

CHAPTER 296

**PROFESSIONS AND OCCUPATIONS**

SENATE BILL 09-174

BY SENATOR(S) Kester, Isgar, Spence, Tochtrop, White, Hodge, Tapia;  
also REPRESENTATIVE(S) Casso, Fischer, Labuda, Liston, Marostica, McKinley, Middleton, Sonnenberg, Todd.

**AN ACT**

**CONCERNING PARI-MUTUEL RACING.**

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

**SECTION 1.** 12-60-102 (2), (4), (14) (a) (III), and (14) (a) (IV), Colorado Revised Statutes, are amended to read:

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

(2) ~~"Circuit" means either the north circuit or the south circuit established within the state of Colorado for the racing of greyhounds pursuant to section 12-60-603 (2).~~

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(II) ~~This paragraph (a) is repealed, effective April 20, 2010.~~

(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.~~

(H) (A) ~~A track that qualified as a class B track during calendar year 2009 shall~~

---

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

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~~(B) This subparagraph (H) is repealed, effective April 20, 2011.~~

~~(H) This paragraph (b) is effective April 20, 2010.~~

(14) (a) "In-state simulcast facility" means:

~~(III) A facility operated by a licensee who was licensed to hold a race meet of greyhounds in 2003 so long as one or more greyhound tracks are operating in Colorado in accordance with section 12-60-602 (5) (a) (I); or~~

~~(IV) An additional facility that is operated by and is the responsibility of the licensee of a class B horse track or greyhound track, located in Colorado, and used for the handling of wagers placed on simulcast races received by such track or facility. The number of such additional facilities shall not exceed one per operating license. An in-state simulcast facility as defined by subparagraph (H) of this paragraph (a) may operate one additional facility in accordance with this article. Such additional facilities~~ THE TOTAL NUMBER OF FACILITIES LICENSED TO HOLD A RACE MEET IN 2003 PLUS ONE ADDITIONAL FACILITY PER LICENSEE AS AUTHORIZED UNDER THIS ARTICLE. SUCH ADDITIONAL FACILITIES SHALL BE LICENSED IN ACCORDANCE WITH SECTION 12-60-504 AND shall not be located within fifty miles of any class B horse track or greyhound track operated by another licensee without the written consent of such other licensee. The commission shall establish by rule the means of obtaining such consent.

**SECTION 2.** 12-60-202 (3) (d) and (3) (h), Colorado Revised Statutes, are amended, and the said 12-60-202 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**12-60-202. Director - qualifications - powers and duties - repeal.** (3) The director, as administrative head of the division, shall direct and supervise all administrative and technical activities of the division. In addition to the duties imposed upon the director elsewhere in this article, it shall be the director's duty:

(d) To confer, as necessary or desirable and not less than once each ~~month~~ QUARTER, with the commission on the conduct of racing;

~~(h) To annually prepare and submit to the commission, for its approval, a proposed budget for the ensuing fiscal year, which budget shall present a complete financial plan setting forth all proposed expenditures and anticipated revenues of the division. The fiscal year of the division shall commence on July 1 and end on June 30 of each year~~ ESTABLISH AND ADJUST FEES FOR ALL LICENSES AND REGISTRATIONS ISSUED PURSUANT TO THIS ARTICLE IN AN AMOUNT SUFFICIENT TO GENERATE REVENUE THAT APPROXIMATES THE DIRECT AND INDIRECT COST OF ADMINISTERING THIS ARTICLE; EXCEPT THAT AN INCREASE OF MORE THAN TEN PERCENT IN THE FEE FOR AN OCCUPATIONAL LICENSE OR REGISTRATION SHALL BE SUBJECT TO RATIFICATION BY THE COMMISSION. SUCH FEES SHALL BE CREDITED TO THE RACING CASH FUND CREATED IN SECTION 12-60-205.

(4) (a) ON OR BEFORE JANUARY 15, 2010; JANUARY 15, 2011; AND JANUARY 15, 2012; THE DIRECTOR, IN CONSULTATION WITH THE COMMISSION, SHALL PREPARE AND DELIVER TO THE SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, A REPORT ON THE STATUS OF THE PARI-MUTUEL INDUSTRY FOLLOWING THE PASSAGE OF SENATE BILL 09-174, ENACTED IN 2009, AND INCLUDING, IN PARTICULAR, INFORMATION ON THE FINANCIAL STATUS OF HORSE AND GREYHOUND RACING.

(b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2012.

