

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Local approval for historic horse racing permitting.

Sponsored by: HDraft Committee

A BILL

for

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

8

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

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

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STAFF COMMENT

Under existing statutes, historic horse racing machines are permitted by the Gaming Commission, subject to initial approval by a board of county commissioners. It is referred to as "simulcasting of events that have previously occurred" in statute. This bill draft differentiates historic horse racing permitting from other simulcasting (e.g., broadcasting races) and pari-mutuel event permitting in order to impose different conditions on historic horse racing.

11-25-210. Historic horse racing machine permits; rulemaking; approval by a city, town or county; conditions; revocation.

(a) Wagering on historic horse racing machines shall be conducted only by the holder of a historic horse racing machine permit issued by the commission and approved by the applicable city, town or county, as specified by this section.

1 (b) The commission shall promulgate rules for
2 wagering on historic horse racing machines as reasonably
3 necessary to protect the public interest.

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5 (c) Except as specifically provided in this section,
6 a historic horse racing permit shall be subject to the same
7 terms and conditions and issued in the same manner as a
8 pari-mutuel permit issued under this act.

9

10 (d) A historic horse racing machine permit or renewal
11 issued by the commission shall be subject to the following:

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13 (i) A permit or renewal shall be issued by the
14 commission subject to the approval and conditions imposed
15 by the governing body of the city or town, if the historic
16 horse racing machines will be located within the corporate
17 limits of any city or town, or the board of county
18 commissioners, if the historic horse racing machines will
19 be located outside the corporate limits of any city or
20 town;

21

1 (ii) 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 wagering on
4 historic horse racing machines.

5
6 (e) An applicant for a historic horse racing machine
7 permit or renewal issued by the commission shall file an
8 application for approval with the applicable city, town or
9 county. Each applicant shall, at the time of filing the
10 application, pay an amount sufficient to cover the costs of
11 publishing notice of the application as determined in rule
12 of the commission.

13
14 (f) After receipt of an application under subsection
15 (e) of this section, the applicable city, town or county
16 shall promptly prepare and publish notice of the
17 application in a newspaper of local circulation once a week
18 for two (2) consecutive weeks and post the notice on its
19 official website. The notice shall state that the named
20 applicant has applied for approval of a historic horse
21 racing machine permit or renewal and that protests against

1 the issuance or renewal of approval will be heard at a
2 designated meeting of the applicable governing body.

3

4 (g) With respect to approval and renewal of approval
5 for historic horse racing machine permits issued by the
6 commission, the applicable city, town or county:

7

8 (i) Shall not approve or deny an application
9 until on or after the date set in its notice for hearing
10 protests;

11

12 (ii) Shall not consider or impose conditions that
13 are solely within the jurisdiction of the commission;

14

15 (iii) May impose reasonable conditions, including
16 the days and hours of operation and designations within
17 the permitted premises relating to areas historic horse
18 racing machines are located;

19

20 (iv) May modify any reasonable condition of
21 approval upon a showing of good cause;

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2 (v) Shall identify the specific location in the
3 city, town or county where wagering on historic horse
4 racing machines shall be conducted;

5

6 (vi) Shall grant approval for the same term as is
7 granted by the commission for the historic horse racing
8 machine permit, except that approval may be for less than
9 three (3) years if specified by the city, town or county to
10 coincide with an annual date or dates set by the city, town
11 or county for consideration of license and permit issuances
12 and renewals;

13

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

16

17 (viii) Shall revoke its approval if the holder
18 of the permit issued by the commission fails to demonstrate
19 commencement of wagering on historic horse racing machines
20 at the approved premises within one (1) year after the
21 permit is issued. Upon a showing of good cause by the

1 holder of the permit, the city, town or county may extend
2 the time for which commencement of wagering on historic
3 horse racing machines shall occur for an additional period
4 not to exceed one (1) year;

5

6 (ix) Shall have the right to revoke its approval
7 or deny a renewal of approval for a historic horse racing
8 machine permit only for the following conditions:

9

10 (A) A breach by the holder of the permit of
11 any conditions imposed by the applicable city, town, county
12 or the commission that are not cured by the holder of the
13 permit within ten (10) business days of receiving written
14 notice of the breach from the city, town or county or
15 commission;

16

17 (B) A determination by the applicable city,
18 town, county or commission that the holder of the permit
19 has acted in violation of Wyoming law;

20

1 (C) The welfare of the people residing in
2 the immediate vicinity of the permitted premises is
3 adversely and seriously affected by the permitted premises.

