

HOUSE BILL NO. HB0287

Gaming districts and amendments.

Sponsored by: Representative(s) Harshman and Yin and
Senator(s) Pappas and Schuler

A BILL

for

1 AN ACT relating to gaming; authorizing the establishment of
2 gaming districts as specified; specifying the type of
3 gaming activities that may take place in gaming districts;
4 authorizing the entry of agreements with gaming operators
5 to operate within gaming districts; requiring the
6 remittance of specified gaming revenue to the state;
7 providing for the distribution of remitted gaming revenue;
8 providing definitions; specifying exceptions to and
9 amending prohibitions on gambling and gaming; amending
10 gaming requirements; making conforming amendments;
11 requiring rulemaking; and providing for effective dates.

12

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

14

1 **Section 1.** W.S. 9-24-201 through 9-24-204 are created
2 to read:

3

4

ARTICLE 2

5

GAMING DISTRICTS

6

7

9-24-201. Definitions

8

9

(a) As used in this article:

10

11

(i) "Board" means the board of land
12 commissioners;

13

14

15

(ii) "Cash equivalent" means as defined by W.S.
9-24-101(a)(i);

16

17

18

(iii) "Charitable or nonprofit organization"
means as defined by W.S. 6-7-101(a)(xi);

19

20

21

(iv) "Commission" means the Wyoming gaming
commission;

22

1 (v) "Game" means a banking or percentage game or
2 wager played with cards, dice, tiles, dominoes or an
3 electronic, electrical or mechanical device or machine
4 played for money, property, checks, credit or any other
5 representative of value. "Game" does not include:

6

7 (A) Pari-mutuel events as defined by W.S.
8 11-25-102(a)(v); or

9

10 (B) Skill-based amusement games as defined
11 by W.S. 11-25-102(a)(xix).

12

13 (vi) "Gaming activities" mean Las Vegas
14 casino-style gaming, including dealing, operating, carrying
15 on, conducting, maintaining or exposing any game for pay.
16 "Gaming activities" do not include online wagering or
17 betting except for online sports wagering regulated under
18 W.S. 9-24-101 through 9-24-106;

19

20 (vii) "Gaming activity revenue" means the total
21 of all wagers placed by patrons with a gaming operator on
22 gaming activities occurring within a gaming district,
23 excluding free wagers and promotional pay, minus all

1 payments to patrons and minus any applicable federal or
2 state taxes. Payments to patrons include all payments of
3 cash, cash equivalents, merchandise and any other thing of
4 value;

5

6 (viii) "Gaming district" means a geographic area
7 of state land or private land that is:

8

9 (A) Located in a county in Wyoming where
10 there is a metropolitan area with a population of not less
11 than two hundred fifty thousand (250,000) inhabitants
12 within one hundred (100) miles of the county's borders; and

13

14 (B) Designated as land on which a gaming
15 operator may conduct gaming activities in accordance with
16 this article.

17

18 (ix) "Gaming facility" means a building in which
19 gaming activities of not less than one hundred (100) games
20 are lawfully conducted by a gaming operator under federal
21 law, state law or both;

22

1 (x) "Gaming license" means a license issued by
2 the commission that permits a gaming operator to operate or
3 conduct gaming activities at a gaming facility in a gaming
4 district;

5

6 (xi) "Gaming operator" means a person or entity
7 that:

8

9 (A) Maintains its principal place of
10 business in the state of Wyoming, including on the
11 reservations of federally recognized Indian tribes located
12 within Wyoming;

13

14 (B) Has lawfully operated two (2) or more
15 gaming facilities in Wyoming, including on the reservations
16 of federally recognized Indian tribes located within
17 Wyoming, under federal law, state law or both for not less
18 than ten (10) years; and

19

20 (C) Is not one (1) of the following:

21

22 (I) A charitable or nonprofit
23 organization;

1

2 (II) An operator as defined by W.S.
3 11-25-102(a)(xvii);

4

5 (III) A person that conducts or
6 operates pari-mutuel events as defined by W.S.
7 11-25-102(a)(v).

8

9 (xii) "Private land" means land that is:

10

11 (A) Located in the state of Wyoming;

12

13 (B) Not owned by a federal or state
14 governmental entity; and

15

16 (C) Is on the tax rolls in the county where
17 the land is located.

18

19 (xiii) "State land" means as defined by W.S.
20 36-1-101(a)(iv).

21

22 **9-24-202. Gaming districts; formation; location.**

23

1 (a) A gaming operator may conduct gaming activities
2 in gaming districts in accordance with the following:

3

4 (i) A gaming operator seeking to conduct gaming
5 activities on state land shall:

6

7 (A) Submit an application to the board for
8 the establishment of a gaming district. The board may
9 require from the gaming operator to provide any information
10 reasonably necessary to ensure that the gaming operator may
11 be authorized to conduct gaming activities in the gaming
12 district;

13

14 (B) Enter into a lease with the board to
15 occupy the parcels constituting the gaming district. Any
16 lease entered into under this article shall be in
17 accordance with title 36 of the Wyoming statutes, provided
18 that a lease entered into under this article may be for a
19 period not to exceed ninety-nine (99) years.

