

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

SB26-163 be amended as follows:

1 Amend printed bill, page 10, strike lines 6 through 27.

2 Page 11, strike lines 1 through 14 and substitute:

3 "SECTION 6. In Colorado Revised Statutes, **amend** 44-32-102
4 as follows:

5 **44-32-102. Definitions - rules.**

6 As used in this article 32, unless the context otherwise requires:

7 (1) "Applicant" means ~~an individual applying~~ A PERSON
8 SUBMITTING AN APPLICATION for a license, permit, or registration or the
9 renewal of a license, permit, or registration granted by the ~~division~~
10 COMMISSION pursuant to this article 32. EACH BUSINESS OWNER, BUSINESS
11 OFFICER, BUSINESS DIRECTOR, OR BUSINESS MANAGER APPLYING FOR A
12 BUSINESS LICENSE IS CONSIDERED AN APPLICANT.

13 (2) "BACKGROUND INVESTIGATION" MEANS AN INQUIRY INTO THE
14 PERSONAL HISTORY, CHARACTER, REPUTATION, ASSOCIATIONS, PERSONAL
15 AND PROFESSIONAL RECORD, CRIMINAL HISTORY, CIVIL LITIGATION
16 HISTORY, AND FINANCIAL HISTORY AND ACTIVITIES OF AN APPLICANT TO
17 ESTABLISH THE APPLICANT'S SUITABILITY TO BECOME A LICENSEE.

18 ~~(1.5)~~ (3) "Breakage" means the odd cents by which the amount
19 payable on each dollar wagered in a pari-mutuel pool exceeds a multiple
20 of ten cents.

21 (4) "BUSINESS DIRECTOR" MEANS AN INDIVIDUAL APPOINTED TO
22 OVERSEE THE DAILY OPERATIONS OF THE BUSINESS AT THE DIRECTION OF
23 THE BUSINESS OFFICER. ADDITIONALLY, THIS INDIVIDUAL HAS THE
24 AUTHORITY TO HIRE AND DISMISS STAFF MEMBERS AND MAKE FINANCIAL
25 DECISIONS ON BEHALF OF THE BUSINESS.

26 (5) "BUSINESS LICENSE" MEANS A LICENSE THAT IS ISSUED BY THE
27 DIVISION AND THAT IS REQUIRED FOR INDIVIDUALS, COMPANIES,
28 INSTITUTIONS, ASSOCIATIONS, OR CORPORATIONS TO LAWFULLY ENGAGE
29 IN, OPERATE, OR SUPPORT COMMERCIAL RACING ACTIVITIES. BUSINESS
30 LICENSES ARE CATEGORIZED AS FOLLOWS:

31 (a) "MAJOR BUSINESS LICENSE" REFERS TO THE FOLLOWING
32 LICENSES ISSUED BY THE COMMISSION: ASSOCIATION OFF-TRACK BETTING,
33 AFFILIATED OFF-TRACK BETTING, AND TOTALISATOR COMPANIES.

34 (b) "MINOR BUSINESS LICENSE" REFERS TO THE FOLLOWING
35 LICENSES ISSUED BY THE COMMISSION: CONCESSION OPERATOR, FEED
36 SUPPLIER, OFF-TRACK BETTING FACILITY, PHOTO FINISH BUSINESS, RACING
37 CLUB, SATELLITE CORPORATION, TIP SHEET OPERATOR (INDEPENDENT),
38 TRAINING TRACK, TACK SHOP, AND VIDEO OPERATOR.

39 (c) "OUT-OF-STATE ADVANCED DEPOSITS WAGERING LICENSE"
40 REFERS TO A LICENSE ISSUED BY THE COMMISSION TO ANY OUT-OF-STATE

1 ENTITY THAT ENGAGES WITH THE COLORADO HORSE RACING INDUSTRY
2 FOR THE PURPOSES OF PARI-MUTUEL WAGERING.

3 (6) "BUSINESS MANAGER" MEANS AN INDIVIDUAL WHO OVERSEES
4 A BUSINESS'S DAILY OPERATIONS BY WORKING WITH AND MANAGING
5 OTHER STAFF MEMBERS. ADDITIONALLY, THIS INDIVIDUAL HAS THE
6 AUTHORITY TO HIRE AND DISMISS STAFF MEMBERS AND MAKE FINANCIAL
7 DECISIONS ON BEHALF OF THE BUSINESS.

