



HB0171

Wyoming gaming commission.

Sponsored By: Joint Travel, Recreation, Wildlife & Cultural Resources Interim Committee

AN ACT relating to gaming; generally amending statutes concerning pari-mutuel events, gaming and gambling; reconstituting the pari-mutuel commission as the Wyoming gaming commission and increasing membership; establishing duties for the commission; regulating skill based amusement games as specified; authorizing skill based amusement game fees, collections and distributions as specified; creating an account; providing for a continuous appropriation; authorizing commission employees to be peace officers and authorizing enforcement by the attorney general as specified; providing penalties; providing applicability; requiring rulemaking; making conforming amendments; requiring reports; and providing for an effective date.

2/10/2020 Bill Number Assigned
2/11/2020 H Received for Introduction
2/12/2020 H Introduced and Referred to H02 - Appropriations 46-14-0-0-0

ROLL CALL

Ayes: Representative(s) Barlow, Blackburn, Brown, Burkhart, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Eklund, Eyre, Flitner, Freeman, Furphy, Greear, Haley, Hallinan, Harshman, Henderson, Kirkbride, Larsen Lloyd, Loucks, Macguire, Miller, Newsome, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Roscoe, Schwartz, Sommers, Stith, Tass, Washut, Western, Wilson, Winter, Yin, Zwonitzer
Nays: Representative(s) Blake, Burlingame, Edwards, Gray, Hunt, Jennings, Kinner, Laursen Dan, Lindholm, Salazar, Simpson, Styvar, Sweeney, Walters
Ayes 46 Nays 14 Excused 0 Absent 0 Conflicts 0

2/25/2020 H02 - Appropriations:Recommend Amend and Do Pass 7-0-0-0-0

ROLL CALL

Ayes: Representative(s) Kinner, Larsen, Nicholas, Olsen, Schwartz, Sommers, Walters
Ayes 7 Nays 0 Excused 0 Absent 0 Conflicts 0

2/25/2020 H Placed on General File

HB0171HS001/ADOPTED

That Substitute No. 1 for HB 0171 DO PASS. NICHOLAS, CHAIRMAN

2/25/2020 H COW:Passed

HB0171H2001/FAILED

**(CORRECTED COPY)
[TO SUBSTITUTE BILL No. 1]**

- Page 7-line 6 Delete "(D)(I), (F)(intro) and".
- Page 7-line 10 After "(e)" insert ",".
- Page 7-line 11 Delete line though "(n)".
- Page 9-lines 1 through 21 Delete entirely.

Page 16-lines 16 through 23 Delete entirely.
LINDHOLM, OLSEN, SALAZAR

HB0171H2002/ADOPTED (CORRECTED COPY)
[TO SUBSTITUTE BILL No. 1]

Page 3-line 11 After "decal." insert "Each decal shall include the bucking horse and rider emblem.". LINDHOLM, OLSEN, SALAZAR

HB0171H2003/FAILED
[TO SUBSTITUTE BILL No. 1]

Page 1-line 6 Before "as specified" insert "and video gaming terminals"; delete "skill based amusement".

Page 1-line 8 After "account;" insert "providing for a continuous appropriation;".

Page 1-line 10 After "as specified;" insert "providing penalties;".

Page 2-line 5 Delete "June 30, 2021" and insert "September 30, 2020".

Page 4-line 19 Delete "June 30,".

Page 4-line 20 Delete "2021" and insert "September 30, 2020".

Page 4-line 22 Delete "June".

Page 5-line 1 Delete "30, 2021" and insert "September 30, 2020".

Page 5-line 5 Delete "gross income" and insert "net proceeds".

Page 5-line 8 Delete "gross income" and insert "net proceeds".

Page 5-after line 13 Insert:

"(n) Commencing October 1, 2020 a sixty-one (61) day transition period shall occur. Those establishments that apply for an establishment permit under W.S. 11-25-202, as created by this act, may continue to have skill based amusement games in the establishment so long as the skill based amusement games continue to meet the requirements of this section. Those operators that apply for a vendor permit under W.S. 11-25-202 may continue to operate skill based amusement games so long as the skill based amusement games continue to meet the requirements of this section. Commencing December 1, 2020, an establishment shall only have skill based amusement games within an establishment if the establishment and skill based amusement games are properly permitted under W.S. 11-25-202. Commencing December 1, 2020, operators shall only operate skill based amusement games if properly permitted under W.S. 11-25-202. During this transition period, if the commission rejects an establishment's application under W.S. 11-25-202 or the establishment fails to receive a permit under W.S. 11-25-202, the establishment shall not be authorized to have any skill based amusement game within the establishment. During this transition period, if the commission rejects an operator's application under W.S. 11-25-202 or the operator fails to receive a permit under W.S. 11-25-202, the operator shall not be authorized to possess or operate a skill based amusement game in Wyoming.

Any skill based amusement game not authorized under W.S. 11-25-202 on or after December 1, 2020 shall be immediately removed from the state."

Page 5-line 15 Delete "(n)" and insert "(o)".

Page 5-line 16 After "implement" insert ", enforce".

Page 5-line 18 Delete "(o)" and insert "(p)".

Page 5-line 21 Delete "(p)" and insert "(q)".

Page 6-line 7 Delete "Gross income" and insert "Net proceeds".

Page 6-line 8 Delete entirely and insert "the payment to the player;".

Page 6-lines 10 through 13 Delete entirely.

Page 6-line 15 Delete "(v)" and insert "(iv)".

Page 6-line 18 Delete "(vi)" and insert "(v)".

Page 7-after line 3 Insert:

"Section 2. W.S. 11-25-201 through 11-25-205 are created to read:

ARTICLE 2
AUTHORIZED GAMING TERMINALS

11-25-201. Definitions.