**SECTION 3.** 12-60-301 (1) (h), Colorado Revised Statutes, is amended to read:

**12-60-301. Racing commission - creation.** (1) There is hereby created, within the division of racing events, the Colorado racing commission. The commission shall consist of five members, all of whom shall be citizens of the United States and shall have been residents of this state for the past five years. The members shall be appointed by the governor, with the consent and approval of the senate. No member shall have been convicted of a felony or gambling-related offense, notwithstanding the provisions of section 24-5-101, C.R.S. No more than three of the five members shall be members of the same political party. At the first meeting of each fiscal year, a chair and vice-chair of the commission shall be chosen from the membership by a majority of the members. Membership and operation of the commission shall additionally meet the following requirements:

(h) The commission shall hold at least one meeting each ~~month~~ QUARTER and such additional meetings as may be prescribed by rules of the commission. In addition, special meetings may be called by the chair, any two commission members, or the director, if written notification of such meeting is delivered to each member at least seventy-two hours prior to such meeting. Notwithstanding ~~the provisions of section 24-6-402, C.R.S.~~, in emergency situations in which a majority of the commission certifies that exigencies of time require that the commission meet without delay, the requirements of public notice and of seventy-two hours' actual advance written notice to members may be dispensed with, and commission members as well as the public shall receive such notice as is reasonable under the circumstances. Any action by the commission during such emergency meetings shall be limited to those issues relating to the emergency situation for which the meeting was called.

**SECTION 4.** 12-60-503 (1) (b) and (2) (a), Colorado Revised Statutes, are amended to read:

**12-60-503. Rules of the commission - licensing.** (1) (b) The commission may issue a temporary ~~or conditional~~ license or registration for up to a maximum of ninety days for any license or registration authorized under this article.

(2) (a) Every person holding a license or registration under this article, every person operating an in-state simulcast facility, and every owner or trainer of any horse or greyhound licensed to enter any racing contest under this article shall comply with all rules and orders issued by the commission. It is unlawful for any person to work upon the premises of a racetrack without first obtaining from the

commission a license or registration for such activity. The commission may waive this licensing or registration requirement for such occupational categories as the commission, in its discretion, deems unnecessary to be licensed or registered. This licensing or registration requirement does not apply to the members of the commission or its employees or to persons whose only participation is individually as spectator or bettor. It is unlawful for any person who owns or leases a racing animal to allow such animal to race in this state without first obtaining an owner's license or registration from the commission, as prescribed by the rules of the commission. The commission in its discretion may extend the validity of any license issued for a period not to exceed three years, and the fee for such license shall be increased proportionately; except that no temporary ~~or conditional~~ license or registration shall be issued for a period longer than ninety days. It is unlawful for any person to hold any race meet with pari-mutuel wagering without obtaining a license therefor. It is unlawful for any person to operate an in-state simulcast facility unless that person is a licensee that has been licensed within the year to hold a race meet or is a licensee that has a written simulcast racing agreement with the in-state host track or out-of-state host track from which the simulcast race is broadcast and has filed a copy of the written simulcast racing agreement with the commission prior to operation as an in-state simulcast facility.

**SECTION 5.** 12-60-511 (5) (b), Colorado Revised Statutes, is amended to read:

**12-60-511. Eligibility to operate race meets - renewal or revocation.**

(5) (b) Except as otherwise provided in this article, in its sound discretion, the commission may allot different dates for race meets, different dates for racing within a race meet, and a different number of races on such dates from those requested in the application for renewal. In making such allotment of dates, the commission shall do so in its sound discretion and shall endeavor to allot to each applicant the dates requested in the respective applications so filed by the applicants, after giving due consideration to all factors involved, including the interests of the respective applicants and the public and the best interests of racing, and avoiding, whenever possible, conflicts in live greyhound race dates between greyhound tracks ~~in the same circuit~~ or a conflict in live horse race dates between class A tracks or between class B tracks located within fifty miles of each other; except that the commission may allot dates to a state, county, or other fair commission or association holding not more than one race meet annually for a period not exceeding six days, notwithstanding that such dates conflict with the dates allotted to another applicant conducting live racing of the same type animals. When the granting of requested initial or renewal race dates would result in a conflict, the commission, in its discretion, may grant race dates so as to avoid such conflict to the extent possible, giving preference to requests for race dates from license applicants whose licensed race meet in the previous year included such race dates.

