

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0542.01 Esther van Mourik x4215

SENATE BILL 18-034

SENATE SPONSORSHIP

Cooke and Guzman,

HOUSE SPONSORSHIP

Wist and Lee,

Senate Committees

Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE NONSUBSTANTIVE RELOCATION OF LAWS RELATED
102 TO THE REGULATION OF GAMING FROM TITLE 12, COLORADO
103 REVISED STATUTES, TO A NEW TITLE 44 AS PART OF THE
104 ORGANIZATIONAL RECODIFICATION OF TITLE 12.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Committee on Legal Services. Current law directs the office of legislative legal services to study the organizational recodification of title 12 of the Colorado Revised Statutes, which relates to professions and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

occupations. One recommendation of the study is to relocate laws located in title 12 that are administered by the department of revenue to a new title 44, which will consist solely of laws administered by the department of revenue that regulate a variety of activities.

To implement this recommendation, **section 1** of the bill creates title 44 and **section 2** relocates laws related to the regulation of limited gaming from title 12 to the new title. **Section 3** relocates laws related to the tribal-state gaming compact from title 12 to the new title. **Section 4** repeals the relocated laws from their current location. **Sections 5 through 45** make conforming amendments necessitated by the relocation of the laws.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** title 44 as
3 follows:

4 **TITLE 44**

5 **ACTIVITIES REGULATED BY THE**

6 **DEPARTMENT OF REVENUE**

7 **ARTICLE 1**

8 **Common Provisions**

9 **44-1-101. Short title.** THE SHORT TITLE OF THIS TITLE 44 IS THE
10 "DEPARTMENT OF REVENUE ACTIVITIES REGULATION ACT".

11 **44-1-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
12 HEREBY FINDS AND DECLARES THAT:

13 (a) BEFORE THE ENACTMENT OF THIS TITLE 44, LAWS
14 ADMINISTERED BY THE DEPARTMENT OF REVENUE THAT REGULATE A
15 VARIETY OF ACTIVITIES WERE CODIFIED IN TWO TITLES OF THE COLORADO
16 REVISED STATUTES, MOST PROMINENTLY IN TITLE 12, WHICH GOVERNS
17 PROFESSIONS AND OCCUPATIONS;

18 (b) MOST PROFESSIONS AND OCCUPATIONS ARE REGULATED BY
19 THE DEPARTMENT OF REGULATORY AGENCIES PURSUANT TO TITLE 12, BUT

1 PRIOR TO THE 2017 LEGISLATIVE SESSION, TITLE 12 CONTAINED NUMEROUS
2 LAWS THAT DID NOT PERTAIN TO THE REGULATION OF PROFESSIONS AND
3 OCCUPATIONS AND WERE NOT ADMINISTERED BY THE DEPARTMENT OF
4 REGULATORY AGENCIES;

5 (c) WITH THE ENACTMENT OF SECTION 2-3-510 IN 2016, THE
6 GENERAL ASSEMBLY DIRECTED THE OFFICE OF LEGISLATIVE LEGAL
7 SERVICES TO STUDY AN ORGANIZATIONAL RECODIFICATION OF TITLE 12 OF
8 THE COLORADO REVISED STATUTES, INCLUDING RELOCATING LAWS THAT
9 DO NOT PERTAIN TO PROFESSIONS AND OCCUPATIONS AND ARE NOT
10 ADMINISTERED BY THE DEPARTMENT OF REGULATORY AGENCIES;

11 (d) BASED ON RECOMMENDATIONS FROM THE TITLE 12
12 RECODIFICATION STUDY, THE GENERAL ASSEMBLY ENACTED SEVERAL
13 BILLS IN THE 2017 LEGISLATIVE SESSION TO RELOCATE OUT OF TITLE 12
14 MANY LAWS THAT ARE ADMINISTERED BY ENTITIES OTHER THAN THE
15 DEPARTMENT OF REGULATORY AGENCIES;

16 (e) THE STUDY ALSO RECOMMENDED CREATING A NEW TITLE 44
17 FOR PURPOSES OF CONSOLIDATING LAWS ADMINISTERED BY THE
18 DEPARTMENT OF REVENUE THAT REGULATE ACTIVITIES INTO A SINGLE
19 TITLE IN ORDER TO FACILITATE BOTH:

20 (I) THE PUBLIC'S AND REGULATED ENTITIES' UNDERSTANDING OF
21 THE LAWS THAT APPLY TO THEM; AND

22 (II) THE DEPARTMENT OF REVENUE'S ADMINISTRATION OF THESE
23 LAWS; AND

24 (f) CREATING A NEW TITLE 44 CONSISTING OF LAWS ADMINISTERED
25 BY THE DEPARTMENT OF REVENUE THAT REGULATE VARIOUS ACTIVITIES
26 IS NECESSARY TO IMPLEMENT THE RECOMMENDATIONS OF THE TITLE 12
27 RECODIFICATION STUDY AND FACILITATE THE REORGANIZATION OF TITLE

1 12 PERTAINING TO THE REGULATION OF PROFESSIONS AND OCCUPATIONS.

2 **44-1-103. Definitions.** AS USED IN THIS TITLE 44, UNLESS THE
3 CONTEXT OTHERWISE REQUIRES:

4 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE
5 CREATED IN SECTION 24-1-117.

6 (2) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
7 THE DEPARTMENT.

8 **SECTION 2.** In Colorado Revised Statutes, **add with amended**
9 **and relocated provisions** article 30 to title 44 as follows:

10 **ARTICLE 30**

11 **Colorado Limited Gaming Act**

12 **PART 1**

13 **GENERAL PROVISIONS**

14 **44-30-101. [Formerly 12-47.1-101] Short title.** ~~This article shall~~
15 ~~be known and may be cited as~~ THE SHORT TITLE OF THIS ARTICLE 30 IS THE
16 "Limited Gaming Act of 1991".