(a) As used in this article:

(i) "Authorized gaming terminal" means a player activated video gaming terminal that in exchange for consideration of cash, credit or other thing of value allows the player to play a game for which the player has an opportunity to win cash, credit or other thing of value;

(ii) "Commission" means the commission created under W.S. 11-25-101;

(iii) "Establishment" means a single physical place of business;

(iv) "Net proceeds" means all revenue less the payment to the player;

(v) "Terminal data collection and control system" means a computerized system that:

(A) Each authorized gaming terminal is connected to using standard industry protocols;

(B) Can activate or deactivate an authorized gaming terminal from a remote location; and

(C) Is capable of monitoring and auditing authorized gaming terminal plays.

(vi) "Vendor" means a person that possesses and operates authorized gaming terminals for profit.

11-25-202. Permits; fees; requirements; rulemaking.

(a) The commission shall regulate authorized gaming terminals, establishments with authorized gaming terminals and vendors of authorized gaming terminals. An establishment shall possess a permit issued by the commission to allow the operation of authorized gaming terminals. A vendor shall possess a permit issued by the commission to possess or operate an authorized gaming terminal in Wyoming.

(b) Commencing December 1, 2020, only commission approved vendors may operate authorized gaming terminals in the state, only commission approved establishments may have authorized gaming terminals in an establishment and only commission approved authorized gaming terminals may be operated in the state. This article shall not apply to pari-mutuel wagering on events that have previously occurred or to gaming activities conducted on the Wind River Indian Reservation.

(c) A person applying for an initial establishment or vendor permit shall do so on a uniform application furnished by the commission. The applicant shall pay a commission established fee and provide the commission information and permission necessary for a criminal history record background check. The commission shall perform criminal background investigations on all permit applicants as it determines necessary. The commission shall begin accepting establishment and vendor applications on October 1, 2020.

(d) The commission may issue permits to qualified applicants. The commission shall develop a list of objective criteria upon which the qualification of establishments and vendors shall be based.

(e) The commission shall charge a fee of five hundred dollars (\$500.00) for an initial establishment permit. The commission shall charge a fee of five thousand dollars (\$5,000.00) for an initial vendor permit. Permit renewal fees shall be one-half (1/2) of the amount of initial permit fees.

(f) Permit fees charged pursuant to subsection (e) of this section shall be remitted to the state treasurer for deposit in the commission gaming account. Amounts within the account may be used by the commission for operating expenses incurred in administering this article.

(g) The commission shall regulate authorized gaming terminals in accordance with the following:

(i) No authorized gaming terminal shall allow a game play of more than three dollars (\$3.00) per play;

(ii) No authorized gaming terminal shall allow a payout of more than three thousand dollars (\$3,000.00) per play;

(iii) Each authorized gaming terminal shall be connected to a terminal data collection and control system approved by the commission. The terminal data collection and control system shall:

(A) Calculate net proceeds earned by each vendor on an authorized gaming terminal;

(B) Submit not less than weekly to the commission a report on all activities of the authorized gaming terminal;

(C) Deauthorize play any time the authorized gaming terminal is not in compliance with all applicable statutes and rules of the commission.

(iv) An establishment shall have not more than four (4) authorized gaming terminals at any one (1) time;

(v) An establishment shall not locate an authorized gaming terminal in an area of the establishment into which a person under the age of twenty-one (21) years may enter. An establishment shall conspicuously mark each area of the establishment with an authorized gaming terminal as an "age restricted area";

(vi) An establishment shall not allow a person under the age of twenty-one (21) years to play an authorized gaming terminal;

(vii) Each commission approved authorized gaming terminal shall bear a commission issued decal. The decal shall identify the vendor of the authorized gaming terminal. Decals shall not be transferred between authorized gaming terminals. A decal shall be valid for twelve (12) months. The commission shall charge an annual fee of fifty dollars (\$50.00) for a decal. Fees charged pursuant to this paragraph shall be remitted to the state treasurer for deposit in the commission gaming account;

(viii) The commission shall establish a reasonable average payout ratio to minimize problem gambling.

(h) The commission shall promulgate any necessary rules to administer and enforce this article.

11-25-203. Distributions to state, counties, cities and towns; vendors and establishments.

(a) Taxes shall be calculated and paid on a weekly basis based on the net proceeds earned during the prior week on authorized gaming terminals as provided by the terminal data collection and control system.

(b) On a weekly basis, a vendor shall remit to the commission an amount equivalent to twenty-four percent (24%) of the net proceeds earned during the prior week on the vendor's authorized gaming terminals. The commission shall remit these monies to the state treasurer for distribution to the county and the city or town in which the authorized gaming terminal is located, in equal shares, or to the county alone if the authorized gaming terminal is not located within the boundaries of a city or town.

(c) On a weekly basis, a vendor shall remit to the commission an amount equivalent to twenty-four percent (24%) of the net proceeds earned during the prior week on the vendor's authorized gaming terminals. The commission shall remit these monies to the state treasurer for distribution to the school foundation program account.

(d) On a weekly basis, a vendor shall remit to the commission an amount equivalent to two percent (2%) of the net proceeds earned during the prior week on the vendor's authorized gaming terminals. The commission shall deposit these monies in the commission gaming account to be used for operating expenses of the commission.

(e) Twenty-one percent (21%) of the net proceeds earned during the prior week on an authorized gaming terminal shall be distributed to the establishment. Twenty-nine percent (29%) of net proceeds earned during the prior week on an authorized gaming terminal shall be retained by the vendor.

11-25-204. Penalties.

Any person who violates any provision of this article is guilty of a misdemeanor and shall be fined not more than ten thousand dollars (\$10,000.00), imprisoned for not more than six (6) months, or both.

11-25-205. Authority of cities, towns and counties.

A city, town or county by local ordinance or resolution may prohibit any person operating authorized gaming terminals within the local jurisdiction."