8 (7) "BUSINESS OFFICER" MEANS AN INDIVIDUAL APPOINTED TO AN
9 EXECUTIVE POSITION OF A BUSINESS, SUCH AS A CHIEF EXECUTIVE OFFICER,
10 CHIEF OPERATING OFFICER, CHIEF FINANCIAL OFFICER, CHIEF TECHNOLOGY
11 OFFICER, CHIEF MARKETING OFFICER, CHIEF INFORMATION OFFICER, CHIEF
12 HUMAN RESOURCES OFFICER, OR CHIEF COMPLIANCE OFFICER.

13 (8) "BUSINESS OWNER" MEANS A PERSON THAT OWNS MORE THAN
14 FIVE PERCENT OF A BUSINESS THAT IS APPLYING FOR A BUSINESS LICENSE.

15 ~~(2)~~ (9) (a) "Class A track" means a track, located within the state
16 of Colorado, at which a race meet of horses is conducted and that is not
17 a class B track.

18 (b) "Class A track" includes a reopening class A track that has not
19 run a meet within the past three years. Such class A track may begin to
20 operate as a simulcast facility after the commission has approved its
21 application for simulcasting and its application for race dates to hold a
22 race meet within the following twelve months. Applications submitted to
23 the commission ~~shall~~ MUST include a provision for the establishment of
24 a purse fund that complies with this article 32 and the rules of the
25 commission.

26 ~~(3)~~ (10) "Class B track" means a track, located within the state of
27 Colorado, at which a race meet of horses, consisting of thirty or more race
28 days, is being conducted or was being conducted during the immediately
29 preceding twelve months.

30 ~~(4)~~ (11) "Commission" means the Colorado ~~racing~~ LIMITED
31 GAMING CONTROL commission created in ~~part 3 of this article 32~~ SECTION
32 44-30-301.

33 ~~(5) Repeated.~~

34 ~~(6)~~ (12) "Director" means the director of the division of ~~racing~~
35 ~~events~~ GAMING.

36 ~~(7)~~ (13) "Division" means the division of ~~racing events~~ GAMING
37 created in ~~part 2 of this article 32~~ SECTION 44-30-201.

38 ~~(8)~~ (14) "Horse track" means either a class A track or a class B
39 track.

40 ~~(9)~~ (15) "Host track" means either an in-state host track or an
41 out-of-state host track.

42 ~~(10)~~ (16) "In-state host track" means a track, located within the
43 state of Colorado, at which a race meet of horses is conducted.

