

CHAPTER 153

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 09-1272

BY REPRESENTATIVE(S) Massey and Pommer, Gardner C., McKinley, McNulty, Merrifield, Scanlan, Summers, Todd, Fischer, Gardner B., Hullinghorst, Labuda, McFadyen, Middleton, Nikkel, Pace, Priola, Ryden, Schafer S., Solano, Stephens, Vaad, Vigil, Kerr J., King S., Looper, Tipton;
also SENATOR(S) Tapia, Brophy, Heath, Kester, Penry, Williams, Bacon, Groff, Hodge, King K., Spence.

AN ACT

CONCERNING STATUTORY AMENDMENTS REQUIRED TO IMPLEMENT LOCALLY APPROVED CHANGES TO THE PARAMETERS FOR LIMITED GAMING UNDER SECTION 9 (7) OF ARTICLE XVIII OF THE COLORADO CONSTITUTION, ADOPTED BY VOTERS AT THE 2008 GENERAL ELECTION.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds, determines, and declares that:

(a) With the passage of Amendment 50 on November 4, 2008, by a margin of fifty-eight and one-half percent to forty-one and one-half percent, the voters of Colorado recognized the importance of community colleges and local district colleges to the economic development in the state through their contributions to developing a highly skilled workforce to meet the demands of the state's businesses;

(b) It is apparent, based on the widespread support for Amendment 50 across Colorado, that the voters also recognized the value of each of these community colleges and local district colleges to serving the unique needs of each community in which they are located; and

(c) Colorado's voters intended that each community college and local district college should use the resources provided by Amendment 50 for classroom instruction and financial aid that will serve the distinct needs of their communities.

(2) The general assembly further finds that the voters of Central City, Black Hawk, and Cripple Creek have approved the expansion of limited gaming and therefore the previous statutory limits should be amended accordingly.

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

SECTION 2. 12-47.1-103 (10) and (19), Colorado Revised Statutes, are amended, and the said 12-47.1-103 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

12-47.1-103. Definitions. As used in this article, unless the context otherwise requires:

(5.7) "CRAPS" MEANS A GAME PLAYED BY ONE OR MORE PLAYERS AGAINST A CASINO USING TWO DICE, IN WHICH PLAYERS BET UPON THE OCCURRENCE OF SPECIFIC COMBINATIONS OF NUMBERS SHOWN BY THE DICE ON EACH THROW.

(10) "Gaming device" or "gaming equipment" means any equipment or mechanical, electromechanical, or electronic contrivance, component, or machine used remotely or directly in connection with gaming or any game. The term includes a system for processing information which can alter the normal criteria of random selection which affects the operation of any game, or which determines the outcome of a game. The term includes a slot machine, poker table, blackjack table, CRAPS TABLE, ROULETTE TABLE, DICE, and the cards used to play poker and blackjack.

(19) "Limited card games and slot machines", "limited gaming", or "gaming" means slot machines, CRAPS, ROULETTE, and the card games of poker and blackjack, which are authorized by this article and defined and regulated by the commission, each game having a maximum single bet of ~~five~~ ONE HUNDRED dollars.

(25.5) "ROULETTE" MEANS A GAME IN WHICH A BALL IS SPUN ON A ROTATING WHEEL AND DROPS INTO A NUMBERED SLOT ON THE WHEEL, AND BETS ARE PLACED ON WHICH SLOT THE BALL WILL COME TO REST IN.