4

5 (h) An applicant for renewal of a city, town or
6 county's approval for a historic horse racing machine
7 permit shall file the application with the applicable city,
8 town or county no later than ninety (90) days prior to
9 expiration of the permit. After receipt of a renewal
10 application, the city, town or county shall hold a properly
11 noticed public hearing. The city, town or county may modify
12 the reasonable conditions for its approval during the
13 renewal process. Renewal terms shall be for no less than
14 three (3) years if granted.

15

16 **Section 2.** W.S. 11-25-102(a)(v), (vii)(intro) and by
17 creating a new paragraph (xxiii), 11-25-104(g) and (m),
18 and 11-25-201(a) and (b)(ii) through (iv) are amended to
19 read:

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21 **11-25-102. Definitions.**

1

2 (a) As used in this act:

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

19

20 (vii) "Simulcasting" means the sale of
21 pari-mutuel pools electronically transmitted live ~~or~~

1 ~~historic~~ on interstate or intrastate pari-mutuel events as
2 prescribed by the commission. "Simulcasting" shall not
3 include wagering on historic horse racing machines. The
4 commission shall authorize simulcasting subject to the
5 following conditions:

6
7 (xxiii) "Historic horse racing machine" means a
8 commercial electrical gaming device approved by the
9 commission by which a person can engage in pari-mutuel
10 wagering on the outcome of a horse race that has previously
11 occurred and which affords an opportunity for the exercise
12 of skill or judgment where the outcome is not completely
13 controlled by chance alone.

14
15 **11-25-104. Gaming commission; officers; director;**
16 **meetings; quorum; records; licenses generally; effect of**
17 **financial interest in events.**

18
19 (g) The commission may delegate authority to enforce
20 rules of the commission and this act to three (3) stewards
21 at each pari-mutuel event, at least one (1) of whom shall

1 be an employee of and selected by the commission. The
2 commission shall ~~require at least one (1) steward to~~
3 ~~supervise~~ assign a steward general supervision of each
4 ~~simuleast~~ location ~~that is~~ in which simulcasting or
5 historic horse racing machines are approved by the
6 commission. Stewards shall exercise such reasonable and
7 necessary authority as is designated by rules of the
8 commission including the following:

9

10 (m) The commission shall establish the number of
11 actual live horse racing or pari-mutuel event days required
12 to qualify for a simulcasting permit or a historic horse
13 racing machine permit. The commission shall adopt rules
14 governing establishment of live horse racing or pari-mutuel
15 event days required for a simulcasting permit or a historic
16 horse racing machine permit in a manner that ensures fair
17 and equitable involvement of all affected parties,
18 including consideration of the economic viability of those
19 days to permit applicants.

20

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 historical horse
10 racing machines permits in W.S. 11-25-210, and which
11 provides a bond acceptable to the commission. No permit
12 shall be granted to any city, town, county, county fair
13 board or any corporation or association except upon the
14 express condition that it shall not, by any lease,
15 contract, understanding or arrangement of whatever kind or
16 nature, grant, assign or turn over to any person,
17 corporation or association the operation or management of
18 the pari-mutuel event permitted under this act or of the
19 pari-mutuel system of wagering or in any manner permit any
20 person, corporation or association to retain any of the
21 money received for admission to the race meeting or from

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

9

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

12

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

21

1 (iii) Pay an amount equal to one percent (1%) of
2 the total amount wagered attributable to historic ~~pari-~~
3 ~~mutuel-events~~ horse racing machines, shown by the report to
4 the commission, to be transferred by the commission to the
5 county and the city or town in which the permittee is
6 located, in equal shares, or to the county alone if the
7 permittee is not located within the boundaries of a city or
8 town. The county, city or town receiving an amount under
9 this paragraph may credit that amount to the state fair
10 account upon a majority vote of the county's, city's or
11 town's governing body; and

12

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

18

19 **Section 3.**

20

1 (a) Notwithstanding W.S. 11-25-210 created by this
2 act, the holder of a permit issued before the effective
3 date of this act by the Wyoming gaming commission to
4 conduct historic horse racing or simulcasting of events
5 that have previously occurred shall be authorized to
6 continue operation subject to the conditions of the permit
7 until June 30, 2026.

8

9 (b) On and after July 1, 2026, if the holder of the
10 permit fails to obtain a historic horse racing machine
11 permit from the Wyoming gaming commission or approval from
12 a city, town or county, as applicable, the Wyoming gaming
13 commission shall revoke the authority of the permittee to
14 conduct historic horse racing or simulcasting of events
15 that have previously occurred.

16

17 **Section 4.** This act is effective July 1, 2025.

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19

(END)