

CHAPTER 249

PROFESSIONS AND OCCUPATIONS

SENATE BILL 10-141

BY SENATOR(S) King K.;
also REPRESENTATIVE(S) Lambert, McFadyen, Vigil.

AN ACT

CONCERNING THE TRANSFER OF RESPONSIBILITY FOR THE REGULATION OF GAMES OF CHANCE FROM THE SECRETARY OF STATE TO THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH HOUSE CONCURRENT RESOLUTION 09-1003, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 12-9-102 (13), Colorado Revised Statutes, is amended to read:

12-9-102. Definitions - repeal. As used in this article, unless the context otherwise requires:

(13) (a) (I) "Licensing AND ENFORCEMENT authority" means the secretary of state or his or her duly authorized deputy.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2011.

(b) (I) "LICENSING AND ENFORCEMENT AUTHORITY" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE, CREATED IN SECTION 24-1-117, C.R.S.

(II) THIS PARAGRAPH (b) IS EFFECTIVE JULY 1, 2011.

SECTION 2. The introductory portion to 12-9-103 (1) and 12-9-103 (6), Colorado Revised Statutes, are amended to read:

12-9-103. Licensing and enforcement authority - powers - rules - duties - license suspension or revocation proceedings - definitions. (1) IN ACCORDANCE WITH SECTION 2 (6) OF ARTICLE XVIII OF THE STATE CONSTITUTION, the secretary of state is hereby designated as the "licensing AND ENFORCEMENT authority" of this article ~~As licensing authority~~, TO AND INCLUDING JUNE 30, 2011, AND EFFECTIVE

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

JULY 1, 2011, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE IS DESIGNATED AS THE "LICENSING AND ENFORCEMENT AUTHORITY" OF THIS ARTICLE. The ~~secretary of state's~~ powers and duties OF THE LICENSING AND ENFORCEMENT AUTHORITY are as follows:

~~(6) (a) The secretary of state shall confer with the executive director of the department of revenue or his or her designee concerning:~~

~~(I) The desirability and practicability of transferring the responsibility for enforcement, licensing, or both under this article from the secretary of state to the department of revenue;~~

~~(II) The constitutional and statutory changes that would be necessary to effectuate such transfer; and~~

~~(III) The recommendations of the secretary of state and the executive director of the department of revenue for any other or additional constitutional or statutory changes to improve the regulation of bingo and raffles in Colorado.~~

~~(b) On or before December 31, 2008, the secretary of state and the executive director of the department of revenue shall jointly prepare and transmit a report of their findings and recommendations to the house and senate committees on finance and the house and senate committees on state, veterans, and military affairs, or their successor committees.~~

SECTION 3. 12-9-103.5 (1), Colorado Revised Statutes, is amended to read:

12-9-103.5. Fees - department of state cash fund - repeal. (1) (a) (I) All fees collected by the licensing AND ENFORCEMENT authority pursuant to this article shall be transmitted to the state treasurer, who shall credit the same to the department of state cash fund created in section 24-21-104 (3) (b), C.R.S., also referred to in this section as the "fund". The moneys in the fund shall be subject to annual appropriation by the general assembly for the purposes of financing the licensing and enforcement activities of the ~~secretary of state~~ LICENSING AND ENFORCEMENT AUTHORITY as specified in this article.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2011.

(b) (I) ALL FEES COLLECTED BY THE LICENSING AND ENFORCEMENT AUTHORITY PURSUANT TO THIS ARTICLE SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE BINGO-RAFFLE CASH FUND CREATED IN SECTION 24-35-119, C.R.S., ALSO REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE PURPOSES OF FINANCING THE LICENSING AND ENFORCEMENT ACTIVITIES OF THE LICENSING AND ENFORCEMENT AUTHORITY AS SPECIFIED IN THIS ARTICLE.

(II) THIS PARAGRAPH (b) IS EFFECTIVE JULY 1, 2011.

(c) (I) ALL UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE DEPARTMENT OF STATE CASH FUND AS OF JUNE 30, 2011, THAT WERE COLLECTED BY

THE SECRETARY OF STATE PURSUANT TO THE SECRETARY OF STATE'S AUTHORITY UNDER THIS ARTICLE SHALL BE TRANSFERRED TO THE BINGO-RAFFLE CASH FUND CREATED IN SECTION 24-35-119, C.R.S.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2011.

SECTION 4. 12-9-107 (30) (b), Colorado Revised Statutes, is amended to read:

12-9-107. Persons permitted to conduct games of chance - premises - equipment - expenses. (30) A bingo aid computer system used by a bingo-raffle licensee for bingo sessions shall meet the following standards:

(b) Such system shall be able to compute and total all transactions processed by the system during a bingo-raffle session and to print all information required by the ~~secretary of state~~ LICENSING AND ENFORCEMENT AUTHORITY, in the form prescribed by the ~~secretary of state~~ LICENSING AND ENFORCEMENT AUTHORITY.