20

21 (ii) A gaming operator seeking to conduct gaming
22 activities on private land shall submit an application to
23 the commission for the establishment of a gaming district.

1 The commission may require any information from the gaming
2 operator that is reasonably necessary for the commission to
3 ensure that the gaming operator is authorized to conduct
4 gaming activities in the gaming district;

5

6 (iii) Not more than two (2) gaming districts
7 shall be established or approved by either the board or
8 commission under this section. Not more than two (2) gaming
9 districts shall operate in the state at any one (1) time.
10 Not more than one (1) gaming district shall operate in any
11 one (1) county.

12

13 (b) No gaming operator authorized to conduct gaming
14 activities in a gaming district established under this
15 article shall conduct any other gaming or gambling
16 activities in the gaming district, whether the activity is
17 authorized under state law or not.

18

19 **9-24-203. Gaming districts; operations; authorized**
20 **gaming; regulation.**

21

22 (a) A gaming operator shall conduct gaming activities
23 in a gaming district in accordance with the following:

1

2 (i) A gaming operator shall possess and maintain
3 a valid gaming license;

4

5 (ii) All gaming operations and facilities
6 authorized shall be owned or leased solely by the gaming
7 operator;

8

9 (iii) No person under the age of twenty-one (21)
10 years shall engage in gaming activities at a facility
11 located within a gaming district;

12

13 (iv) The dispensing of alcoholic liquor and malt
14 beverages at a facility located within a gaming district
15 shall be in accordance with state law governing the
16 licensure and dispensing of alcoholic liquor and malt
17 beverages.

18

19 (b) Any gaming operator seeking to obtain or renew a
20 gaming license shall submit an application to the
21 commission on a form prescribed by the commission.

22

1 (c) Not later than sixty (60) days after receiving an
2 application for a gaming license under this article, the
3 commission shall:

4

5 (i) Issue or renew the gaming license; or

6

7 (ii) Deny the application based on the grounds
8 that the gaming operator failed to meet the requirements of
9 this article.

10

11 (d) If the commission does not act or make a decision
12 on an application within sixty (60) days as required by
13 subsection (c) of this section, the application shall be
14 deemed approved and the commission shall issue or renew the
15 gaming license, unless:

16

17 (i) The gaming operator or applicant and the
18 commission agree to a reasonable extension for
19 consideration of the application; or

20

21 (ii) The gaming operator or applicant does not
22 satisfy the definition of gaming operator in W.S.
23 9-24-201(a)(xi).

1

2 (e) Upon approval of a gaming operator's application
3 for a new gaming license, the commission shall issue a
4 gaming license that is valid for five (5) years to the
5 gaming operator and collect an initial fee of two hundred
6 thousand dollars (\$200,000.00) from the gaming operator for
7 the issuance of the gaming license.

8

9 (f) Upon approval of a gaming operator's application
10 to renew an existing gaming license, the commission shall
11 renew the gaming operator's gaming license for five (5)
12 years to the gaming operator and collect a renewal fee of
13 one hundred thousand dollars (\$100,000.00) from the gaming
14 operator for the issuance of the gaming license.

15

16 (g) Fees collected under subsections (e) and (f) of
17 this section shall be distributed equally into the
18 commission gaming account continued by W.S. 11-25-304(c)
19 and the public school foundation program account.

20

21 (h) If the commission denies an application or
22 intends to revoke or suspend a gaming license issued under
23 this article, the commission shall notify the gaming

1 operator in writing, stating the grounds for denial,
2 revocation or suspension and informing the gaming operator
3 of a right to submit, within not more than thirty (30)
4 days, any additional documentation relating to the grounds
5 for denial, revocation or suspension. Upon receiving any
6 additional documentation, the commission shall reconsider
7 its decision and inform the gaming operator of its decision
8 within not more than twenty (20) days of the submission of
9 information for reconsideration. A denial of an application
10 or a revocation or suspension of a gaming license under
11 this article shall be subject to the contested case
12 procedures of the Wyoming Administrative Procedure Act.

13

14 (j) The commission shall promulgate regulations for
15 the implementation, administration and enforcement of this
16 article. The commission shall be responsible for:

17

18 (i) Licensing all persons or entities required
19 to be licensed under state law;

20

21 (ii) Conducting criminal history background
22 information checks on persons to be licensed by the
23 commission;

1

2 (iii) Investigating any violation of this
3 article or rules established by the commission for
4 regulating gaming activities at a gaming facility in a
5 gaming district;

6

7 (iv) Inspecting public and private areas of a
8 gaming facility located in a gaming district.

9

10 **9-24-204. Distribution of revenue.**

11

12 (a) Each gaming operator operating in a gaming
13 district under this article shall remit revenue to the
14 commission as specified in subsection (b) of this section.
15 The commission shall promulgate rules to ensure the
16 accurate reporting of revenue by gaming operators and the
17 proper remission of revenue to the commission. Each gaming
18 operator shall report its revenue to the commission in
19 accordance with commission rules.

