

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0277.01 Richard Sweetman x4333

SENATE BILL 26-163

SENATE SPONSORSHIP

Roberts,

HOUSE SPONSORSHIP

Smith,

Senate Committees

Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF GAMBLING ACTIVITIES IN THE**
102 **STATE, AND, IN CONNECTION THEREWITH, EXPANDING THE**
103 **MEMBERSHIP OF THE COLORADO LIMITED GAMING CONTROL**
104 **COMMISSION, EXPANDING THE SCOPE OF THE LICENSING DUTIES**
105 **THAT THE COLORADO LIMITED GAMING CONTROL COMMISSION**
106 **MAY DELEGATE TO THE DIVISION OF GAMING, ALLOWING**
107 **INDIVIDUALS TO VOLUNTARILY EXCLUDE THEMSELVES FROM**
108 **SPORTS BETTING IN THE STATE, AND ALLOWING THE DIRECTOR**
109 **OF THE DIVISION OF GAMING TO APPROVE OPTIONAL WAGERS**
110 **AND MINOR MODIFICATIONS FOR CERTAIN TABLE GAMES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does

*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.*

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>.)

The bill repeals the Colorado racing commission and the division of racing events within the department of revenue (department). The bill transfers the authorities of the Colorado racing commission to the Colorado limited gaming control commission (commission), and the bill transfers the regulatory activities of the division of racing events to the division of gaming (division).

The bill adds 2 members to the commission: One member who represents the public and one member who:

- Has been engaged in the racing industry for at least 5 years;
- Has been a licensed veterinarian in Colorado for at least 5 years and is currently practicing in Colorado; or
- Has been engaged in business in a management-level capacity for at least 5 years.

Under current law, the commission, at its discretion, may delegate only certain licensing duties described under the "Limited Gaming Act of 1991" (gaming act) to the division. The bill allows the commission to delegate to the division licensing duties that appear elsewhere in the gaming act.

The bill authorizes investigators of the division and their supervisors to inspect, examine, investigate, hold, or impound any premises in the state where an investigator or supervisor suspects that unlicensed gaming or unlicensed sports betting is conducted.

Under current law, the division is required to operate a program that allows individuals to voluntarily exclude themselves from gaming activities in the state. The bill expands the program to allow individuals to voluntarily exclude themselves from sports betting in the state.

The bill allows the director of the division to approve optional wagers and minor modifications for commission-approved poker, blackjack, craps, and roulette games.

The bill clarifies the definition of "race meet" for purposes of the regulation of racing events.

The bill allows the executive director of the department to delegate certain non-rule-making and nonlicensing functions to a designee.

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

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SECTION 1. In Colorado Revised Statutes, **amend** 44-30-507 as

1 follows:

2 **44-30-507. Delegation of licensing duties.**

3 The commission, at its discretion, may delegate licensing duties
4 described in this ~~part 5~~ ARTICLE 30 to the division.

5 **SECTION 2.** In Colorado Revised Statutes, 44-30-204, **amend**
6 (1)(b) as follows:

7 **44-30-204. Investigator - peace officers.**

8 (1) All investigators of the division and their supervisors,
9 including the director and the executive director, have all the powers of
10 any peace officer to:

11 (b) Inspect, examine, investigate, hold, or impound any premises
12 IN THE STATE where:

13 (I) Limited gaming or sports betting is conducted;

14 (II) AN INVESTIGATOR OR SUPERVISOR SUSPECTS THAT
15 UNLICENSED GAMING OR UNLICENSED SPORTS BETTING IS CONDUCTED;

16 (III) THERE ARE any devices or equipment designed for or used in
17 limited gaming or sports betting; ~~and~~ OR

18 (IV) THERE ARE any books ~~and~~ OR records THAT ARE RELATED in
19 any way ~~connected with any limited~~ TO gaming or sports betting; ~~activity;~~

20 ==

21 **SECTION 3.** In Colorado Revised Statutes, 44-30-818, **amend**
22 **(2) as follows:**

23 **44-30-818. Approval of rules for certain games.**

24 **(2) A licensee shall not offer poker, blackjack, craps, or roulette,**
25 **OR ANY OTHER SUCH GAME, or any variation game of poker, blackjack,**
26 **craps, or roulette, OR ANY OTHER SUCH GAME, without prior approval of**
27 **the game by the commission, except as specifically authorized in the**

1 commission's rules regarding field trials of new games or technology
2 DIVISION.

