to the commission, to be credited to the legislative
14 stabilization reserve account.

15

16 **Section 3.** W.S. 11-25-102(a)(vii)(A) through (D) is
17 repealed.

18

19 **Section 4.**

20

21 (a) Notwithstanding W.S. 11-25-210, as created by
22 section 1 of this act, the holder of a simulcasting permit

1 issued before the effective date of this act by the Wyoming
2 gaming commission shall be authorized to continue
3 operations subject to the conditions of the permit until
4 June 30, 2026.

5
6 (b) On and after July 1, 2026, all applicants for a
7 simulcasting permit or renewal shall be subject to the
8 requirements of W.S. 11-25-210, as created by section 1 of
9 this act, except as provided in this subsection. A city,
10 town or county may deny or refuse to provide its approval
11 or consent for an application filed by the holder of a
12 permit issued before the effective date of this act by the
13 Wyoming gaming commission to conduct simulcasting in that
14 city, town or county only upon a showing of good cause, as
15 specified in W.S. 11-25-210(g)(viii), as created by section
16 1 of this act.

17

18 **Section 5.** This act is effective July 1, 2025.

19

20

(END)