17 **44-30-102. [Formerly 12-47.1-102] Legislative declaration.**

18 (1) The general assembly hereby finds, determines, and declares it to be
19 the public policy of this state that:

20 (a) The success of limited gaming is dependent upon public
21 confidence and trust that licensed limited gaming is conducted honestly
22 and competitively; that the rights of the creditors of licensees are
23 protected; and that gaming is free from criminal and corruptive elements;

24 (b) Public confidence and trust can be maintained only by strict
25 regulation of all persons, locations, practices, associations, and activities
26 related to the operation of licensed gaming establishments and the
27 manufacture or distribution of gaming devices and equipment;

1 (c) All establishments where limited gaming is conducted and
2 where gambling devices are operated and all manufacturers, sellers, and
3 distributors of certain gambling devices and equipment must therefore be
4 licensed, controlled, and assisted to protect the public health, safety, good
5 order, and the general welfare of the inhabitants of the state to foster the
6 stability and success of limited gaming and to preserve the economy and
7 policies of free competition of the state of Colorado;

8 (d) No applicant for a license or other affirmative commission
9 approval has any right to a license or to the granting of the approval
10 sought. Any license issued or other commission approval granted
11 pursuant to the provisions of this ~~article~~ ARTICLE 30 is a revocable
12 privilege, and no holder acquires any vested right therein or thereunder.

13 (2) It is the intent of the general assembly that, to achieve the
14 goals set forth in subsection (1) of this section, the commission should
15 place great weight upon the policies expressed in said subsection (1) in
16 construing the provisions of this ~~article~~ ARTICLE 30.

17 **44-30-103. [Formerly 12-47.1-103] Definitions.** As used in this
18 ~~article~~ ARTICLE 30, unless the context otherwise requires:

19 (1) "Adjusted gross proceeds", except with respect to games of
20 poker, means the total amount of all wagers made by players on limited
21 gaming less all payments to players; and payment to players shall include
22 all payments of cash premiums, merchandise, tokens, redeemable game
23 credits, or any other thing of value. With respect to games of poker,
24 "adjusted gross proceeds" means any sums wagered in a poker hand
25 ~~which~~ THAT may be retained by the licensee as compensation ~~which must~~
26 ~~be~~ AND ARE consistent with the minimum and maximum amounts
27 established by the Colorado limited gaming control commission.

1 (2) "Applicant" means any person who has applied for a license
2 or registration under this ~~article~~ ARTICLE 30 or who has applied for
3 permission to engage in any act or activity ~~which~~ THAT is regulated by
4 this ~~article~~ ARTICLE 30.

5 ~~(2.3)~~ (3) (a) "Associated equipment" means a device, piece of
6 equipment, or system used remotely or directly in connection with gaming
7 or any game. The term includes a device, piece of equipment, or system
8 used to monitor, collect, or report gaming transactions data or to calculate
9 adjusted gross proceeds and gaming taxes.

10 (b) "Associated equipment" does not include equipment that meets
11 the definition of a "gaming device" or "gaming equipment" in ~~subsection~~
12 ~~(10)~~ SUBSECTION (13) of this section.

13 ~~(2.5)~~ (4) "Associated equipment supplier" means a person who
14 imports, manufactures, distributes, or otherwise provides associated
15 equipment for use in Colorado. The term does not include a person
16 licensed as a slot machine manufacturer or distributor under part 5 of this
17 ~~article~~ ARTICLE 30.

18 ~~(3)~~ (5) "Bet" means an amount placed as a wager in a game of
19 chance.

20 ~~(4)~~ (6) "Blackjack" means a banking card game commonly known
21 as "21" or "blackjack" played by a maximum of seven players in which
22 each player bets against the dealer. The object is to draw cards whose
23 value will equal or approach twenty-one without exceeding that amount
24 and win amounts bet, payable by the dealer, if the player holds cards more
25 valuable than the dealer's cards.

26 ~~(4.5)~~ (7) "Certified local government" means any local
27 government certified by the state historic preservation officer pursuant to

1 the provisions of ~~16 U.S.C. sec. 470a (c)(1)~~ 54 U.S.C. SEC. 302503.

2 ~~(5)~~ (8) "Commission" means the Colorado limited gaming control
3 commission.

4 ~~(5.5)~~ (9) "Crane game" means an amusement machine that, upon
5 insertion of a coin, bill, token, or similar object, allows the player to use
6 one or more buttons, joysticks, or other controls to maneuver a crane or
7 claw over a nonmonetary prize, toy, or novelty, none of which shall have
8 a cost of more than twenty-five dollars, and then, using the crane or claw,
9 to attempt to retrieve the prize, toy, or novelty for the player.

10 ~~(5.7)~~ (10) "Craps" means a game played by one or more players
11 against a casino using two dice, in which players bet upon the occurrence
12 of specific combinations of numbers shown by the dice on each throw.

13 ~~(6)~~ "Department" means the Colorado department of revenue.

14 ~~(7)~~ (11) "Director" means the director of the division of gaming.

15 ~~(8)~~ (12) "Division" means the division of gaming.

16 ~~(9)~~ "Executive director" means the executive director of the
17 department of revenue.

18 ~~(10)~~ (13) "Gaming device" or "gaming equipment" means any
19 equipment or mechanical, electromechanical, or electronic contrivance,
20 component, or machine used remotely or directly in connection with
21 gaming or any game. The term includes a system for processing
22 information that can alter the normal criteria of random selection
23 affecting the operation, or determining the outcome, of a game. The term
24 includes a physical or electronic version of a slot machine, poker table,
25 blackjack table, craps table, roulette table, dice, and the cards used to play
26 poker and blackjack.

27 ~~(11)~~ (14) "Gaming employee" means any person employed by an

1 operator or retailer hosting gaming to work directly with the gaming
2 portion of ~~such~~ THE operator's or retailer's business, ~~which person~~ WHO
3 shall be twenty-one years of age or older and hold a support license.
4 Persons deemed to be gaming employees shall include, but shall not be
5 limited to:

- 6 (a) Dealers;
- 7 (b) Change and counting room personnel;
- 8 (c) Cashiers;
- 9 (d) Floormen;
- 10 (e) Cage personnel;
- 11 (f) Slot machine repairmen or mechanics;
- 12 (g) Persons who accept or transport gaming revenues;
- 13 (h) Security personnel;
- 14 (i) Shift or pit bosses;
- 15 (j) Floor managers;
- 16 (k) Supervisors;
- 17 (l) Slot machine and slot booth personnel;
- 18 (m) Any person involved in the handling, counting, collecting, or
19 exchanging of money, property, checks, credit, or any representative of
20 value, including, without limitation:
 - 21 (I) Any coin, token, chip, cash premium, merchandise, redeemable
22 game credits, or any other thing of value; or
 - 23 (II) The payoff from any game, gaming, or gaming device;
- 24 (n) Craps table personnel and roulette table personnel; and
- 25 (o) ~~Such~~ ANY other persons ~~as~~ THAT the commission shall by rule
26 determine.

