

CHAPTER 162

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 08-1113

BY REPRESENTATIVE(S) Massey;
also SENATOR(S) Sandoval, and Tupa.**AN ACT**

CONCERNING THE REGULATION OF LIMITED GAMING IN ACCORDANCE WITH SECTION 9 OF ARTICLE XVIII OF THE COLORADO CONSTITUTION, AND, IN CONNECTION THEREWITH, CLARIFYING, CORRECTING, AND UPDATING CERTAIN STATUTES THAT WERE ADOPTED TO IMPLEMENT THE CONSTITUTIONAL PROVISIONS.

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

SECTION 1. 12-47.1-103 (11), Colorado Revised Statutes, is amended to read:

12-47.1-103. Definitions. As used in this article, unless the context otherwise requires:

(11) "Gaming employee" means any person employed by an operator or retailer hosting gaming to work directly with the gaming portion of such operator's or retailer's business, which person shall be twenty-one years of age or older and hold a support license. Persons deemed to be gaming employees shall include, but shall not be limited to: ~~the following:~~

- (a) Dealers;
- (b) Change and counting room personnel;
- (c) Cashiers;
- (d) Floormen;
- (e) Cage personnel;
- (f) Slot machine repairmen or mechanics;

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

(g) Persons who accept or transport revenue from a slot, blackjack, or poker table drop or dropbox;

(h) Security personnel;

(i) Shift or pit bosses;

(j) Floor managers;

(k) Supervisors;

(l) Slot machine and slot booth personnel;

(m) Any person involved in the handling, counting, collecting, or exchanging of money, property, checks, credit, or any representative of value, including, WITHOUT LIMITATION:

(I) Any coin, token, chip, cash premium, merchandise, redeemable game credits, or any other thing of value; or

(II) THE payoff from any game, ~~any~~ gaming, or ~~any~~ gaming device; and

(n) Such other persons as the commission shall by rule ~~or regulation~~ determine.

SECTION 2. 12-47.1-203 (2) (j), (2) (k), (2) (l), and (2) (m), Colorado Revised Statutes, are amended to read:

12-47.1-203. Director - qualification - powers and duties. (2) In addition to the duties imposed upon the director elsewhere in this part 2, the director shall:

(j) Annually prepare and submit to the commission, for its approval, a proposed budget for the NEXT succeeding fiscal year, which budget shall set forth a complete financial plan for all proposed expenditures and anticipated revenues of the division;

(k) Take such action as may be determined by the commission to be necessary to protect the security and integrity of limited gaming; AND

(l) Perform any other lawful acts which the commission may consider necessary or desirable in order to carry out the purposes and provisions of this article. ~~and~~

~~(m) Annually prepare and submit to the commission, for its approval, a proposed budget for the ensuing fiscal year, which budget shall present a complete financial plan setting forth all proposed expenditures and anticipated revenues of the division.~~

SECTION 3. 12-47.1-204 (3), Colorado Revised Statutes, is amended to read:

12-47.1-204. Investigator - peace officers. (3) The investigators of the division, including the director of the division, shall be considered peace officers, as described in sections 16-2.5-101 and ~~16-2.5-122~~, 16-2.5-123, C.R.S. The executive director of the department of revenue shall be considered a peace officer

as described in sections 16-2.5-101 and 16-2.5-121, C.R.S.

SECTION 4. 12-47.1-507, Colorado Revised Statutes, is amended to read:

12-47.1-507. Temporary or conditional licenses. The commission may issue temporary or conditional licenses ~~for up to a maximum of six months, or shorter periods,~~ with respect to all licenses authorized under this article.

SECTION 5. 12-47.1-509, Colorado Revised Statutes, is amended to read:

12-47.1-509. Licensed premises - retail floor plan - definitions. (1) For purposes of this section, "retail floor plan" means a physical layout of the inside of the building in which limited gaming will take place, which shall show the location of the licensed premises within the building.

(2) The retail floor plan shall be submitted to the commission with an applicant's application for a retail gaming license. Approval of the retail floor plan is subject to commission rules and those rules pertaining to the public health, safety, good order, and general welfare of the cities of Central, Black Hawk, and Cripple Creek. All gaming devices shall be located within the licensed premises of a business.

(3) A licensed retailer may change the physical location of the licensed premises with THE APPROVAL OF THE commission, ~~or~~ THE director, ~~approval,~~ OR THE DIRECTOR'S DESIGNEE; however, in no event shall the licensed premises as modified violate any provision of this article or consist of more than two noncontiguous areas on one floor. Failure of the commission, ~~or~~ the director, OR THE DIRECTOR'S DESIGNEE to deny an application to relocate the licensed premises in a building, within thirty days of such application, shall be deemed an approval thereof.

SECTION 6. 12-47.1-510 (1) (c) (II), Colorado Revised Statutes, is amended to read:

12-47.1-510. License - disqualification - criteria. (1) The commission shall deny a license to any applicant who is disqualified for licensure on the basis of any of the following criteria:

(c) Conviction of the applicant, or any of its officers or directors, or any of its general partners, or any stockholders, limited partners, or other persons having a financial or equity interest of five percent or greater in the applicant, of any of the following:

(II) Service of a sentence upon conviction of any misdemeanor gambling-related offense or misdemeanor theft by deception in a correctional facility, city or county jail, or community correctional facility or under the supervision of the state board of parole or any probation department within ten years prior to the date of the application, NOTWITHSTANDING SECTION 24-5-101, C.R.S.;

SECTION 7. 12-47.1-525 (1), Colorado Revised Statutes, is amended to read:

12-47.1-525. Suspension or revocation of license - grounds - penalties. (1) (a) ANY LICENSE GRANTED PURSUANT TO THIS ARTICLE MAY BE REVOKED FOR

ANY CAUSE THAT WOULD HAVE PREVENTED ITS ISSUANCE, INCLUDING THOSE CAUSES SET FORTH IN SECTIONS 12-47.1-510 AND 12-47.1-801.