SECTION 3. 12-47.1-103 (11) (g), (11) (m), and (11) (n), Colorado Revised Statutes, are amended, and the said 12-47.1-103 (11) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

12-47.1-103. Definitions. As used in this article, unless the context otherwise requires:

(11) "Gaming employee" means any person employed by an operator or retailer hosting gaming to work directly with the gaming portion of such operator's or retailer's business, which person shall be twenty-one years of age or older and hold a support license. Persons deemed to be gaming employees shall include, but shall not be limited to:

(g) Persons who accept or transport ~~revenue from a slot, blackjack, or poker table drop or dropbox~~ GAMING REVENUES;

(m) Any person involved in the handling, counting, collecting, or exchanging of money, property, checks, credit, or any representative of value, including, without limitation:

(l) Any coin, token, chip, cash premium, merchandise, redeemable game credits,

or any other thing of value; or

(II) The payoff from any game, gaming, or gaming device; ~~and~~

(n) ~~Such other persons as the commission shall by rule determine.~~ CRAPS TABLE PERSONNEL AND ROULETTE TABLE PERSONNEL; AND

(o) SUCH OTHER PERSONS AS THE COMMISSION SHALL BY RULE DETERMINE.

SECTION 4. The introductory portion to 12-47.1-601 (1) and 12-47.1-601 (1) (e), (1) (f) (VI), and (1) (f) (VII), Colorado Revised Statutes, are amended, and the said 12-47.1-601 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

12-47.1-601. Gaming tax. (1) There is hereby imposed a gaming tax on the adjusted gross proceeds of gaming allowed by this article. The tax shall be set by rule promulgated by the commission. In no event shall the tax exceed forty percent of the adjusted gross proceeds. In setting the tax rate the commission shall consider the need to provide moneys to the cities of Central, Black Hawk, and Cripple Creek for historic restoration and preservation; the impact on the communities and any state agency including, but not limited to, infrastructure, law enforcement, environment, public health and safety, education requirements, human services, and other components due to limited gaming; the impact on licensees and the profitability of their operations; the profitability of the other "for-profit" forms of gambling in this state; the profitability ~~or~~ OF similar forms of gambling in other states; and the expenses of the commission and the division for their administration and operation. The commission shall also consider the following:

(e) The amount shall take into account capital costs required to comply with local, state, or federal requirements; financial reserves required by the commission for payments to winners; and investments necessitated by regulatory requirements of the commission; ~~and~~

(f) The amount shall permit the licensed operator a reasonable profit after expenses, including:

(VI) Financial reserves required by the commission for payment to winners; ~~and~~

(VII) Investments necessitated by regulatory requirements of the commission; AND

(g) IF LOCAL VOTERS IN ONE OR MORE CITIES REVISE ANY LIMITS ON GAMING AS PROVIDED IN SECTION 9 (7) (a) OF ARTICLE XVIII OF THE STATE CONSTITUTION:

(I) ANY COMMISSION ACTION THAT INCREASES THE PERCENTAGE OF GAMING TAXES FROM THE PERCENTAGES IMPOSED AS OF JULY 1, 2008, SHALL BE EFFECTIVE ONLY IF APPROVED BY VOTERS AT A STATEWIDE ELECTION HELD UNDER SECTION 20 (4) (a) OF ARTICLE X OF THE STATE CONSTITUTION; AND

(II) GAMING TAX REVENUES ATTRIBUTABLE TO SUCH LOCALLY APPROVED REVISIONS SHALL BE COLLECTED AND SPENT AS A VOTER-APPROVED REVENUE

CHANGE WITHOUT REGARD TO ANY LIMITATION CONTAINED IN SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR ANY OTHER LAW.

SECTION 5. 12-47.1-701 (1) (b) and the introductory portion to 12-47.1-701 (1) (c), Colorado Revised Statutes, are amended to read:

12-47.1-701. Limited gaming fund. (1) There is hereby created in the office of the state treasurer the limited gaming fund. The fund shall be maintained and operated as follows:

(b) (I) In addition to the initial appropriation to the division, all moneys paid into the limited gaming fund shall be available immediately, without further appropriation, for the purposes of said fund. From the moneys in the limited gaming fund, the state treasurer is hereby authorized to pay all ongoing expenses of the commission, the department, the division, and any other state agency from whom assistance related to the administration of this article is requested by the commission, director, or executive director. Such payment shall be made upon proper presentation of a voucher prepared by the commission in accordance with other statutes governing payments of liabilities incurred on behalf of the state. Such payment shall not be conditioned on any appropriation by the general assembly. Receipt of such payment shall constitute spending authority by the department of revenue, division of gaming.

