

CHAPTER 156

**PROFESSIONS AND OCCUPATIONS**

SENATE BILL 08-176

BY SENATOR(S) Taylor;  
also REPRESENTATIVE(S) White, and Buescher.

**AN ACT**

**CONCERNING THE CONTINUATION OF STATUTORY PROVISIONS GOVERNING RACING BEYOND THEIR SCHEDULED SELF-REPEAL DATE IN APRIL OF 2008.**

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

**SECTION 1.** 12-60-102 (4), Colorado Revised Statutes, is amended to read:

**12-60-102. Definitions - repeal.** As used in this article, unless the context otherwise requires:

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

(II) This paragraph (a) is repealed, effective April 20, ~~2008~~ 2010.

(b) (I) "Class B track" means a track, located within the state of Colorado, at which a race meet of horses, consisting of fifty or more race days, is being conducted or was being conducted during the immediately preceding twelve months; except that, in its third year of operation and in each year thereafter, ~~such~~ **THE** track must be the site of a race meet of horses consisting of sixty or more race days in order to maintain its class B status.

(II) (A) A track that qualified as a class B track during calendar year ~~2007~~ 2009 shall maintain its class B status for calendar year ~~2008~~ 2010 if it applies for a license to conduct, during ~~2008~~ 2010, a race meet of horses consisting of sixty or more race days or, if ~~2008~~ 2010 is the track's first or second year of operation, fifty or more race days.

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

(B) This subparagraph (II) is repealed, effective April 20, ~~2009~~ 2011.

(III) This paragraph (b) is effective April ~~21, 2008~~ 20, 2010.

**SECTION 2.** 12-60-602 (4), (5) (b) (I) (A), (5) (b) (I.5), (5) (b) (II), (5) (b) (II.5), and (5) (b) (V) (C), Colorado Revised Statutes, are amended to read:

**12-60-602. Simulcast facilities and simulcast races - unlawful act - repeal.**

(4) (a) (I) 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 ~~the provisions of~~ section 12-60-102 (14), an in-state simulcast facility that is located within fifty miles of a horse track that has held within the previous twelve months, or is licensed and scheduled to hold within the next twelve months, a horse race meet of no less than thirty race days, may not receive simulcast races of horses on any day on which such horse track is running live horse races unless the licensee of such horse track consents thereto.

(II) This paragraph (a) is repealed, effective April 20, ~~2008~~ 2010.

(b) (I) 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 ~~the provisions of~~ section 12-60-102 (14), an in-state simulcast facility that is located within fifty miles of a horse track that has held within the previous twelve months, or is licensed and scheduled to hold within the next twelve months, a horse race meet of no less than fifty race days, or no less than sixty race days if such twelve-month period includes any portion of the track's third or subsequent year of operation, may not receive simulcast races of horses on any day on which ~~such~~ THE horse track is running live horse races unless the licensee of ~~such~~ THE horse track consents thereto.

(II) This paragraph (b) is effective April ~~21, 2008~~ 20, 2010.

(5) (b) (I) (A) An in-state simulcast facility that is located on the premises of a class B track may receive, each year, up to a total of two hundred fifty days of simulcast horse races from an out-of-state host track. Such total includes, and is not in addition to, the days on which live racing is held. This sub-subparagraph (A) is repealed, effective April 20, ~~2008~~ 2010.

(I.5) (A) An in-state simulcast facility that is located on the premises of a horse track that runs a horse race meet of at least fifty live race days, or at least sixty live race days if ~~such~~ THE horse race meet is held during any portion of the track's third or subsequent year of operation, may receive, each year, three days of simulcast horse races from an out-of-state host track for each day of live horse racing conducted at ~~such~~ THE horse track during such year.

(B) This subparagraph (I.5) is effective April ~~21, 2008~~ 20, 2010.

(II) (A) An in-state simulcast facility that is not located on the premises of a horse track that runs a horse race meet of at least thirty live race days may only receive a broadcast signal of a simulcast horse race conducted at an out-of-state host track

through an in-state simulcast facility that is located on the premises of a horse track that runs a horse race meet of at least thirty live race days.

(B) This subparagraph (II) is repealed, effective April 20, ~~2008~~ 2010.