- Page 7-line 5 Delete "**Section 2.**" and insert "**Section 3.**".
- Page 7-line 6 After "6-7-101(a)(iii)" insert "(A),".
- Page 7-line 7 After "(M)" insert "and by creating a new paragraph (xiii)".
- Page 8-line 11 After "duties" insert "or when responding to a request to assist other peace officers acting within the scope of their official duties in their own jurisdiction".
- Page 8-after line 22 Insert:

"(A) Bona fide contests of skill, speed, strength or endurance in which awards are made only to entrants or the owners of entries. This exception shall not include skill based amusement games";".
- Page 10-after line 2 Insert:

"(xiii) "Skill based amusement game" means a game played in exchange for consideration of cash, credit or other thing of value on a fixed, commercial electrical gaming device in which the bona fide skill of the player, determined by an individual's level of strategy and skill, is a factor in determining the outcome and for which the player may be awarded a prize or other thing of value for a successful outcome.".
- Page 10-line 17 After "duties" insert "or when responding to a request to assist other peace officers acting within the scope of their official duties in their own jurisdiction".
- Page 19-line 9 Delete "**Section 3.**" and insert "**Section 4.**".
- Page 20-line 6 Delete "**Section 4.**" and insert "**Section 5.**".
- Page 20-line 11 Delete "**Section 5.**" and insert "**Section 6.**".

Page 21-line 4 Delete "**Section 6.**" and insert "**Section 7.**".
HARSHMAN

2/26/2020 H 2nd Reading:Passed

HB0171H3001/WITHDRAWN

HB0171H3002/FAILED

[TO SUBSTITUTE BILL No. 1]

Delete the Washut third reading amendment (HB0171H3001/A) entirely and further amend as follows:

Page 1-line 6 Before "as specified" insert "and video gaming terminals"; delete "skill based amusement".

Page 1-line 8 After "account;" insert "providing for a continuous appropriation;".

Page 1-line 10 After "as specified;" insert "providing penalties;".

Page 2-line 5 Delete "June 30, 2021" and insert "September 30, 2020".

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Page 5-line 15 Delete "(n)" and insert "(o)".

Page 5-line 16 After "implement" insert ", enforce".

Page 5-line 18 Delete "(o)" and insert "(p)".

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Page 6-line 8 Delete entirely and insert "the payment to the player;".

Page 6-lines 10 through 13 Delete entirely.

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(iii) "Establishment" means a single physical place of business;

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(A) Each authorized gaming terminal is connected to using standard industry protocols;

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(i) No authorized gaming terminal shall allow a game play of more than three dollars (\$3.00) per play;

(ii) No authorized gaming terminal shall allow a payout of more than three thousand dollars (\$3,000.00) per play;

(iii) Each authorized gaming terminal shall be connected to a terminal data collection and control system approved by the commission. The terminal data collection and control system shall:

(A) Calculate net proceeds earned by each vendor on an authorized gaming terminal;

(B) Submit not less than weekly to the commission a report on all activities of the authorized gaming terminal;

(C) Deauthorize play any time the authorized gaming terminal is not in compliance with all applicable statutes and rules of the commission.

(iv) An establishment shall have not more than four (4) authorized gaming terminals at any one (1) time;

(v) An establishment shall not locate an authorized gaming terminal in an area of the establishment into which a person under the age of twenty-one (21) years may enter. An establishment shall conspicuously mark each area of the establishment with an authorized gaming terminal as an "age restricted area";

(vi) An establishment shall not allow a person under the age of twenty-one (21) years to play an authorized gaming terminal;

(vii) Each commission approved authorized gaming terminal shall bear a commission issued decal. The decal shall identify the vendor of the authorized gaming terminal. Decals shall not be transferred between authorized gaming terminals. A decal shall be valid for twelve (12) months. The commission shall charge an annual fee of fifty dollars (\$50.00) for a decal. Fees charged pursuant to this paragraph shall be remitted to the state treasurer for deposit in the commission gaming account;

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11-25-204. Penalties.

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11-25-205. Authority of cities, towns and counties.

A city, town or county by local ordinance or resolution may prohibit any person operating authorized gaming terminals within the local jurisdiction."

Page 7-line 5 Delete "**Section 2.**" and insert "**Section 3.**".

Page 7-line 6 After "6-7-101(a)(iii)" insert "(A), "; delete ", (F)(intro)".

Page 7-line 7 After "(M)" insert "and by creating a new paragraph (xiii)".

Page 8-line 11 After "duties" insert "or when responding to a request to assist other peace officers acting within the scope of their official duties in their own jurisdiction".

Page 8-after line 22 Insert:

"(A) Bona fide contests of skill, speed, strength or endurance in which awards are made only to entrants or the owners of entries. This exception shall not include skill based amusement games";".

Page 9-lines 14 through 21 Delete entirely.

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"(xiii) "Skill based amusement game" means a game played in exchange for consideration of cash, credit or other thing of value on a fixed, commercial electrical gaming device in which the bona fide skill of the player, determined by an individual's level of strategy and skill, is a factor in determining the outcome and for which the player may be awarded a prize or other thing of value for a successful outcome.".

Page 10-line 17 After "duties" insert "or when responding to a request to assist other peace officers acting within the scope of their official duties in their own jurisdiction".

Page 16-line 17 Delete "or (F)".

Page 19-line 9 Delete "**Section 3.**" and insert "**Section 4.**".

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Page 20-line 11 Delete "**Section 5.**" and insert "**Section 6.**".

Page 21-line 4 Delete "**Section 6.**" and insert "**Section 7.**".
HARSHMAN

HB0171H3003/FAILED

[TO SUBSTITUTE BILL No. 1]

Delete the Washut third reading amendment (HB0171H3001/A) entirely and the Harshman third reading amendment (HB0171H3002/A) entirely and further amend as follows:

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operator fails to receive a permit under W.S. 11-25-202, the operator shall not be authorized to possess or operate a skill based amusement game in Wyoming. Any skill based amusement game not authorized under W.S. 11-25-202 on or after December 1, 2020 shall be immediately removed from the state."