3 **SECTION 4.** In Colorado Revised Statutes, 44-30-1703, **amend**
4 (1)(a) introductory portion, (1)(a)(II), (2)(a), and (2)(b)(I) as follows:

5 **44-30-1703. Exclusion of certain individuals from**
6 **participation in gaming activities and sports betting - duties of**
7 **division - mechanism for self-exclusion - confidential records - rules.**

8 (1) (a) ~~On and after January 1, 2023,~~ The division shall operate a
9 program to:

10 (II) Exclude from certain sports betting individuals who:

11 (A) Are prohibited from placing wagers on certain sporting events
12 pursuant to section 44-30-1502; OR

13 (B) VOLUNTARILY REQUEST TO BE EXCLUDED FROM SPORTS
14 BETTING IN THE STATE PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION.

15 (2) (a) The division shall include in the program described in
16 subsection (1) of this section mechanisms by which individuals may
17 request to be excluded from participation in gaming activities in the state,
18 as described in subsection (1)(a)(I)(A) of this section, OR FROM SPORTS
19 BETTING IN THE STATE, AS DESCRIBED IN SUBSECTION (1)(a)(II)(B) OF THIS
20 SECTION. The mechanisms must include the receipt of such requests by
21 the division in written, electronic, and telephonic form.

22 (b) Notwithstanding any other provision of law, the personal
23 identifying information of the following individuals is confidential and
24 is not subject to the requirements of the "Colorado Open Records Act",
25 part 2 of article 72 of title 24:

26 (I) Individuals who request to be excluded from participation in
27 gaming activities OR SPORTS BETTING in the state pursuant to subsection

1 (2)(a) of this section; and

2 SECTION 5. In Colorado Revised Statutes, amend 44-32-102 as
3 follows:

4 44-32-102. Definitions - rules.

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

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

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

17 (1.5) (3) "Breakage" means the odd cents by which the amount
18 payable on each dollar wagered in a pari-mutuel pool exceeds a multiple
19 of ten cents.

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

25 (5) "BUSINESS LICENSE" MEANS A LICENSE THAT IS ISSUED BY THE
26 DIVISION AND THAT IS REQUIRED FOR INDIVIDUALS, COMPANIES,
27 INSTITUTIONS, ASSOCIATIONS, OR CORPORATIONS TO LAWFULLY ENGAGE

1 IN, OPERATE, OR SUPPORT COMMERCIAL RACING ACTIVITIES. BUSINESS
2 LICENSES ARE CATEGORIZED AS FOLLOWS:

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

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

11 (c) "OUT-OF-STATE ADVANCED DEPOSITS WAGERING LICENSE"
12 REFERS TO A LICENSE ISSUED BY THE COMMISSION TO ANY OUT-OF-STATE
13 ENTITY THAT ENGAGES WITH THE COLORADO HORSE RACING INDUSTRY
14 FOR THE PURPOSES OF PARI-MUTUEL WAGERING.

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

20 (7) "BUSINESS OFFICER" MEANS AN INDIVIDUAL APPOINTED TO AN
21 EXECUTIVE POSITION OF A BUSINESS, SUCH AS A CHIEF EXECUTIVE OFFICER,
22 CHIEF OPERATING OFFICER, CHIEF FINANCIAL OFFICER, CHIEF TECHNOLOGY
23 OFFICER, CHIEF MARKETING OFFICER, CHIEF INFORMATION OFFICER, CHIEF
24 HUMAN RESOURCES OFFICER, OR CHIEF COMPLIANCE OFFICER.

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

27 (2) (9) (a) "Class A track" means a track, located within the state

1 of Colorado, at which a race meet of horses is conducted and that is not
2 a class B track.

3 (b) "Class A track" includes a reopening class A track that has not
4 run a meet within the past three years. Such class A track may begin to
5 operate as a simulcast facility after the commission has approved its
6 application for simulcasting and its application for race dates to hold a
7 race meet within the following twelve months. Applications submitted to
8 the commission shall MUST include a provision for the establishment of
9 a purse fund that complies with this article 32 and the rules of the
10 commission.

11 (3) (10) "Class B track" means a track, located within the state of
12 Colorado, at which a race meet of horses, consisting of thirty or more race
13 days, is being conducted or was being conducted during the immediately
14 preceding twelve months.

