

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE NO.

Local approval for simulcasting.

Sponsored by: Senator(s) Kolb

A BILL

for

1 AN ACT relating to pari-mutuel wagering; specifying
2 requirements for permitting simulcasting, including
3 historic horse racing terminals; requiring approval by a
4 city, town or county for the issuance of a simulcasting
5 permit as specified; authorizing conditions and revocation
6 of 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; local
2 approval; permit conditions; revocation; judicial review.

3

4 (a) Simulcasting shall be conducted only by a person
5 holding a simulcasting permit issued by the commission and
6 approved by the local approving authority under this
7 section.

8

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

12

13 (c) A simulcasting permit is a type of pari-mutuel
14 event permit and, except as specifically provided for in
15 this section, is subject to the same terms and conditions,
16 and shall be issued and renewed by the commission in the
17 same manner as pari-mutuel event permits issued under this
18 act.

19

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

22

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 that city or town;

5
6 (ii) If the simulcasting will be conducted
7 outside the corporate limits of any city or town the permit
8 or renewal shall be subject to approval by the board of
9 county commissioners of the county in which the
10 simulcasting will be conducted;

11
12 (iii) A simulcasting permit or renewal shall be
13 issued by the commission only to an applicant authorized
14 under this act to conduct a pari-mutuel event other than
15 simulcasting.

16 *****
17 *****
18 STAFF COMMENT
19 This bill draft would repeal existing law (W.S. 11-25-
20 102(a)(vii)(C) that prohibits simulcasting within 100 miles
21 of "any premises permitted under this act". The Co-
22 Chairmen requested discussion of the 100-mile rule, which
23 currently reads:

24 (C) No simulcasting may be
25 conducted within one hundred (100) miles of
26 any premises permitted under this act,
27 except that the commission may waive the one
28 hundred (100) mile limitation if the
29 simulcast permit application includes
30 written approval from the permittee whose

1 permitted premises is within the one hundred
2 (100) mile limitation;
3

4 If the Committee wishes to include the 100-mile limitation,
5 the following language would clarify that simulcasting is
6 prohibited within 100 miles of a permitted pari-mutuel
7 event *while the event is occurring*. This limitation is
8 consistent with the Wyoming Gaming Commission's rules and
9 the 2015 informal opinion letter issued by the Attorney
10 General:
11

12 "No simulcasting may be conducted
13 within one hundred (100) miles of any live pari-
14 mutuel event permitted under this act during the
15 time the event is being held, except that the
16 commission may waive the one hundred (100) mile
17 limitation if the simulcasting permitholder
18 obtains written approval from live pari-mutuel
19 event permitholder conducting the event;"

20 *****
21 *****
22

23 (e) An applicant for a simulcasting permit or renewal
24 shall:

25

26 (i) File an application for approval with the
27 local approving authority. Renewal applications shall be
28 filed not later than ninety (90) days prior to expiration
29 of the permit;
30

31 (ii) At the time of filing the application, pay
32 an amount sufficient to reimburse the actual cost of
33 publishing notice of the application;

1

2 (iii) Identify in the application the specific
3 location in the city, town or county where simulcasting
4 will be conducted and the number of historic horse racing
5 terminals to be permitted at that location.

6

7 (f) After receipt of an approval or renewal
8 application, the local approving authority shall promptly
9 prepare and publish notice of the application in a
10 newspaper of local circulation once a week for two (2)
11 consecutive weeks and shall post the notice on its official
12 website. The notice shall state that the named applicant
13 has applied for approval or renewal of a simulcasting
14 permit, that protests against the issuance or renewal of
15 the permit, if any, will be heard at a designated meeting
16 of the local approving authority, and shall include the
17 date, time and meeting place of the designated meeting. For
18 a renewal application, the local approving authority shall
19 hold the designated meeting not later than thirty (30) days
20 prior to expiration of the permit. The permitholder may, in
21 advance of the designated meeting, request a contested case
22 hearing in accordance with the Wyoming Administrative
23 Procedure Act.