(II.5) (A) An in-state simulcast facility that is not located on the premises of a horse track that runs a horse race meet of at least fifty live race days, or at least sixty live race days if ~~such~~ THE horse race meet is held during any portion of the track's third or subsequent year of operation, may only receive a broadcast signal of a simulcast horse race conducted at an out-of-state host track through an in-state simulcast facility that is located on the premises of a horse track ~~which~~ THAT runs a horse race meet of at least fifty live race days, or at least sixty live race days if ~~such~~ THE horse race meet is held during any portion of the track's third or subsequent year of operation.

(B) This subparagraph (II.5) is effective April ~~21, 2008~~ 20, 2010.

(V) (C) During operating year ~~2008-2009~~ 2010-11 and thereafter, an in-state simulcast facility located on the premises of a class B track may begin to receive its allotted number of days of simulcast horse races pursuant to subparagraph (I.5) of this paragraph (b) immediately, notwithstanding that no live racing has yet taken place at ~~such~~ THE track during ~~such~~ THE operating year, if ~~such~~ THE track has applied for a license to conduct, during ~~such~~ THE operating year, a race meet of horses consisting of fifty or more race days or, if ~~such~~ THE operating year includes all or part of the track's third or subsequent year of operation, sixty or more race days. The number of simulcast days allotted shall be based on the number of days of live racing for which the license is sought, using the formula set forth in subparagraph (I.5) of this paragraph (b).

**SECTION 3.** 12-60-701 (2) (c) (II), Colorado Revised Statutes, is amended to read:

**12-60-701. License fees and Colorado-bred horse race requirement - repeal.**

(2) (c) (II) (A) Of the five percent of gross receipts retained pursuant to subparagraph (I) of this paragraph (c), the operator of a simulcast facility that is not located at a class B track and that receives simulcast races of horses shall remit to the operator of the class B track from which such simulcast races were received one-fifth, representing one percent of the gross receipts of pari-mutuel wagering placed on such simulcast races at the simulcast facility.

(B) This subparagraph (II) is repealed, effective April ~~21, 2008~~ 20, 2010.

**SECTION 4.** 12-60-702 (1) (e) (III), Colorado Revised Statutes, is amended to read:

**12-60-702. Unlawful to wager - exception - excess - taxes - special provisions for simulcast races - repeal.** (1) (e) (III) (A) To defray operating expenses, the operator of a simulcast facility located at a class B track may retain up to twenty percent of the net purses earned and payable to the horse purse fund as provided in subparagraph (II) of this paragraph (e).

(B) This subparagraph (III) is repealed, effective April 20, ~~2008~~ 2010.

**SECTION 5.** 12-60-102 (4) (a), Colorado Revised Statutes, is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

**12-60-102. Definitions - repeal.** As used in this article, unless the context otherwise requires:

(4) (a) (I) "CLASS B TRACK" MEANS A TRACK, LOCATED WITHIN THE STATE OF COLORADO, AT WHICH A RACE MEET OF HORSES, CONSISTING OF THIRTY OR MORE RACE DAYS, IS BEING CONDUCTED OR WAS BEING CONDUCTED DURING THE IMMEDIATELY PRECEDING TWELVE MONTHS.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE APRIL 20, 2010.

**SECTION 6.** 12-60-102 (4) (b), Colorado Revised Statutes, as it will become effective April 21, 2008, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**12-60-102. Definitions - repeal.** (4) (b) (I) "CLASS B TRACK" MEANS A TRACK, LOCATED WITHIN THE STATE OF COLORADO, AT WHICH A RACE MEET OF HORSES, CONSISTING OF FIFTY OR MORE RACE DAYS, IS BEING CONDUCTED OR WAS BEING CONDUCTED DURING THE IMMEDIATELY PRECEDING TWELVE MONTHS; EXCEPT THAT, IN ITS THIRD YEAR OF OPERATION AND IN EACH YEAR THEREAFTER, THE TRACK MUST BE THE SITE OF A RACE MEET OF HORSES CONSISTING OF SIXTY OR MORE RACE DAYS IN ORDER TO MAINTAIN ITS CLASS B STATUS.

(II) (A) A TRACK THAT QUALIFIED AS A CLASS B TRACK DURING CALENDAR YEAR 2009 SHALL MAINTAIN ITS CLASS B STATUS FOR CALENDAR YEAR 2010 IF IT APPLIES FOR A LICENSE TO CONDUCT, DURING 2010, A RACE MEET OF HORSES CONSISTING OF SIXTY OR MORE RACE DAYS OR, IF 2010 IS THE TRACK'S FIRST OR SECOND YEAR OF OPERATION, FIFTY OR MORE RACE DAYS.