1 ~~(11)~~ (17) (a) "In-state simulcast facility" means:
2 (I) A class A or class B horse track at which a licensee has held
3 within the preceding twelve months or is licensed and scheduled to hold
4 within the following twelve months a race meet of at least the duration
5 required of a class A or class B track for the purpose of handling
6 pari-mutuel wagers as authorized by this article 32; or
7 (II) An additional facility that is operated by and is the
8 responsibility of the licensee of a class B horse track, located in Colorado,
9 and used for the handling of wagers placed on simulcast races received
10 by the track or facility. The number of additional facilities cannot exceed
11 the total number of facilities licensed to hold a race meet in 2003 plus one
12 additional facility per licensee as authorized under this article 32.
13 (b) If an additional facility is jointly owned or operated as a
14 simulcast facility by two or more licensees, the additional facility ~~shall be~~
15 ~~is~~ deemed to be one of the additional simulcast facilities of only one of
16 the licensees, as designated in writing to the commission.
17 (c) The commission, for good cause, may grant a licensed class A
18 ~~horse~~ track permission to receive simulcast races at an alternate location
19 within five miles of its track during the times when the track is not in
20 operation.
21 ~~(12)~~ (18) "Interstate common pool" means a pari-mutuel pool
22 established at one location, usually but not necessarily at a host track,
23 within which pool are combined comparable pari-mutuel pools of one or
24 more simulcast facilities upon a race run at the host track for purposes of
25 establishing payoff prices in the various states. There may be simulcast
26 facilities in more than one state simultaneously combining pari-mutuel
27 pools into the common pool of the host track. Where permitted by the
28 laws and rules of the states in which the host track and the simulcast
29 facilities are located and with the concurrence of the host track, the
30 combined pari-mutuel pool may be established on a regional or other
31 basis between two or more simulcast facilities and need not involve a
32 merger into the host track's pari-mutuel pool. In such instances, one of the
33 simulcast facilities shall serve as if it were the host track for the purposes
34 of holding the common pool and calculating payoffs. The interstate
35 common pool shall be as specified in the written simulcast racing
36 agreement between the host track and the person operating the simulcast
37 facility receiving the simulcast races.
38 ~~(13)~~ (19) "Intrastate common pool" means a pari-mutuel pool,
39 established for an in-state host track, that includes wagers made at the
40 in-state host track as well as wagers made at in-state simulcast facilities
41 on simulcast races of live races run at the in-state host track.
42 ~~(13.3)~~ (20) "Key occupational license" means a license THAT IS
43 issued by the division AND THAT IS required for an individual who

1 exercises significant ~~influence over decisions affecting a business~~
2 DECISION-MAKING, MANAGEMENT, OR FINANCIAL INFLUENCE OVER A
3 BUSINESS THAT IS licensed with the commission pursuant to section
4 44-32-504. A "KEY OCCUPATIONAL LICENSE" IS REQUIRED FOR THE
5 FOLLOWING LICENSED POSITIONS: GENERAL MANAGER, ASSISTANT
6 GENERAL MANAGER, ASSOCIATION VETERINARIAN, DIRECTOR OF RACING,
7 RACING SECRETARY, CORPORATE DIRECTOR, SECURITY DIRECTOR,
8 ASSOCIATION STEWARD, CORPORATE OFFICER, MUTUEL MANAGER, AND
9 TOTALISATOR OPERATOR.

10 ~~(13.7)~~ (21) "License" means a license granted by the division
11 pursuant to this article 32.

12 ~~(14)~~ (22) (a) "Licensee" means:

13 (I) ~~any~~ A person holding a current, valid race meet license issued
14 pursuant to section 44-32-505; ~~and~~

15 (II) ~~any~~ A person holding a current, valid license or registration
16 issued by the commission pursuant to sections 44-32-503 and 44-32-504;
17 AND

18 (III) AN EMPLOYEE, AN AGENT, OR A REPRESENTATIVE OF A
19 PERSON DESCRIBED IN SUBSECTION (22)(a)(I) OR (22)(a)(II) OF THIS
20 SECTION.

21 (b) The commission, by rule, shall determine which occupational
22 categories shall be licensed and which shall be registered. Except in
23 connection with the licensing of race meets, the term "license" includes
24 a registration and "applicant" includes an applicant for a registration.

25 ~~(15)~~ (23) "Out-of-state host track" means a track, located within
26 a state other than Colorado, that is licensed or otherwise properly
27 authorized under the laws of the state to conduct live races of horses and
28 to broadcast the races as simulcast races and that broadcasts the simulcast
29 races to an in-state simulcast facility.

30 ~~(16)~~ (24) "Out-of-state simulcast facility" means a track or other
31 facility, located within a jurisdiction other than Colorado, at which
32 pari-mutuel wagers are placed or accepted, either in person or
33 electronically, on simulcast races pursuant to proper authorization under
34 the laws of the jurisdiction.

35 ~~(17)~~ (25) "Pari-mutuel pool" means a wagering pool into which
36 pari-mutuel wagers on a live race or on a simulcast race are taken.

37 ~~(18)~~ (26) "Pari-mutuel wagering" means a form of wagering on
38 the outcome of horse races in which those who wager purchase tickets of
39 various denominations on one or more horses from one or more pools and
40 all like wagers from each race are pooled and the winning ticket holders
41 are paid prizes from the pool in amounts proportional to the total receipts
42 in the pool minus deductions authorized by statute.

