

HOUSE BILL NO. HB0160

State lottery.

Sponsored by: Representative(s) Edwards, Boswell, Illoway,
McMurtrey, McOmie, Reese, Ross, Slater and
Tipton and Senator(s) Meier, Mockler,
Schiffer and Vasey

A BILL

for

1 AN ACT relating to a state lottery; granting authority to
2 the Wyoming pari-mutuel commission to operate a state
3 lottery or to contract with other states for operating a
4 lottery; providing rulemaking authority to the commission;
5 providing for a director of the state lottery; providing
6 for licensing of lottery game retailers; creating a lottery
7 account in the enterprise fund; authorizing expenditures
8 for the lottery; specifying how lottery profits shall be
9 distributed; providing generally for the operation of the
10 lottery; exempting sales of lottery tickets and shares from
11 sales tax; providing penalties; making appropriations; and
12 providing for an effective date.

13

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

15

1 **Section 1.** W.S. 11-25-201 through 11-25-211 are
2 created to read:

3

4

ARTICLE 2

5

WYOMING STATE LOTTERY

6

7

11-25-201. Definitions.

8

9

(a) As used in this article:

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(i) "Commission" means the Wyoming pari-mutuel
commission;

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(ii) "Director" means the director of the state
lottery appointed pursuant to W.S. 11-25-202(a)(ii);

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(iii) "Immediate family" means any person
residing as a member of the same household in the principal
place of residence of a member of the commission, employee
or independent contractor of the commission, or a licensed
lottery game retailer;

(iv) "Lottery" means any lottery created and
operated under this article;

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2 (v) "Lottery game retailer" means a person who
3 contracts with or seeks to contract with the commission to
4 sell tickets in lottery games to the public under this
5 article;

6

7 (vi) "Supplier" means any person who enters into
8 a contract to supply gaming materials or equipment to the
9 lottery;

10

11 (vii) "Ticket" means any evidence issued under
12 authority of the commission establishing proof of
13 participation in any lottery conducted under this article.

14

15 **11-25-202. Powers and duties of the commission.**

16

17 (a) The commission shall:

18

19 (i) Promulgate rules governing the establishment
20 and operation of a state lottery including:

21

22 (A) The types of lotteries to be conducted,
23 but no lottery shall be conducted by the commission based

1 upon bingo or upon the outcome of any athletic event or
2 race of any kind;

3

4 (B) The price of tickets in the lottery,
5 but no ticket in any instant lottery shall have a price of
6 less than one dollar (\$1.00);

7

8 (C) The number and size of the prizes on
9 the winning tickets and the manner of payment of prizes;

10

11 (D) The manner of selecting winning
12 tickets. All drawings shall be public, witnessed by an
13 employee or independent contractor of the commission who is
14 a certified public accountant, recorded by both video and
15 audio recording and shall be actually performed by a person
16 who is not an employee or member of the commission;

17

18 (E) The frequency of the drawings or
19 selection of winning tickets;

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21 (F) The types of locations at which tickets
22 may be sold;

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24 (G) The method used in selling tickets;

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(H) The licensing of lottery game retailers to sell tickets, except no person under the age of eighteen (18) years shall be licensed as a lottery game retailer and no license shall be transferable;

(J) The manner and compensation to be paid licensed lottery game retailers including special bonuses or incentives, as necessary to provide for the adequate availability of tickets to prospective buyers and for the convenience of the public;

(K) The type and form of records, books of accounts, and other papers the commission requires for the examination of licensed lottery game retailers pursuant to W.S. 11-25-203(c);

(M) Other matters necessary for the efficient and economical operation and administration of the lottery and for the convenience of purchasers of tickets or holders of winning tickets.

(ii) Employ a director of the state lottery who shall be qualified by training and experience to direct the

1 lottery, advise the commission on all issues pertaining to
2 lotteries and carry out the powers and duties provided in
3 this article;

4

5 (iii) Make an annual report to the legislature
6 regarding the operation of the lottery and recommendations
7 for improvement;

8

9 (iv) Notwithstanding W.S. 11-25-104(b), meet at
10 least quarterly to carry out the duties prescribed by this
11 article. Special meetings for lottery business may be
12 called by the president of the commission, any three (3)
13 commission members or the director upon seventy-two (72)
14 hours written notice to each member.