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE APRIL 20, 2011.

(III) THIS PARAGRAPH (b) IS EFFECTIVE APRIL 20, 2010.

**SECTION 7.** 12-60-602 (4) (a), (5) (b) (I) (A), and (5) (b) (II), Colorado Revised Statutes, are RECREATED AND REENACTED, WITH AMENDMENTS, to read:

**12-60-602. Simulcast facilities and simulcast races - unlawful act - repeal.**

(4) (a) (I) 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 12-60-102 (14), AN IN-STATE SIMULCAST FACILITY THAT IS LOCATED WITHIN FIFTY MILES OF A HORSE TRACK THAT HAS HELD WITHIN THE PREVIOUS TWELVE MONTHS, OR IS LICENSED AND SCHEDULED TO HOLD WITHIN THE NEXT TWELVE MONTHS, A HORSE RACE MEET OF NO LESS THAN THIRTY RACE DAYS, 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.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE APRIL 20, 2010.

(5) (b) (I) (A) AN IN-STATE SIMULCAST FACILITY THAT IS LOCATED ON THE PREMISES OF A CLASS B TRACK MAY RECEIVE, EACH YEAR, UP TO A TOTAL OF TWO HUNDRED FIFTY DAYS OF SIMULCAST HORSE RACES FROM AN OUT-OF-STATE HOST TRACK. SUCH TOTAL INCLUDES, AND IS NOT IN ADDITION TO, THE DAYS ON WHICH LIVE RACING IS HELD. THIS SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE APRIL 20, 2010.

(II) (A) AN IN-STATE SIMULCAST FACILITY THAT IS NOT LOCATED ON THE PREMISES OF A HORSE TRACK THAT RUNS A HORSE RACE MEET OF AT LEAST THIRTY LIVE RACE DAYS MAY ONLY RECEIVE A BROADCAST SIGNAL OF A SIMULCAST HORSE RACE CONDUCTED AT AN OUT-OF-STATE HOST TRACK THROUGH AN IN-STATE SIMULCAST FACILITY THAT IS LOCATED ON THE PREMISES OF A HORSE TRACK THAT RUNS A HORSE RACE MEET OF AT LEAST THIRTY LIVE RACE DAYS.

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE APRIL 20, 2010.

**SECTION 8.** 12-60-602 (4) (b), (5) (b) (I.5), and (5) (b) (II.5), Colorado Revised Statutes, as they will become effective April 21, 2008, are REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**12-60-602. Simulcast facilities and simulcast races - unlawful act - repeal.**

(4) (b) (I) 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 12-60-102 (14), AN IN-STATE SIMULCAST FACILITY THAT IS LOCATED WITHIN FIFTY MILES OF A HORSE TRACK THAT HAS HELD WITHIN THE PREVIOUS TWELVE MONTHS, OR IS LICENSED AND SCHEDULED TO HOLD WITHIN THE NEXT TWELVE MONTHS, A HORSE RACE MEET OF NO LESS THAN FIFTY RACE DAYS, OR NO LESS THAN SIXTY RACE DAYS IF SUCH TWELVE-MONTH PERIOD INCLUDES ANY PORTION OF THE TRACK'S THIRD OR SUBSEQUENT YEAR OF OPERATION, 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.

(II) THIS PARAGRAPH (b) IS EFFECTIVE APRIL 20, 2010.

(5) (b) (I.5) (A) AN IN-STATE SIMULCAST FACILITY THAT IS LOCATED ON THE PREMISES OF A HORSE TRACK THAT RUNS A HORSE RACE MEET OF AT LEAST FIFTY LIVE RACE DAYS, OR AT LEAST SIXTY LIVE RACE DAYS IF THE HORSE RACE MEET IS HELD DURING ANY PORTION OF THE TRACK'S THIRD OR SUBSEQUENT YEAR OF OPERATION, MAY RECEIVE, EACH YEAR, THREE DAYS OF SIMULCAST HORSE RACES FROM AN OUT-OF-STATE HOST TRACK FOR EACH DAY OF LIVE HORSE RACING CONDUCTED AT THE HORSE TRACK DURING SUCH YEAR.

