

[TO SUBSTITUTE BILL No. 1]

1 Page 1-line 6 After "specified;" insert "providing for
2 application of the Wyoming Administrative
3 Procedure Act;".
4
5 Page 1-line 9 After "games;" insert "providing a process and
6 criteria for application approval, denial,
7 revocation and suspension; providing a grace
8 period for persons to comply with provisions
9 of this act; requiring the Wyoming gaming
10 commission to review previously submitted
11 skill based amusement game applications;".
12
13 Page 2-line 4 Delete "11-25-305" and insert "11-25-306".
14
15 Page 2-line 22 After "by the" delete balance of line and
16 insert "vendor."
17
18 Page 3-lines 1 and 2 Delete entirely.
19
20 Page 3-line 13 Delete "Subject to subsection (b) of this
21 section,".
22
23 Page 3-line 14 Delete "operator" and insert "vendor".
24
25 Page 3-lines 20 and 21 Delete entirely.
26
27 Page 3-line 22 Delete "requirements of this article."
28
29 Page 3-line 23 After "article" delete "as".
30
31 Page 4-line 1 Delete "determined by the commission".
32
33 Page 4-line 2 Delete "operator" and insert "vendor".
34
35 Page 4-lines 4 through 23 Delete entirely.
36
37 Page 5-lines 2 through 8 Delete entirely and insert:
38
39 "(b) Any alterations, modifications or updates to the
40 software or hardware of any skill based amusement game shall
41 require the vendor to submit to the commission a new laboratory

1 report as required under subsection (a) of this section before the
2 game may be used for play at an establishment."
3
4 Page 5-line 19 Delete "contain" and insert "have".
5
6 Page 5-line 20 After "games" insert "operating for play".
7
8 Page 5-line 22 Delete "establishment" and insert "operator".
9
10 Page 6-line 2 Delete "establishment" and insert "operator".
11
12 Page 6-line 4 Delete "establishment" and insert "operator".
13
14 Page 6-lines 11 through 17 Delete entirely and insert:
15
16 "(a) Upon approval of an application by the commission:
17
18 (i) An operator shall be issued a permit and required
19 to pay an annual fee of two hundred fifty dollars (\$250.00) to
20 continue to have skill based amusement games operating for play in
21 the operator's establishment;
22
23 (ii) A vendor shall be issued a license and required to
24 pay an annual fee of two thousand five hundred dollars (\$2,500.00)
25 to continue to possess and distribute skill based amusement
26 games."
27
28 Page 6-line 19 Delete "(c)" and insert "(b)".
29
30 Page 6-line 21 Delete "operator" and insert "vendor".
31
32 Page 7-line 1 After "charge" insert "the vendor".
33
34 Page 7-line 5 Delete entirely and insert "(c) The fees
35 required under subsections (a) and (b)".
36
37 Page 7-line 14 Delete "(e)" and insert "(d)".
38
39 Page 7-line 16 Delete "operator" and insert "vendor".
40
41 Page 7-line 19 Delete "operator's" and insert "vendor's".
42
43 Page 8-after line 12 Insert and renumber as necessary:
44
45 **"11-25-305. Establishment permit, operator license and skill
46 based amusement game decal approval; criteria; review.**
47

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

5
6 (i) Issue the permit, license or decal; or

7
8 (ii) Deny the application based on the grounds that the
9 applicant failed to qualify as provided by subsection (b) of this
10 section.

11
12 (b) The commission shall deny any application under this
13 article upon finding any of the following:

14
15 (i) The applicant has been convicted of, forfeited bail
16 on or pleaded guilty to:

17
18 (A) A crime involving theft, dishonesty or fraud;

19
20 (B) Bribery or unlawfully influencing a public
21 official;

22
23 (C) A crime involving physical harm to an
24 individual; or

25
26 (D) Any other crime identified by commission
27 rules.