1

2 *****

3 *****

4 STAFF COMMENT

5 The authority to request a contested case hearing prior to
6 the designated meeting (highlighted above) was adopted to
7 2025 House Bill 85 by the House Travel Committee. Note that
8 the Wyoming Administrative Procedure Act (WAPA) applies
9 only to "agencies" as defined in W.S. 16-3-101(b)(i), which
10 expressly excludes the governing bodies of cities and
11 towns. As a result, it is unclear how this contested case
12 hearing requirement is intended to operate when the local
13 approving authority is a city or town council.
14 Clarification may be needed to identify the intent of this
15 provision.

16 *****

17 *****

18

19 (g) A local approving authority, in considering the
20 approval or renewal of simulcasting permits issued by the
21 commission:

22

23 (i) Shall not approve or deny an application
24 before the date set for the designated meeting in the
25 published notice of the application;

26

27 (ii) Shall not consider, modify or impose
28 conditions that are solely within the jurisdiction of the
29 commission;

30

1 (iii) May impose reasonable conditions on
2 approval, which shall be negotiated in good faith with the
3 applicant, including the following:

4

5 (A) A schedule of operating hours for the
6 permitted premises, provided the hours of operation shall
7 not be more restrictive than the hours of operation for
8 alcohol sales set pursuant to W.S. 12-5-101 for the holder
9 of a retail liquor license under W.S. 12-4-201;

10

11 (B) Designation of areas within the
12 permitted premises where historic horse racing terminals
13 may be located, to the extent the designations are not
14 inconsistent with rules of the commission.

15

16 (iv) May modify any condition imposed under
17 paragraph (iii) of this subsection only upon a showing of
18 good cause;

19

20 (v) Shall grant approval for the same term as is
21 granted by the commission for the simulcasting permit, if
22 the application is approved;

23

1 (vi) Shall issue written findings and
2 conclusions if the application is denied;

3

4 (vii) Shall have the right to revoke approval or
5 deny a renewal only for good cause, which shall be limited
6 to any of the following:

7

8 (A) A breach of a reasonable condition
9 imposed by the local approving authority or the commission,
10 if the permitholder fails to take reasonable steps to cure
11 the breach within ten (10) business days after receiving
12 written notice of the breach from the local approving
13 authority or the commission, or a date agreed upon by the
14 permitholder and the local approving authority or
15 commission;

16

17 (B) Notification from the commission that
18 the permitholder has acted in violation of any Wyoming
19 gaming law specified in this chapter, W.S. 6-7-101 through
20 6-7-104 or 9-24-101 through 9-24-106;

21

22 (C) Failure to demonstrate commencement of
23 simulcasting at the permitted location within two (2) years

1 after the permit is issued. Upon a showing of good cause by
2 the permitholder, the local approving authority and
3 commission may extend the period for commencement of
4 simulcasting for one (1) additional year.

6 *****

7 *****

8 STAFF COMMENT

9
10 Note that statutory authority to deny a license to sell
11 alcoholic beverages differs in that W.S. 12-4-104(b)
12 describes when an application may be denied:

13
14 (b)... A license or permit shall not be
15 issued, renewed or transferred if the licensing
16 authority finds from evidence presented at the
17 hearing:

18
19 (i) The welfare of the people residing
20 in the vicinity of the proposed license or permit
21 premises shall be adversely and seriously
22 affected;

23
24 (ii) The purpose of this title shall
25 not be carried out by the issuance, renewal or
26 transfer of the license or permit;

27
28 (iii) The number, type and location of
29 existing licenses or permits meet the needs of
30 the vicinity under consideration;

31
32 (iv) The desires of the residents of
33 the county, city or town will not be met or
34 satisfied by the issuance, renewal or transfer of
35 the license or permit; or

36
37 (v) Any other reasonable restrictions
38 or standards which may be imposed by the
39 licensing authority shall not be carried out by

1 the issuance, renewal or transfer of the license
2 or permit.

```

3  *****
4  *****

```

(h) A simulcasting permitholder may appeal a denial of renewal or revocation of approval by the local approving authority to the district court in the county where the permitted premises are located. During the pendency of the appeal, the approval of the local approving authority for the person to conduct simulcasting shall remain in full force and effect.