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(A) In exchange for consideration of cash, credit or other thing of value allows the player to play a game for which the player has an opportunity to win cash, credit or other thing of value; and

(B) Is not capable of using a compensating algorithm or random number generator to affect the outcome of the game.

(ii) "Commission" means the commission created under W.S. 11-25-101;

(iii) "Establishment" means a single physical place of business;

(iv) "Net proceeds" means all revenue less the payment to the player;

(v) "Qualified truck stop facility" means a facility that:

(A) Is equipped with pumps for fueling commercial motor vehicles;

(B) Has sold not less than fifty thousand (50,000) gallons of diesel fuel or bio diesel fuel on average for each of the previous twelve (12) months, as determined by the commission;

(C) Contains not less than twenty (20) parking spaces dedicated for the use of commercial motor vehicles;

(D) Contains a store that sells food and beverages; and

(E) Is situated on one (1) developed site three (3) acres or more in size, which is owned or leased by the operator of the facility.

(vi) "Terminal data collection and control system" means a computerized system that:

(A) Each authorized gaming terminal is connected to using standard industry protocols;

(B) Can activate or deactivate an authorized gaming terminal from a remote location; and

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(b) Commencing December 1, 2020, only commission approved vendors may operate authorized gaming terminals in the state, only commission approved establishments may have authorized gaming terminals in an establishment and only commission approved authorized gaming terminals may be operated in the state. This article shall not apply to pari-mutuel wagering on events that have previously occurred or to gaming activities conducted on the Wind River Indian Reservation.

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(g) The commission shall regulate authorized gaming terminals in accordance with the following:

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(ii) No authorized gaming terminal shall allow a payout of more than three thousand dollars (\$3,000.00) per play;

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(C) Deauthorize play any time the authorized gaming terminal is not in compliance with all applicable statutes and rules of the commission.

(iv) An establishment shall have not more than four (4) authorized gaming terminals at any one (1) time;

(v) An establishment shall not locate an authorized gaming terminal in an area of the establishment into which a person under the age of twenty-one (21) years may enter. An establishment shall conspicuously mark each area of the establishment with an authorized gaming terminal as an "age restricted area";

(vi) An establishment shall not allow a person under the age of twenty-one (21) years to play an authorized gaming terminal;

(vii) Each commission approved authorized gaming terminal shall bear a commission issued decal. The decal shall identify the vendor of the authorized gaming terminal. Decals shall not be transferred between authorized gaming terminals. A decal shall be valid for twelve (12) months. The commission shall charge an annual fee of fifty dollars (\$50.00) for a decal. Fees charged pursuant to this paragraph shall be remitted to the state treasurer for deposit in the commission gaming account;

(viii) An authorized gaming terminal shall only be operable for play when located in:

(A) An establishment that possesses a valid license issued under W.S. 12-4-201, 12-4-301, 12-4-401, 12-4-407 or 12-4-413; or

(B) A qualified truck stop facility.

(ix) The commission shall establish a reasonable average payout ratio to minimize problem gambling.

(h) The commission shall promulgate any necessary rules to administer and enforce this article.

11-25-203. Distributions to state, counties, cities and towns; vendors and establishments.

(a) Taxes shall be calculated and paid on a weekly basis based on the net proceeds earned during the prior week on authorized gaming terminals as provided by the terminal data collection and control system.

(b) On a weekly basis, a vendor shall remit to the commission an amount equivalent to fourteen percent (14%) of the net proceeds earned during the prior week on the vendor's authorized gaming terminals. The commission shall remit these monies to the state treasurer for distribution to the county and the city or town in which the authorized gaming terminal is located, in equal shares, or to the county alone if the authorized gaming terminal is not located within the boundaries of a city or town.

(c) On a weekly basis, a vendor shall remit to the commission an amount equivalent to fourteen percent (14%) of the net proceeds earned during the prior week on the vendor's authorized gaming terminals. The commission shall remit these monies to the state treasurer for distribution to the school foundation program account.

(d) On a weekly basis, a vendor shall remit to the commission an amount equivalent to two percent (2%) of the net proceeds earned during the prior week on the vendor's authorized gaming terminals. The commission shall deposit these monies in the commission gaming account to be used for operating expenses of the commission.

(e) Thirty-one percent (31%) of the net proceeds earned during the prior week on an authorized gaming terminal shall be distributed to the establishment. Thirty-nine percent (39%) of net proceeds earned during the prior week on an authorized gaming terminal shall be retained by the vendor.

11-25-204. Penalties.

Any person who violates any provision of this article is guilty of a misdemeanor and shall be fined not more than ten thousand dollars (\$10,000.00), imprisoned for not more than six (6) months, or both.

11-25-205. Authority of cities, towns and counties.

Commencing December 1, 2020, no person shall operate an authorized gaming terminal in a city, town or county unless the city, town or county has authorized by local ordinance or resolution the operation of authorized gaming terminals within the local jurisdiction."

Page 7-line 6 After "6-7-101(a)(iii)" insert "(A),".

Page 7-line 7 After "(M)" insert "and by creating a new paragraph (xiii)".

Page 8-line 11 After "duties" insert "or when responding to a request to assist other peace officers acting within the scope of their official duties in their own jurisdiction".

Page 8-after line 22 Insert:
"(A) Bona fide contests of skill, speed, strength or endurance in which awards are made only to entrants or the owners of entries. This exception shall not include skill based amusement games;".

Page 10-after line 2 Insert:
"(xiii) "Skill based amusement game" means a game played in exchange for consideration of cash, credit or other thing of value on a fixed, commercial electrical gaming device in which the bona fide skill of the player, determined by an individual's level of strategy and skill, is a factor in determining the outcome and for which the player may be awarded a prize or other thing of value for a successful outcome.".

Page 10-line 17 After "duties" insert "or when responding to a request to assist other peace officers acting within the scope of their official duties in their own jurisdiction".