15

16 (b) The commission may:

17

18 (i) Suspend or revoke any license issued under
19 this article;

20

21 (ii) Investigate any person who has applied for
22 or has been awarded any license or contract issued or
23 formed by the commission under this article. The
24 commission is authorized to access criminal history record

1 information for all licensees, contractors or employees
2 under W.S. 9-1-627(d) for the purposes of this act;

3

4 (iii) Enter into written agreements with one (1)
5 or more government-authorized lotteries to participate in
6 the conduct and operation of lottery games and may enter
7 into written agreements with one (1) or more government-
8 authorized lotteries to other persons, entities,
9 organizations or associations to purchase goods or services
10 in support of lottery games when necessary or desirable to
11 make lottery games more remunerative for the state of
12 Wyoming, so long as the games and purchases are consistent
13 with this article.

14

15 **11-25-203. Director of the state lottery; powers and**
16 **duties.**

17

18 (a) The director shall:

19

20 (i) Direct the operation of the lottery in
21 accordance with this article and rules promulgated by the
22 commission;

23

1 (ii) Arrange an annual audit of all lottery
2 accounts and transactions performed by an independent
3 certified public accountant and submit the audit to the
4 governor, the legislature, the state treasurer and the
5 commission;

6

7 (iii) Maintain accurate records, including the
8 distribution of tickets to licensed lottery game retailers,
9 receipt of funds, prize claims, prize disbursements,
10 expenses and other financial transactions of the lottery as
11 necessary;

12

13 (iv) Report to the governor pursuant to W.S.
14 9-2-1014, including a complete statement of the financial
15 position and operation of the lottery;

16

17 (v) Contract with a state agency or a private
18 business experienced in security procedures to periodically
19 conduct a comprehensive study and evaluation of all aspects
20 of security in the operation of the lottery.

21

22 (b) The director may:

23

1 (i) Employ personnel necessary to implement this
2 article;

3

4 (ii) With the approval of the commission,
5 contract for materials, equipment and supplies to design,
6 install, operate and promote the lottery and for studies
7 relevant to successful operation of the lottery;

8

9 (iii) License lottery game retailers to sell
10 lottery tickets.

11

12 (c) For purposes of enforcing this article, the
13 commission through its director, employees or agents may
14 examine the records, books of account and other papers of
15 any licensed lottery game retailers during business hours.
16 In any examination, the commission may require by subpoena
17 the production of books, papers, records, files,
18 correspondence, documents and other evidence relevant to
19 the inquiry.

20

21 (d) In case of a refusal to obey a subpoena, any
22 Wyoming district court, upon application by the commission
23 or its director, may issue an order requiring compliance

1 with the commission's subpoena. Failure to obey the order
2 of the court may be punished as contempt of court.

3

4 **11-25-204. Licenses; issuance; suspension and**
5 **revocation; persons prohibited from holding.**

6

7 (a) The commission shall include in its licensing
8 rules and regulations requirements relating to:

9

10 (i) Financial responsibility and bonding of
11 lottery game retailers;

12

13 (ii) Accessibility of the licensee's place of
14 business to the public;

15

16 (iii) Volume of expected sales;

17

18 (iv) Character of the licensee;

19

20 (v) Public display of the license;

21

22 (vi) Other matters relating to the security and
23 efficient operation of the lottery.

24

1 (b) A license shall be revoked if the commission
2 finds, after notice and an opportunity for a hearing, that
3 the licensee has:

4

5 (i) Provided false or misleading information to
6 the commission;

7

8 (ii) Been convicted of any felony, a crime
9 involving fraud or misrepresentation or a gambling related
10 offense;

11

12 (iii) Endangered the security of the lottery; or

13

14 (iv) Become a person whose character is no
15 longer consistent with the protection of the public
16 interest and trust in the lottery.

17

18 (c) A license may be suspended, revoked or not
19 renewed for any of the following if after notice and
20 opportunity for a hearing the commission finds the holder
21 has:

22

23 (i) Changed business location;

24

1 (ii) An insufficient sales volume;

2

3 (iii) Failed to pay monies owed to the lottery;

4

5 (iv) Endangered the efficient operation of the
6 lottery; or

7

8 (v) Violated this article or any rule or
9 regulation of the commission.