SECTION 5. 12-9-201 (2) (i), Colorado Revised Statutes, is amended to read:

12-9-201. Colorado bingo-raffle advisory board - creation. (2) The board shall consist of nine members, all of whom shall be citizens of the United States who have been residents of the state for at least the past five years. 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 five of the nine members shall be members of the same political party. At the first meeting of each fiscal year, a chair and vice-chair of the board shall be chosen from the membership by a majority of the members. Membership and operation of the board shall additionally meet the following requirements:

(i) The board shall hold at least six meetings each year and such additional meetings as the members may deem necessary. In addition, special meetings may be called by the chair, any three board members, or the ~~secretary of state~~ LICENSING AND ENFORCEMENT AUTHORITY 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 board certifies that exigencies of time require that the board meet without delay, the requirements of public notice and of seventy-two hours' actual advance written notice to members may be dispensed with, and board members as well as the public shall receive such notice as is reasonable under the circumstances.

SECTION 6. 12-9-301, Colorado Revised Statutes, is amended to read:

12-9-301. Repeal - review of functions. This article is repealed, effective July 1, 2017. Prior to such repeal, the licensing functions of the ~~secretary of state~~ LICENSING AND ENFORCEMENT AUTHORITY and the functions of the ~~Colorado bingo-raffle advisory board in the department of state~~ shall be reviewed as provided for in section 24-34-104, C.R.S.

SECTION 7. Part 3 of article 9 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-9-302. Licensing and enforcement authority - transfer of duties. (1) ON AND AFTER JULY 1, 2011, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS VESTED IN THE SECRETARY OF STATE PRIOR TO JULY 1, 2011, AS THE LICENSING AND ENFORCEMENT AUTHORITY OF THIS ARTICLE.

(2) ON JULY 1, 2011, ALL EMPLOYEES OF THE SECRETARY OF STATE WHOSE PRINCIPAL DUTIES ARE CONCERNED WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF REVENUE AND WHOSE EMPLOYMENT IN THE DEPARTMENT OF REVENUE IS DEEMED NECESSARY BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE TO CARRY OUT THE PURPOSES OF THIS ARTICLE SHALL BE TRANSFERRED TO THE DEPARTMENT OF REVENUE AND SHALL BECOME EMPLOYEES THEREOF. SUCH EMPLOYEES SHALL RETAIN ALL RIGHTS TO THE STATE PERSONNEL SYSTEM AND RETIREMENT BENEFITS UNDER THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED TO HAVE BEEN CONTINUOUS. ALL TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN THE STATE PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN ACCORDANCE WITH STATE PERSONNEL SYSTEM LAWS AND RULES.

(3) ON OR ABOUT JULY 1, 2011, ALL BOOKS, DOCUMENTS, AND RECORDS OF THE SECRETARY OF STATE PERTAINING TO THE DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF REVENUE SHALL BE TRANSFERRED TO THE DEPARTMENT OF REVENUE.

(4) WHENEVER THE SECRETARY OF STATE IS REFERRED TO OR DESIGNATED BY ANY CONTRACT OR OTHER DOCUMENT IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF REVENUE, SUCH REFERENCE OR DESIGNATION SHALL BE DEEMED TO APPLY TO THE DEPARTMENT OF REVENUE. ALL CONTRACTS ENTERED INTO BY THE SECRETARY OF STATE PRIOR TO JULY 1, 2011, IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF REVENUE ARE HEREBY VALIDATED, WITH THE DEPARTMENT OF REVENUE SUCCEEDING TO ALL THE RIGHTS AND OBLIGATIONS OF SUCH CONTRACTS. ANY APPROPRIATIONS OF FUNDS FROM PRIOR FISCAL YEARS OPEN TO SATISFY OBLIGATIONS INCURRED UNDER SUCH CONTRACTS ARE HEREBY TRANSFERRED AND APPROPRIATED TO THE DEPARTMENT OF REVENUE FOR THE PAYMENT OF SUCH OBLIGATIONS.

SECTION 8. Article 35 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-35-119. Bingo-raffle cash fund. (1) THE BINGO-RAFFLE CASH FUND IS HEREBY ESTABLISHED IN THE STATE TREASURY. SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY, THE EXECUTIVE DIRECTOR SHALL USE THE MONEYS IN THE BINGO-RAFFLE CASH FUND FOR THE DIRECT AND INDIRECT COSTS OF ADMINISTERING ARTICLE 9 OF TITLE 12, C.R.S.

(2) MONEYS IN THE BINGO-RAFFLE CASH FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE BINGO-RAFFLE CASH FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND. THE BINGO-RAFFLE CASH FUND SHALL BE MAINTAINED IN ACCORDANCE WITH SECTION 24-75-402.

SECTION 9. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of state, for allocation to the administration division, for operating expenses, for the fiscal year beginning July 1, 2010, the sum of one hundred sixteen thousand twenty dollars (\$116,020) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the department of revenue, executive director's office, for operating expenses, for the fiscal year beginning July 1, 2010, the sum of one hundred sixteen thousand twenty dollars (\$116,020), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from reappropriated funds received from the department of state out of the appropriation made in subsection (1) of this section.

SECTION 10. Act subject to petition - specified effective date. This act shall take effect upon the effective date of House Concurrent Resolution 09-1003, only if such resolution is approved by the people at the next biennial general election and becomes law; except that if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the effective date of House Concurrent Resolution 09-1003 or on the date of the official declaration of the vote thereon by the governor, whichever is later.

Approved: May 21, 2010