27 ~~(+2)~~ (15) "Gaming license" means any license issued by the

1 commission pursuant to this ~~article which~~ ARTICLE 30 THAT authorizes
2 any person to engage in gaming within the cities of Central, Black Hawk,
3 or Cripple Creek.

4 ~~(13)~~ (16) "Immediate family" means a person's spouse and any
5 children actually living with the person.

6 ~~(14)~~ (17) "Key employee" means any executive, employee, or
7 agent of a gaming licensee having the power to exercise a significant
8 influence over decisions concerning any part of the operation of a gaming
9 licensee.

10 ~~(15)~~ (18) "Licensed gaming establishment" means any premises
11 licensed pursuant to this ~~article~~ ARTICLE 30 for the conduct of gaming.

12 ~~(16)~~ (19) "Licensed premises" means that portion of any premises
13 licensed for the conduct of limited gaming. Nothing pursuant to this
14 ~~subsection~~ ~~(16)~~ SUBSECTION (19) shall be construed to prohibit the
15 affected local governing authority from otherwise determining the size of
16 any building. In no event shall the licensed premises exceed thirty-five
17 percent of the square footage of any building and no more than fifty
18 percent of any one floor of ~~such~~ THE building.

19 ~~(17)~~ (20) "Licensee" means any person licensed under this ~~article~~
20 ARTICLE 30.

21 ~~(18)~~ (21) "Licensing authority" means the Colorado limited
22 gaming control commission.

23 ~~(19)~~ (22) "Limited card games and slot machines", "limited
24 gaming", or "gaming" means physical and electronic versions of slot
25 machines, craps, roulette, and the card games of poker and blackjack
26 authorized by this ~~article~~ ARTICLE 30 and defined and regulated by the
27 commission, each game having a maximum single bet of one hundred

1 dollars.

2 ~~(20)~~ (23) "Operator" means any person who places slot machines
3 upon ~~such~~ THE person's business premises or any person who,
4 individually or jointly, pursuant to an agreement whereby consideration
5 is paid for the right to place slot machines on another's business premises,
6 engages in the business of placing and operating slot machines on retail
7 premises within the cities of Central, Black Hawk, or Cripple Creek.

8 ~~(21)~~ (24) "Person" means an individual, partnership, business
9 trust, government or governmental subdivision or agency, estate,
10 association, trust, for profit corporation, nonprofit corporation,
11 organization, or any other legal entity or a manager, agent, servant,
12 officer, or employee thereof.

13 ~~(22)~~ (25) (a) "Poker" means a card game played by a player or
14 players who are dealt cards by a dealer. The object of the game is:

15 (I) For each player to bet the superiority of such player's hand and
16 win the other players' bets by either making a bet no other player is
17 willing to match or proving to hold the most valuable cards after all the
18 betting is over; or

19 (II) For each player, whether by reason of the skill of the player
20 or application of the element of chance, or both, to hold a poker hand
21 entitled to a monetary or premium return based upon a publicly available
22 pay schedule.

23 (b) In a variation of poker in which there can be more than one
24 winning hand and the dealer's participation is necessary or desirable to
25 improve the game for players other than the dealer, the dealer may play,
26 but under no circumstances may the dealer place a wager in any game in
27 which he or she is dealing. A game in which the player holding the

1 highest-scoring hand splits his or her winnings with the player holding the
2 lowest-scoring hand does not qualify as a "variation of poker in which
3 there can be more than one winning hand" for purposes of this paragraph
4 ~~(b)~~ SUBSECTION (25)(b).

5 ~~(23)~~ (26) "Repeating gambling offender" shall have the same
6 meaning as set forth in section 18-10-102 (9). ~~C.R.S.~~

7 ~~(24)~~ (27) "Retailer" means any licensee who maintains gaming at
8 his OR HER place of business within the cities of Central, Black Hawk, or
9 Cripple Creek for use and operation by the public.

10 ~~(25)~~ (28) "Retail space" means the area where a retailer's business
11 is principally conducted.

12 ~~(25.5)~~ (29) "Roulette" means a game in which a ball is spun on a
13 rotating wheel and drops into a numbered slot on the wheel, and bets are
14 placed on which slot the ball will come to rest in.

15 ~~(26)~~ (30) (a) "Slot machine" means any mechanical, electrical,
16 video, electronic, or other device, contrivance, or machine which, after
17 insertion of a coin, token, or similar object, or upon payment of any
18 required consideration whatsoever by a player, is available to be played
19 or operated, and ~~which~~ THAT, whether by reason of the skill of the player
20 or application of the element of chance, or both, may deliver or entitle the
21 player operating the machine to receive cash premiums, merchandise,
22 tokens, or redeemable game credits, or any other thing of value other than
23 unredeemable free games, whether the payoff is made automatically from
24 the machines or in any other manner.

25 (b) "Slot machine" does not include:

26 (I) A vintage slot machine model that:

27 (A) Was introduced on the market before 1984;

1 (B) Does not contain component parts manufactured in 1984 or
2 thereafter; and

3 (C) Is not used for gambling purposes or in connection with
4 limited gaming; or

5 (II) Crane games.

6 ~~(27)~~ (31) "Slot machine distributor" means any person who
7 imports into this state, or first receives in this state, slot machines, or who
8 sells, leases, for a fixed or flat fee, or distributes slot machines in this
9 state; except that "slot machine distributor" does not include operators
10 licensed in this state.

11 ~~(28)~~ (32) "Slot machine manufacturer" means any person who
12 designs, assembles, fabricates, produces, constructs, or otherwise prepares
13 a complete or component part of a slot machine, other than tables or
14 cabinetry; except that "slot machine manufacturer" does not include
15 licensed operators performing incidental repairs on their own slot
16 machines or slot machines leased or distributed by them. A licensed slot
17 machine manufacturer may sell slot machines, or components of slot
18 machines, of its own manufacture to licensed slot machine distributors or
19 operators. A licensed manufacturer may also import those slot machine
20 parts or components necessary for its manufacturing operations.

21 ~~(29)~~ (33) "Suitability" or "suitable" means, in relation to a person,
22 the ability to be licensed by the commission and, in relation to acts or
23 practices, lawful acts or practices.