10

11 (d) Any person who has reached the age of eighteen
12 (18) years or an organization may be a licensed lottery
13 game retailer except:

14

15 (i) A person employed solely as a lottery game
16 retailer;

17

18 (ii) A person convicted of a felony, a crime
19 involving fraud or misrepresentation or a gambling related
20 offense;

21

22 (iii) A person who is or has been engaged in any
23 form of illegal gambling;

24

1 (iv) A person not of good character and
2 reputation in the community in which he resides; or

3

4 (v) An organization in which a person listed in
5 paragraphs (i) through (iv) of this subsection:

6

7 (A) Has a financial interest;

8

9 (B) Is an officer, director or managing
10 agent;

11

12 (C) Participates in the management or sales
13 of lottery tickets.

14

15 (e) Each licensed lottery game retailer shall
16 maintain records to completely describe lottery
17 transactions and other information necessary for the proper
18 administration of the lottery as required by commission
19 rules and regulations.

20

21 (f) Licenses shall specify the place at which the
22 sales will occur, but no license shall be issued for any
23 premises that provides living accommodations for the
24 lottery game retailer.

1

2 (g) All hearings and appeals from commission
3 decisions regarding the granting, renewing, suspending or
4 revoking of a license shall be governed by the Wyoming
5 Administrative Procedure Act.

6

7 **11-25-205. Contractors supplying gaming equipment;**
8 **disclosures.**

9

10 (a) Any person submitting an application to contract
11 as a supplier under this article shall disclose under oath
12 in the application:

13

14 (i) The business name and address and names and
15 addresses of the following:

16

17 (A) All general and limited partners if the
18 applicant is a partnership;

19

20 (B) The trustee and all persons entitled to
21 receive income or benefit from the trust if the applicant
22 is a trust;

23

1 (C) The members, officers and directors if
2 the applicant is an association or limited liability
3 company;

4
5 (D) The officers, directors and each owner
6 or holder, directly or indirectly, of any equity security
7 or other evidence of ownership of any interest if the
8 applicant is a corporation. In the case of owners or
9 holders of publicly held equity securities of a publicly
10 traded corporation, then only the names and addresses of
11 those owning or holding one percent (1%) or more of the
12 publicly held securities shall be provided;

13
14 (E) The holding or parent company involved
15 if the applicant is a subsidiary company and the officers,
16 directors and stockholders of each. In the case of owners
17 or holders of publicly held securities of a holding company
18 that is a publicly traded corporation, then only the names
19 and addresses of those owning or holding one percent (1%)
20 or more of the publicly held securities shall be provided.

21
22 (ii) All the states in which a business
23 organization applicant is incorporated or otherwise
24 registered to do business and the nature of that business;

1

2 (iii) Other jurisdictions in which the applicant
3 has contracts to supply gaming materials or equipment;

4

5 (iv) The details of any state or federal
6 criminal conviction of the applicant or any person whose
7 name and address is required under paragraph (i) of this
8 subsection;

9

10 (v) The details of any disciplinary action taken
11 by any state against the applicant or any person whose name
12 and address is required under paragraph (i) of this
13 subsection regarding any matter related to the selling,
14 leasing, offering for sale or lease, buying or servicing of
15 gaming materials or equipment;

16

17 (vi) A statement of the gross receipts realized
18 in the preceding year from the sale, lease or distribution
19 of gaming materials or equipment to states operating
20 lotteries and to private persons licensed to conduct
21 gambling. The statement shall differentiate that portion
22 of the gross receipts attributable to transactions with
23 states operating lotteries from that portion of the gross

1 receipts attributable to transactions with private persons
2 licensed to conduct gambling;

3

4 (vii) The name and address of any source of
5 gaming materials or equipment for the applicant;

6

7 (viii) The number of years the applicant has
8 been in the business of supplying gaming materials or
9 equipment;

10

11 (ix) Any other information accompanied by any
12 documents the commission may by rule or regulation require
13 as necessary or appropriate.

14

15 (b) The involved holding or parent company shall
16 supply the information required by this section of the
17 applicant if the applicant is a subsidiary company.

18

19 (c) The costs of any investigation into the
20 background of the applicant seeking a contract shall be
21 assessed against the applicant and shall be paid by the
22 applicant at the time the application is filed.
23 Investigations may be conducted by the commission, any
24 qualified investigator hired or designated by the

1 commission, or another law enforcement entity as
2 appropriate.

