

## CHAPTER 276

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**PROFESSIONS AND OCCUPATIONS**

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## SENATE BILL 02-221

BY SENATOR(S) Isgar, Chlouber, Taylor, Entz, Hagedorn, Hanna, Hillman, Matsunaka, Owen, Anderson, Fitz-Gerald, and Hernandez;  
also REPRESENTATIVE(S) Hefley, Alexander, Kester, Miller, Paschall, Tapia, Tochtrop, Vigil, White, and Young.

**AN ACT****CONCERNING THE EXTENSION OF THE EFFECTIVE DATES OF CERTAIN HORSE RACING STATUTES FOR FIVE YEARS.**

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

**SECTION 1.** 12-60-102 (4) (a), (4) (b) (II), and (4) (b) (III), Colorado Revised Statutes, are amended to read:

**12-60-102. Definitions - repeal.** As used in this article, unless the context otherwise requires:

(4) (a) (I) "Class B track" means a track, located within the state of Colorado, at which a race meet of horses, consisting of thirty or more race days, is being conducted or was being conducted during the immediately preceding twelve months.

(II) This paragraph (a) is repealed, effective April 20, ~~2003~~ 2008.

(b) (II) (A) A track that qualified as a class B track during calendar year ~~2002~~ 2007 shall maintain its class B status for calendar year ~~2003~~ 2008 if it applies for a license to conduct, during ~~2003~~ 2008, a race meet of horses consisting of sixty or more race days or, if ~~2003~~ 2008 is the track's first or second year of operation, fifty or more race days.

(B) This subparagraph (II) is repealed, effective April 20, ~~2004~~ 2009.

(III) This paragraph (b) is effective April 21, ~~2003~~ 2008.

**SECTION 2.** 12-60-602 (4), (5) (b) (I) (A), (5) (b) (I.5), (5) (b) (II), (5) (b)

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(II.5), and (5) (b) (V) (C), Colorado Revised Statutes, are amended to read:

**12-60-602. Simulcast facilities and simulcast races - unlawful act - repeal.**

(4) (a) (I) A race meet of horses ~~which~~ THAT is conducted at an in-state host track may be received as a simulcast race by any simulcast facility; except that, notwithstanding any consent granted pursuant to the provisions of section 12-60-102 (14), an in-state simulcast facility ~~which~~ THAT is located within fifty miles of a horse track ~~which~~ THAT has held within the previous twelve months or is licensed and scheduled to hold within the next twelve months a horse race meet of no less than thirty race days may not receive simulcast races of horses on any day on which such horse track is running live horse races unless the licensee of such horse track consents thereto.

(II) This paragraph (a) is repealed, effective April 20, ~~2003~~ 2008.

(b) (I) A race meet of horses ~~which~~ THAT is conducted at an in-state host track may be received as a simulcast race by any simulcast facility; except that, notwithstanding any consent granted pursuant to the provisions of section 12-60-102 (14), an in-state simulcast facility ~~which~~ THAT is located within fifty miles of a horse track ~~which~~ THAT has held within the previous twelve months or is licensed and scheduled to hold within the next twelve months a horse race meet of no less than fifty race days, or no less than sixty race days if such twelve-month period includes any portion of the track's third or subsequent year of operation, may not receive simulcast races of horses on any day on which such horse track is running live horse races unless the licensee of such horse track consents thereto.

(II) This paragraph (b) is effective April 21, ~~2003~~ 2008.

(5) (b) (I) (A) An in-state simulcast facility ~~which~~ THAT is located on the premises of a class B track may receive, each year, up to a total of two hundred fifty days of simulcast horse races from an out-of-state host track. Such total includes, and is not in addition to, the days on which live racing is held. This sub-subparagraph (A) is repealed, effective April 20, ~~2003~~ 2008.

(I.5) (A) An in-state simulcast facility ~~which~~ THAT is located on the premises of a horse track ~~which~~ THAT runs a horse race meet of at least fifty live race days or at least sixty live race days if such horse race meet is held during any portion of the track's third or subsequent year of operation may receive, each year, three days of simulcast horse races from an out-of-state host track for each day of live horse racing conducted at such horse track during such year.

(B) This subparagraph (I.5) is effective April 21, ~~2003~~ 2008.

(II) (A) An in-state simulcast facility ~~which~~ THAT is not located on the premises of a horse track ~~which~~ THAT runs a horse race meet of at least thirty live race days may only receive a broadcast signal of a simulcast horse race conducted at an out-of-state host track through an in-state simulcast facility ~~which~~ THAT is located on the premises of a horse track ~~which~~ THAT runs a horse race meet of at least thirty live race days. ~~or through a facility which is reopening as a track pursuant to section 12-60-503 (2) (b) and which has qualified to receive broadcasts of such simulcast horse race pursuant to the provisions of subparagraph (I) of this paragraph (b).~~

(B) This subparagraph (II) is repealed, effective April 20, ~~2003~~ 2008.

(II.5) (A) An in-state simulcast facility ~~which~~ THAT is not located on the premises of a horse track ~~which~~ THAT runs a horse race meet of at least fifty live race days, or at least sixty live race days if such horse race meet is held during any portion of the track's third or subsequent year of operation, may only receive a broadcast signal of a simulcast horse race conducted at an out-of-state host track through an in-state simulcast facility ~~which~~ THAT is located on the premises of a horse track which runs a horse race meet of at least fifty live race days, or at least sixty live race days if such horse race meet is held during any portion of the track's third or subsequent year of operation. ~~or through a facility which is reopening as a track pursuant to section 12-60-503 (2) (b) and which has qualified to receive broadcasts of such simulcast horse race pursuant to the provisions of subparagraph (I.5) of this paragraph (b).~~

(B) This subparagraph (II.5) is effective April 21, ~~2003~~ 2008.

(V) (C) During operating year ~~2003-2004~~ 2008-2009 and thereafter, an in-state simulcast facility located on the premises of a class B track may begin to receive its allotted number of days of simulcast horse races pursuant to subparagraph (I.5) of this paragraph (b) immediately, notwithstanding that no live racing has yet taken place at such track during such operating year, if such track has applied for a license to conduct, during such operating year, a race meet of horses consisting of fifty or more race days or, if such operating year includes all or part of the track's third or subsequent year of operation, sixty or more race days. The number of simulcast days allotted shall be based on the number of days of live racing for which the license is sought, using the formula set forth in subparagraph (I.5) of this paragraph (b).

**SECTION 3.** 12-60-701 (2) (c) (II), Colorado Revised Statutes, is amended to read:

**12-60-701. License fees and Colorado-bred horse race requirement - repeal.**

(2) (c) (II) (A) Of the five percent of gross receipts retained pursuant to subparagraph (I) of this paragraph (c), the operator of a simulcast facility that is not located at a class B track and that receives simulcast races of horses shall remit to the operator of the class B track from which such simulcast races were received one-fifth, representing one percent of the gross receipts of pari-mutuel wagering placed on such simulcast races at the simulcast facility.

(B) This subparagraph (II) is repealed, effective April 21, ~~2003~~ 2008.

**SECTION 4.** 12-60-702 (1) (e) (III), Colorado Revised Statutes, is amended to read:

**12-60-702. Unlawful to wager, exception - excess - taxes - special provisions for simulcast races - repeal.** (1) (e) (III) (A) To defray operating expenses, the operator of a simulcast facility located at a class B track may retain up to twenty percent of the net purses earned and payable to the horse purse fund as provided in subparagraph (II) of this paragraph (e).

(B) This subparagraph (III) is repealed, effective April 20, ~~2003~~ 2008.

**SECTION 5. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 1, 2002