43 ~~(19)~~ (27) "Person" means ~~any~~ AN individual, A partnership, A firm,

1 A corporation, or AN association.
2 ~~(20)~~ (28) (a) "Race meet", OR "MEET", means ~~any~~ A live exhibition
3 of racing involving horses registered within their breed, conducted at a
4 track located within the state of Colorado and operated by a licensee
5 under a license granted pursuant to section 44-32-505, where the
6 pari-mutuel system of wagering is used.
7 (b) "RACE MEET" OR "MEET" INCLUDES THE TOTAL, CONTINUOUS
8 PERIOD DURING WHICH A RACING ASSOCIATION OR TRACK PREMISES IS
9 UNDER THE FULL REGULATORY JURISDICTION OF THE DIVISION, WHICH
10 PERIOD ENCOMPASSES:
11 (I) THE LIVE RACING PERIOD, WHICH IS ALL LICENSED DAYS
12 APPROVED BY THE COMMISSION FOR THE CONDUCT OF LIVE, COMPETITIVE
13 HORSE RACING;
14 (II) THE PREMEET REGULATORY PERIOD, WHICH IS THE ENTIRE
15 PERIOD COMMENCING ON THE FIRST DAY THE LICENSED TRACK PREMISES
16 ARE MADE AVAILABLE FOR OR UTILIZED FOR RECEIVING HORSES,
17 CONDUCTING OFFICIAL REGULATED TRAINING, OR PERFORMING OFFICIAL
18 PREMEET REGULATORY INSPECTIONS, WHICHEVER OCCURS EARLIEST; AND
19 (III) THE POST-MEET REGULATORY PERIOD, WHICH IS SEVEN
20 CALENDAR DAYS IMMEDIATELY FOLLOWING AND INCLUDING THE FINAL
21 LICENSED DAY OF LIVE RACING CONDUCTED BY A RACING ASSOCIATION
22 FOR THE CALENDAR YEAR.
23 (29) "REGISTRATION OCCUPATIONAL LICENSE" MEANS A LICENSE
24 THAT IS ISSUED BY THE DIVISION TO AN INDIVIDUAL WHO HAS SHORT-TERM
25 COMMITMENTS TO PERFORM SERVICES FOR A TRACK OR RACE MEET. A
26 "REGISTRATION OCCUPATIONAL LICENSE" IS VALID FOR NO LONGER THAN
27 NINETY DAYS AND IS REQUIRED BY THE FOLLOWING TEMPORARY LICENSED
28 POSITIONS: ANNOUNCER, CONCESSION EMPLOYEE, NURSE OR EMERGENCY
29 MEDICAL TECHNICIAN, OFFICE PERSONNEL, RACING CLUB ASSOCIATION,
30 TRACK SHOP EMPLOYEE, TEMPORARY TOTE OPERATOR, TEMPORARY TOTE
31 TECHNICIAN, USER, AND VIDEO TECHNICIAN.
32 ~~(21)~~ (30) "Simulcast facility" means either an in-state simulcast
33 facility or an out-of-state simulcast facility.
34 ~~(22)~~ (31) "Simulcast race" means a live, audio-visual broadcast
35 that is:
36 (a) Transmitted simultaneously with either:
37 (I) The performance of a live race of horses by an out-of-state host
38 track; or
39 (II) The performance of a live race of horses by an in-state host
40 track; and
41 (b) Received by a simulcast facility.
42 ~~(23)~~ (32) "Source market fee" means a licensing fee, assessed by
43 the director pursuant to section 44-32-202 (3)(h), in lieu of taxes and fees

1 otherwise payable under this article 32, payable by persons outside of
2 Colorado who conduct pari-mutuel wagering on simulcast races and who
3 accept wagers from Colorado residents at out-of-state simulcast facilities.