3

4 (d) No person, firm, association or corporation
5 contracting to supply gaming equipment or materials to the
6 state for use in the operation of the state lottery shall
7 be directly or indirectly associated with any person, firm,
8 association or corporation licensed as a lottery game
9 retailer under this article, member of the commission, any
10 employee or independent contractor of the commission, or
11 member of their immediate families.

12

13 (e) No contract shall be formed with an applicant if:

14

15 (i) A person disclosed pursuant to paragraph
16 (a)(i) or (vii) of this section has been convicted of a
17 felony or gambling related offense, engaged in any form of
18 illegal gambling, is not of good character and reputation
19 relevant to the secure and efficient operation of the
20 lottery or has been convicted of a crime involving fraud or
21 misrepresentation; or

22

1 (ii) A disciplinary action disclosed pursuant to
2 paragraph (a)(v) of this section was resolved adversely to
3 the supplier.

4
5 (f) No contract for the supply of gaming materials or
6 equipment for use in the operation of the state lottery
7 shall be enforceable against the state if the supplier
8 fails to comply with the provisions of this section.

9
10 (g) If a contract for lottery tickets, lottery
11 consulting services or lottery terminals or equipment
12 exceeds one hundred thousand dollars (\$100,000.00) or if a
13 contract is for drawing equipment regardless of value, each
14 prospective corporate supplier shall at the time of
15 submission of its bid or proposal, provide a current
16 personal financial statement and individual federal and
17 state income tax returns from the past three (3) years for
18 each of its officers and directors and for each of the
19 officers and directors of all parent and holding companies
20 affiliated with the supplier.

21

22 **11-25-206. Conflicts of interests.**

23

1 (a) No member of the commission, employee or
2 independent contractor of the commission, or member of
3 their immediate families shall have any financial interest
4 in:

5

6 (i) Any lottery;

7

8 (ii) The sale of any lottery tickets; or

9

10 (iii) Any organization supplying equipment,
11 materials or services for use in the operation of the
12 lottery or licensed as a lottery game retailer under this
13 article.

14

15 (b) No member of the commission, employee or
16 independent contractor of the commission, or member of
17 their immediate families shall receive any gift, gratuity
18 or other thing of more than fifty dollars (\$50.00) in value
19 per month from any person contracting with the state to
20 provide equipment, materials or services for use in the
21 operation of the lottery or from any person licensed as a
22 lottery game retailer under this article.

23

1 (c) No member of the commission, employee or
2 independent contractor of the commission, licensed lottery
3 game retailer or member of their immediate families shall
4 purchase any ticket for or receive any prize from a lottery
5 under this article.

6

7 **11-25-207. Prizes; not assignable; withholding of**
8 **amounts owed state; discharge of liability.**

9

10 (a) The right of any person to a prize is not
11 assignable, except payment of a prize may be paid to the
12 estate of a deceased prizewinner or to a person pursuant to
13 appropriate judicial order.

14

15 (b) Unclaimed prize money for the prize on a winning
16 ticket or share shall be retained for a period determined
17 by rule by the commission. Any person who fails to claim a
18 prize after the period determined by the commission shall
19 forfeit all rights to the prize. If a valid claim is not
20 made for the money within the period set by the commission,
21 the prize money shall be added to future prize pools.

22

23 (c) If a person entitled to a prize is a minor,
24 payment shall be made to the person's parent, legal

1 guardian, a person legally responsible for the care and
2 custody of the minor or a trustee under a trust which
3 provides for the care and education of the minor and
4 entitles the minor to the corpus of the trust when he
5 becomes an adult.

6

7 (d) Before payment of any prize in excess of five
8 hundred dollars (\$500.00), the director shall check the
9 name, address and social security number of the person
10 claiming the prize with lists provided by the department of
11 revenue and the department of family services of people
12 identified as having an outstanding debt owed to the state
13 of Wyoming or from a support order, as defined in W.S.
14 20-6-102. The director shall withhold payment of prize
15 money from any prize winner whose name appears on the list,
16 but shall transfer it to pay the outstanding debt as
17 provided by applicable law.

