

## CHAPTER 329

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**REVENUE - ACTIVITIES REGULATION**

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SENATE BILL 23-165

BY SENATOR(S) Sullivan and Danielson, Buckner, Priola, Will;  
also REPRESENTATIVE(S) Ricks, Bockenfeld, Snyder.**AN ACT**

CONCERNING THE CONTINUATION OF THE REGULATION OF RACING, AND, IN CONNECTION THEREWITH, CONTINUING THE DIVISION OF RACING EVENTS IN THE DEPARTMENT OF REVENUE, CONTINUING THE ACTIVITIES OF THE COLORADO RACING COMMISSION, AND IMPLEMENTING RECOMMENDATIONS CONTAINED IN THE 2022 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

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

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

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

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

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

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

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

**44-32-901. Repeal of article - review of functions.** This article 32 is repealed, effective ~~September 1, 2023~~ SEPTEMBER 1, 2032. Before its repeal, the division and

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

its functions are scheduled for review in accordance with section 24-34-104.

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

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

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

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

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

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

**44-32-501. Regulation of race meets and racing-related businesses - additional facilities - rules.** (1) (b) The commission shall license and regulate all kennels and stables housing racing animals both in connection with a race meet and to protect the general health and welfare of horses. The commission shall cause the kennels and stables to be visited and inspected at least once a year by its members or employees and shall require all such places to be constructed, maintained, and operated in accordance with the laws of this state and the rules of the commission.

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

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

**44-32-602. Simulcast facilities and simulcast races - unlawful act - repeal.** (3) A race meet of horses 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 ~~section 44-32-102 (11)~~ SECTION 44-32-501 (3.5), IF an in-state simulcast facility ~~that~~ is located within fifty miles of a horse track that has held within the previous twelve months, or ~~THAT~~ is licensed and scheduled to hold

within the next twelve months, a horse race meet of no less than thirty race days, THE IN-STATE SIMULCAST FACILITY may not receive simulcast races of horses on any day on which the horse track is running live horse races unless the licensee of the horse track consents ~~thereto~~ TO THE IN-STATE SIMULCAST FACILITY'S RECEPTION OF SUCH RACES.

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

Approved: June 2, 2023