(II) FOR THE FISCAL YEAR ENDING JUNE 30, 2009, THE EXPENSES INCURRED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL INCLUDE THE STARTUP COSTS OF ADMINISTERING EXPANDED LIMITED GAMING UNDER SECTION 9 (7) OF ARTICLE XVIII OF THE STATE CONSTITUTION; EXCEPT THAT AN AMOUNT EQUAL TO THESE STARTUP COSTS SHALL BE TREATED AS A LOAN AND SHALL BE DEDUCTED WITHOUT INTEREST FROM THE MONEYS OTHERWISE DISTRIBUTABLE PURSUANT TO SECTION 12-47.1-701.5 (3) (b) AND (3) (c) AS SOON AS THE AMOUNT AVAILABLE FOR DISTRIBUTION UNDER THOSE PARAGRAPHS IS SUFFICIENT TO MAKE SUCH REPAYMENT.

(c) Except as otherwise provided in subsections (4) and (5) of this section, at the end of each state fiscal year, the state treasurer shall distribute the balance remaining in the limited gaming fund, except for AMOUNTS REQUIRED TO BE TRANSFERRED TO THE EXTENDED LIMITED GAMING FUND PURSUANT TO SECTION 12-47.1-701.5 AND an amount equal to all expenses of the administration of this article for the preceding two-month period, according to the following guidelines:

SECTION 6. Part 7 of article 47.1 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-47.1-701.5. Revenues attributable to local revisions to gaming limits - extended limited gaming fund - identification - separate administration - distribution - definitions. (1) (a) IMMEDIATELY AFTER THE LIMITED GAMING TAX REVENUES ATTRIBUTABLE TO EXTENDED LIMITED GAMING ARE DETERMINED, THE STATE TREASURER SHALL TRANSFER SUCH REVENUES, TOGETHER WITH ANY ASSOCIATED INTEREST, TO THE EXTENDED LIMITED GAMING FUND, ALSO REFERRED TO IN THIS SECTION AS THE "FUND", WHICH IS HEREBY CREATED IN THE STATE TREASURY.

(b) THE COMMISSION SHALL ANNUALLY DETERMINE THE AMOUNT OF GAMING TAX REVENUES GENERATED IN EACH CITY FROM EXTENDED LIMITED GAMING AND SHALL REPORT SUCH AMOUNTS TO THE STATE TREASURER.

(2) INTEREST EARNED ON MONEYS IN THE FUND SHALL REMAIN IN THE FUND, AND MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL NOT REVERT TO THE GENERAL FUND OR TO ANY OTHER FUND. INTEREST EARNINGS SHALL BE DISTRIBUTED ANNUALLY IN ACCORDANCE WITH PARAGRAPH (c) OF SUBSECTION (3) OF THIS SECTION.

(3) FROM THE FUND, THE STATE TREASURER SHALL PAY:

(a) FIRST, THAT PORTION OF THE ONGOING EXPENSES OF THE COMMISSION AND OTHER STATE AGENCIES THAT ARE RELATED TO THE ADMINISTRATION OF EXTENDED LIMITED GAMING, AS DETERMINED IN ACCORDANCE WITH RULES OF THE COMMISSION. WHEN MAKING ANNUAL LUMP-SUM DISTRIBUTIONS FROM THE FUND AS DESCRIBED IN SUBSECTION (5) OF THIS SECTION, THE STATE TREASURER MAY WITHHOLD AN AMOUNT REASONABLY ANTICIPATED TO BE SUFFICIENT TO PAY SUCH EXPENSES UNTIL THE NEXT ANNUAL DISTRIBUTION.