20

21 (b) Not later than the fifteenth day of each month,
22 in accordance with commission rules, a gaming operator

1 shall remit thirty-five percent (35%) of gaming activity
2 revenue from the prior month to the commission.

3

4 (c) All revenue generated and submitted to the
5 commission under this section shall be deposited as
6 follows:

7

8 (i) Ten percent (10%) of the revenue shall be
9 distributed into an account for monthly distribution to
10 counties in which a gaming district is located and the
11 cities and towns in those counties. The distribution under
12 this subparagraph shall be:

13

14 (A) To the county for deposit into its
15 general fund in the proportion that the population of the
16 county situated outside the corporate limits of its cities
17 and towns bears to the total population of the county;

18

19 (B) To the incorporated cities and towns
20 within the county for deposit into their treasuries in the
21 proportion that the population of each city or town bears
22 to the total population of the county.

23

1 (ii) All remaining revenue not distributed under
2 paragraph (i) of this subsection shall be deposited into
3 the public school foundation program account.

4

5 **Section 2.** W.S. 6-7-101(a)(iii) by creating a new
6 subparagraph (P), 9-24-101(a)(intro), 11-25-104(d), (k) and
7 by creating a new subsection (p) and 36-2-101 are amended
8 to read:

9

10 **6-7-101. Definitions.**

11

12 (a) As used in this article:

13

14 (iii) "Gambling" means risking any property for
15 gain contingent in whole or in part upon lot, chance, the
16 operation of a gambling device or the happening or outcome
17 of an event, including a sporting event, over which the
18 person taking a risk has no control, but does not include
19 any of the following:

20

21 (P) Gaming activities conducted by a gaming
22 operator in a gaming district in accordance with W.S.
23 9-24-201 through 9-24-204.

1

2 **9-24-101. Definitions.**

3

4 (a) As used in this ~~chapter~~article:

5

6 **11-25-104. Gaming commission; officers; director;**
7 **meetings; quorum; records; licenses generally; effect of**
8 **financial interest in events.**

9

10 (d) Any member of the commission who owns or has any
11 interest, or whose spouse or member of his immediate family
12 has any interest⁷ in any activity regulated by the
13 commission, any activity taking place in a gaming district
14 as defined by W.S. 9-24-201(a)(vii) or in an animal
15 participating in a pari-mutuel event shall disclose that
16 interest and shall not participate in any commission
17 decision involving a protest regarding that activity or
18 occurring at that pari-mutuel event.

19

20 (k) The commission shall access criminal history
21 record information for all operators and vendors under
22 chapter 3 of this article, any person required to be
23 licensed under W.S. 9-24-203 and all licensees, permittees

1 and employees of the commission under W.S. 9-1-627(d) for
2 the purposes of this act. Every applicant for a permit or
3 license under this act shall provide the commission
4 fingerprints and other information necessary for a criminal
5 history record background check as provided under W.S.
6 7-19-201.

7
8 (p) The commission shall regulate gaming activities
9 and the remission of revenue of gaming districts in
10 accordance with W.S. 9-24-201 through 9-24-204, provided
11 that the regulation is authorized under federal law, state
12 law or an agreement between a gaming operator and a state
13 in accordance with W.S. 9-24-201 through 9-24-204.

14

15 **36-2-101. Composition; powers generally.**

16

17 The governor, secretary of state, state treasurer, state
18 auditor, and superintendent of public instruction, being
19 constituted a "board of land commissioners" by the
20 provisions of section 3, article 18, of the constitution of
21 the state of Wyoming, shall as such board, have the
22 direction, control, leasing, care and disposal of all lands
23 heretofore or hereafter granted or acquired by the state

1 for the benefit and support of public schools or for any
2 other purpose whatsoever, subject to the limitations
3 contained in the constitution of the state, and the laws
4 enacted by the legislature. The board shall have the power
5 and authority to take such official action as may be
6 necessary in securing title to land grants, or any other
7 lands acquired by the state. The board shall oversee the
8 compensatory mitigation credit system established under
9 W.S. 9-19-201 through 9-19-204 and shall promulgate rules
10 and regulations in accordance with W.S. 9-19-201 through
11 9-19-204. The board shall have the authority to establish
12 gaming districts and enter into leases with gaming
13 operators to conduct gaming activities in gaming districts
14 in accordance with W.S. 9-24-201 through 9-24-204.

15

16 **Section 3.** The Wyoming gaming commission shall
17 promulgate all rules necessary to implement this act.

18

1 **Section 4.**

2

3 (a) Except as provided in subsection (b) of this
4 section, this act is effective immediately upon completion
5 of all acts necessary for a bill to become law as provided
6 by Article 4, Section 8 of the Wyoming Constitution.

7

8 (b) Sections 1 and 2 of this act are effective July
9 1, 2023.

10

11

(END)