Page 19-line 9 Delete "**Section 3.**" and insert "**Section 4.**".

Page 20-line 6 Delete "**Section 4.**" and insert "**Section 5.**".

Page 20-line 11 Delete "**Section 5.**" and insert "**Section 6.**".

Page 21-line 4 Delete "**Section 6.**" and insert "**Section 7.**".
FLITNER

HB0171H3004/WITHDRAWN

HB0171H3005/ADOPTED

[TO SUBSTITUTE BILL No. 1]

Page 1-line 10 After "as specified;" insert "providing penalties;".

Page 7-after line 3 Insert and renumber as necessary:

"(q) Any person who violates any provision of this section is guilty of a misdemeanor and shall be fined not more than ten thousand dollars (\$10,000.00), imprisoned for not more than six (6) months, or both.". WALTERS

HB0171H3006/WITHDRAWN

HB0171H3007/FAILED

[TO SUBSTITUTE BILL No. 1]

Delete the Harshman third reading amendment (HB0171H3002/A) entirely, the Flitner third reading amendment (HB0171H3003/A) entirely, the Tass third reading amendment (HB0171H3004/A) entirely and the Walters third reading amendment (HB0171H3005/A) entirely and further amend as follows:

Page 1-line 5 After "commission;" delete balance of line.

Page 1-line 6 Delete entirely.

Page 1-line 7 Delete entirely.

Page 1-line 8 Delete "account;".

Page 2-lines 1 through 23 Delete entirely including the Tass third reading amendment (HB0171H3006/A) to these lines.

Page 3-lines 1 through 22 Delete entirely including the Lindholm, et al. second reading amendment (HB0171H2002/AC) to these lines.

Page 4-lines 1 through 22 Delete entirely.

Page 5-lines 1 through 21 Delete entirely.

Page 6-lines 1 through 23 Delete entirely.

Page 7-lines 1 through 3 Delete entirely.

Page 7-lines 5 Delete "2" and insert "1".

Page 19-line 9 Delete "3" and insert "2".

Page 20-line 6 Delete "4" and insert "3".

Page 20-line 11 Delete "5" and insert "4".

Page 21-line 4 Delete "6" and insert "5".

To the extent required by this amendment: adjust totals; and renumber as necessary. WASHUT, TASS

HB0171H3008/ADOPTED

[TO SUBSTITUTE BILL No. 1]

Delete the Washut third reading amendment (HB0171H3001/A) entirely.

Delete the Flitner third reading amendment (HB0171H3003/A) entirely.

Delete the Washut, et al. third reading amendment (HB0171H3007/A) entirely.

Further amend as follows:

Page 7-after line 3 Insert and renumber as necessary:

"(q) This section is repealed effective July 1, 2021."

Page 7-line 6 After "6-7-101(a)(iii)" insert "(A),"; delete "and" and insert ",".

Page 7-line 7 After "(M)" insert "and by creating a new paragraph (xiii)".

Page 7-line 11 Delete "a new subsection (n)" and insert "new subsections (n) and (o)".

Page 8-after line 22 Insert:

"(A) Bona fide contests of skill, speed, strength or endurance in which awards are made only to entrants or the owners of entries. This exception shall not include skill based amusement games;".

Page 10-after line 2 Insert:

"(xiii) "Skill based amusement game" means a game played in exchange for consideration of cash, credit or other thing of value on a fixed, commercial electrical gaming device in which the bona fide skill of the player, determined by an individual's level of strategy and skill, is a factor in determining the outcome and for which the player may be awarded a prize or other thing of value for a successful outcome."

Page 16-after line 23 Insert:

"(o) In addition to all other duties, the commission, in the reasonable exercise of its discretion, shall enforce W.S. 6-7-101 through 6-7-104."
HARSHMAN

2/27/2020 H 3rd Reading:Passed 43-16-1-0-0

ROLL CALL

Ayes: Representative(s) Barlow, Blake, Burkhart, Burlingame, Clausen, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Eklund, Flitner, Freeman, Furphy, Greear, Haley, Hallinan, Harshman, Henderson, Hunt, Kirkbride, Larsen Lloyd, Loucks, Macguire, Newsome, Nicholas, Northrup, Obermueller, Paxton, Pelkey, Pownall, Roscoe, Schwartz, Sommers, Stith, Sweeney, Tass, Walters, Washut, Wilson, Winter, Yin, Zwonitzer

Nays: Representative(s) Brown, Clem, Edwards, Eyre, Gray, Jennings, Kinner, Laursen Dan, Lindholm, Miller, Olsen, Piiparinen, Salazar, Simpson, Styvar, Western

Excused: Representative Blackburn

Ayes 43 **Nays** 16 **Excused** 1 **Absent** 0 **Conflicts** 0

3/2/2020 S Received for Introduction

3/2/2020 S Introduced and Referred to S06 - Travel

3/5/2020 S06 - Travel:Recommend Amend and Do Pass 4-1-0-0-0

ROLL CALL

Ayes: Senator(s) Anselmi-Dalton, Driskill, Moniz, Wasserburger

Nays: Senator James

Ayes 4 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

3/5/2020 S Placed on General File

HB0171SS001/ADOPTED

(TO ENGROSSED COPY)

Page 2-line 5 Delete "January 1,".

Page 2-line 6 Delete "2020" and insert "May 1, 2020".

Page 2-line 11 After "state" insert "by the operator".

Page 2-line 17 After "state" insert "by the operator".

Page 3-line 5 After "state" insert "by the operator".

Page 5-line 8 Delete "gross income" and insert "net proceeds".

Page 5-line 11 Delete "gross income" and insert "net proceeds".