**SECTION 6.** 12-60-602 (4) (a), (4) (b), (5) (a) (I), (5) (a) (III), (5) (a) (IV), (5) (b) (I) (A), (5) (b) (I.5), (5) (b) (II), (5) (b) (II.5), (5) (b) (IV), 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 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, 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 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) (a) (I) (A) EXCEPT AS OTHERWISE PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (I), an in-state simulcast facility that is located on the premises of a greyhound track that is currently conducting a live race meet may receive up to seven days of simulcast greyhound races from out-of-state host tracks during any week in which a total of five days of live greyhound racing of at least ten races each day are conducted in Colorado by one or more licensees. Such total includes, and is not in addition to, the days on which live racing is held. Any live race day that is canceled by the division due to weather or other unusual conditions shall be credited toward the five-day minimum if at least ten races were scheduled on that day. Thanksgiving day and Christmas day shall be credited toward the five-day minimum. ~~The commission shall apportion no more than two hundred fifty out-of-state simulcast race days equitably among greyhound tracks based upon the number of live race days. An in-state simulcast facility shall not simulcast more than the number of race days apportioned to such facility by the commission.~~

(B) THE COMMISSION MAY GRANT AN EXCEPTION TO ANY OF THE REQUIREMENTS SET FORTH IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I) UPON THE REQUEST OF A LICENSEE AUTHORIZED TO CONDUCT LIVE GREYHOUND RACING AND WITH THE CONSENT OF THE ORGANIZATION REPRESENTING THE MAJORITY OF THE KENNEL OPERATORS AT THAT LICENSED GREYHOUND TRACK IF SUCH ORGANIZATION EXISTS AT THE TIME, OR THE GROUP REPRESENTING THE MAJORITY OF GREYHOUND OPERATORS AS OF JANUARY 1, 2008.

(III) An in-state simulcast facility that is not located on the premises of a greyhound track conducting a live race meet may ~~only~~ receive a broadcast signal of simulcast greyhound races and conduct pari-mutuel wagering on the broadcast signal of such greyhound races conducted at an out-of-state host track ONLY through an in-state simulcast facility that is located on the premises of a greyhound track conducting a live race meet. ~~If more than one~~ THERE IS NO greyhound track is conducting a live race meet, ~~concurrently~~, an in-state simulcast facility may, ~~only~~

TO AND INCLUDING JUNE 30, 2014, AND SUBJECT TO THE COMMISSION'S APPROVAL, receive the broadcast signal OF GREYHOUNDS from an out-of-state host track and conduct pari-mutuel wagering on such signal through an in-state simulcast facility located on the premises of a ~~greyhound track in the same circuit as the in-state simulcast facility~~ CLASS B TRACK THAT HAS CONDUCTED, OR IS SCHEDULED TO CONDUCT DURING THE NEXT TWELVE MONTHS, A LIVE RACE MEET OF HORSES OF AT LEAST THE DURATION REQUIRED FOR A CLASS B TRACK.

(IV) Five percent of the gross receipts from pari-mutuel wagers placed at an in-state simulcast facility on simulcast greyhound races shall be deposited into the purse fund at the track hosting the current live greyhound meet through which the in-state simulcast facility receives the broadcast signal and distributed consistently with section 12-60-702 (1) (d.5), (1) (e) (I), and (1) (e) (II); EXCEPT THAT, IF A SIGNAL IS RECEIVED THROUGH A CLASS B TRACK, GROSS RECEIPTS SHALL BE DISTRIBUTED IN ACCORDANCE WITH SECTION 12-60-701 (2).

(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 AS AUTHORIZED BY THE COMMISSION. 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.~~

~~(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) (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 ONLY 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.~~

~~(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.~~

(IV) ~~On any day on which an in-state host track is running live races of horses,~~

~~such track may receive no more than four simulcast races of horses from an out-of-state host track, except that the commission may, in its discretion, increase the number of allowable simulcasts for good cause shown by a licensee. All simulcasting or OF horse races shall comply with the provisions of the federal "Interstate Horseracing Act of 1978", 15 U.S.C. secs. 3001-3007, as amended.~~

~~(V) (C) During operating year 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 (1.5) of this paragraph (b) immediately, notwithstanding that no live racing has yet taken place at the track during the operating year, if the track has applied for a license to conduct, during the operating year, a race meet of horses consisting of fifty or more race days or, if 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 (1.5) of this paragraph (b).~~

**SECTION 7.** 12-60-603 (1) (c) (I) and (2), Colorado Revised Statutes, are amended to read:

**12-60-603. Duration of meets.** (1) (c) In order to promote live racing of both horses and greyhounds throughout the state of Colorado, the commission, when determining the number and kind of race meets held and the dates and times of races held at such race meets, may take into consideration the interests of the racing industry as a whole throughout the state but shall give particular consideration to the racing dates and times requested by or assigned to the following:

(I) In the case of greyhound tracks, other greyhound tracks; ~~in the same circuit;~~

(2) (a) ~~For the operation of greyhound tracks, the state shall be divided into one north and one south circuit, which consist, respectively, of the areas north and south of a latitudinal line drawn through the location of the Douglas County courthouse in the town of Castle Rock as of June 6, 1991.~~

(b) The commission shall license greyhound tracks which are located in the north circuit for race meets of a duration of up to one hundred twenty consecutive days; ~~unless the license applicant, in its application, requests nonconsecutive days or a shorter period. The commission shall license greyhound tracks which are located in the south circuit for race meets of a duration of up to one hundred eighty consecutive days unless the license applicant, in its application, requests nonconsecutive days or a shorter period.~~

(c) Each greyhound track shall be licensed by the commission to conduct only one race meet in any twelve-month period. Upon approval by the commission, a licensed greyhound track shall be permitted to contract with another licensed greyhound track ~~within the same circuit~~ to conduct part or all of the race meet days granted it at such other greyhound track; except that, unless the transferring greyhound track operates a race meet, without any transfer of race days, at its home greyhound track during the twelve-month period immediately following the last race meet day so transferred, such transferred race dates in such following twelve-month

period shall be assigned by the commission to the transferee greyhound track, in addition to the race meet dates of the transferee greyhound track ~~which~~ THAT are otherwise authorized pursuant to this subsection (2), upon application by the transferee greyhound track for such race dates if the transferee greyhound track otherwise meets all requirements for conducting a greyhound race meet.

(d) The commission shall schedule race meets of greyhounds so that there is a race meet, but not more than one race meet, being conducted ~~at a greyhound track in both the north and the south circuits~~ at all times; except that race meets of greyhounds may be scheduled to run concurrently ~~in the same circuit~~ if the greyhound tracks running the concurrent meets are not closer to each other than one hundred miles.

**SECTION 8.** 12-60-701 (1), (2), and (4), Colorado Revised Statutes, are amended to read:

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

(1) Subject to ~~the provisions of~~ section 12-60-702 (1), for the privilege of conducting racing under a license issued under and of operating an in-state simulcast facility pursuant to ~~the provisions of~~ this article, a licensee for the racing of greyhounds and an operator of an in-state simulcast facility ~~which~~ THAT receives simulcast races of greyhounds shall pay to the department of revenue through the division ~~five percent, and on and after July 1, 1994, four and one-half percent of the gross receipts derived from pari-mutuel wagering during any such race meet or placed on such simulcast races THAT ARE RECEIVED THROUGH A LIVE GREYHOUND TRACK.~~

(2) (a) (I) For the privilege of conducting racing under a license issued under and of operating an in-state simulcast facility pursuant to ~~the provisions of~~ this article, a licensee for the racing of horses and an operator of an in-state simulcast facility ~~which~~ THAT receives simulcast races of horses OR GREYHOUNDS PURSUANT TO SECTION 12-60-602 (5) (a) (III) shall pay to the department of revenue through the division three-fourths of one percent of the gross receipts of the pari-mutuel wagering at any such race meet or placed on such simulcast races; except that a licensee for the racing of horses at a class B track race meet shall pay to the department of revenue through the division ~~the greater of the actual cost of regulation of such race meet by the commission, up to a maximum of two thousand five hundred dollars per race day, or~~ three-fourths of one percent of the gross receipts of the pari-mutuel wagering at any such race meet.

(II) (A) EXCEPT AS OTHERWISE PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II), in addition to the amount paid to the department of revenue through the division in subparagraph (I) of this paragraph (a), a licensee for the racing of horses and an operator of an in-state simulcast facility ~~which~~ THAT receives simulcast races of horses OR GREYHOUNDS PURSUANT TO SECTION 12-60-602 (5) (a) (III) shall pay to Colorado state university for allocation to its school of veterinary medicine one-fourth of one percent of the gross receipts of all pari-mutuel wagering, except on win, place, or show, at such horse race meet or placed on such simulcast races, to be used for racing-related equine research. To receive research funding under this subparagraph (II), an institution or individual must describe and report to the commission on all projects upon completion.

(B) IN THE CASE OF PARI-MUTUEL WAGERS ON GREYHOUND SIMULCAST SIGNALS RECEIVED BY A CLASS B TRACK, IN LIEU OF THE AMOUNTS OTHERWISE PAYABLE TO COLORADO STATE UNIVERSITY PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), THE LICENSEE SHALL INSTEAD PAY AN EQUIVALENT AMOUNT INTO A TRUST ACCOUNT FOR DISTRIBUTION IN ACCORDANCE WITH RULES OF THE COMMISSION UNDER SECTION 12-60-702 (1) (e) (II).