28
29 (ii) The applicant concealed, failed to disclose or
30 otherwise attempted to mislead the commission with respect to any
31 material fact contained in the application or contained in any
32 other information required of or submitted by an applicant to the
33 commission;

34
35 (iii) The applicant failed or refused to cooperate in
36 the investigation of a crime relating to gambling, corruption of
37 a public official or any organized criminal activity;

38
39 (iv) The applicant failed to otherwise meet the
40 requirements imposed under this article.

41
42 (c) Operators shall have a continuing duty to disclose in
43 writing any material change in the information provided in the
44 application to the commission, including:

45
46 (i) Changes to names and contact information;

1 (ii) Arrests, convictions, guilty pleas, disciplinary
2 actions or license denials in Wyoming and any other jurisdiction;
3
4 (iii) Any civil action brought against the operator or
5 establishment; and
6
7 (iv) Any other information required by commission
8 rules.

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

22
23 Page 8-line 14 Delete "**11-25-305**" and insert "**11-25-306**".

24
25 Page 9-line 3 Delete "(xix)" and insert "(xx)".

26
27 Page 13-line 6 Delete "11-25-305" and insert "11-25-306".

28
29 Page 13-line 19 Delete entirely and insert "operates an
30 establishment where skill based amusement
31 games may be played for profit;".

32
33 Page 14-line 11 Before "nominal" insert "prizes of".

34
35 Page 14-after line 12 Insert:

36
37 "(xx) "Vendor" means a person who owns and distributes
38 a skill based amusement game to an operator for profit.".

39
40 Page 14-line 18 Strike "is authorized to" and insert "shall".

41
42 Page 14-line 20 Delete "establishments" and insert "vendors".

43
44 Page 14-line 22 Delete "operator".

45
46 Page 14-line 23 Delete "and establishment and every".

47

1 Page 18-after line 16 Insert and renumber as necessary:
2

3 **"Section 3.** Any person who by operation of this act is
4 required to reapply to the Wyoming gaming commission to retain a
5 permit, license or other type of authorization required to continue
6 to sell, distribute or operate a skill based amusement game in
7 Wyoming shall have a period of six (6) months after the effective
8 date of this act to complete any act required by this act or rule
9 of the Wyoming gaming commission. No permit, license or other type
10 of required authorization shall be denied or revoked without the
11 commission complying with W.S. 11-25-305(d) as created under
12 section 1 of this act.
13

14 **Section 4.** Any application submitted to the Wyoming gaming
15 commission on or before June 1, 2020, seeking to possess,
16 distribute or operate a skill based amusement game in accordance
17 with 2020 Wyoming Session Laws, Chapter 114, which application was
18 denied by the commission, shall again be reviewed by the commission
19 to determine whether the applicant may be authorized to operate or
20 distribute skill based amusement games in accordance with the
21 requirements of title 11, chapter 25, article 3, as created by
22 section 1 of this act and rules of the commission. The review
23 required under this section shall be conducted for any application
24 submitted to the commission regardless of whether the commission
25 determined the application was incomplete and failed to meet the
26 deadline imposed under 2020 Wyoming Session Laws, Chapter 114
27 unless an applicant affirmatively notifies the commission that he
28 does not wish for his application to be reconsidered. For any
29 application being reviewed under this section, the commission is
30 authorized to require the applicant to provide additional
31 information to complete any previously submitted application. No
32 applicant shall be charged any fee for the review required under
33 this section, nor shall an additional laboratory report be required
34 for any skill based amusement game that remains in the same
35 physical and functional state for which a qualified laboratory
36 report was already submitted to the commission. A denial of an
37 application under this section shall be subject to the contested
38 case procedures of the Wyoming Administrative Procedure Act."
39

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

41
42 Page 18-line 21 Delete "**Section 4**" and insert "**Section 6**".

43
44 Page 19-line 1 Delete "**Section 5**" and insert "**Section 7**".

45 ELLIS