

## CHAPTER 74

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**PROFESSIONS AND OCCUPATIONS**

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**HOUSE BILL 10-1134**

BY REPRESENTATIVE(S) Casso, Labuda, Looper, Pace, Vigil;  
also SENATOR(S) Kester, Tochtrop.

**AN ACT**

**CONCERNING MEASURES TO PREVENT ILLEGAL INTERSTATE PARI-MUTUEL WAGERING ON RACING, AND, IN CONNECTION THEREWITH, AUTHORIZING THE ENTRY BY COLORADO INTO INTERSTATE COMPACTS GOVERNING RACING AND THE COLLECTION OF SOURCE MARKET FEES FROM OUT-OF-STATE SIMULCAST ACTIVITY.**

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

**SECTION 1.** 12-60-102 (19), Colorado Revised Statutes, is amended, and the said 12-60-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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

(19) "Out-of-state simulcast facility" means a track or other facility, located within a ~~state~~ JURISDICTION other than Colorado, at which pari-mutuel wagers are placed OR ACCEPTED, EITHER IN PERSON OR ELECTRONICALLY, on simulcast races pursuant to proper authorization under the laws of such ~~state~~ JURISDICTION.

(25.5) "SOURCE MARKET FEE" MEANS A LICENSING FEE, ASSESSED BY THE DIRECTOR PURSUANT TO SECTION 12-60-202 (3) (h), IN LIEU OF TAXES AND FEES OTHERWISE PAYABLE UNDER THIS ARTICLE, PAYABLE BY PERSONS OUTSIDE OF COLORADO WHO CONDUCT PARI-MUTUEL WAGERING ON SIMULCAST RACES AND WHO ACCEPT WAGERS FROM COLORADO RESIDENTS AT OUT-OF-STATE SIMULCAST FACILITIES.

**SECTION 2.** 12-60-202, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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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.*

**12-60-202. Director - qualifications - powers and duties - repeal.** (5) IF SO DIRECTED BY THE COMMISSION, THE DIRECTOR MAY, ON BEHALF OF THIS STATE:

(a) NEGOTIATE, ENTER INTO, AND PARTICIPATE IN ONE OR MORE INTERSTATE COMPACTS THAT ENABLE PARTY STATES TO ACT JOINTLY AND COOPERATIVELY TO CREATE MORE UNIFORM, EFFECTIVE, AND EFFICIENT PRACTICES, PROGRAMS, AND RULES RELATING TO:

(I) LIVE HORSE AND GREYHOUND RACING; AND

(II) PARI-MUTUEL WAGERING ACTIVITIES, BOTH ON-TRACK AND OFF-TRACK, THAT OCCUR IN OR AFFECT A PARTY STATE;

(b) SERVE AS THIS STATE'S AUTHORIZED REPRESENTATIVE ON A COMMISSION TO NEGOTIATE ONE OR MORE INTERSTATE COMPACTS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (5). IF THE COMPACT COMMISSION UNDERTAKES TO PROMULGATE RULES TO BE ADOPTED BY PARTY STATES, THE DIRECTOR SHALL ENDEAVOR TO ENSURE THAT THE PROCESS BY WHICH THE RULES ARE PROMULGATED CONFORMS SUBSTANTIALLY TO THE MODEL STATE ADMINISTRATIVE PROCEDURE ACT OF 1981, AS AMENDED, IN SO FAR AS THE TERMS OF THE MODEL ACT ARE APPROPRIATE TO THE ACTIONS AND OPERATIONS OF THE COMPACT COMMISSION.

**SECTION 3.** 12-60-501 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**12-60-501. Regulation of race meets and racing-related businesses.** (2) (d) THE COMMISSION MAY LICENSE AND REGULATE PERSONS OUTSIDE OF COLORADO WHO CONDUCT PARI-MUTUEL WAGERING ON SIMULCAST RACES AND WHO ACCEPT WAGERS FROM COLORADO RESIDENTS AT OUT-OF-STATE SIMULCAST FACILITIES, AND SHALL REQUIRE OUT-OF-STATE SIMULCAST FACILITIES TO BE MAINTAINED AND OPERATED IN ACCORDANCE WITH THE LAWS OF THIS STATE AND RULES OF THE COMMISSION. SOURCE MARKET FEES IMPOSED ON PERSONS LICENSED UNDER THIS PARAGRAPH (d) SHALL NOT EXCEED TEN PERCENT OF THE GROSS RECEIPTS OF ALL PARI-MUTUEL WAGERING BY COLORADO RESIDENTS CONDUCTED BY SUCH PERSONS AT OUT-OF-STATE SIMULCAST FACILITIES.

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

**12-60-503. Rules of the commission - licensing.** (1) (a) The commission shall make reasonable rules for the control, supervision, fingerprinting, identification, and direction of applicants, registrants, and licensees, including rules providing for the supervising, disciplining, suspending, fining, and barring from racing of all persons required to be licensed or registered by this article and for the holding, conducting, and operating of all races, race meets, racetracks, ~~and~~ in-state simulcast facilities, AND OUT-OF-STATE WAGERING ON SIMULCAST RACES conducted pursuant to this article. It shall announce the place, time, number of races per day, duration of race meets, as provided in section 12-60-603, and types of race meets.

**SECTION 5.** 12-60-704 (5), Colorado Revised Statutes, is amended 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 AUTHORIZED BY THE COMMISSION, EITHER:

(a) As purses for races held at live race meets in Colorado; ~~as authorized by the commission.~~ OR

(b) AS FEES REQUIRED FOR PARTICIPATION IN AN INTERSTATE COMPACT TO WHICH COLORADO IS A PARTY PURSUANT TO SECTION 12-60-202 (5).

**SECTION 6. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); 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 such period, 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 date of the official declaration of the vote thereon by the governor.

Approved: April 5, 2010