24 ~~(30)~~ (34) "Unsuitability or unsuitable" means, in relation to a
25 person, the inability to be licensed by the commission because of prior
26 acts, associations, or financial conditions, and, in relation to acts or
27 practices, those ~~which~~ THAT violate or would violate the statutes or rules

1 or are or would be contrary to the declared legislative purposes of this
2 ~~article~~ ARTICLE 30.

3 ~~(31)~~ (35) "Within the cities of Central, Black Hawk, or Cripple
4 Creek" means within the commercial district of any of those cities as
5 specified in ~~section 12-47.1-105~~ SECTION 44-30-105.

6 **44-30-104. [Formerly 12-47.1-104] Limited gaming -**
7 **authorization - regulation.** Limited gaming is hereby authorized and
8 may be operated and maintained subject to the provisions of this ~~article~~
9 ARTICLE 30. All limited gaming authorized by this ~~article~~ ARTICLE 30 shall
10 be regulated by the Colorado limited gaming control commission.

11 **44-30-105. [Formerly 12-47.1-105] Limited gaming - cities -**
12 **commercial districts.** Limited gaming shall take place only in the
13 following existing Colorado cities: The city of Central, county of Gilpin;
14 the city of Black Hawk, county of Gilpin; and the city of Cripple Creek,
15 county of Teller. Limited gaming shall be further confined to the
16 commercial districts of said cities as said districts are respectively defined
17 in the city ordinances adopted by the city of Central on October 7, 1981;
18 the city of Black Hawk on May 4, 1978; and the city of Cripple Creek on
19 December 3, 1973.

20 **44-30-106. [Formerly 12-47.1-106] Exceptions.** (1) Nothing in
21 this ~~article~~ ARTICLE 30 shall be construed in any way to affect or interfere
22 with the regulation of bingo and raffles by the office of the secretary of
23 state.

24 (2) Nothing contained in this ~~article~~ ARTICLE 30 shall be construed
25 to modify, amend, or otherwise affect the validity of any provisions
26 contained in article 10 of title 18. ~~C.R.S.~~

27 PART 2

DIVISION OF GAMING

1
2 **44-30-201. [Formerly 12-47.1-201] Division of gaming -**
3 **creation.** There is hereby created, within the department, ~~of revenue,~~ the
4 division of gaming, the head of which shall be the director of the division
5 of gaming. The director shall be appointed by, and shall be subject to
6 removal by, the executive director. ~~of the department of revenue.~~ The
7 division of gaming, the Colorado limited gaming control commission
8 created in ~~section 12-47.1-301~~ SECTION 44-30-301, and the director of the
9 division of gaming shall exercise their respective powers and perform
10 their respective duties and functions as specified in this ~~article~~ ARTICLE
11 30 under the department ~~of revenue~~ as if the same were transferred to the
12 department by a **type 2** transfer, as ~~such~~ THE transfer is defined in the
13 "Administrative Organization Act of 1968", article 1 of title 24; ~~C.R.S.~~
14 except that the commission shall have full and exclusive authority to
15 promulgate rules ~~and regulations~~ related to limited gaming without any
16 approval by, or delegation of authority from, the department.

17 **44-30-202. [Formerly 12-47.1-202] Function of division.** The
18 function of the division is to license, implement, regulate, and supervise
19 the conduct of limited gaming in this state as authorized by section 9 of
20 article XVIII of the state constitution.

21 **44-30-203. [Formerly 12-47.1-203] Director - qualification -**
22 **powers and duties.** (1) The director shall:

23 (a) Be qualified by training and experience to direct the work of
24 the division;

25 (b) Be of good character and shall not have been convicted of any
26 felony or gambling-related offense, notwithstanding the provisions of
27 section 24-5-101; ~~C.R.S.~~;

1 (c) Not be engaged in any other profession or occupation that
2 could present a conflict of interest to the director's duties as director of
3 the division; and

4 (d) Direct and supervise the administrative and technical activities
5 of the division.

6 (2) In addition to the duties imposed upon the director elsewhere
7 in this part 2, the director shall:

8 (a) Supervise and administer the operation of the division and
9 limited gaming in accordance with the provisions of this ~~article~~ ARTICLE
10 30 and the rules of the commission;

11 (b) Attend meetings of the commission or appoint a designee to
12 attend in the director's place;

13 (c) (I) Employ and direct ~~such~~ ANY personnel as may be necessary
14 to carry out the purposes of this ~~article~~ ARTICLE 30, but no person shall be
15 employed who has been convicted of a felony or gambling-related
16 offense, notwithstanding the provisions of section 24-5-101. ~~C.R.S.~~

17 (II) The director, with the approval of the commission, may enter
18 into agreements with any department, agency, or unit of state government
19 to secure services ~~which~~ THAT the director deems necessary and to
20 provide for the payment for ~~such~~ THE services and may employ and
21 compensate ~~such~~ THE consultants and technical assistants as may be
22 required and as otherwise permitted by law.

23 (d) Confer with the commission as necessary or desirable, but not
24 less than once each month, with regard to the operation of the division;

25 (e) Make available for inspection by the commission or any
26 member of the commission, upon request, all books, records, files, and
27 other information and documents in the director's office;

1 (f) Advise the commission and recommend to the commission
2 ~~such~~ ANY rules and other procedures as the director deems necessary and
3 advisable to improve the operation of the division and the conduct of
4 limited gaming;

5 (g) With the concurrence of the commission or pursuant to
6 commission requirements and procedures, enter into contracts for
7 materials, equipment, and supplies to be used in the operation of the
8 division;

9 (h) Make a continuous study and investigation of the operation
10 and the administration of similar laws ~~which~~ THAT may be in effect in
11 other states or countries; of any literature on gaming ~~which~~ THAT from
12 time to time may be published or available; and of any federal laws ~~which~~
13 THAT may affect the operation of the division, the conduction of limited
14 gaming, or the reaction of Colorado citizens to limited gaming with a
15 view to recommending or effecting changes that would serve the purposes
16 of this ~~article~~ ARTICLE 30;

17 (i) (I) Furnish to the commission a monthly report ~~which~~ THAT
18 contains a full and complete statement of the division's revenue and
19 expenses for each month.