(b) SECOND, ANNUAL ADJUSTMENTS, IN CONNECTION WITH DISTRIBUTIONS TO LIMITED GAMING FUND RECIPIENTS LISTED IN SECTION 9 (5) (b) (II) OF ARTICLE XVIII OF THE STATE CONSTITUTION, TO REFLECT THE LESSER OF SIX PERCENT, OR THE ACTUAL PERCENTAGE, OF ANNUAL GROWTH IN EXTENDED LIMITED GAMING TAX REVENUES. AS USED IN THIS PARAGRAPH (b), "ANNUAL ADJUSTMENT" MEANS AN ANNUAL PAYMENT TO LIMITED GAMING FUND RECIPIENTS LISTED IN SECTION 9 (5) (b) (II) OF ARTICLE XVIII OF THE STATE CONSTITUTION, CALCULATED AS FOLLOWS:

(I) FOR REVENUES COLLECTED IN FISCAL YEAR 2009-10, THE PAYMENT SHALL EQUAL SIX PERCENT OF THE FIRST YEAR'S LIMITED GAMING REVENUES ATTRIBUTABLE TO EXTENDED LIMITED GAMING.

(II) FOR EACH FISCAL YEAR AFTER 2009-10, THE ANNUAL PAYMENT SHALL BE INCREASED OR DECREASED AS FOLLOWS AND SHALL CONSTITUTE THE ANNUAL ADJUSTMENT:

(A) FOR ANY YEAR IN WHICH THE ANNUAL GROWTH OF LIMITED GAMING REVENUES ATTRIBUTABLE TO EXTENDED LIMITED GAMING EXCEEDS OR EQUALS SIX PERCENT, ADD AN AMOUNT EQUAL TO SIX PERCENT OF SAID REVENUES;

(B) FOR ANY YEAR IN WHICH THE ANNUAL GROWTH IN LIMITED GAMING REVENUES ATTRIBUTABLE TO EXTENDED LIMITED GAMING IS BETWEEN ZERO AND SIX PERCENT, ADD AN AMOUNT EQUAL TO THE ACTUAL PERCENTAGE GROWTH OF SAID REVENUES;

(C) FOR ANY YEAR IN WHICH LIMITED GAMING TAX REVENUES EXPERIENCE A DECLINE, SUBTRACT AN AMOUNT EQUAL TO THE ACTUAL PERCENTAGE DECLINE OF SAID REVENUES.

(III) NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED TO PERMIT COMPOUNDING OR ACCUMULATION OF THE ANNUAL ADJUSTMENT.

(c) OF THE REMAINING GAMING TAX REVENUES, DISTRIBUTIONS IN THE FOLLOWING PROPORTIONS:

(I) SEVENTY-EIGHT PERCENT TO THE STATE'S PUBLIC COMMUNITY COLLEGES, JUNIOR COLLEGES, AND LOCAL DISTRICT COLLEGES TO SUPPLEMENT EXISTING STATE FUNDING FOR STUDENT FINANCIAL AID PROGRAMS AND CLASSROOM INSTRUCTION PROGRAMS, INCLUDING WORKFORCE PREPARATION TO ENHANCE THE GROWTH OF THE STATE ECONOMY, TO PREPARE COLORADO RESIDENTS FOR MEANINGFUL EMPLOYMENT, AND TO PROVIDE COLORADO BUSINESSES WITH WELL-TRAINED EMPLOYEES. SUCH REVENUE SHALL BE DISTRIBUTED TO COLLEGES THAT WERE OPERATING ON AND AFTER JANUARY 1, 2008, IN PROPORTION TO THEIR RESPECTIVE FULL-TIME EQUIVALENT STUDENT ENROLLMENTS IN THE PREVIOUS FISCAL YEAR. FOR PURPOSES OF SUCH DISTRIBUTION, THE STATE TREASURER SHALL USE THE MOST RECENT AVAILABLE FIGURES ON FULL-TIME EQUIVALENT STUDENT ENROLLMENT CALCULATED BY THE COLORADO COMMISSION ON HIGHER EDUCATION IN ACCORDANCE WITH PARAGRAPH (c) OF SUBSECTION (4) OF THIS SECTION.

