

## SENATE FILE NO. SF0056

Wyoming gaming commission-modifications and corrections.

Sponsored by: Senate Travel, Recreation, Wildlife and  
Cultural Resources Committee

## A BILL

for

1 AN ACT relating to gaming; modifying skill based amusement  
2 game laboratory reporting requirements; amending rulemaking  
3 authority of the Wyoming gaming commission; providing and  
4 amending definitions; providing for criminal background  
5 checks as specified; requiring applicable fees to be paid  
6 on an annual basis; allowing applicable taxes to be paid by  
7 operators or manufacturers; allowing applicable taxes to be  
8 prepaid; imposing fees upon skill based amusement game  
9 manufacturers; repealing the sunset date applicable to  
10 skill based amusement games; classifying peace officers  
11 employed by the Wyoming gaming commission as law  
12 enforcement officers under the Wyoming Retirement Act;  
13 making conforming amendments; and providing for an  
14 effective date.

15

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

2

3 **Section 1.** W.S. 6-7-101(a)(xiii), 7-19-201(a)(vi) and  
4 9-3-402(a)(xviii) are amended to read:

5

6 **6-7-101. Definitions.**

7

8 (a) As used in this article:

9

10 (xiii) "Skill based amusement game" means a game  
11 played in exchange for consideration of cash, credit or  
12 other thing of value on a fixed, commercial electrical  
13 gaming device in which the bona fide skill of the player,  
14 determined by an individual's level of strategy and skill,  
15 ~~is a~~ rather than any inherent element of chance, is the  
16 primary factor in determining the outcome and for which the  
17 player may be awarded a prize or other thing of value for a  
18 successful outcome. "Skill based amusement game" shall not  
19 include any game played for nominal value as provided by  
20 rule of the commission.

21

22 **7-19-201. State or national criminal history record**  
23 **information.**

1

2 (a) The following persons shall be required to submit  
3 to fingerprinting in order to obtain state and national  
4 criminal history record information:

5

6 (vi) Persons applying for a permit or license  
7 under W.S. 11-25-104(f), ~~or if otherwise if~~ required under  
8 title 11, chapter 25 of the Wyoming statutes or if  
9 otherwise required by the Wyoming gaming commission as  
10 provided for by law;

11

12 **9-3-402. Definitions.**

13

14 (a) As used in this article:

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16 (xviii) "Law enforcement officer" or "officer"  
17 means any member who is a county sheriff, deputy county  
18 sheriff, municipal police officer, duly authorized  
19 investigator of the Wyoming livestock board meeting the  
20 specifications of W.S. 7-2-101(a)(iv)(E), duly authorized  
21 personnel of the Wyoming gaming commission meeting the  
22 specifications of W.S. 7-2-101(a)(iv)(P), investigator  
23 employed by the Wyoming state board of outfitters and

1 professional guides meeting the specifications of W.S.  
2 7-2-101(a)(iv)(J), Wyoming correctional officer, probation  
3 and parole agent employed by the Wyoming department of  
4 corrections, Wyoming law enforcement academy instructor,  
5 University of Wyoming campus police officer, community  
6 college police officer, detention officer or dispatcher for  
7 law enforcement agencies;

8

9 **Section 2.** 2020 Wyoming Session Laws, Chapter 114,  
10 Section 1(a), (c) through (e), (k), (m)(intro), (n),  
11 (p)(iii), (v), by creating new paragraphs (vi) and (vii)  
12 and by creating new subsections (s) and (t) is amended to  
13 read:

14

15 **Section 1.**

16

17 (a) Notwithstanding W.S. 6-7-102, skill  
18 based amusement games operating in the state  
19 prior to ~~the effective date of this section~~ March  
20 17, 2020 shall be allowed to continue operation  
21 ~~until June 30, 2021~~ in accordance with the  
22 requirements of this section.

23

1           (c) ~~Within sixty (60) days of the effective~~  
2 ~~date of this section~~ A skill based amusement game  
3 that meets the requirements of this section shall  
4 be approved by the commission to continue  
5 operating in the state or it shall be removed  
6 from the state by the operator.

7  
8           (d) Subject to subsection (t) of this  
9 section, each operator~~manufacturer~~ shall provide  
10 for a nationally recognized, independent gaming  
11 laboratory approved by the commission to directly  
12 submit to the commission a general functional  
13 evaluation laboratory report regarding the  
14 software installed on each skill based amusement  
15 game indicating whether the skill based amusement  
16 game is in compliance with this section. The  
17 commission shall review each laboratory report to  
18 determine if the skill based amusement game meets  
19 the requirements of this section. Any skill based  
20 amusement game that does not meet the  
21 requirements of this section as ~~indicated by the~~  
22 ~~laboratory report~~ determined by the commission

1 shall immediately be removed from the state by  
2 the operator.