20 (II) All reports required by this ~~paragraph (i)~~ SUBSECTION (2)(i)
21 shall be public, and copies of all ~~such~~ THE reports shall be sent to the
22 governor, the speaker of the house of representatives, the president of the
23 senate, the minority leaders of both houses, and the executive director. ~~of~~
24 ~~the department of revenue.~~

25 (j) Annually prepare and submit to the commission, for its
26 approval, a proposed budget for the next succeeding fiscal year, ~~which~~
27 ~~budget shall set~~ SETTING forth a complete financial plan for all proposed

1 expenditures and anticipated revenues of the division;

2 (k) Take ~~such~~ ANY action as may be determined by the
3 commission to be necessary to protect the security and integrity of limited
4 gaming; and

5 (l) Perform any other lawful acts ~~which~~ THAT the commission may
6 consider necessary or desirable in order to carry out the purposes and
7 provisions of this ~~article~~ ARTICLE 30.

8 (m) ~~(Deleted by amendment, L. 2008, p. 551, § 2, effective July~~
9 ~~1, 2008.)~~

10 **44-30-204. [Formerly 12-47.1-204] Investigator - peace officers.**

11 (1) All investigators of the division of gaming, and their supervisors,
12 including the director and the executive director, shall have all the powers
13 of any peace officer to:

14 (a) Make arrests, with or without warrant, for any violation of the
15 provisions of this ~~article~~ ARTICLE 30, article 20 of title 18, ~~C.R.S.~~, or the
16 rules ~~and regulations~~ promulgated pursuant to this ~~article~~ ARTICLE 30, any
17 other laws or ~~regulations~~ RULES pertaining to the conducting of limited
18 gaming in this state, or any criminal law of this state, if, during an
19 officer's exercise of powers or performance of duties under this section,
20 probable cause is established that a violation of any said law or rule ~~or~~
21 ~~regulation~~ has occurred;

22 (b) Inspect, examine, investigate, hold, or impound any premises
23 where limited gaming is conducted, any devices or equipment designed
24 for or used in limited gaming, and any books and records in any way
25 connected with any limited gaming activity;

26 (c) Require any person licensed pursuant to this ~~article~~ ARTICLE
27 30, upon demand, to permit an inspection of ~~such person's~~ HIS OR HER

1 licensed premises, gaming equipment and devices, or books or records;
2 and to permit the testing and the seizure for testing or examination
3 purposes of all ~~such~~ devices, equipment, and books and records;

4 (d) Serve all warrants, notices, summonses, or other processes
5 relating to the enforcement of laws regulating limited gaming;

6 (e) Serve distraint warrants issued by the department ~~of revenue~~
7 pertaining to limited gaming;

8 (f) Conduct investigations into the character, record, and
9 reputation of all applicants for limited gaming licenses, all licensees, and
10 ~~such~~ ANY other persons as the commission may determine pertaining to
11 limited gaming;

12 (g) Investigate violations of all the laws pertaining to limited
13 gaming and limited gaming activities;

14 (h) Assist or aid any sheriff or other peace officer in the
15 performance of his OR HER duties upon ~~such~~ THE sheriff's or peace
16 officer's request or the request of other local officials having jurisdiction.

17 (2) Criminal violations of this ~~article~~ ARTICLE 30 discovered
18 during an authorized investigation or discovered by the commission shall
19 be referred to the appropriate district attorney.

20 (3) The investigators of the division, including the director of the
21 division, shall be considered peace officers, as described in sections
22 16-2.5-101 and 16-2.5-123. ~~€R.S.~~ The executive director ~~of the~~
23 ~~department of revenue~~ shall be considered a peace officer as described in
24 sections 16-2.5-101 and 16-2.5-121. ~~€R.S.~~

25 (4) Nothing in this section shall be construed to prohibit local
26 sheriffs, police departments, and other local law enforcement agencies
27 from enforcing the provisions of this ~~article~~ ARTICLE 30, and the rules ~~and~~

1 regulations promulgated pursuant to this ~~article~~ ARTICLE 30, or from
2 performing their other duties to the full extent permitted by law. All ~~such~~
3 sheriffs, police officers, district attorneys, and other local law
4 enforcement agencies shall have all the powers set forth in subsection (1)
5 of this section.

6 **44-30-205. [Formerly 12-47.1-205] Division of gaming - access**
7 **to records.** The division of gaming, for purposes of this ~~article~~ ARTICLE
8 30, shall have full authority to procure, at the expense of the division, any
9 records furnished to or maintained by any law enforcement agency in the
10 United States, including state and local law enforcement agencies in
11 Colorado and other states for the purposes of carrying out its
12 responsibilities pursuant to this ~~article~~ ARTICLE 30. Upon request from the
13 Colorado bureau of investigation, the division shall provide copies of any
14 and all information obtained pursuant to this ~~article~~ ARTICLE 30.

15 **44-30-206. [Formerly 12-47.1-206] Repeal of division - review**
16 **of functions.** Unless continued by the general assembly, this part 2 is
17 repealed, effective September 1, 2022, and those powers, duties, and
18 functions of the director specified in this part 2 are abolished. The
19 provisions of section 24-34-104 (2) to (8) ~~C.R.S.~~, concerning a wind-up
20 period, an analysis and evaluation, public hearings, and claims by or
21 against an agency apply to the powers, duties, and functions of the
22 director of the division.

23 PART 3

24 COLORADO LIMITED GAMING CONTROL COMMISSION

25 **44-30-301. [Formerly 12-47.1-301] Colorado limited gaming**
26 **control commission - creation.** (1) There is hereby created, within the
27 division of gaming, the Colorado limited gaming control commission.

1 The commission shall consist of five members, all of whom shall be
2 citizens of the United States and residents of this state who have been
3 residents of the state for the past five years. The members shall be
4 appointed by the governor, with the consent and approval of the senate.
5 No member shall have been convicted of a felony or gambling-related
6 offense, notwithstanding the provisions of section 24-5-101. ~~C.R.S.~~ No
7 more than three of the five members shall be members of the same
8 political party and no more than one member shall be from any one
9 congressional district. At the first meeting of each fiscal year, a chairman
10 and vice-chairman of the commission shall be chosen from the
11 membership by a majority of the members. Membership and operation of
12 the commission shall additionally meet the following requirements:

13 (a) One member of the commission shall have had at least five
14 years' law enforcement experience as a peace officer certified pursuant to
15 section 24-31-305; ~~C.R.S.~~; one member shall be an attorney admitted to
16 the practice of law in Colorado for not less than five years and who has
17 experience in regulatory law; one member shall be a certified public
18 accountant or public accountant who has been practicing in Colorado for
19 at least five years and who has a comprehensive knowledge of the
20 principles and practices of corporate finance; one member shall have been
21 engaged in business in a management-level capacity for at least five
22 years; and one member shall be a registered elector of the state who is not
23 employed in any profession or industry otherwise described in this
24 paragraph (a) SUBSECTION (1)(a).