(II) TEN PERCENT TO THE GOVERNING BODIES OF THE CITIES OF CENTRAL, BLACK HAWK, AND CRIPPLE CREEK TO ADDRESS LOCAL GAMING IMPACTS. SUCH REVENUE SHALL BE DISTRIBUTED BASED ON THE PROPORTION OF EXTENDED LIMITED GAMING TAX REVENUES THAT ARE PAID BY LICENSEES OPERATING IN EACH CITY.

(III) TWELVE PERCENT TO THE GOVERNING BODIES OF GILPIN AND TELLER COUNTIES TO ADDRESS LOCAL GAMING IMPACTS. SUCH REVENUE SHALL BE DISTRIBUTED BASED ON THE PROPORTION OF EXTENDED LIMITED GAMING TAX REVENUES THAT ARE PAID BY LICENSEES OPERATING IN EACH COUNTY.

(4) **Definitions.** AS USED IN THIS SECTION:

(a) "COLLEGES THAT WERE OPERATING ON AND AFTER JANUARY 1, 2008" MEANS: AIMS COMMUNITY COLLEGE, ARAPAHOE COMMUNITY COLLEGE, COLORADO MOUNTAIN COLLEGE, COLORADO NORTHWESTERN COMMUNITY COLLEGE, THE COMMUNITY COLLEGE OF AURORA, THE COMMUNITY COLLEGE OF DENVER, FRONT RANGE COMMUNITY COLLEGE, LAMAR COMMUNITY COLLEGE, MORGAN COMMUNITY COLLEGE, NORTHEASTERN JUNIOR COLLEGE, OTERO JUNIOR COLLEGE, PIKES PEAK COMMUNITY COLLEGE, PUEBLO COMMUNITY COLLEGE, RED ROCKS COMMUNITY COLLEGE, TRINIDAD STATE JUNIOR COLLEGE, THE TWO-YEAR ROLE AND MISSION OF MESA STATE COLLEGE, CURRENTLY REFERRED TO AS WESTERN COLORADO COMMUNITY COLLEGE DIVISION OF MESA STATE COLLEGE, THE TWO-YEAR ACADEMIC ROLE AND MISSION OF ADAMS STATE COLLEGE, AND THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION, FOR SO LONG AS EACH SUCH COLLEGE OR BOARD CONTINUES OPERATING.

(b) "EXTENDED LIMITED GAMING" MEANS THE EXTENSION OF HOURS, GAMES, OR BET LIMITS BY A LOCAL VOTE IN ACCORDANCE WITH SECTION 9 (7) (a) OF ARTICLE XVIII OF THE STATE CONSTITUTION.

(c) (I) "FULL-TIME EQUIVALENT STUDENT ENROLLMENT" MEANS THE NUMBER OF IN-STATE, FULL-TIME EQUIVALENT STUDENTS ENROLLED AT A COLLEGE, AS DETERMINED IN ACCORDANCE WITH ARTICLE 7 OF TITLE 23, C.R.S., AND THE ELIGIBILITY PARAMETERS CONTAINED IN THE "POLICY FOR REPORTING FULL-TIME