(b) Any license granted pursuant to this article may be suspended ~~for up to six months~~ or revoked ~~for any cause that would have prevented its issuance~~, or for any violation by the licensee or any officer, director, agent, member, or employee of a licensee of this article, any rule promulgated by the commission, any provision of part 6 of article 35 of title 24, C.R.S., or any rule promulgated by the executive director of the department of revenue pursuant to section 24-35-607 (3), C.R.S., or for conviction of a crime, ~~involving moral turpitude or a felony~~, after notice to the licensee and a hearing upon proof by a preponderance of the evidence as determined by the commission. In addition to revocation or suspension, or in lieu of revocation or suspension, the commission may impose a reprimand or a monetary penalty not to exceed the following amounts:

~~(a)~~ (I) If the licensee is a slot machine manufacturer or distributor, the amount of one hundred thousand dollars;

~~(b)~~ (II) If the licensee is an operator, the amount of twenty-five thousand dollars;

~~(c)~~ (III) If the licensee is a retailer, the amount of twenty-five thousand dollars;

~~(d)~~ (IV) If the licensee is a key employee, the amount of five thousand dollars;

~~(e)~~ (V) If the licensee holds a support license, the sum of two thousand five hundred dollars.

SECTION 8. 12-47.1-602, Colorado Revised Statutes, is amended to read:

12-47.1-602. Return and remittance. Not later than fifteen days following the end of each retail month, each ~~gaming licensee~~ LICENSED RETAILER shall make a return and remittance to the director on forms prescribed and furnished by the director. The director may grant an extension of not more than five days for filing a return and remittance; except that the director shall not grant more than two extensions during any one-year period. Unless an extension is granted, a penalty or interest under section 12-47.1-604 shall be paid if a return or remittance is not made on time.

SECTION 9. 12-47.1-801 (2), Colorado Revised Statutes, is amended to read:

12-47.1-801. Slot machine manufacturers or distributors, operators, retailers, key employees, support licensees, persons contracting with the commission or division - criteria. (2) Each of the persons described in subsection (1) of this section shall be:

(a) A person of good moral character, honesty, and integrity notwithstanding ~~the provisions of~~ section 24-5-101, C.R.S.;

(b) A person whose prior activities, criminal record, reputation, habits, and associations do not pose a threat to the public interests of this state or to the control of gaming or create or enhance the dangers of unsuitable, unfair, or illegal practices,

methods, and activities in the conduct of gaming or the carrying-on of the business or financial arrangements incidental to the conduct of gaming;

(c) A person who has not served a sentence upon conviction of ~~a~~ ANY felony, MISDEMEANOR GAMBLING-RELATED OFFENSE, MISDEMEANOR THEFT BY DECEPTION, OR MISDEMEANOR INVOLVING FRAUD OR MISREPRESENTATION in a correctional facility, city or county jail, or community correctional facility or under the supervision of the state board of parole or any probation department within ten years prior to the date of applying for a license pursuant to this article, notwithstanding ~~the provisions of~~ section 24-5-101, C.R.S.;

(d) A PERSON WHO HAS NOT SERVED A SENTENCE UPON CONVICTION OF ANY GAMBLING-RELATED FELONY, FELONY INVOLVING THEFT BY DECEPTION, OR FELONY INVOLVING FRAUD OR MISREPRESENTATION IN A CORRECTIONAL FACILITY, CITY OR COUNTY JAIL, OR COMMUNITY CORRECTIONAL FACILITY OR UNDER THE SUPERVISION OF THE STATE BOARD OF PAROLE OR ANY PROBATION DEPARTMENT, NOTWITHSTANDING SECTION 24-5-101, C.R.S.;

~~(d)~~ (e) A person who has not been found to have seriously or repeatedly violated ~~the provisions of~~ this article or any rule or regulation promulgated pursuant to this article; and has not knowingly made a false statement of material facts to the commission, its legal counsel, or any employee of the division.

SECTION 10. 12-47.1-814 (2), Colorado Revised Statutes, is amended to read:

12-47.1-814. Key employee - support license. (2) It is unlawful for any person holding a key employee or support license to participate in limited gaming in the gaming establishment where such licensee is employed OR IN ANY OTHER GAMING ESTABLISHMENT OWNED BY THE LICENSEE'S EMPLOYER; except that such licensee may participate in limited gaming if such participation is performed as part of such licensee's employment responsibilities.

SECTION 11. 12-47.1-818 (2), Colorado Revised Statutes, is amended to read:

12-47.1-818. Approval of rules for certain games. (2) No licensee shall offer poker OR BLACKJACK, or any variation game thereof, without prior approval of the game by the commission.

SECTION 12. Repeal. 12-47.1-1601 (1) (b) and (1) (c), Colorado Revised Statutes, are repealed as follows:

12-47.1-1601. Local government limited gaming impact fund.
(1) (b) ~~Following the final distribution of moneys from the contiguous county limited gaming impact fund made pursuant to section 12-47.1-1401, but in no event later than June 30, 1998, any unencumbered moneys remaining in the contiguous county limited gaming impact fund shall be transferred to the fund created by paragraph (a) of this subsection (1).~~

(c) ~~Following the final distribution of moneys from the municipal gaming impact fund made pursuant to section 12-47.1-1501, but in no event later than August 31, 2002, any moneys remaining in the municipal gaming impact fund shall be~~

~~transferred to the fund created by paragraph (a) of this subsection (1).~~

SECTION 13. Effective date - applicability. This act shall take effect July 1, 2008, and shall apply to acts occurring on or after said date.

SECTION 14. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 21, 2008