25 (b) Initial members shall be appointed to the commission by the
26 governor as follows: One member to serve until July 1, 1992, one member
27 to serve until July 1, 1993, one member to serve until July 1, 1994, and

1 two members to serve until July 1, 1995. All subsequent appointments
2 shall be for terms of four years. No member of the commission shall be
3 eligible to serve more than two consecutive terms.

4 (c) Any vacancy on the commission shall be filled for the
5 unexpired term in the same manner as the original appointment. The
6 member appointed to fill ~~such~~ THE vacancy shall be from the same
7 category described in ~~paragraph (a) of this subsection (1)~~ SUBSECTION
8 (1)(a) OF THIS SECTION as the member vacating the position.

9 (d) Any member of the commission may be removed by the
10 governor at any time.

11 (e) The term of any member of the commission who misses more
12 than two consecutive regular commission meetings without good cause
13 shall be terminated and ~~such~~ THE member's successor shall be appointed
14 in the manner provided for appointments under this section.

15 (f) Commission members shall receive as compensation for their
16 services one hundred dollars for each day spent in the conduct of
17 commission business and shall be reimbursed for necessary travel and
18 other reasonable expenses incurred in the performance of their official
19 duties. The maximum annual compensation for each member of the
20 commission, including reimbursement for necessary travel and other
21 reasonable expenses incurred in the performance of their official duties,
22 shall not exceed ten thousand dollars per year.

23 (g) Prior to confirmation by the senate, each member shall file
24 with the secretary of state a financial disclosure statement in the form
25 required and prescribed by the executive director. ~~Such~~ THE statement
26 shall be renewed as of each January 1 during the member's term of office.

27 (h) The commission shall hold at least one meeting each month

1 and ~~such~~ ANY additional meetings as may be prescribed by rules of the
2 commission. In addition, special meetings may be called by the chairman,
3 any two commission members, or the director, if written notification of
4 ~~such~~ THE meeting is delivered to each member at least seventy-two hours
5 prior to ~~such~~ THE meeting. Notwithstanding the provisions of section
6 24-6-402, ~~C.R.S.~~, in emergency situations in which a majority of the
7 commission certifies that exigencies of time require that the commission
8 meet without delay, the requirements of public notice and of seventy-two
9 hours' actual advance written notice to members may be dispensed with,
10 and commission members as well as the public shall receive ~~such~~ THE
11 notice as is reasonable under the circumstances.

12 (i) A majority of the commission shall constitute a quorum, but
13 the concurrence of a majority of the members appointed to the
14 commission shall be required for any final determination by the
15 commission.

16 (j) The commission shall keep a complete and accurate record of
17 all its meetings.

18 **44-30-302. [Formerly 12-47.1-302] Commission - powers and**
19 **duties.** (1) In addition to any other powers and duties set forth in this part
20 3, and notwithstanding the designation of the Colorado limited gaming
21 control commission under ~~section 12-47.1-201~~ SECTION 44-30-201 as a
22 **type 2** transfer, the commission shall nonetheless have the following
23 powers and duties:

24 (a) To promulgate ~~such~~ THE rules ~~and regulations~~ governing the
25 licensing, conducting, and operating of limited gaming as it deems
26 necessary to carry out the purposes of this ~~article~~ ARTICLE 30. The director
27 shall prepare and submit to the commission written recommendations

1 concerning proposed rules ~~and regulations~~ for this purpose.

2 (b) To conduct hearings upon complaints charging violations of
3 this ~~article~~ ARTICLE 30 or rules ~~and regulations~~ promulgated pursuant to
4 this ~~article~~ ARTICLE 30, and to conduct ~~such~~ ANY other hearings as may
5 be required by rules of the commission;

6 (c) To enter into agreements with the Colorado bureau of
7 investigation and state and local law enforcement agencies for the
8 conduct of investigation, identification, or registration, or any
9 combination thereof, of licensed operators and employees in licensed
10 premises or in premises containing licensed premises in accordance with
11 the provisions of this ~~article~~ ARTICLE 30, which conduct shall include, but
12 not be limited to, performing background investigations and criminal
13 records checks on an applicant applying for licensure pursuant to the
14 provisions of this ~~article~~ ARTICLE 30 and investigating violations of any
15 provision of this ~~article~~ ARTICLE 30 or of any rule ~~or regulation~~
16 promulgated by the commission pursuant to ~~paragraph (a) of this~~
17 ~~subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION discovered as a result
18 of ~~such~~ THE investigatory process or discovered by the department of
19 ~~revenue~~ or the commission in the course of conducting its business.
20 Nothing in this section shall prevent or impair the Colorado bureau of
21 investigation or state or local law enforcement agencies from engaging in
22 the activities set forth in this ~~paragraph (c)~~ SUBSECTION (1)(c) on their
23 own initiative.

24 (d) To conduct a continuous study and investigation of limited
25 gaming throughout the state for the purpose of ascertaining any defects
26 in this ~~article~~ ARTICLE 30 or in the rules ~~and regulations~~ promulgated
27 pursuant to this ~~article~~ ARTICLE 30 in order to discover any abuses in the

1 administration and operation of the division or any violation of this ~~article~~
2 ARTICLE 30 or any rule ~~or regulation~~ promulgated pursuant to this ~~article~~
3 ARTICLE 30;

4 (e) To formulate and recommend changes to this ~~article~~ ARTICLE
5 30 or any rule ~~or regulation~~ promulgated pursuant to this ~~article~~ ARTICLE
6 30 for the purpose of preventing abuses and violations of this ~~article~~
7 ARTICLE 30 or any of the rules ~~or regulations~~ promulgated pursuant to this
8 ~~article~~ ARTICLE 30; to guard against the use of this ~~article~~ ARTICLE 30 and
9 ~~such~~ THE rules ~~and regulations~~ as a cloak for the conducting of illegal
10 activities; and to ensure that this ~~article~~ ARTICLE 30 and ~~such~~ THE rules
11 ~~and regulations~~ shall be in such form and be so administered as to serve
12 the true purpose and intent of this ~~article~~ ARTICLE 30;

