

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0317.01 Richard Sweetman x4333

SENATE BILL 23-165

SENATE SPONSORSHIP

Sullivan,

HOUSE SPONSORSHIP

Ricks,

Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE REGULATION OF RACING,**
102 **AND, IN CONNECTION THEREWITH, CONTINUING THE DIVISION OF**
103 **RACING EVENTS IN THE DEPARTMENT OF REVENUE, CONTINUING**
104 **THE ACTIVITIES OF THE COLORADO RACING COMMISSION, AND**
105 **IMPLEMENTING RECOMMENDATIONS CONTAINED IN THE 2022**
106 **SUNSET REPORT BY THE DEPARTMENT OF REGULATORY**
107 **AGENCIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
March 17, 2023

Sunset Process - Senate Finance Committee. The bill implements recommendations of the department of regulatory agencies in its sunset review and report on the division of racing events (division) and the Colorado racing commission (commission) in the department of revenue. Specifically:

- **Sections 1 and 2** of the bill continue the division and the commission for 9 years, until 2032;
- **Section 3** removes certain language from the definition of the term "in-state simulcast facility", which language is relocated, with amendments, to **section 4**;
- **Section 4** repeals greyhound kennel inspection requirements that have become redundant with inspection requirements imposed upon the department of agriculture.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
3 (24)(a)(II); and **add** (33)(a)(IV) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for repeal, continuation, or reestablishment - legislative**
6 **declaration - repeal.** (24) (a) The following agencies, functions, or both,
7 are scheduled for repeal on September 1, 2023:

8 ~~(II) The division of racing events, including the Colorado racing~~
9 ~~commission, created by article 32 of title 44;~~

10 (33) (a) The following agencies, functions, or both, are scheduled
11 for repeal on September 1, 2032:

12 (IV) THE DIVISION OF RACING EVENTS, INCLUDING THE COLORADO
13 RACING COMMISSION, CREATED IN ARTICLE 32 OF TITLE 44.

14 **SECTION 2.** In Colorado Revised Statutes, **amend** 44-32-901 as
15 follows:

16 **44-32-901. Repeal of article - review of functions.** This article
17 32 is repealed, effective ~~September 1, 2023~~ SEPTEMBER 1, 2032. Before

1 its repeal, the division and its functions are scheduled for review in
2 accordance with section 24-34-104.

3 **SECTION 3.** In Colorado Revised Statutes, 44-32-102, **amend**
4 (11)(a) as follows:

5 **44-32-102. Definitions - rules.** As used in this article 32, unless
6 the context otherwise requires:

7 (11) (a) "In-state simulcast facility" means:

8 (I) A class A or class B horse track at which a licensee has held
9 within the preceding twelve months or is licensed and scheduled to hold
10 within the following twelve months a race meet of at least the duration
11 required of a class A or class B track FOR THE PURPOSE OF HANDLING
12 PARI-MUTUEL WAGERS AS AUTHORIZED BY THIS ARTICLE 32; OR

13 (II) An additional facility that is operated by and is the
14 responsibility of the licensee of a class B horse track, located in Colorado,
15 and used for the handling of wagers placed on simulcast races received
16 by the track or facility. The number of additional facilities cannot exceed
17 the total number of facilities licensed to hold a race meet in 2003 plus one
18 additional facility per licensee as authorized under this article 32. ~~The~~
19 ~~additional facilities must be licensed in accordance with section~~
20 ~~44-32-504 and must not be located within fifty miles of any class B horse~~
21 ~~track operated by another licensee without the written consent of the other~~
22 ~~licensee. The commission shall establish by rule the means of obtaining~~
23 ~~the consent.~~

24 **SECTION 4.** In Colorado Revised Statutes, 44-32-501, **amend**
25 (1)(b); and **add** (3.5) as follows:

26 **44-32-501. Regulation of race meets and racing-related**
27 **businesses - additional facilities - rules.** (1) (b) The commission shall

1 license and regulate all kennels and stables housing racing animals both
2 in connection with a race meet and to protect the general health and
3 welfare of horses. The commission shall cause the ~~kennels and~~ stables to
4 be visited and inspected at least once a year by its members or employees
5 and shall require all such places to be constructed, maintained, and
6 operated in accordance with the laws of this state and the rules of the
7 commission.

8 (3.5) AN ADDITIONAL FACILITY, AS DESCRIBED IN SECTION
9 44-32-102 (11)(a)(II), MUST NOT BE LOCATED WITHIN FIFTY MILES OF ANY
10 CLASS B HORSE TRACK OPERATED BY ANOTHER LICENSEE WITHOUT THE
11 WRITTEN CONSENT OF THE OTHER LICENSEE. THE COMMISSION SHALL
12 ESTABLISH BY RULE THE MEANS OF OBTAINING THE CONSENT.

13 **SECTION 5.** In Colorado Revised Statutes, 44-32-602, **amend**
14 **(3) as follows:**

15 **44-32-602. Simulcast facilities and simulcast races - unlawful**
16 **act - repeal.** (3) A race meet of horses that is conducted at an in-state
17 host track may be received as a simulcast race by any simulcast facility;
18 except that, notwithstanding any consent granted pursuant to section
19 44-32-102 (11) SECTION 44-32-501 (3.5), IF an in-state simulcast facility
20 that is located within fifty miles of a horse track that has held within the
21 previous twelve months, or THAT is licensed and scheduled to hold within
22 the next twelve months, a horse race meet of no less than thirty race days,
23 THE IN-STATE SIMULCAST FACILITY may not receive simulcast races of
24 horses on any day on which the horse track is running live horse races
25 unless the licensee of the horse track consents thereto TO THE IN-STATE
26 SIMULCAST FACILITY'S RECEPTION OF SUCH RACES.

27 **SECTION 6.** Act subject to petition - effective date. This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2024 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.