15 (4) (11) "Commission" means the Colorado racing commission
16 created in part 3 of this article 32.

17 (5) Repealed.

18 (6) (12) "Director" means the director of the division of racing
19 events.

20 (7) (13) "Division" means the division of racing events created in
21 part 2 of this article 32.

22 (8) (14) "Horse track" means either a class A track or a class B
23 track.

24 (9) (15) "Host track" means either an in-state host track or an
25 out-of-state host track.

26 (10) (16) "In-state host track" means a track, located within the
27 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

1 laws and rules of the states in which the host track and the simulcast
2 facilities are located and with the concurrence of the host track, the
3 combined pari-mutuel pool may be established on a regional or other
4 basis between two or more simulcast facilities and need not involve a
5 merger into the host track's pari-mutuel pool. In such instances, one of the
6 simulcast facilities shall serve as if it were the host track for the purposes
7 of holding the common pool and calculating payoffs. The interstate
8 common pool shall be as specified in the written simulcast racing
9 agreement between the host track and the person operating the simulcast
10 facility receiving the simulcast races.

11 (13) (19) "Intrastate common pool" means a pari-mutuel pool,
12 established for an in-state host track, that includes wagers made at the
13 in-state host track as well as wagers made at in-state simulcast facilities
14 on simulcast races of live races run at the in-state host track.

15 (13.3) (20) "Key occupational license" means a license THAT IS
16 issued by the division AND THAT IS required for an individual who
17 exercises significant influence over decisions affecting a business
18 DECISION-MAKING, MANAGEMENT, OR FINANCIAL INFLUENCE OVER A
19 BUSINESS THAT IS licensed with the commission pursuant to section
20 44-32-504. A "KEY OCCUPATIONAL LICENSE" IS REQUIRED FOR THE
21 FOLLOWING LICENSED POSITIONS: GENERAL MANAGER, ASSISTANT
22 GENERAL MANAGER, ASSOCIATION VETERINARIAN, DIRECTOR OF RACING,
23 RACING SECRETARY, CORPORATE DIRECTOR, SECURITY DIRECTOR,
24 ASSOCIATION STEWARD, CORPORATE OFFICER, MUTUEL MANAGER, AND
25 TOTALISATOR OPERATOR.

26 (13.7) (21) "License" means a license granted by the division
27 pursuant to this article 32.

1 ~~(14)~~ (22) (a) "Licensee" means:
2 (I) any A person holding a current, valid race meet license issued
3 pursuant to section 44-32-505; and
4 (II) any A person holding a current, valid license or registration
5 issued by the commission pursuant to sections 44-32-503 and 44-32-504;
6 AND
7 (III) AN EMPLOYEE, AN AGENT, OR A REPRESENTATIVE OF A
8 PERSON DESCRIBED IN SUBSECTION (22)(a)(I) OR (22)(a)(II) OF THIS
9 SECTION.
10 (b) The commission, by rule, shall determine which occupational
11 categories shall be licensed and which shall be registered. Except in
12 connection with the licensing of race meets, the term "license" includes
13 a registration and "applicant" includes an applicant for a registration.
14 ~~(15)~~ (23) "Out-of-state host track" means a track, located within
15 a state other than Colorado, that is licensed or otherwise properly
16 authorized under the laws of the state to conduct live races of horses and
17 to broadcast the races as simulcast races and that broadcasts the simulcast
18 races to an in-state simulcast facility.
19 ~~(16)~~ (24) "Out-of-state simulcast facility" means a track or other
20 facility, located within a jurisdiction other than Colorado, at which
21 pari-mutuel wagers are placed or accepted, either in person or
22 electronically, on simulcast races pursuant to proper authorization under
23 the laws of the jurisdiction.
24 ~~(17)~~ (25) "Pari-mutuel pool" means a wagering pool into which
25 pari-mutuel wagers on a live race or on a simulcast race are taken.
26 ~~(18)~~ (26) "Pari-mutuel wagering" means a form of wagering on
27 the outcome of horse races in which those who wager purchase tickets of

1 various denominations on one or more horses from one or more pools and
2 all like wagers from each race are pooled and the winning ticket holders
3 are paid prizes from the pool in amounts proportional to the total receipts
4 in the pool minus deductions authorized by statute.