Page 5-line 16 After "quarterly." insert "Once the commission gaming account reaches one million dollars (\$1,000,000.00), on a weekly basis, an operator shall remit to the commission an amount equivalent to twenty percent (20%) of the net proceeds earned during the prior week on the operator's skill based amusement games and of the twenty percent (20%), the commission shall remit these monies to the state treasurer for distribution as follows:

(i) Forty-five percent (45%) to the county and the city or town in which the authorized gaming terminal is located, in equal shares, or to the county alone if the authorized gaming terminal is not located within the boundaries of a city or town;

(ii) Forty-five percent (45%) to the school foundation program account;

(iii) Ten percent (10%) to the commission gaming account."

Page 6-lines 9 and 10 Delete entirely.

Page 6-line 12 Delete "(iv)" and insert "(iii)".

Page 6-after line 15 Insert:

"(iv) "Net proceeds" means all revenue less payments to the player;".

Page 6-lines 20 through 23 Delete entirely.

Page 7-lines 1 through 5 Delete entirely and insert:

"(vi) "Skill based amusement game" means a game played on a fixed electronic gaming system or device that affords an opportunity for the exercise of skill or judgment where the outcome is not completely controlled by chance alone."

Page 7-line 10 After "both." insert "Each violation of this section shall constitute a separate offense."

Page 7-line 16 Delete "a new subparagraph (M)" and insert "new subparagraphs (M) and (N)".

Page 8-line 22 After "duties" insert "or when responding to a request to assist other peace officers acting within the scope of their official duties in their own jurisdiction".

Page 10-after line 15 Insert:

"(M) Any skill based amusement game approved by the Wyoming gaming commission and bearing a commission issued decal."

Page 10-line 17 Delete "(M)" and insert "(N)".

Page 10-lines 20 through 23 Delete entirely.

Page 11-lines 1 through 4 Delete entirely and insert:

"(xiii) Skill based amusement game" means a game played on a fixed electronic gaming system or device that affords an opportunity for the exercise of skill or judgment where the outcome is not completely controlled by chance alone."

Page 11-line 19 After "duties" insert "or when responding to a request to assist other peace officers acting within the scope of their official duties in their own jurisdiction".

Page 15-line 9 After "statutes." insert "One (1) of the remaining members shall be an enrolled member of the Northern Arapaho or Eastern Shoshone Indian tribes who is a resident on the Wind River Indian Reservation."

Page 16-line 17 Strike "shall" and insert "may".

Page 16-line 20 Strike "shall" and insert "may".

Page 20-line 15 After "investigation" delete balance of line.

Page 20-line 16 Delete entirely and insert "the action is deemed advisable by the attorney general."

Page 22-line 1 Delete "skill based amusement games" and insert "all types of games, including those currently operating".

Page 22-line 6 Before "skill" insert "all types of games, including".
DRISKILL, CHAIRMAN

HB0171SW001/ADOPTED (TO ENGROSSED COPY)

Page 7-line 22 Delete ", 11-25-105(b)(ii) through (iv)".

Page 18-lines 11 through 23 Delete entirely.

Page 19-lines 1 through 21 Delete entirely. DRISKILL

HB0171SW002/ADOPTED (TO ENGROSSED COPY)

Page 6-lines 20 through 23 Delete the Senate standing committee amendment (HB0171SS001/AE) to these lines.

Page 7-lines 1 through 5 Delete the Senate standing committee amendment (HB0171SS001/AE) to these lines.

Page 7-line 5 After "outcome." insert "No skill based amusement game shall have a compensating algorithm that uses a random number generator to affect the outcome of the game or the ability to win."

Page 10-lines 20 through 23 Delete the Senate standing committee amendment (HB0171SS001/AE) to these lines.

Page 11-lines 1 through 4 Delete the Senate standing committee amendment (HB0171SS001/AE) to these lines.

Page 11-line 4 After "outcome." insert "No skill based amusement game shall have a compensating algorithm that uses a random number generator to affect the outcome of the game or the ability to win.". DRISKILL

3/6/2020 S COW:Passed

HB0171S2001/ADOPTED **(TO ENGROSSED COPY)**
(CORRECTED COPY)

Page 5-line 16 In the Senate standing committee amendment (HB0171SS001/AE) to this line, in paragraph (ii) created by that amendment, delete "school foundation program account" and insert "general fund". BEBOUT

HB0171S2002/ADOPTED **(TO ENGROSSED COPY)**

Page 4-line 8 Delete "January 1, 2020" and insert "May 1, 2020". DRISKILL

HB0171S2003/ADOPTED **(TO ENGROSSED COPY)**

Page 10-after line 15 Delete the Senate standing committee amendment (HB0171SS001/AE) to this line.

Page 10-line 17 Delete the Senate standing committee amendment (HB0171SS001/AE) to this line. KOST

HB0171S2004/ADOPTED **(TO ENGROSSED COPY)**
(CORRECTED COPY)

Page 15-line 9 Delete the Senate standing committee amendment (HB0171SS001/AE) to this line entirely; after "statutes." insert "One (1) of the remaining members shall be a member of the Northern Arapaho or Eastern Shoshone Indian tribe with not less than five (5) years of gaming experience.". ELLIS, DRISKILL

HB0171S2005/FAILED **(TO ENGROSSED COPY)**

Page 7-line 12 Delete "2021" and insert "2023". ANDERSON

HB0171S2006/FAILED **(TO ENGROSSED COPY)**

Page 7-line 5 In the second Driskill committee of the whole amendment (HB0171SW002/AE) to this line, after "ability to win." insert "A gaming device that allows for multiple

simultaneous players of a single game, including a device with multiple interconnected playing stations, shall be considered one (1) skill based amusement game."

Page 11-line 4 In the second Driskill committee of the whole amendment (HB0171SW002/AE) to this line, after "ability to win." insert "A gaming device that allows for multiple simultaneous players of a single game, including a device with multiple interconnected playing stations in one location, shall be considered one (1) skill based amusement game.". LANDEN

3/9/2020 S 2nd Reading:Passed

HB0171S3001/ADOPTED

(TO ENGROSSED COPY)

Page 3-line 2 After "section." insert "The installed software shall include protection that only allows certain websites access to the gaming system as determined by commission rules.". KINSKEY, DRISKILL

HB0171S3002/FAILED

(TO ENGROSSED COPY)

Page 1-line 5 Delete "regulating skill based amusement".

