

**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, subject to paragraph (iii) of this
5 subsection;

6

7 (ii) If the simulcasting will be conducted
8 outside the corporate limits of any city or town the permit
9 or renewal shall be subject to approval by the board of
10 county commissioners of the county in which the
11 simulcasting will be conducted, subject to paragraph (iii)
12 of this subsection;

13

14 (iii) If the simulcasting will be conducted
15 within the corporate limits of any city or town, the permit
16 or renewal application shall be subject to review and
17 objection by the board of county commissioners of the
18 county in which the simulcasting will be conducted. If the
19 simulcasting will be conducted within one-half (1/2) mile
20 of the corporate limits of any city that has exercised the
21 authority granted under W.S. 15-3-202(b)(ii), the permit or
22 renewal application shall be subject to review and
23 objection by the governing body of that city or town. Any

1 city, town or county that objects under this paragraph
2 shall submit written findings stating the basis for the
3 objection, including impacts on land use, public safety,
4 taxation or other substantial interests. The objection
5 shall be transmitted to the local approving authority
6 within thirty (30) days of the objecting city, town or
7 county receiving the permit or renewal application. An
8 objection shall be deemed addressed once the local
9 approving authority places it on a public agenda, considers
10 the written findings and takes formal action to sustain,
11 modify or overrule the objection. No permit or renewal
12 shall be approved until all timely submitted objections
13 have been addressed.

14

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

19 *****
20 *****

21 **STAFF COMMENT**

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

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

10 If the Committee wishes to include the 100-mile limitation,
11 the following language would clarify that simulcasting is
12 prohibited within 100 miles of a permitted pari-mutuel
13 event *while the event is occurring*. This limitation is
14 consistent with the Wyoming Gaming Commission's rules and
15 the 2015 informal opinion letter issued by the Attorney
16 General:
17

18 "No simulcasting may be conducted
19 within one hundred (100) miles of any live pari-
20 mutuel event permitted under this act during the
21 time the event is being held, except that the
22 commission may waive the one hundred (100) mile
23 limitation if the simulcasting permitholder
24 obtains written approval from live pari-mutuel
25 event permitholder conducting the event;"
26 *****
27 *****
28

29 (e) An applicant for a simulcasting permit or renewal
30 shall:
31

32 (i) File an application for approval with the
33 local approving authority. Renewal applications shall be
34 filed not later than ninety (90) days prior to expiration
35 of the permit;
36

1 (ii) At the time of filing the application, pay
2 an amount sufficient to reimburse the actual cost of
3 publishing notice of the application;

4

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

9

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

1

2 (g) A local approving authority, in considering the
3 approval or renewal of simulcasting permits issued by the
4 commission:

5

6 (i) Shall not approve or deny an application
7 before the date set for the designated meeting in the
8 published notice of the application;

9

10 (ii) Shall not consider, modify or impose
11 conditions that are solely within the jurisdiction of the
12 commission;

13

14 (iii) May impose reasonable conditions on
15 approval, which shall be negotiated in good faith with the
16 applicant, including the following:

17

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

23

1 (B) Designation of areas within the
2 permitted premises where historic horse racing terminals
3 may be located, to the extent the designations are not
4 inconsistent with rules of the commission.

5

6 (iv) May modify any condition imposed under
7 paragraph (iii) of this subsection only upon a showing of
8 good cause;

9

10 (v) Shall grant approval for the same term as is
11 granted by the commission for the simulcasting permit, if
12 the application is approved;

13

14 (vi) Shall issue written findings and
15 conclusions if the application is denied;

16

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

20

21 (A) A breach of a reasonable condition
22 imposed by the local approving authority or the commission,
23 if the permitholder fails to take reasonable steps to cure

1 the breach within ten (10) business days after receiving
2 written notice of the breach from the local approving
3 authority or the commission, or a date agreed upon by the
4 permitholder and the local approving authority or
5 commission;

6
7 (B) Notification from the commission that
8 the permitholder has acted in violation of any Wyoming
9 gaming law specified in this chapter, W.S. 6-7-101 through
10 6-7-104 or 9-24-101 through 9-24-106;

11
12 (C) Failure to demonstrate commencement of
13 simulcasting at the permitted location within two (2) years
14 after the permit is issued. Upon a showing of good cause by
15 the permitholder, the local approving authority and
16 commission may extend the period for commencement of
17 simulcasting for one (1) additional year.