5 (19)(27) "Person" means any AN individual, A partnership, A firm,
6 A corporation, or AN association.

7 (20)(28) (a) "Race meet", OR "MEET", means any A live exhibition
8 of racing involving horses registered within their breed, conducted at a
9 track located within the state of Colorado and operated by a licensee
10 under a license granted pursuant to section 44-32-505, where the
11 pari-mutuel system of wagering is used.

12 (b) "RACE MEET" OR "MEET" INCLUDES THE TOTAL, CONTINUOUS
13 PERIOD DURING WHICH A RACING ASSOCIATION OR TRACK PREMISES IS
14 UNDER THE FULL REGULATORY JURISDICTION OF THE DIVISION, WHICH
15 PERIOD ENCOMPASSES:

16 (I) THE LIVE RACING PERIOD, WHICH IS ALL LICENSED DAYS
17 APPROVED BY THE COMMISSION FOR THE CONDUCT OF LIVE, COMPETITIVE
18 HORSE RACING;

19 (II) THE PREMEET REGULATORY PERIOD, WHICH IS THE ENTIRE
20 PERIOD COMMENCING ON THE FIRST DAY THE LICENSED TRACK PREMISES
21 ARE MADE AVAILABLE FOR OR UTILIZED FOR RECEIVING HORSES,
22 CONDUCTING OFFICIAL REGULATED TRAINING, OR PERFORMING OFFICIAL
23 PREMEET REGULATORY INSPECTIONS, WHICHEVER OCCURS EARLIEST; AND

24 (III) THE POST-MEET REGULATORY PERIOD, WHICH IS SEVEN
25 CALENDAR DAYS IMMEDIATELY FOLLOWING AND INCLUDING THE FINAL
26 LICENSED DAY OF LIVE RACING CONDUCTED BY A RACING ASSOCIATION
27 FOR THE CALENDAR YEAR.

1 (29) "REGISTRATION OCCUPATIONAL LICENSE" MEANS A LICENSE
2 THAT IS ISSUED BY THE DIVISION TO AN INDIVIDUAL WHO HAS SHORT-TERM
3 COMMITMENTS TO PERFORM SERVICES FOR A TRACK OR RACE MEET. A
4 "REGISTRATION OCCUPATIONAL LICENSE" IS VALID FOR NO LONGER THAN
5 NINETY DAYS AND IS REQUIRED BY THE FOLLOWING TEMPORARY LICENSED
6 POSITIONS: ANNOUNCER, CONCESSION EMPLOYEE, NURSE OR EMERGENCY
7 MEDICAL TECHNICIAN, OFFICE PERSONNEL, RACING CLUB ASSOCIATION,
8 TRACK SHOP EMPLOYEE, TEMPORARY TOTE OPERATOR, TEMPORARY TOTE
9 TECHNICIAN, USER, AND VIDEO TECHNICIAN.

10 (21) (30) "Simulcast facility" means either an in-state simulcast
11 facility or an out-of-state simulcast facility.

12 (22) (31) "Simulcast race" means a live, audio-visual broadcast
13 that is:

14 (a) Transmitted simultaneously with either:

15 (I) The performance of a live race of horses by an out-of-state host
16 track; or

17 (II) The performance of a live race of horses by an in-state host
18 track; and

19 (b) Received by a simulcast facility.

20 (23) (32) "Source market fee" means a licensing fee, assessed by
21 the director pursuant to section 44-32-202 (3)(h), in lieu of taxes and fees
22 otherwise payable under this article 32, payable by persons outside of
23 Colorado who conduct pari-mutuel wagering on simulcast races and who
24 accept wagers from Colorado residents at out-of-state simulcast facilities.