EQUIVALENT STUDENT ENROLLMENT" PUBLISHED AS OF JANUARY 1, 2008, BY THE COLORADO COMMISSION ON HIGHER EDUCATION, PURSUANT TO ITS AUTHORITY UNDER SECTION 23-1-105, C.R.S. THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL DETERMINE THE FULL-TIME EQUIVALENT STUDENT ENROLLMENT FOR EACH COLLEGE NO LATER THAN AUGUST 15 OF EACH YEAR. FOR PURPOSES OF CALCULATING A COLLEGE'S IN-STATE, FULL-TIME EQUIVALENT STUDENT ENROLLMENT FOR ANY FISCAL YEAR, THE NUMBER OF STUDENTS ENROLLED IN CERTIFICATE, AA, AS, AGS, OR AAS DEGREE COURSES AND PROGRAMS, AS WELL AS THE NONDEGREE-SEEKING STUDENTS WHO ARE INCLUDED AS PART OF THE COMMUNITY COLLEGE ROLE AND MISSION FOR PURPOSES OF APPLICATION TO THE DEPARTMENT OF HIGHER EDUCATION AND ENROLLMENTS IN DEVELOPMENTAL COURSES BY ANY STUDENTS, REGARDLESS OF DEGREE INTENT, REPORTED BY THE COLLEGE TO THE DEPARTMENT OF HIGHER EDUCATION IN ITS FINAL STUDENT FTE REPORT FOR THAT FISCAL YEAR SHALL BE PRESUMED CORRECT; EXCEPT THAT THE FOLLOWING STUDENTS SHALL BE EXCLUDED:

(A) STUDENTS WHO ARE ADMITTED TO A COLLEGE ON A COMPETITIVE BASIS AND ARE NOT ENROLLED IN CERTIFICATE, AA, AS, AGS, OR AAS DEVELOPMENTAL OR VOCATIONAL COURSES;

(B) STUDENTS WHO ARE ADMITTED PURSUANT TO THE COLORADO COMMISSION ON HIGHER EDUCATION'S UNDERGRADUATE ADMISSIONS STANDARD INDEX FOR A COLLEGE OR WITHIN THE COLORADO COMMISSION ON HIGHER EDUCATION'S ADMISSIONS WINDOW FOR A COLLEGE AND ARE NOT ENROLLED IN CERTIFICATE, AA, AS, AGS, OR AAS DEVELOPMENTAL OR VOCATIONAL COURSES; AND

(C) STUDENTS WHO ARE ENROLLED IN CLASSES THAT ARE NOT SUPPORTED BY STATE GENERAL FUND MONEYS.

(II) WITH RESPECT TO THE TWO-YEAR MISSION AT ADAMS STATE COLLEGE, FULL-TIME EQUIVALENT STUDENT ENROLLMENT SHALL BE LIMITED TO ENROLLMENT IN THE ASSOCIATE'S DEGREE PROGRAMS THAT EXISTED AS OF NOVEMBER 4, 2008.

(d) "LIMITED GAMING TAX REVENUES ATTRIBUTABLE TO EXTENDED LIMITED GAMING" MEANS ALL LIMITED GAMING TAX REVENUE IN EXCESS OF THE AMOUNT COLLECTED DURING FISCAL YEAR 2008-09, ADJUSTED AS FOLLOWS:

(I) FOR REVENUES COLLECTED IN FISCAL YEAR 2009-2010, REDUCED BY A THREE PERCENT GROWTH FACTOR ON THE 2008-2009 BASE OF LIMITED GAMING TAX REVENUES, WHICH AMOUNT SHALL BE ADDED TO THE BASE AND SHALL CONSTITUTE THE ADJUSTED BASE; AND

(II) THEREAFTER:

(A) REDUCED BY A THREE PERCENT PER FISCAL YEAR GROWTH FACTOR ON THE PREVIOUS YEAR'S ADJUSTED BASE, WHICH GROWTH FACTOR SHALL BE ADDED TO THE PREVIOUS FISCAL YEAR'S ADJUSTED BASE AND SHALL CONSTITUTE THE NEW ADJUSTED BASE; OR

(B) IF GROWTH IN LIMITED GAMING TAX REVENUES IS BETWEEN ZERO AND THREE PERCENT IN ANY FISCAL YEAR, THE GROWTH FACTOR ON THE PREVIOUS FISCAL