18

19 (e) The commission is discharged of all liability
20 upon payment of any prize under this section.

21

22 **11-25-208. Prohibited acts.**

23

24 (a) No person shall:

1

2 (i) Sell a lottery ticket at a price different
3 from that fixed by the commission;

4

5 (ii) Sell a lottery ticket unless licensed to do
6 so under this article;

7

8 (iii) Sell a lottery ticket to a minor;

9

10 (iv) Sell a lottery ticket at a location other
11 than that specified on the license;

12

13 (v) If a minor, purchase a lottery ticket.

14

15 (b) Nothing in this section prohibits the gift of a
16 lottery ticket to a minor.

17

18 **11-25-209. Advertising.**

19

20 Promotional advertising regarding the lottery shall state
21 the odds of winning and the average return on the dollar in
22 prize money to the public. Promotional advertising
23 expenses shall be paid from the lottery account.

24

1 **11-25-210. Revenue from sales; disposition; lottery**
2 **account created.**

3

4 (a) There is created a lottery account in the
5 enterprise fund.

6

7 (b) Revenues from the sale of lottery tickets shall
8 be paid to the state treasurer for deposit into the lottery
9 account, except that the treasurer shall deposit one
10 percent (1%) of the gross revenues to the pari-mutuel
11 account within the earmarked revenue fund for the uses
12 provided for by W.S 11-25-105(d), as appropriated by the
13 legislature. All expenses of the commission incurred under
14 this article including salaries shall be paid from the
15 lottery account, as appropriated by the legislature.

16

17 (c) Prizes shall be paid from the lottery account.
18 Total disbursements for lottery prizes shall be not less
19 than forty-five percent (45%) of the total revenue accruing
20 from the sale of lottery tickets, and sufficient funds to
21 pay prizes are continuously appropriated from that account.

22

1 (d) Annually, the state treasurer shall transfer
2 remaining revenues in excess of expenses, prizes and
3 reserves necessary for efficient operation as follows:

4
5 (i) Of the first two million dollars
6 (\$2,000,000.00) in revenues under this subsection:

7
8 (A) Fifty percent (50%) shall be credited
9 to an account created within the earmarked revenue fund to
10 be used, as appropriated by the legislature, for the
11 purpose of providing assistance to senior citizen centers
12 through the department of health, as authorized by W.S.
13 9-2-1201 through 9-2-1209; and

14
15 (B) Fifty percent (50%) to the trust account
16 established under W.S. 23-1-501(f) within the game and fish
17 fund.

18
19 (ii) All remaining revenues to the general fund.

20
21 **11-25-211. Criminal penalties.**

22
23 (a) Except as provided by subsection (b) of this
24 section, a person violating this article commits a

1 misdemeanor punishable by a fine of not more than one
2 thousand dollars (\$1,000.00), imprisonment for not more
3 than one (1) year, or both. Each violation is a separate
4 offense.

5
6 (b) Any person who knowingly falsifies, alters,
7 forges, passes or counterfeits a lottery ticket or receipt
8 for the purchase of a lottery ticket issued under this
9 article is guilty of a felony punishable by a fine of not
10 less than five thousand dollars (\$5,000.00), imprisonment
11 for not less than one (1) year, nor more than five (5)
12 years, or both. Each violation is a separate offense.

13
14 **Section 2.** W.S. 6-7-101(a)(iii)(E), (G) and by
15 creating a new subparagraph (H), 9-1-627(d), 11-25-105(d)
16 and 39-15-105(a)(iv) by creating a new subparagraph (J) are
17 amended to read:

18

19 **6-7-101. Definitions.**

20

21 (a) As used in this article:

22

23 (iii) "Gambling" means risking any property for
24 gain contingent in whole or in part upon lot, chance, the

1 operation of a gambling device or the happening or outcome
2 of an event, including a sporting event, over which the
3 person taking a risk has no control, but does not include:

4
5 (E) Any game, wager or transaction which is
6 incidental to a bona fide social relationship, is
7 participated in by natural persons only, and in which no
8 person is participating, directly or indirectly, in
9 professional gambling;~~or~~

10

11 (G) Display or private use of antique
12 gambling devices in the owner's residence;~~or~~ or

13

14 (H) A lottery operated by the Wyoming pari-
15 mutuel commission under W.S. 11-25-201 through 11-25-211.