25 (23.5) (33) "Support occupational license" means a license THAT
26 IS issued by the division AND required for an individual regulated by the
27 division who is not subject to a key occupational license or an

1 occupational registration license. A "SUPPORT OCCUPATIONAL LICENSE"
2 IS REQUIRED BY THE FOLLOWING LICENSED POSITIONS: ANIMAL TATTOOER,
3 ASSISTANT RACING SECRETARY, AUTHORIZED AGENT, CLERK OF SCALES,
4 CLOCKER, CORPORATE AGENT, DIRECTOR OF SIMULCASTING, EXERCISE
5 RIDER, GROOM, BOOKKEEPER, HORSE IDENTIFIER, JOCKEY, APPRENTICE
6 JOCKEY, JOCKEY AGENT, JOCKEY VALET, MAINTENANCE, MONEY ROOM
7 MANAGER, ASSISTANT MUTUEL MANAGER, MUTUEL EMPLOYEE, FACILITY
8 OFF-TRACK BETTING MANAGER, OFF-TRACK BETTING MANAGER,
9 ASSISTANT OFF-TRACK BETTING MANAGER, OUTFRIDER, OWNER, VIDEO
10 OPERATOR, OWNER/ASSISTANT TRAINER, OWNER/TRAINER, ASSISTANT
11 TRAINER, PADDOCK JUDGE, PHOTO OPERATOR, PLACING JUDGE, PLANT OR
12 TRACK SUPERINTENDENT, PLATER, PONY PERSON, PRIVATE VETERINARIAN,
13 RESTAURANT EMPLOYEE, SECURITY GUARD, STABLE SUPERVISOR,
14 STARTER, ASSISTANT STARTER, TOTALISATOR TECHNICIAN, TRACK
15 SUPERVISOR, TRAINER, AND ANY SIMILAR ROLES OR LICENSE TYPES THAT
16 ARE NOT SUBJECT TO A KEY OCCUPATIONAL LICENSE OR AN
17 OCCUPATIONAL REGISTRATION LICENSE.

18 (24) (34) "Track" or "racetrack" means a track that is located
19 within the state of Colorado and at which a race meet of horses is
20 conducted under a license granted pursuant to section 44-32-505. _____

21 _____

22 **SECTION 6.** In Colorado Revised Statutes, **amend** 16-2.5-123
23 as follows:

24 **16-2.5-123. Director of the division of gaming - gaming**
25 **investigator.**

26 The director of the division of gaming in the department of
27 revenue, THE DIRECTOR'S DESIGNEE, or a gaming investigator in the

1 department of revenue is a peace officer while engaged in the
2 performance of ~~his or her~~ THEIR duties whose primary authority shall be
3 IS as stated in section 44-30-204 OR 44-32-203 (1) and ~~shall also include~~
4 INCLUDES the enforcement of all laws of the state of Colorado and who
5 may be certified by the P.O.S.T. board.

6

7 SECTION 7. In Colorado Revised Statutes, 8-40-301, amend (8)
8 as follows:

9 **8-40-301. Scope of term "employee" - definition.**

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

15 SECTION 8. In Colorado Revised Statutes, 26-2-104, amend
16 (2)(a)(II) introductory portion, (2)(a)(II)(A), and (2)(h)(I)(A) as follows:

17 **26-2-104. Public assistance programs - automatic enrollment**
18 **- electronic benefits transfer service - joint reports with department**
19 **of revenue - signs - rules - definitions.**

20 (2) (a) (II) Only those businesses that offer products or services
21 related to the purpose of the public assistance benefits are allowed to MAY
22 participate in the electronic benefits transfer service through the use of
23 point-of-sale terminals. Clients shall not be allowed to access cash
24 benefits through the electronic benefits transfer service from automated
25 teller machines in this state located in:

26 (A) Licensed gaming establishments as defined in section
27 44-30-103 (18), in-state simulcast facilities as defined in section

1 44-32-102 (11) SECTION 44-32-102 (17), tracks for racing as defined in
2 section 44-32-102 (24) SECTION 44-32-102 (34), or commercial bingo
3 facilities as defined in section 24-21-602 (11);

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

9 (A) Licensed gaming establishments as defined in section
10 44-30-103 (18), in-state simulcast facilities as defined in section
11 44-32-102 (11) SECTION 44-32-102 (17), and tracks for racing as defined
12 in section 44-32-102 (24) SECTION 44-32-102 (34);

13 SECTION 9. In Colorado Revised Statutes, amend 38-13-218 as
14 follows:

15 **38-13-218. Property held by racetracks - inapplicability.**

16 This article 13 does not apply to any intangible unclaimed property
17 held by a racetrack, as defined in section 44-32-102 (24) SECTION
18 44-32-102 (34).