Page 1-lines 6 and 7 Delete entirely.

Page 1-line 8 Delete "an account;".

Pages 2 through 6 Delete entirely including all previously adopted amendments to these pages.

Page 7-lines 1 through 12 Delete entirely including the Senate standing committee amendment (HB0171SS001/AE) and the second Driskill committee of the whole amendment (HB0171SW002/AE) to these lines.

Page 7-line 14 Delete "**Section 2.**" and insert "**Section 1.**".

Page 20-line 18 Delete "**Section 3.**" and insert "**Section 2.**".

Page 21-line 16 Delete "**Section 4.**" and insert "**Section 3.**".

Page 21-line 21 Delete "**Section 5.**" and insert "**Section 4.**".

Page 22-line 12 After "September 1, 2020." insert "Any skill based amusement games, video gaming terminals and other commercially viable forms of gaming shall not operate in the state unless the legislature authorizes the form of gaming and the commission approves and promulgates rules regulating the form of gaming.".

Page 22-line 14 Delete "**Section 6.**" and insert "**Section 5.**". CASE

ROLL CALL

Ayes: Senator(s) Case, Hutchings, Kinskey

Nays: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, James, Kost, Landen, Moniz, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

Conflicts: Senator Nethercott

Ayes 3 **Nays** 26 **Excused** 0 **Absent** 0 **Conflicts** 1

HB0171S3003/FAILED

(TO ENGROSSED COPY)

Page 6-line 18

After "profit" insert ". "Operator" shall include persons of any federally recognized Indian tribe in Wyoming who operate skill based amusement games for profit". BEBOUT

3/10/2020 S 3rd Reading:Passed 24-5-0-0-1

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Kost, Landen, Moniz, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

Nays: Senator(s) Bouchard, Case, Hutchings, James, Kinskey

Conflicts: Senator Nethercott

Ayes 24 **Nays** 5 **Excused** 0 **Absent** 0 **Conflicts** 1

3/10/2020 H Received for Concurrence

3/11/2020 H Concur:Failed 8-52-0-0-0

ROLL CALL

Ayes: Representative(s) Edwards, Hunt, Jennings, Larsen Lloyd, Laursen Dan, Styvar, Sweeney, Walters

Nays: Representative(s) Barlow, Blackburn, Blake, Brown, Burkhart, Burlingame, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Eklund, Eyre, Flitner, Freeman, Furphy, Gray, Greear, Haley, Hallinan, Harshman, Henderson, Kinner, Kirkbride, Lindholm, Loucks, Macguire, Miller, Newsome, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Roscoe, Salazar, Schwartz, Simpson, Sommers, Stith, Tass, Washut, Western, Wilson, Winter, Yin, Zwonitzer

Ayes 8 **Nays** 52 **Excused** 0 **Absent** 0 **Conflicts** 0

3/11/2020 H Appointed JCC01 Members

Representative(s) Lindholm, Sommers, Yin

3/11/2020 S Appointed JCC01 Members

Senator(s) Driskill, Coe, Landen

3/12/2020 H Adopted HB0171JC001: 51-6-3-0-0

HB0171JC001/HADOPTEDSADOPTED (TO ENGROSSED COPY)

Adopt the following Senate amendments:

HB0171SW001/AE

Delete the following Senate amendments:

HB0171SS001/AE

HB0171SW002/AE

HB0171S2001/ACE

HB0171S2002/AE

HB0171S2003/AE

HB0171S2004/ACE

HB0171S3001/AE

Further amend the ENGROSSED COPY as follows:

Page 1-line 8 After "account;" insert "providing for a continuous appropriation;".

Page 1-line 12 Delete "a report" and insert "reports".

Page 2-line 5 Delete "January 1,".

Page 2-line 6 Delete "2020" and insert "the effective date of this section".

Page 2-line 11 After "state" insert "by the operator".

Page 2-line 17 After "state" insert "by the operator".

Page 3-line 5 After "state" insert "by the operator".

Page 4-line 8 Delete "January 1, 2020" and insert "the effective date of this section".

Page 5-line 8 Delete "gross income" and insert "net proceeds".

Page 5-line 11 Delete "gross income" and insert "net proceeds".

Page 5-line 16 After "quarterly." insert "Once the commission gaming account reaches one million dollars (\$1,000,000.00), on a weekly basis, an operator shall remit to the commission an amount equivalent to twenty percent (20%) of the net proceeds earned during the prior week on the operator's skill based amusement games and of the twenty percent (20%), the commission shall remit these monies to the state treasurer for distribution as follows:

(i) Forty-five percent (45%) to the county and the city or town in which the skill based amusement game is located, in equal shares, or to the county alone if the skill based amusement game is not located within the boundaries of a city or town;

(ii) Forty-five percent (45%) to the school foundation program account;

(iii) Ten percent (10%) to the commission gaming account.".

Page 6-lines 9 through 15 Delete entirely and insert:

"(iii) "Net proceeds" means all revenue less payments to the player;".

Page 6-line 17 Delete "(v)" and insert "(iv)".

Page 6-line 20 Delete "(vi)" and insert "(v)".

Page 7-line 10 After "both." insert "Each violation of this section shall constitute a separate offense.".

Page 8-line 22 After "duties" insert "or when responding to a request to assist other peace officers acting within the scope of their official duties in their own jurisdiction".

Page 11-line 19 After "duties" insert "or when responding to a request to assist other peace officers acting within the scope of their official duties in their own jurisdiction".

Page 15-line 9 After "statutes." insert "One (1) of the remaining members shall be an enrolled member of the Northern Arapaho or Eastern Shoshone Indian tribe with not less than five (5) years of regulatory gaming experience.".

