

CHAPTER 197

PROFESSIONS AND OCCUPATIONS

SENATE BILL 93-110

BY SENATORS Hopper, Cassidy, Tebedo, and Traylor;
also REPRESENTATIVES Acquafresca, Dyer, Foster, and Shoemaker.

AN ACT**CONCERNING CHANGES TO STATUTES RELATING TO THE GOVERNMENTAL ENTITIES INVOLVED IN THE IMPLEMENTATION OF LIMITED GAMING.**

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

SECTION 1. 12-47.1-204 (3), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-47.1-204. Investigator - peace officers. (3) The investigators of the division and their supervisors, including the director of the division and the executive director of the department of revenue, shall ~~for all purposes~~ be considered "peace officer, level II" as defined in section 18-1-901 (3) (I) (III), C.R.S.

SECTION 2. 12-47.1-302 (1) (o), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-47.1-302. Commission - powers and duties. (1) In addition to any other powers and duties set forth in this part 3, and notwithstanding the designation of the Colorado limited gaming control commission under section 12-47.1-201 as a **type 2** transfer, the commission shall nonetheless have the following powers and duties:

(o) To enter into contracts with any governmental entity to carry out its duties without compliance with the provisions of the "Procurement Code", articles 101 to 112 of title 24, C.R.S. SUCH CONTRACTS OR FORMAL AGREEMENTS, OR BOTH, ARE TO BE BASED ON PREESTABLISHED COMMISSION CRITERIA SPECIFYING MINIMUM LEVELS OF COOPERATION AND CONDITIONS FOR PAYMENT.

SECTION 3. 12-47.1-510 (1) (c), Colorado Revised Statutes, 1991 Repl. Vol.,

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

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:

(I) Service of a sentence upon conviction of a felony 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 the provisions of section 24-5-101, C.R.S.;

(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;

(III) SERVICE OF A SENTENCE UPON CONVICTION OF any ~~crime~~ 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 THE APPLICATION, notwithstanding the provisions of section 24-5-101, C.R.S.;

(IV) SERVICE OF A SENTENCE UPON CONVICTION OF ANY GAMBLING-RELATED FELONY OR FELONY INVOLVING 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, NOTWITHSTANDING THE PROVISIONS OF SECTION 24-5-101, C.R.S.;

(V) SERVICE OF A SENTENCE UPON CONVICTION OF ANY 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 THE PROVISIONS OF SECTION 24-5-101, C.R.S.;

SECTION 4. The introductory portion to 12-47.1-831 (2) and 12-47.1-831 (5), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

12-47.1-831. Authority, duties, and powers - department of revenue and department of public safety. (2) ~~The commission shall rely on~~ The Colorado bureau of investigation ~~who~~ shall have authority for the following:

(5) The director of the Colorado bureau of investigation shall employ such personnel as may be necessary, to carry out the duties and responsibilities set forth in this article. The commission shall authorize payment to the Colorado bureau of

investigation for the cost involved. Costs for activities relating to limited gaming shall be paid from the limited gaming fund PURSUANT TO PREESTABLISHED CONTRACTS OR FORMAL AGREEMENTS, OR BOTH, INCLUDING CONTRACTS OR FORMAL AGREEMENTS ON SPECIFIC ACTIVITIES THE DEPARTMENT OF PUBLIC SAFETY WILL COMPLETE FOR THE COMMISSION AND CONDITIONS FOR PAYMENT, THE MANNER IN WHICH THE COMMISSION AND THE DEPARTMENT OF PUBLIC SAFETY WILL REVIEW BUDGETS AND PROJECT RESOURCE NEEDS IN THE FUTURE, AND THE LEVEL OF COOPERATION ESTABLISHED BETWEEN THE DIVISION, THE COLORADO BUREAU OF INVESTIGATION FOR CONDUCTING BACKGROUND INVESTIGATIONS, AND THE COLORADO STATE PATROL FOR CONTRACTED SERVICES.

SECTION 5. 12-47.1-1401 (1), (3), (5), and (7), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

12-47.1-1401. Contiguous county limited gaming impact fund. (1) There is hereby created in the office of the state treasurer the contiguous county limited gaming impact fund, referred to in this part 14 as the "fund", for the purpose of reimbursing those counties contiguous to the counties of Gilpin and Teller, AS WELL AS THOSE COUNTIES CONTIGUOUS TO INDIAN LANDS ON WHICH GAMING ACTIVITIES ARE BEING CONDUCTED AS CONTEMPLATED IN ARTICLE 47.2 OF THIS TITLE, for various expenses incurred in response to the limited gaming permitted in the counties of Gilpin and Teller AND ON SUCH INDIAN LANDS. CONTRIBUTIONS FROM TRIBAL GOVERNMENTS TO COUNTIES CONTIGUOUS TO INDIAN LANDS SHALL BE CONSIDERED IN THE DISTRIBUTION OF MONEYS FROM THE FUND. INCOME RESULTING FROM INCREASED TOURISM TO ALL CONTIGUOUS COUNTIES, INCLUDING THOSE CONTIGUOUS TO INDIAN LANDS, SHALL ALSO BE CONSIDERED IN THE DISTRIBUTION OF MONEYS FROM THE FUND.

(3) Within thirty days of a transfer to the fund, the state treasurer shall make distributions to the governing bodies of the qualifying counties in an amount equal to fifty percent of the fund. Such distributions shall be pursuant to the formula provided in this subsection (3) and in subsection (4) of this section and shall be made annually; EXCEPT THAT IN NO EVENT SHALL LESS THAN AN AGGREGATE TOTAL OF NINE PERCENT OF THE FIFTY PERCENT SHARE OF THE LIMITED GAMING FUND TO BE TRANSFERRED TO THE GENERAL FUND PURSUANT TO SUBSECTION (5) (b) (II) OF SECTION 9 OF ARTICLE XVIII OF THE STATE CONSTITUTION BE DISTRIBUTED TO THE EIGHT COUNTIES WHOSE BOUNDARIES ARE CONTIGUOUS WITH THOSE OF EITHER GILPIN OR TELLER COUNTY. A county qualifies under this subsection (3) if its boundaries are contiguous ~~to~~ WITH THOSE OF either Gilpin or Teller county OR WITH THOSE OF ANY INDIAN LANDS ON WHICH GAMING ACTIVITIES ARE BEING CONDUCTED AS CONTEMPLATED IN ARTICLE 47.2 OF THIS TITLE.

~~(5) (a) Both public and private sector employers in the counties of Gilpin and Teller shall keep records of the addresses of their employees engaged in jobs related directly and indirectly to gaming. These records shall be made available to the department of local affairs.~~

~~(b) The department of local affairs shall update the gaming employee address records on a quarterly basis and develop annual average counts.~~

(7) There is hereby created within the department of local affairs a gaming impact

advisory committee. The committee shall be composed of the executive director of the department of local affairs, the executive director of the department of social services, the executive director of the department of highways, the executive director of the department of public safety, and one resident from each of the ~~eight~~ counties WHOSE BOUNDARIES ARE CONTIGUOUS ~~to~~ WITH THOSE OF Gilpin and Teller counties OR WITH THOSE OF ANY INDIAN LANDS ON WHICH GAMING ACTIVITIES ARE BEING CONDUCTED AS CONTEMPLATED IN ARTICLE 47.2 OF THIS TITLE. The ~~eight~~ residents from the SAID contiguous counties shall be appointed by their respective boards of county commissioners for terms not to exceed four years and shall serve at the pleasure of such respective boards.

SECTION 6. 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: May 10, 1993