(b) In addition to any moneys to be paid pursuant to paragraph (a) of this subsection (2), a licensee for the racing of horses and an operator of an in-state simulcast facility that receives simulcast races of horses OR GREYHOUNDS PURSUANT TO SECTION 12-60-602 (5) (a) (III) shall pay to a trust account one-half of one percent of the gross receipts of pari-mutuel wagering on win, place, and show and one and one-half percent of the gross receipts from all other pari-mutuel wagering at any such race meet or placed on such simulcast races for the horse breeders' and owners' awards and supplemental purse fund established in section 12-60-704.

(c) (I) The operator of a simulcast facility ~~which~~ THAT receives simulcast races of horses OR GREYHOUNDS PURSUANT TO SECTION 12-60-602 (5) (a) (III) shall retain five percent of the gross receipts of pari-mutuel wagering placed on such simulcast races at that facility, to be used to cover the particular expenses incurred in operating a simulcast facility.

(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.~~

~~(4) The commission shall establish and adjust annual fees for the race meet license and all other licenses issued pursuant to this article to generate revenue that approximates the direct and indirect costs of administering this article. Such fees shall be credited to the racing cash fund created in section 12-60-205.~~

**SECTION 9.** 12-60-702 (1) (e) (II) and (1) (e) (III), Colorado Revised Statutes, are amended to read:

**12-60-702. Unlawful to wager - exception - excess - taxes - special provisions for simulcast races - repeal.** (1) (e) (II) Each operator of an in-state simulcast facility ~~which~~ THAT receives simulcast races of horses or greyhounds shall pay to purse funds for the racing of horses or greyhounds, respectively, depending on the animals ~~taking part in~~ REPRESENTED BY THE LICENSEE PROVIDING each simulcast race, and to such in-state or out-of-state tracks and simulcast facilities as described in the simulcast agreement filed with the commission such percentages of the gross pari-mutuel wagering on such simulcast races, after deduction of any signal fee required by an out-of-state host track or an in-state host track, paid during the current year or any previous year, and the applicable amounts specified in PARAGRAPH (b) OF subsection (2) ~~(b)~~ of this section, in section 12-60-701 (1), (2) (a), (2) (b), and (2) (c), and in section 12-60-704 (2), as shall be specified in such

simulcast agreement. IN THE CASE OF PARI-MUTUEL WAGERS ON GREYHOUND SIMULCAST SIGNALS RECEIVED BY A CLASS B TRACK, THE OPERATOR SHALL DEPOSIT THE AMOUNTS PAYABLE PURSUANT TO SECTION 12-60-701 (2) (a) (II) (B) INTO A TRUST ACCOUNT FOR DISTRIBUTION, IN ACCORDANCE WITH RULES OF THE COMMISSION, EITHER AS PURSES FOR LIVE GREYHOUND RACES IN COLORADO OR, IF THERE IS NO LIVE GREYHOUND RACING IN COLORADO, TO GREYHOUND WELFARE AND ADOPTION ORGANIZATIONS AND OTHER ENTITIES OR ORGANIZATIONS THAT PROMOTE OR PARTICIPATE IN GREYHOUND RACING OR PROMOTE THE WELFARE OF RACING GREYHOUNDS.

(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 (HH) is repealed, effective April 20, 2010.~~

**SECTION 10.** 12-60-704, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**12-60-704. Horse breeders' and owners' awards and supplemental purse fund - awards - advisory committee.** (5) ANY MONEYS CREDITED TO THE FUND AND NOT DISTRIBUTED WITHIN THREE YEARS SHALL BE PAID AS PURSES FOR RACES HELD AT LIVE RACE MEETS IN COLORADO AS AUTHORIZED BY THE COMMISSION.

**SECTION 11.** 12-60-705 (2), Colorado Revised Statutes, is amended to read:

**12-60-705. Payments to state - disposition.** (2) All moneys collected by the department of revenue through the division shall, on the next business day following the receipt thereof, be transmitted to the state treasurer, who shall credit the same to the general fund of the state; except that license fees ESTABLISHED AND collected BY THE DIRECTOR pursuant to ~~section 12-60-701 (4)~~ SECTION 12-60-202 (3) (h) shall be credited to the racing cash fund created in section 12-60-205. The department of revenue shall have all the powers, rights, and duties provided in article 21 of title 39, C.R.S., to carry out such collection.

**SECTION 12. 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 21, 2009