13 (f) To report immediately to the governor, the attorney general,
14 the speaker of the house of representatives, the president of the senate, the
15 minority leaders of both houses, and ~~such~~ ANY other state officers as the
16 commission deems appropriate concerning any laws ~~which~~ THAT it
17 determines require immediate amendment to prevent abuses and
18 violations of this ~~article~~ ARTICLE 30 or any rule ~~or regulation~~ promulgated
19 pursuant to this ~~article~~ ARTICLE 30 or to remedy undesirable conditions in
20 connection with the administration or the operation of the division or
21 limited gaming;

22 (g) To require ~~such~~ ANY special reports from the director ~~as~~ THAT
23 it considers necessary;

24 (h) To issue temporary or permanent licenses to those involved in
25 the ownership, participation, or conduct of limited gaming;

26 (i) Upon complaint, or upon its own motion, to levy fines and to
27 suspend or revoke, licenses ~~which~~ THAT the commission has issued;

1 (j) To establish and collect fees and taxes upon persons, licenses,
2 and gaming devices used in, or participating in, limited gaming;

3 (k) To obtain all information from licensees and other persons and
4 agencies ~~which~~ THAT the commission deems necessary or desirable in the
5 conduct of its business;

6 (l) To issue subpoenas for the appearance or production of
7 persons, records, and things in connection with applications before the
8 commission or in connection with disciplinary or contested cases
9 considered by the commission;

10 (m) To apply for injunctive or declaratory relief to enforce the
11 provisions of this ~~article~~ ARTICLE 30 and any rules ~~and regulations~~
12 promulgated pursuant to this ~~article~~ ARTICLE 30;

13 (n) To inspect and examine without notice all premises wherein
14 limited gaming is conducted or devices or equipment used in limited
15 gaming are located, manufactured, sold, or distributed, and to summarily
16 seize, remove, and impound, without notice or hearing from ~~such~~ THE
17 premises any equipment, devices, supplies, books, or records for the
18 purpose of examination or inspection;

19 (o) To enter into contracts with any governmental entity to carry
20 out its duties without compliance with the provisions of the "Procurement
21 Code", articles 101 to 112 of title 24. ~~C.R.S. Such~~ THE contracts or
22 formal agreements, or both, are to be based on preestablished commission
23 criteria specifying minimum levels of cooperation and conditions for
24 payment.

25 (p) To exercise ~~such~~ ANY other incidental powers as may be
26 necessary to ensure the safe and orderly regulation of limited gaming and
27 the secure collection of all revenues, taxes, and license fees;

1 (q) To establish internal control procedures for licensees,
2 including accounting procedures, reporting procedures, and personnel
3 policies;

4 (r) To establish and collect fees for performing background
5 checks on all applicants for licenses and on all persons with whom the
6 commission or division may agree with or contract with for the providing
7 of goods or services, as the commission deems appropriate;

8 (s) To establish and collect fees for performing, or having
9 performed, tests on equipment and devices to be used in limited gaming;

10 (t) To establish a field office in Black Hawk, Central City, or
11 Cripple Creek, as deemed necessary by the commission;

12 (u) To demand, at any time when business is being conducted,
13 access to and inspection, examination, photocopying, and auditing of all
14 papers, books, and records of applicants and licensees, on their premises
15 or elsewhere as practicable and in the presence of the licensee or his OR
16 HER agent, pertaining to the gross income produced by any licensed
17 gaming establishment and to require verification of income, and all other
18 matters affecting the enforcement of the policies of the commission or
19 any provision of this ~~article~~ ARTICLE 30; and to impound or remove all
20 papers, books, and records of applicants and licensees, without hearing,
21 for inspection or examination; and

22 (v) To prescribe voluntary alternative methods for the making,
23 filing, signing, subscribing, verifying, transmitting, receiving, or storing
24 of returns or other documents.

25 (2) Rules ~~and regulations~~ promulgated pursuant to subsection (1)
26 of this section shall include, but shall not be limited to, the following:

27 (a) The types of limited gaming activities to be conducted and the

- 1 rules for those activities;
- 2 (b) The requirements, qualifications, and grounds for the issuance,
3 revocation, suspension, and summary suspension of all types of
4 permanent and temporary licenses required for the conduct of limited
5 gaming;
- 6 (c) Qualifications of persons to hold limited gaming licenses;
- 7 (d) Restrictions upon the times, places, and structures where
8 limited gaming shall be authorized;
- 9 (e) The ongoing operation of limited gaming activities;
- 10 (f) The scope and conditions for investigations and inspections
11 into the conduct of limited gaming, the background of licensees and
12 applicants for licenses, the premises where limited gaming is authorized,
13 all premises where gaming devices are located, the books and records of
14 licensees, and the sources and maintenance of limited gaming devices and
15 equipment;
- 16 (g) Activities ~~which~~ THAT constitute fraud, cheating, or illegal or
17 criminal activities;
- 18 (h) The percentage of the adjusted gross proceeds to be paid by
19 each licensee to the commission, in addition to license fees and taxes;
- 20 (i) The seizure without notice or hearing of gaming equipment,
21 supplies, or books and records for the purpose of examination and
22 inspection;
- 23 (j) The disclosure of the complete financial interests of applicants
24 for licenses or of licensees;
- 25 (k) The issuance or denial of support licenses by the director;
- 26 (l) The granting of certain licenses with special conditions or for
27 limited periods, or both;

- 1 (m) The establishment of procedures for determining suitability
2 or unsuitability of persons, acts, or practices;
- 3 (n) The payment of costs incurred in the operation and
4 administration of the division, and the costs resulting from any contract
5 entered into for consulting or operational services;
- 6 (o) The payment of costs incurred by the Colorado bureau of
7 investigation and any other agencies for investigations or background
8 checks, which shall be paid by applicants for licenses or by licensees;
- 9 (p) The levying of fines for violations of this ~~article~~ ARTICLE 30
10 or any rule or regulation promulgated pursuant to this ~~article~~ ARTICLE 30;
- 11 (q) The amount of license fees for all types of licenses issued by
12 the commission and the division;
- 13 (r) The conditions and circumstances ~~which~~ THAT constitute
14 suitability of persons, locations, and equipment for gaming;
- 15 (s) The types and specifications of all equipment and devices used
16 in or with limited gaming; and
- 17 (t) All other provisions necessary to accomplish the purposes of
18 this ~~article~~ ARTICLE 30.