19 SECTION 10. In Colorado Revised Statutes, 44-30-1609, amend
20 (2) as follows:

21 **44-30-1609. Authorization to conduct fantasy contests.**

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

1 **SECTION 11. In Colorado Revised Statutes, 44-32-202, amend**
2 **(3)(h)(II) as follows:**

3 **44-32-202. Director - qualifications - powers and duties - rules.**

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

8 **(h) (II) In establishing and adjusting the source market fee defined**
9 **in ~~section 44-32-102 (23)~~ SECTION 44-32-102 (32), the director may**
10 **allocate a portion of the fee to be credited to any horse purse trust account**
11 **established in accordance with section 44-32-702 (1)(f) if the director**
12 **determines that such an allocation is necessary to maintain a sufficient**
13 **and competitive purse structure. The total fee paid under this section must**
14 **not exceed the limit set forth in section 44-32-501 (2)(d).**

15 **SECTION 12. In Colorado Revised Statutes, 44-32-501, amend**
16 **(3.5) as follows:**

17 **44-32-501. Regulation of race meets and racing-related**
18 **businesses - additional facilities - rules.**

19 **(3.5) An additional facility, as described in ~~section 44-32-102~~**
20 **~~(11)(a)(II)~~ SECTION 44-32-102 (17)(a)(II), must not be located within fifty**
21 **miles of any class B horse track operated by another licensee without the**
22 **written consent of the other licensee. The commission shall establish by**
23 **rule the means of obtaining the consent.**

24 **SECTION 13. In Colorado Revised Statutes, 44-32-603, amend**
25 **(1) as follows:**

26 **44-32-603. Duration of meets.**

27 **(1) It is unlawful to conduct any race meet at which wagering is**

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

8 **SECTION 14. In Colorado Revised Statutes, 44-33-103, amend**
9 **(1) as follows:**

10 **44-33-103. Definitions.**

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

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

17 **SECTION 15. In Colorado Revised Statutes, 44-32-503, amend**
18 **(4)(a) as follows:**

19 **44-32-503. Rules of commission - licensing - record check.**

20 (4) (a) With the submission of an application for a key
21 occupational license or a support occupational license granted pursuant
22 to this article 32, each applicant shall submit a set of fingerprints to the
23 commission. The commission shall submit the fingerprints to the
24 Colorado bureau of investigation for the purpose of conducting a state
25 and national fingerprint-based criminal history record check utilizing
26 records of the Colorado bureau of investigation and the federal bureau of
27 investigation. Only the actual costs of the record check must be borne by

1 the applicant. Nothing in this subsection (4) precludes the commission
2 from making further inquiries into the background of the applicant. THE
3 COMMISSION SHALL REQUIRE THE APPLICANT'S FINGERPRINTS TO BE TAKEN
4 BY A LOCAL LAW ENFORCEMENT AGENCY, THE DIVISION OF RACING
5 EVENTS, OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF
6 INVESTIGATION FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED
7 CRIMINAL HISTORY RECORD CHECK. THE COMMISSION SHALL AUTHORIZE
8 THE ENTITY TAKING THE APPLICANT'S FINGERPRINTS TO SUBMIT, AND THE
9 ENTITY SHALL SUBMIT, THE COMPLETE SET OF THE APPLICANT'S
10 FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE
11 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY
12 RECORD CHECK TO ENSURE APPLICANT ELIGIBILITY, PROTECT PUBLIC
13 SAFETY, AND MAINTAIN THE INTEGRITY OF LICENSED PROFESSIONS. THE
14 COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE
15 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE
16 PURPOSE OF CONDUCTING A NATIONAL FINGERPRINT-BASED CRIMINAL
17 HISTORY RECORD CHECK. UPON COMPLETION, THE COLORADO BUREAU OF
18 INVESTIGATION SHALL RETURN THE RESULTS OF ITS CRIMINAL HISTORY
19 RECORD CHECK TO THE COMMISSION, AND THE COMMISSION IS
20 AUTHORIZED TO RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF
21 INVESTIGATION'S CRIMINAL HISTORY RECORD CHECK. THE APPLICANT
22 SHALL BE RESPONSIBLE FOR PAYING THE COST OF THE RECORD CHECK.
23 NOTHING IN THIS SUBSECTION (4) PRECLUDES THE COMMISSION FROM
24 MAKING FURTHER INQUIRIES INTO THE BACKGROUND OF AN APPLICANT.

25 **SECTION 16. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2026 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.