

CHAPTER 136

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 02-1250

BY REPRESENTATIVE(S) Dean, Garcia, Hodge, Jahn, Mace, Scott, Spence, Stengel, Tapia, Williams S., and Young;
also SENATOR(S) Tupa, Chlouber, Epps, Fitz-Gerald, Gordon, Linkhart, Matsunaka, Nichol, Phillips, Thiebaut, and Windels.

AN ACT

CONCERNING THE CONTINUATION OF THE LOTTERY DIVISION IN THE DEPARTMENT OF REVENUE.

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

SECTION 1. 24-35-209 (1) (c), Colorado Revised Statutes, is amended to read:

24-35-209. Conflict of interest. (1) Members of the commission and employees of the division are declared to be positions of public trust and, therefore, in order to insure the confidence of the people of the state in the integrity of the division, its employees, and the commission, the following restrictions shall apply:

(c) No member of the commission or employee of the division, including the director, and no member of their immediate families, shall purchase any ticket for any lottery conducted under this part 2; ~~nor shall any such person~~ EXCEPT THAT LOTTERY INVESTIGATORS MAY PURCHASE LOTTERY TICKETS WHEN AUTHORIZED TO DO SO BY THE DIRECTOR FOR INVESTIGATIVE PURPOSES. NO PERSON DESCRIBED IN THIS PARAGRAPH (c) SHALL be eligible to receive any prize awarded in such a lottery.

SECTION 2. 24-35-218 (1) (a), Colorado Revised Statutes, is amended to read:

24-35-218. Division subject to termination. (1) (a) Unless continued or reestablished by the general assembly acting by bill, the division shall terminate on July 1, ~~2009~~ 2024.

SECTION 3. 24-35-218 (1) (b), (1) (c), and (1) (d), Colorado Revised Statutes, are RECREATED AND REENACTED, WITH AMENDMENTS, to read:

24-35-218. Division subject to termination. (1) (b) (I) THE STATE AUDITOR SHALL CONDUCT ANNUAL FINANCIAL AUDITS OF THE DIVISION.

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

(II) AT LEAST ONCE EVERY FIVE YEARS, AND MORE FREQUENTLY IN THE STATE AUDITOR'S DISCRETION, THE STATE AUDITOR SHALL CONDUCT AN ANALYSIS AND EVALUATION OF THE PERFORMANCE OF THE DIVISION AND SHALL SUBMIT A WRITTEN REPORT, TOGETHER WITH SUCH SUPPORTING MATERIALS AS MAY BE REQUESTED, TO THE GENERAL ASSEMBLY. THE FIRST SUCH REPORT SHALL BE COMPLETED BY JANUARY 1, 2004.

(c) IN CONDUCTING THE ANALYSIS AND EVALUATION REQUIRED BY SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (1), THE STATE AUDITOR SHALL TAKE INTO CONSIDERATION, BUT NOT BE LIMITED TO CONSIDERING, THE FOLLOWING FACTORS:

(I) THE AMOUNT OF REVENUE GENERATED BY THE LOTTERY FOR THE CONSERVATION TRUST FUND AND THE PERCENTAGE THAT SUCH AMOUNT BEARS TO TOTAL STATE REVENUES;

(II) THE ADMINISTRATIVE AND OTHER EXPENSE OF LOTTERY DOLLAR COLLECTIONS AS COMPARED TO REVENUE DERIVED;

(III) AN EVALUATION OF THE PERFORMANCE OF LOTTERY EQUIPMENT CONTRACTORS AND LICENSED SALES AGENTS;

(IV) WHETHER THERE HAS BEEN AN INCREASE IN ORGANIZED CRIME RELATED TO GAMBLING WITHIN THE STATE;

(V) THE COMPETITIVE EFFECT OF THE LOTTERY ON OTHER FORMS OF LEGAL GAMBLING IN THE STATE, BOTH PROFIT AND NONPROFIT IN NATURE;

(VI) A SOCIOECONOMIC PROFILE OF PERSONS WHO PLAY THE LOTTERY;

(VII) WHETHER THE COMMISSION ENCOURAGES PUBLIC PARTICIPATION IN ITS DECISIONS RATHER THAN PARTICIPATION ONLY BY THE PEOPLE WHOM IT REGULATES;

(VIII) WHETHER THE DIVISION'S COMPLAINT, INVESTIGATION, AND DISCIPLINARY PROCEDURES ADEQUATELY PROTECT THE PUBLIC;

(IX) WHETHER THE DIVISION PERFORMS ITS STATUTORY DUTIES EFFICIENTLY AND EFFECTIVELY;

(X) WHETHER ADMINISTRATIVE OR STATUTORY CHANGES ARE NECESSARY TO IMPROVE THE OPERATION OF THE LOTTERY IN THE BEST INTERESTS OF THE STATE'S CITIZENS; AND

(XI) ANY OTHER MATTERS OF CONCERN ABOUT THE OPERATION AND FUNCTIONING OF THE LOTTERY.

(d) PRIOR TO ANY REVISION OF THE DIVISION'S FUNCTIONS, A COMMITTEE OF REFERENCE IN EACH HOUSE OF THE GENERAL ASSEMBLY SHALL HOLD A PUBLIC HEARING THEREON TO CONSIDER THE REPORT PROVIDED BY THE STATE AUDITOR, AS REQUIRED BY SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (1). THE HEARING SHALL INCLUDE THE FACTORS SET FORTH IN PARAGRAPH (c) OF THIS

SUBSECTION (1).

SECTION 4. 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 6, 2002