4 ~~(23.5)~~ (33) "Support occupational license" means a license THAT
5 IS issued by the division AND required for an individual regulated by the
6 division who is not subject to a key occupational license or an
7 occupational registration license. A "SUPPORT OCCUPATIONAL LICENSE"
8 IS REQUIRED BY THE FOLLOWING LICENSED POSITIONS: ANIMAL TATTOOER,
9 ASSISTANT RACING SECRETARY, AUTHORIZED AGENT, CLERK OF SCALES,
10 CLOCKER, CORPORATE AGENT, DIRECTOR OF SIMULCASTING, EXERCISE
11 RIDER, GROOM, BOOKKEEPER, HORSE IDENTIFIER, JOCKEY, APPRENTICE
12 JOCKEY, JOCKEY AGENT, JOCKEY VALET, MAINTENANCE, MONEY ROOM
13 MANAGER, ASSISTANT MUTUEL MANAGER, MUTUEL EMPLOYEE, FACILITY
14 OFF-TRACK BETTING MANAGER, OFF-TRACK BETTING MANAGER,
15 ASSISTANT OFF-TRACK BETTING MANAGER, OUTRIDER, OWNER, VIDEO
16 OPERATOR, OWNER/ASSISTANT TRAINER, OWNER/TRAINER, ASSISTANT
17 TRAINER, PADDOCK JUDGE, PHOTO OPERATOR, PLACING JUDGE, PLANT OR
18 TRACK SUPERINTENDENT, PLATER, PONY PERSON, PRIVATE VETERINARIAN,
19 RESTAURANT EMPLOYEE, SECURITY GUARD, STABLE SUPERVISOR,
20 STARTER, ASSISTANT STARTER, TOTALISATOR TECHNICIAN, TRACK
21 SUPERVISOR, TRAINER, AND ANY SIMILAR ROLES OR LICENSE TYPES THAT
22 ARE NOT SUBJECT TO A KEY OCCUPATIONAL LICENSE OR AN
23 OCCUPATIONAL REGISTRATION LICENSE.

24 ~~(24)~~ (34) "Track" or "racetrack" means a track that is located
25 within the state of Colorado and at which a race meet of horses is
26 conducted under a license granted pursuant to section 44-32-505."

27 Page 20, after line 7 insert:

28 **"SECTION 24.** In Colorado Revised Statutes, 8-40-301, **amend**
29 **(8)** as follows:

30 **8-40-301. Scope of term "employee" - definition.**

31 (8) For the purposes of articles 40 to 47 of this title 8, "employee"
32 excludes any person who performs services for more than one employer
33 at a race meet as defined by ~~section 44-32-102 (20)~~ IN SECTION 44-32-102
34 (28) or at a horse track as defined by ~~section 44-32-102 (8)~~ SECTION
35 44-32-102 (14).

36 **SECTION 25.** In Colorado Revised Statutes, 26-2-104, **amend**
37 (2)(a)(II) introductory portion, (2)(a)(II)(A), and (2)(h)(I)(A) as follows:

38 **26-2-104. Public assistance programs - automatic enrollment**
39 **- electronic benefits transfer service - joint reports with department**
40 **of revenue - signs - rules - definitions.**

41 (2) (a) (II) Only those businesses that offer products or services
42 related to the purpose of the public assistance benefits ~~are allowed to~~ MAY

1 participate in the electronic benefits transfer service through the use of
2 point-of-sale terminals. Clients shall not be allowed to access cash
3 benefits through the electronic benefits transfer service from automated
4 teller machines in this state located in:

5 (A) Licensed gaming establishments as defined in section
6 44-30-103 (18), in-state simulcast facilities as defined in ~~section~~
7 ~~44-32-102 (11)~~ SECTION 44-32-102 (17), tracks for racing as defined in
8 ~~section 44-32-102 (24)~~ SECTION 44-32-102 (34), or commercial bingo
9 facilities as defined in section 24-21-602 (11);

10 (h) (I) On or before January 1, 2016, the department of revenue
11 shall adopt rules pursuant to the "State Administrative Procedure Act",
12 article 4 of title 24, that relate to a client's use of automated teller
13 machines at locations where the use is prohibited. The rules must apply
14 to the following establishments:

15 (A) Licensed gaming establishments as defined in section
16 44-30-103 (18), in-state simulcast facilities as defined in ~~section~~
17 ~~44-32-102 (11)~~ SECTION 44-32-102 (17), and tracks for racing as defined
18 in ~~section 44-32-102 (24)~~ SECTION 44-32-102 (34);

19 **SECTION 26.** In Colorado Revised Statutes, **amend** 38-13-218
20 as follows:

21 **38-13-218. Property held by racetracks - inapplicability.**

22 This article 13 does not apply to any intangible unclaimed property
23 held by a racetrack, as defined in ~~section 44-32-102 (24)~~ SECTION
24 44-32-102 (34).

25 **SECTION 27.** In Colorado Revised Statutes, 44-30-1609, **amend**
26 (2) as follows:

27 **44-30-1609. Authorization to conduct fantasy contests.**

28 (2) Fantasy contests are authorized and may be conducted by a
29 fantasy contest operator at a licensed facility at which pari-mutuel
30 wagering, as defined in ~~section 44-32-102 (18)~~ SECTION 44-32-102 (26),
31 may occur. An operator of a class B track, as defined in ~~section~~
32 ~~44-32-102 (3)~~ SECTION 44-32-102 (10), may conduct fantasy contests if
33 the operator is licensed as a fantasy contest operator.

34 **SECTION 28.** In Colorado Revised Statutes, 44-32-202, **amend**
35 (3)(h)(II) as follows:

36 **44-32-202. Director - qualifications - powers and duties - rules.**

37 (3) The director, as administrative head of the division, shall
38 direct and supervise all administrative and technical activities of the
39 division. In addition to the duties imposed upon the director elsewhere in
40 this article 32, it shall be the director's duty:

41 (h) (II) In establishing and adjusting the source market fee defined
42 in ~~section 44-32-102 (23)~~ SECTION 44-32-102 (32), the director may
43 allocate a portion of the fee to be credited to any horse purse trust account

1 established in accordance with section 44-32-702 (1)(f) if the director
2 determines that such an allocation is necessary to maintain a sufficient
3 and competitive purse structure. The total fee paid under this section must
4 not exceed the limit set forth in section 44-32-501 (2)(d).

5 **SECTION 29.** In Colorado Revised Statutes, 44-32-501, **amend**
6 (3.5) as follows:

7 **44-32-501. Regulation of race meets and racing-related**
8 **businesses - additional facilities - rules.**

9 (3.5) An additional facility, as described in ~~section 44-32-102~~
10 ~~(11)(a)(H)~~ SECTION 44-32-102 (17)(a)(II), must not be located within fifty
11 miles of any class B horse track operated by another licensee without the
12 written consent of the other licensee. The commission shall establish by
13 rule the means of obtaining the consent.

14 **SECTION 30.** In Colorado Revised Statutes, 44-32-603, **amend**
15 (1) as follows:

16 **44-32-603. Duration of meets.**

17 (1) It is unlawful to conduct any race meet at which wagering is
18 permitted except under ~~the provisions of~~ this article 32. It is lawful to
19 conduct pari-mutuel wagering on live horse races that are part of a race
20 meet licensed and conducted under this article 32. The duration of a horse
21 race meet at a class B track is as specified in ~~section 44-32-102 (3)~~
22 SECTION 44-32-102 (10); except that the commission may prescribe a
23 lesser number of race days in the event of unforeseen circumstances or
24 acts of God.

25 **SECTION 31.** In Colorado Revised Statutes, 44-33-103, **amend**
26 (1) as follows:

27 **44-33-103. Definitions.**

28 As used in this article 33, unless the context otherwise requires:

29 (1) "Licensee" means a licensee as defined in ~~section 44-32-102~~
30 ~~(14)~~ SECTION 44-30-501 (22), an operator or retail gaming licensee under
31 section 44-30-501 (1)(b) or (1)(c), an internet sports betting operator as
32 defined in section 44-30-1501 (5), or a sports betting operator as defined
33 in section 44-30-1501 (11).".

34 Renumber succeeding section accordingly.

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