(B) THIS SUBPARAGRAPH (I.5) IS EFFECTIVE APRIL 20, 2010.

(II.5) (A) AN IN-STATE SIMULCAST FACILITY THAT IS NOT LOCATED ON THE PREMISES OF A HORSE TRACK THAT RUNS A HORSE RACE MEET OF AT LEAST FIFTY LIVE RACE DAYS, OR AT LEAST SIXTY LIVE RACE DAYS IF THE HORSE RACE MEET IS HELD DURING ANY PORTION OF THE TRACK'S THIRD OR SUBSEQUENT YEAR OF

OPERATION, MAY ONLY RECEIVE A BROADCAST SIGNAL OF A SIMULCAST HORSE RACE CONDUCTED AT AN OUT-OF-STATE HOST TRACK THROUGH AN IN-STATE SIMULCAST FACILITY THAT IS LOCATED ON THE PREMISES OF A HORSE TRACK THAT RUNS A HORSE RACE MEET OF AT LEAST FIFTY LIVE RACE DAYS, OR AT LEAST SIXTY LIVE RACE DAYS IF THE HORSE RACE MEET IS HELD DURING ANY PORTION OF THE TRACK'S THIRD OR SUBSEQUENT YEAR OF OPERATION.

(B) THIS SUBPARAGRAPH (II.5) IS EFFECTIVE APRIL 20, 2010.

**SECTION 9.** 12-60-602 (5) (b) (V) (C), Colorado Revised Statutes, is amended to read:

**12-60-602. Simulcast facilities and simulcast races - unlawful act - repeal.** (5) (b) (V) (C) During operating year ~~2008-2009~~ 2010-11 and thereafter, an in-state simulcast facility located on the premises of a class B track may begin to receive its allotted number of days of simulcast horse races pursuant to subparagraph (I.5) of this paragraph (b) immediately, notwithstanding that no live racing has yet taken place at ~~such~~ THE track during ~~such~~ THE operating year, if ~~such~~ THE track has applied for a license to conduct, during ~~such~~ THE operating year, a race meet of horses consisting of fifty or more race days or, if ~~such~~ THE operating year includes all or part of the track's third or subsequent year of operation, sixty or more race days. The number of simulcast days allotted shall be based on the number of days of live racing for which the license is sought, using the formula set forth in subparagraph (I.5) of this paragraph (b).

**SECTION 10.** 12-60-701 (2) (c) (II), Colorado Revised Statutes, is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

**12-60-701. License fees and Colorado-bred horse race requirement - repeal.** (2) (c) (II) (A) OF THE FIVE PERCENT OF GROSS RECEIPTS RETAINED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), THE OPERATOR OF A SIMULCAST FACILITY THAT IS NOT LOCATED AT A CLASS B TRACK AND THAT RECEIVES SIMULCAST RACES OF HORSES SHALL REMIT TO THE OPERATOR OF THE CLASS B TRACK FROM WHICH SUCH SIMULCAST RACES WERE RECEIVED ONE-FIFTH, REPRESENTING ONE PERCENT OF THE GROSS RECEIPTS OF PARI-MUTUEL WAGERING PLACED ON SUCH SIMULCAST RACES AT THE SIMULCAST FACILITY.

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE APRIL 20, 2010.

**SECTION 11.** 12-60-702 (1) (e) (III), Colorado Revised Statutes, is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

**12-60-702. Unlawful to wager - exception - excess - taxes - special provisions for simulcast races - repeal.** (1) (e) (III) (A) TO DEFRAID OPERATING EXPENSES, THE OPERATOR OF A SIMULCAST FACILITY LOCATED AT A CLASS B TRACK MAY RETAIN UP TO TWENTY PERCENT OF THE NET PURSES EARNED AND PAYABLE TO THE HORSE PURSE FUND AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (e).

(B) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE APRIL 20, 2010.

**SECTION 12. Effective date.** (1) Sections 12 and 13 of this act shall take

effect upon passage.

(2) If this act is enacted and becomes law before April 20, 2008, sections 1 to 4 shall take effect upon passage and sections 5 to 11 shall not take effect.

(3) If this act is enacted and becomes law on or after April 20, 2008, sections 5 to 11 shall take effect upon passage and sections 1 to 4 shall not take effect.

**SECTION 13. 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: April 17, 2008