(j) No applicant for a new simulcasting permit shall have a right of appeal from the decision of the local approving authority.

```

8  *****
9  *****

```

20 STAFF COMMENT

21 Subsections (j) was modeled on W.S. 12-4-104(e) for
22 licenses to sell alcoholic beverages, which reads:

24 "(e) An applicant for a renewal license or
25 permit may appeal to the district court from an
26 adverse decision by the licensing authority. No
27 applicant for a new license shall have a right of
28 appeal from the decision of the licensing
29 authority denying an application."

```

30  ****
31  ****

```

(k) Subject to local authority approval of a transfer of location, the transfer of an existing simulcasting permit shall be treated as a renewal of approval for a simulcasting permit.

STAFF COMMENT

Subsection (k) was adopted by the House Travel Committee to 2025 House Bill 85 by the House Travel Committee. It is unclear if the intent is to allow the transfer of a simulcasting permit to another person, the transfer of operations to a different location, or both. Depending on the Committee's intent, it may be necessary to revise or cross-reference the provisions of W.S. 11-25-201(g) (highlighted below), which prohibit transferring the operation or management of a pari-mutuel event permit.

Section 2. W.S. 11-25-102(a)(vii)(intro) and by creating new paragraphs (xxiii) and (xxiv), 11-25-104(g)(intro) and 11-25-201(a) are amended to read:

11-25-102. Definitions.

(a) As used in this act:

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

1 historic on interstate or intrastate pari-mutuel events as
2 prescribed by the commission; ~~The commission shall~~
3 ~~authorize simulcasting subject to the following conditions:~~

4
5 (xxiii) "Local approving authority" means the
6 local authority with responsibility to approve or deny an
7 application or renewal for a simulcasting permit issued by
8 the commission;

9
10 (xxiv) "Local authority" means the governing
11 body of a city, town or county in Wyoming.

12
13 **11-25-104. Gaming commission; officers; director;**
14 **meetings; quorum; records; licenses generally; effect of**
15 **financial interest in events.**

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

1 necessary authority as is designated by rules of the
2 commission including the following:

3

4 11-25-201. Pari-mutuel permits; fees and reports;
5 disposition of funds; enforcement of provisions.

6

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

meeting or from the operations of the pari-mutuel system.

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

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

STAFF COMMENT
The repealed provisions are copied below:

(vii) "Simulcasting" means the sale of pari-mutuel pools electronically transmitted live or historic on interstate or intrastate pari-mutuel events as prescribed by the commission. The commission shall authorize simulcasting subject to the following conditions.÷

~~(A) Simulcasting may be conducted only by a holder of a permit to simulcast issued under this act. The permit shall be authorized by the commission for a period not to exceed three (3) years from the date of issuance. The commissioners shall issue a simulcast permit only to an applicant authorized under this act to conduct a pari-mutuel event other than simulcasting;~~

1 ~~(B) Simulcasting may be conducted~~
2 ~~off the permitted premises only if the board of~~
3 ~~county commissioners of the county in which such~~
4 ~~simulcasting will be conducted grant [grants] its~~
5 ~~approval;~~

6
7 ~~(C) No simulcasting may be~~
8 ~~conducted within one hundred (100) miles of any~~
9 ~~premises permitted under this act, except that~~
10 ~~the commission may waive the one hundred (100)~~
11 ~~mile limitation if the simulcast permit~~
12 ~~application includes written approval from the~~
13 ~~permittee whose permitted premises is within the~~
14 ~~one hundred (100) mile limitation;~~

15
16 ~~(D) The commission shall~~
17 ~~promulgate rules for conducting simulcasting as~~
18 ~~are reasonably necessary to protect the public~~
19 ~~interest.~~

20 *****
21 *****
22

23 **Section 4.**

24
25 (a) Notwithstanding W.S. 11-25-210, as created by
26 this act, a person holding a simulcasting permit as of the
27 effective date of this act shall be authorized to continue
28 operations through June 30, 2027, subject to the conditions
29 of the existing permit and approval.

30
31 (b) Subject to this subsection, on and after July 1,
32 2027, a person holding a simulcasting permit as of the
33 effective date of this act shall be subject to the

1 requirements of W.S. 11-25-210. A city, town or county may
2 deny or withhold approval of a simulcasting facility
3 permitted as of the effective date of this act, only upon a
4 showing of good cause, as specified in W.S.
5 11-25-210(g)(viii).

6

7 **Section 5.** This act is effective July 1, 2026.

8

9 (END)