3  
4 (e) Skill based amusement games that meet  
5 the requirements of this section shall bear a  
6 commission issued decal that identifies the  
7 operator of the game. Each decal shall be valid  
8 for one (1) year. No skill based amusement game  
9 shall be operational unless it bears a current  
10 commission issued decal. The commission shall  
11 charge ~~a~~ an annual fee of fifty dollars (\$50.00)  
12 for a decal. Each decal shall include the bucking  
13 horse and rider emblem. The fee required under  
14 this section shall be paid on or before July 1 of  
15 each year. Fees collected shall be deposited to  
16 the commission gaming account, which is hereby  
17 created. ~~For the period from the effective date~~  
18 ~~of this section through June 30, 2021, Beginning~~  
19 on March 17, 2020, funds within the account are  
20 continuously appropriated to the commission to  
21 pay for reasonable expenses incurred to  
22 administer this section.

23

1           (k) An establishment shall pay the  
2           commission ~~a~~an annual fee of two hundred fifty  
3           dollars (\$250.00) to continue to have skill based  
4           amusement games in the establishment. ~~until June~~  
5           ~~30, 2021~~Manufacturers shall pay the commission  
6           an initial fee of ten thousand dollars  
7           (\$10,000.00) and an annual renewal fee of five  
8           thousand dollars (\$5,000.00). Operators of skill  
9           based amusement games shall pay the commission ~~a~~  
10          an annual fee of two thousand five hundred  
11          dollars (\$2,500.00) to operate skill based  
12          amusement games. ~~until June 30, 2021. Fees paid~~  
13          ~~pursuant to this subsection~~The fees required  
14          under this section shall be paid on or before  
15          July 1 of each year and shall be deposited into  
16          the commission gaming account.

17  
18          (m) Taxes shall be calculated and paid on a  
19          weekly basis based on the net proceeds earned  
20          during the prior week on skill based amusement  
21          games, except that the taxes imposed under this  
22          subsection may be prepaid by the operator or  
23          manufacturer as provided by rule of the

1       commission. Notwithstanding, on a weekly basis,  
2       an operator or manufacturer shall remit to the  
3       commission an amount equivalent to twenty percent  
4       (20%) of the net proceeds earned during the prior  
5       week on the operator's skill based amusement  
6       games. The commission shall deposit these monies  
7       to the commission gaming account. The commission  
8       shall report on amounts received under this  
9       subsection to the joint appropriations committee  
10      quarterly. Once the commission gaming account  
11      reaches one million dollars (\$1,000,000.00), on a  
12      weekly basis, an operator or manufacturer shall  
13      remit to the commission an amount equivalent to  
14      twenty percent (20%) of the net proceeds earned  
15      during the prior week on the operator's skill  
16      based amusement games and of the twenty percent  
17      (20%), the commission shall remit these monies to  
18      the state treasurer for distribution as follows:

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20           (n) The commission ~~may~~shall promulgate any  
21      necessary rules to implement and administer this  
22      section. The rules may include provisions for the  
23      control, supervision, direction, discipline,



1       suspension or fining of manufacturers, operators  
2       and establishments for violations under this  
3       section.

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5               (p) As used in this section:

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

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10                      (v) "Skill based amusement game" means  
11       a game played in exchange for consideration of  
12       cash, credit or other thing of value on a fixed,  
13       commercial electrical gaming device in which the  
14       bona fide skill of the player, determined by an  
15       individual's level of strategy and skill, rather  
16       than any inherent element of chance, is the  
17       primary factor in determining the outcome and for  
18       which the player may be awarded a prize or other  
19       thing of value for a successful outcome. "Skill  
20       based amusement game" shall not include any game  
21       played for nominal value as provided by rule of  
22       the commission.

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1                   (vi) "Manufacturer" means a person  
2                   engaged in the business of constructing skill  
3                   based amusement games or selling skill based  
4                   amusement games and software to operators;

5  
6                   (vii) "Skill" means a player's  
7                   knowledge, dexterity or any other ability or  
8                   expertise relevant to game play.

9  
10                  (s) The commission is authorized to access  
11                  criminal history record information for all  
12                  manufacturers, operators and establishments under  
13                  this section. Every manufacturer, operator and  
14                  establishment shall provide the commission  
15                  fingerprints and other information necessary for  
16                  a criminal history record background check as  
17                  provided under W.S. 7-19-201.

18  
19                  (t) In accordance with subsection (d) of  
20                  this section, the software functions and any  
21                  updates to skill based amusement games required  
22                  to be evaluated by the nationally recognized,  
23                  independent laboratory report are as follows:

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(i) A single play on a skill based amusement game shall begin with consideration and end when no further progress can be made without additional consideration;

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(ii) The ability of any player to succeed at the game must not be impacted in any way by the number or ratio of prior wins to prior losses of players playing the game;

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(iii) A skill based amusement game shall allow a player to exercise control over the game to the extent that there are no automatic winners and no prize shall be awarded without application of the player's skill and strategy;

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(iv) Increased game prizes shall require a higher level of skill and strategy from the player;

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(v) A skill based amusement game shall require that skill be used during the main play

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1       of the game play and not simply at the end of a  
2       game;

3  
4               (vi) The player must be able to win  
5       more than the cost to play, on every game played,  
6       when optimal play strategy is employed.

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8       **Section 3.** 2020 Wyoming Session Laws, Chapter 114,  
9       Section 1(r) is repealed.

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11       **Section 4.** This act is effective immediately upon  
12       completion of all acts necessary for a bill to become law  
13       as provided by Article 4, Section 8 of the Wyoming  
14       Constitution.

15

16

(END)