YEAR'S ADJUSTED BASE SHALL BE THE ACTUAL PERCENTAGE GROWTH IN LIMITED GAMING TAX REVENUES, WHICH SHALL BE ADDED TO THE PREVIOUS FISCAL YEAR'S ADJUSTED BASE; OR

(C) IF LIMITED GAMING TAX REVENUES DECLINE FROM YEAR TO YEAR, THE PREVIOUS FISCAL YEAR'S ADJUSTED BASE SHALL BE REDUCED BY THE ACTUAL PERCENTAGE DECLINE IN LIMITED GAMING TAX REVENUE.

(e) "OTHER STATE MONEYS APPROPRIATED OR OTHERWISE ALLOCATED FOR SIMILAR PROGRAMS OR PURPOSES" MEANS ALL MONEYS DISTRIBUTED FROM THE GENERAL FUND OF THE STATE BY THE GENERAL ASSEMBLY FOR HIGHER EDUCATION OR FOR THE SUPPORT OF ANY INSTITUTION OF HIGHER EDUCATION, INCLUDING WITHOUT LIMITATION THE COLLEGES LISTED IN PARAGRAPH (a) OF THIS SUBSECTION (4). IF THE TOTAL AMOUNT OF SPENDING DESCRIBED IN THIS PARAGRAPH (e) IS REDUCED FROM ONE STATE FISCAL YEAR TO THE NEXT, THE PERCENTAGE OF SUCH REDUCTION FOR THE COLLEGES LISTED IN PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL NOT EXCEED THE PERCENTAGE OF REDUCTION IN TOTAL GENERAL FUND OPERATING FUNDING, INCLUDING COLLEGE OPPORTUNITY FUND STIPENDS AND FEE-FOR-SERVICE FUNDS, FOR ALL INSTITUTIONS OF HIGHER EDUCATION DURING THE SAME STATE FISCAL YEAR.

(f) "PREVIOUS FISCAL YEAR" MEANS, WITH RESPECT TO A COLLEGE RECEIVING MONEYS UNDER THIS SECTION, THE FISCAL YEAR IMMEDIATELY PRECEDING THE FISCAL YEAR IN WHICH MONEYS ARE MADE AVAILABLE TO THE COLLEGE PURSUANT TO THIS SECTION.

(5) Method of distribution - distribution to colleges - relationship to funding from other sources. (a) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE STATE TREASURER SHALL DISTRIBUTE ALL MONEYS FROM THE FUND TO THE RECIPIENTS IDENTIFIED IN PARAGRAPH (c) OF SUBSECTION (3) OF THIS SECTION IN THE FORM OF LUMP-SUM PAYMENTS. DISTRIBUTION TO COLLEGES LISTED IN PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION SHALL BE TO THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION FOR THOSE COLLEGES LISTED IN SECTION 23-60-205, C.R.S., AND TO THE RESPECTIVE GOVERNING BOARDS OF THE COLLEGES THAT ARE NOT SO LISTED.

(b) MONEYS DISTRIBUTED UNDER THIS SECTION TO COLLEGES LISTED IN PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION, AND ANY INTEREST OR INCOME EARNED ON A COLLEGE'S DEPOSIT OF SUCH MONEYS, SHALL SUPPLEMENT AND SHALL NOT SUPPLANT ANY OTHER STATE MONEYS APPROPRIATED OR OTHERWISE ALLOCATED FOR SIMILAR PROGRAMS OR PURPOSES. AS USED IN THIS SUBSECTION (5), "STATE MONEYS" MEANS GENERAL FUND OPERATING FUNDING, INCLUDING COLLEGE OPPORTUNITY FUND STIPENDS AND FEE-FOR-SERVICE FUNDS, ADJUSTED FOR INFLATION TO THE SAME DEGREE AS THE INFLATION ADJUSTMENT RECEIVED BY OTHER INSTITUTIONS OF HIGHER EDUCATION.