18
19 *****
20 *****
21 STAFF COMMENT
22
23 Note that statutory authority to deny a license to sell
24 alcoholic beverages differs in that W.S. 12-4-104(b)
25 describes when an application may be denied:
26

1 (b)... A license or permit shall not be
2 issued, renewed or transferred if the licensing
3 authority finds from evidence presented at the
4 hearing:

5
6 (i) The welfare of the people residing
7 in the vicinity of the proposed license or permit
8 premises shall be adversely and seriously
9 affected;

10
11 (ii) The purpose of this title shall
12 not be carried out by the issuance, renewal or
13 transfer of the license or permit;

14
15 (iii) The number, type and location of
16 existing licenses or permits meet the needs of
17 the vicinity under consideration;

18
19 (iv) The desires of the residents of
20 the county, city or town will not be met or
21 satisfied by the issuance, renewal or transfer of
22 the license or permit; or

23
24 (v) Any other reasonable restrictions
25 or standards which may be imposed by the
26 licensing authority shall not be carried out by
27 the issuance, renewal or transfer of the license
28 or permit.

29 *****
30 *****
31

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

1

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

5

6 *****
7 *****

8 STAFF COMMENT
9 Subsections (j) was modeled on W.S. 12-4-104(e) for
10 licenses to sell alcoholic beverages, which reads:

11

12 "(e) An applicant for a renewal license or
13 permit may appeal to the district court from an
14 adverse decision by the licensing authority. No
15 applicant for a new license shall have a right of
16 appeal from the decision of the licensing
17 authority denying an application."

18 *****
19 *****

20

21 (k) A change in the location of simulcasting by an
22 existing simulcasting permitholder shall be treated by the
23 commission as a renewal of the simulcasting permit and
24 shall require approval by the local approving authority
25 under this section.

26 *****
27 *****

28 STAFF COMMENT
29 Subsection (k) was amended following the August Select
30 Committee meeting to capture the perceived intent of the
31 subsection.

32 *****
33 *****

34

1 **Section 2.** W.S. 11-25-102(a)(vii)(intro) and by
2 creating new paragraphs (xxiii) and (xxiv),
3 11-25-104(g)(intro) and 11-25-201(a) are amended to read:

4
5 **11-25-102. Definitions.**

6
7 (a) As used in this act:

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) "Local approving authority" means the
16 local authority with responsibility to approve or deny an
17 application or renewal for a simulcasting permit issued by
18 the commission;

19
20 (xxiv) "Local authority" means the governing
21 body of a city, town or county in Wyoming.

1 11-25-104. Gaming commission; officers; director;
2 meetings; quorum; records; licenses generally; effect of
3 financial interest in events.
4

5 (g) The commission may delegate authority to enforce
6 rules of the commission and this act to three (3) stewards
7 at each live pari-mutuel event, at least one (1) of whom
8 shall be an employee of and selected by the commission. ~~The~~
9 ~~commission shall require at least one (1) steward to~~
10 ~~supervise each simulcast location that is approved by the~~
11 ~~commission.~~ Stewards shall exercise such reasonable and
12 necessary authority as is designated by rules of the
13 commission including the following:
14

15 11-25-201. Pari-mutuel permits; fees and reports;
16 disposition of funds; enforcement of provisions.
17

18 (a) The commission may issue pari-mutuel permits for
19 a specified period not to exceed three (3) years from the
20 date of issuance to any Wyoming county, city, incorporated
21 town, county fair board or any corporation or association
22 ~~which~~ that has been approved by the board of county
23 commissioners, except as provided for simulcasting permits

1 in W.S. 11-25-210, and that provides a bond acceptable to
2 the commission. No permit shall be granted to any city,
3 town, county, county fair board or any corporation or
4 association except upon the express condition that it shall
5 not, by any lease, contract, understanding or arrangement
6 of whatever kind or nature, grant, assign or turn over to
7 any person, corporation or association the operation or
8 management of the pari-mutuel event permitted under this
9 act or of the pari-mutuel system of wagering or in any
10 manner permit any person, corporation or association to
11 retain any of the money received for admission to the race
12 meeting or from the operations of the pari-mutuel system.
13 The commission shall revoke the permit of any permittee for
14 any violation of the foregoing condition and such acts are
15 a violation of this act. The permit is effective only for
16 the times and at the places for which issued. In addition
17 to all other fees and charges, there shall be charged
18 before issuance of a permit a daily fee established by the
19 commission to defray expenses of enforcing this act.

20

21 **Section 3.** W.S. 11-25-102(a)(vii)(A) through (D) is
22 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;~~

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

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

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

1 Section 4.

2

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

8

9 (b) Subject to this subsection, on and after July 1,
10 2027, a person holding a simulcasting permit as of the
11 effective date of this act shall be subject to the
12 requirements of W.S. 11-25-210. A city, town or county may
13 deny or withhold approval of a simulcasting facility
14 permitted as of the effective date of this act, only upon a
15 showing of good cause, as specified in W.S.
16 11-25-210(g)(viii).

17

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

19

20 (END)