Page 16-line 17 Strike "shall" and insert "may".

Page 16-line 20 Strike "shall" and insert "may".

Page 20-line 15 After "investigation" delete balance of line.

Page 20-line 16 Delete entirely and insert "the action is deemed advisable by the attorney general.".

Page 21-line 16 After "**Section 4.** The" delete balance of line.

Page 21-line 17 Delete ", as applicable,".

Page 21-line 21 After "**Section 5.** The" delete balance of line.

Page 21-line 22 Delete ", as applicable,".

Page 22-line 1 Delete "skill based amusement games" and insert "all types of games, including those currently operating".

Page 22-line 6 Before "skill" insert "all types of games, including".

LINDHOLM, SOMMERS, YIN, DRISKILL, COE, LANDEN

ROLL CALL

Ayes: Representative(s) Barlow, Blackburn, Blake, Brown, Burkhart, Burlingame, Clausen, Clifford, Connolly, Dayton-Selman, Duncan, Eklund, Eyre, Flitner, Furphy, Greear, Haley, Hallinan, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen Lloyd, Laursen Dan, Loucks, Macguire, Miller, Newsome, Northrup, Obermueller, Olsen, Paxton, Pelkey, Pownall, Roscoe, Salazar, Schwartz, Simpson, Sommers, Stith, Sweeney, Tass, Walters, Washut, Western, Wilson, Winter, Yin, Zwonitzer

Nays: Representative(s) Clem, Edwards, Gray, Lindholm, Piiparinen, Styvar

Excused: Representative(s) Crank, Freeman, Nicholas

Ayes 51 **Nays** 6 **Excused** 3 **Absent** 0 **Conflicts** 0

3/12/2020 S Adopted HB0171JC001: 21-5-3-0-1

HB0171JC001/HADOPTEDSADOPTED (TO ENGROSSED COPY)

Adopt the following Senate amendments:

HB0171SW001/AE

Delete the following Senate amendments:

HB0171SS001/AE
HB0171SW002/AE
HB0171S2001/ACE
HB0171S2002/AE
HB0171S2003/AE
HB0171S2004/ACE
HB0171S3001/AE

Further amend the ENGROSSED COPY as follows:

Page 1-line 8 After "account;" insert "providing for a continuous appropriation;".

Page 1-line 12 Delete "a report" and insert "reports".

Page 2-line 5 Delete "January 1,".

Page 2-line 6 Delete "2020" and insert "the effective date of this section".

Page 2-line 11 After "state" insert "by the operator".

Page 2-line 17 After "state" insert "by the operator".

Page 3-line 5 After "state" insert "by the operator".

Page 4-line 8 Delete "January 1, 2020" and insert "the effective date of this section".

Page 5-line 8 Delete "gross income" and insert "net proceeds".

Page 5-line 11 Delete "gross income" and insert "net proceeds".

Page 5-line 16 After "quarterly." insert "Once the commission gaming account reaches one million dollars (\$1,000,000.00), on a weekly basis, an operator shall remit to the commission an amount equivalent to twenty percent (20%) of the net proceeds earned during the prior week on the operator's skill based amusement games and of the twenty percent (20%), the commission shall remit these monies to the state treasurer for distribution as follows:

(i) Forty-five percent (45%) to the county and the city or town in which the skill based amusement game is located, in equal shares, or to the county alone if the skill based amusement game is not located within the boundaries of a city or town;

(ii) Forty-five percent (45%) to the school foundation program account;

(iii) Ten percent (10%) to the commission gaming account.".

Page 6-lines 9 through 15 Delete entirely and insert:

"(iii) "Net proceeds" means all revenue less payments to the player;".

Page 6-line 17 Delete "(v)" and insert "(iv)".

Page 6-line 20 Delete "(vi)" and insert "(v)".

Page 7-line 10 After "both." insert "Each violation of this section shall constitute a separate offense."

Page 8-line 22 After "duties" insert "or when responding to a request to assist other peace officers acting within the scope of their official duties in their own jurisdiction".

Page 11-line 19 After "duties" insert "or when responding to a request to assist other peace officers acting within the scope of their official duties in their own jurisdiction".

Page 15-line 9 After "statutes." insert "One (1) of the remaining members shall be an enrolled member of the Northern Arapaho or Eastern Shoshone Indian tribe with not less than five (5) years of regulatory gaming experience.".

Page 16-line 17 Strike "shall" and insert "may".

Page 16-line 20 Strike "shall" and insert "may".

Page 20-line 15 After "investigation" delete balance of line.

Page 20-line 16 Delete entirely and insert "the action is deemed advisable by the attorney general.".

Page 21-line 16 After "**Section 4.** The" delete balance of line.

Page 21-line 17 Delete ", as applicable,".

Page 21-line 21 After "**Section 5.** The" delete balance of line.

Page 21-line 22 Delete ", as applicable,".

Page 22-line 1 Delete "skill based amusement games" and insert "all types of games, including those currently operating".

Page 22-line 6 Before "skill" insert "all types of games, including".

LINDHOLM, SOMMERS, YIN, DRISKILL, COE, LANDEN

ROLL CALL

Ayes: Senator(s) Baldwin, Bebout, Biteman, Boner, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Kost, Landen, Moniz, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

Nays: Senator(s) Bouchard, Case, Hutchings, James, Kinskey

Excused: Senator(s) Agar, Anderson, Anselmi-Dalton

Conflicts: Senator Nethercott

Ayes 21 **Nays** 5 **Excused** 3 **Absent** 0 **Conflicts** 1

3/12/2020 Assigned Number HEA No. 0095
3/12/2020 H Speaker Signed HEA No. 0095
3/12/2020 S President Signed HEA No. 0095
3/17/2020 Governor Signed HEA No. 0095
3/17/2020 Assigned Chapter Number 114

Chapter No. 114 Session Laws of Wyoming 2020