16

17 **9-1-627. Authority to compile, disseminate and**
18 **exchange information; immunity; access to information**
19 **limited; security precautions.**

20

21 (d) Access to criminal history record information is
22 available to the Wyoming pari-mutuel commission as provided
23 by W.S. 11-25-104(j) and 11-25-202(b)(ii). The commission
24 shall take reasonable security precautions to prevent

1 unauthorized persons from gaining access to criminal
2 history record information in accordance with rules and
3 regulations established by the Wyoming division of criminal
4 investigation. For the purpose of this subsection
5 "criminal history record information" means information,
6 records and data compiled by criminal justice agencies on
7 individuals for the purpose of identifying criminal
8 offenders consisting of identifiable descriptions of the
9 offenders and notations or a summary of arrests,
10 detentions, indictments, information, pre-trial
11 proceedings, nature and disposition of criminal charges,
12 sentencing, rehabilitation, incarceration, correctional
13 supervision and release. Criminal history record
14 information is limited to information recorded as the
15 result of the initiation of criminal proceedings. It does
16 not include intelligence data, analytical prosecutorial
17 files, investigative reports and files of statistical
18 records and reports in which individual identities are not
19 ascertainable.

20

21 **11-25-105. Pari-mutuel permits; fees and reports;**
22 **disposition of funds; enforcement of provisions.**

23

1 (d) All sums paid to the commission under this act
2 except contributions from permittees to the breeder award
3 fund, fines and penalties shall be credited to the pari-
4 mutuel account within the earmarked revenue fund which
5 shall be used by the commission for the payment of all
6 expenses incurred in enforcing this act. Funds deposited
7 pursuant to W.S. 11-25-210(b) shall be used by the
8 commission to promote the economic development and
9 enhancement of horse racing in Wyoming. All fines and
10 penalties assessed under this act shall be credited to the
11 county public school fund. The state treasurer shall pay
12 out of the account all warrants drawn by the state auditor,
13 upon vouchers issued and signed by the president, vice-
14 president or executive secretary of the commission. The
15 commission shall keep an accurate and true account of all
16 funds received and all vouchers issued by the commission.
17 All funds received and all vouchers issued by the
18 commission shall be audited at least biennially by the
19 director of the state department of audit or his designee
20 and a copy of the audit shall be delivered within thirty
21 (30) days after completion to the governor and the
22 commission. The costs of the audit shall be borne by the
23 commission. The members of the commission shall receive
24 statutory per diem expenses and mileage as allowed state

1 employees, and compensation of fifty dollars (\$50.00) for
2 each day during which they are actually engaged in the
3 discharge of their duties. The total expenses incurred by
4 the commission shall not exceed the total amount in the
5 pari-mutuel account.

6

7 **39-15-105. Exemptions.**

8

9 (a) The following sales or leases are exempt from the
10 excise tax imposed by this article:

11

12 (iv) For the purpose of exempting sales of
13 services and tangible personal property sold to government,
14 charitable and nonprofit organizations, irrigation
15 districts and weed and pest control districts, the
16 following are exempt:

17

18 (J) Sales of lottery tickets issued by the
19 Wyoming state lottery under W.S. 11-25-201 through
20 11-25-211.

21

22 **Section 3.** There is appropriated from the general fund
23 to the lottery account in the enterprise fund the sum of
24 two million dollars (\$2,000,000.00), or as much thereof as

1 necessary, to carry out the purpose of this act. This
2 appropriation is an advance to facilitate establishment of
3 the lottery and shall be repaid from profits as soon as
4 practicable but in no event later than one (1) year after
5 the first prize is paid out. Repayment of these funds
6 shall be made prior to any distributions pursuant to W.S.
7 11-25-210(d).

8

9 **Section 4.** The Wyoming pari-mutuel commission is
10 authorized to expend and there is appropriated from the
11 lottery account in the enterprise fund thirty percent (30%)
12 of total revenue from sales of lottery tickets, to the
13 commission for salaries and all administrative expenses,
14 except prizes and repayment of the advance from the general
15 fund, necessary to operate the lottery through June 30,
16 2004, or as much thereof as necessary to carry out the
17 purposes of this act.

18

19 **Section 5.** This act is effective July 1, 2003.

20

21

(END)