(c) ANY HIGHER EDUCATION FUNDING FORMULA THAT ALLOCATES STATE-APPROPRIATED MONEYS SHALL NOT USE MONEYS DISTRIBUTED UNDER THIS SECTION TO SUPPLANT STATE MONEYS OTHERWISE ALLOCATED BY SUCH FORMULA.

(d) MONEYS DISTRIBUTED FROM THE FUND ARE HEREBY CONTINUOUSLY

APPROPRIATED TO THE GOVERNING BOARDS OF THE COLLEGES LISTED IN PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION. SUCH MONEYS SHALL BE INCLUDED FOR INFORMATIONAL PURPOSES IN THE ANNUAL GENERAL APPROPRIATION BILL OR IN SUPPLEMENTAL APPROPRIATION BILLS FOR THE PURPOSE OF COMPLYING WITH ANY APPLICABLE CONSTITUTIONAL AND STATUTORY LIMITS ON STATE FISCAL YEAR SPENDING.

(6) **Bonding authority.** IN ADDITION TO ANY OTHER POWERS CONFERRED BY LAW, THE GOVERNING BODY OF EACH COLLEGE LISTED IN PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION MAY ISSUE BONDS REFUNDABLE FROM REVENUES RECEIVED PURSUANT TO THIS SECTION.

SECTION 7. 12-47.1-802, Colorado Revised Statutes, is amended to read:

12-47.1-802. False statement on application - violations of rules or provisions of article as felony. Any person who knowingly makes a false statement in any application for a license or in any statement attached to the application, or who provides any false or misleading information to the commission or the division, or who fails to keep books and records to substantiate the receipts, expenses, or uses resulting from limited gaming conducted under this article as prescribed in rules ~~or regulations~~ promulgated by the commission, or who falsifies any books or records ~~which~~ THAT relate to any transaction connected with the holding, operating, and conducting of any limited ~~card games or slot machines~~ GAMING ACTIVITY, or who knowingly violates any of the provisions of this article or any rule ~~or regulation~~ adopted by the commission or any terms of any license granted under this article, commits a class 5 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

SECTION 8. 12-47.1-810, Colorado Revised Statutes, is amended to read:

12-47.1-810. Employee twenty-one years or older required on premises. A retail licensee shall have one employee who is at least twenty-one years of age on the premises during the hours limited gaming is conducted and within full view and control of any limited ~~card games or slot machines operated~~ GAMING ACTIVITY CONDUCTED on the premises pursuant to the license obtained.

SECTION 9. 12-47.1-815, Colorado Revised Statutes, is amended to read:

12-47.1-815. Extension of credit prohibited. No person licensed under this article may extend credit to another person for participation in limited ~~card games and slot machines~~ GAMING.

SECTION 10. 12-47.1-816, Colorado Revised Statutes, is amended to read:

12-47.1-816. Maximum amount of bets. The amount of a bet made pursuant to this article shall not be more than ~~five~~ ONE HUNDRED dollars on the initial bet or subsequent bet, subject to rules promulgated by the commission.

SECTION 11. 12-47.1-818, Colorado Revised Statutes, is amended to read:

12-47.1-818. Approval of rules for certain games. (1) Specific rules for

blackjack, ~~and~~ poker, CRAPS, AND ROULETTE shall be approved by the commission and clearly posted within plain view of ~~any applicable card table~~ SUCH GAMES.

(2) No licensee shall offer poker, ~~or~~ blackjack, CRAPS, OR ROULETTE, or any variation game thereof, without prior approval of the game by the commission.

(3) No licensee shall employ shills.

SECTION 12. Repeal. 12-47.1-821, Colorado Revised Statutes, is repealed as follows:

12-47.1-821. Limited gaming - limited hours. ~~It shall be unlawful for any person to conduct or participate in limited gaming between the hours of 2 a.m. and 8 a.m.~~

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 21, 2009