19 PART 4

20 CONFLICT OF INTEREST

21 **44-30-401. [Formerly 12-47.1-401] Conflict of interest.**

22 (1) Members of the commission and employees of the division are
23 declared to be in positions of public trust. In order to ensure the
24 confidence of the people of the state in the integrity of the division, its
25 employees, and the commission, the following restrictions shall apply:

26 (a) No member of the commission, an ancestor or descendant of
27 a member, including a natural child, child by adoption, or stepchild, or a

1 brother or sister of the whole or half blood of a member, or an uncle,
2 aunt, nephew, or niece of the whole blood of a member, shall have any
3 interest of any kind in a license issued pursuant to this ~~article~~ ARTICLE 30
4 or own or have any interest in property in any county where limited
5 gaming is permitted. The provisions of this ~~paragraph (a)~~ SUBSECTION
6 (1)(a) shall apply to spouses of commission members in like fashion as
7 to members.

8 (b) No member of the commission or employee of the division,
9 including the director, and no member of the immediate family of a
10 member or employee of the division, shall have any interest, direct or
11 indirect, in any licensee, licensed premises, establishment, or business
12 involved in or with limited gaming. Further, ~~no such~~ THE person shall
13 NOT own, in whole or in part, property in the cities of Central, Black
14 Hawk, or Cripple Creek; except that employees of the division assigned
15 to work regularly in Gilpin or Teller county may live with their families
16 in those counties, and may own private property therein for residential
17 purposes, with commission approval.

18 (c) No member of the commission or employee of the division,
19 including the director, and no member of the immediate family of a
20 member of the commission or employee of the division, shall receive any
21 gift, gratuity, employment, or other thing of value from any person,
22 corporation, association, or firm that contracts with or that offers services,
23 supplies, materials, or equipment used by the division in the normal
24 course of its operations, or ~~which~~ THAT is licensed by the division or the
25 commission; except that such persons may accept on an infrequent basis
26 in the normal course of business ~~such~~ ANY nonpecuniary items of
27 insignificant value as shall be allowed by the director and as shall be

1 specified by the commission by rule. ~~and regulation.~~

2 (d) No member of the commission or employee of the division,
3 including the director, and no member of their immediate families, shall
4 participate in limited gaming.

5 (e) No member of the commission or employee of the division,
6 including the director, shall have been convicted of a felony or any
7 gambling-related offense, notwithstanding the provisions of section
8 24-5-101. ~~C.R.S.~~

9 ~~(1.5)~~ (2) Notwithstanding the provisions of subsection (1) of this
10 section, the commission may, by rule, determine that an ownership
11 interest of no more than five percent held by or through an institutional
12 investor fund does not constitute an interest under ~~paragraphs (a) and (b)~~
13 ~~of subsection (1)~~ SUBSECTIONS (1)(a) AND (1)(b) of this section.

14 ~~(2)~~ (3) For purposes of investigating violations of this ~~article~~
15 ARTICLE 30, the provisions of ~~paragraphs (c) and (d) of subsection (1)~~
16 SUBSECTIONS (1)(c) AND (1)(d) of this section shall not apply to an
17 employee of the division acting in his OR HER official capacity while on
18 duty.

19 PART 5

20 LICENSING

21 **44-30-501. [Formerly 12-47.1-501] Licenses - types - rules.**

22 (1) The commission may issue six types of licenses as follows:

23 (a) **Slot machine manufacturer or distributor.** A slot machine
24 manufacturer or distributor license is required for all persons who import,
25 manufacture, or distribute slot machines in this state, or who otherwise
26 act as a slot machine manufacturer or distributor. Each license issued
27 pursuant to this ~~paragraph (a)~~ SUBSECTION (1)(a) shall expire two years

1 from the date of its issuance but may be renewed upon the filing and
2 approval of an application for renewal. The fee for the initial license and
3 all renewals thereof shall be determined by the commission pursuant to
4 rule.

5 (b) **Operator license.** (I) An operator license is required for all
6 persons who permit slot machines on their premises or who engage in the
7 business of placing and operating slot machines on the premises of a
8 retailer. Each license issued pursuant to this ~~paragraph (b)~~ SUBSECTION
9 (1)(b) shall expire two years from the date of its issuance but may be
10 renewed upon the filing and approval of an application for renewal. The
11 fee for the initial license and all renewals thereof shall be determined by
12 the commission pursuant to rule. A licensed operator shall obtain slot
13 machines only from, and shall return or sell slot machines only to, a
14 licensed manufacturer or distributor.

15 (II) This ~~paragraph (b)~~ SUBSECTION (1)(b) shall not apply to
16 persons holding retail gaming licenses issued pursuant to ~~paragraph (c)~~
17 ~~of this subsection (1)~~ SUBSECTION (1)(c) OF THIS SECTION.

18 (c) **Retail gaming license.** A retail gaming license is required for
19 all persons permitting or conducting limited gaming on their premises. A
20 retail gaming license may only be granted to a retailer. Each person
21 licensed as a retailer shall have and maintain sole and exclusive legal
22 possession of the entire premises for which the retail license is issued.
23 Each license issued pursuant to this ~~paragraph (c)~~ SUBSECTION (1)(c) shall
24 expire two years from the date of its issuance but may be renewed upon
25 the filing and approval of an application for renewal. The fee for the
26 initial license and all renewals thereof shall be determined by the
27 commission pursuant to rule. A licensed retailer shall obtain slot

1 machines only from, and shall return or sell slot machines only to, a
2 licensed manufacturer or distributor. Slot machine transfers between
3 licensed retailers directly and completely owned by the same person are
4 allowed, if proper notification is given to the division.

5 (d) **Support license.** A support license is required for all persons
6 employed in the field of limited gaming and by all gaming employees. No
7 person required to hold a support license shall be an employee of, or
8 assist, any licensee until ~~such~~ THE person obtains a valid support license.
9 Persons licensed as key employees need not obtain support licenses. The
10 commission may deny a support license to any person discharged for
11 cause from employment by any licensed gaming establishment in this or
12 any other country. Each license issued pursuant to this ~~paragraph (d)~~
13 SUBSECTION (1)(d) shall expire two years from the date of its issuance but
14 may be renewed upon the filing and approval of an application for
15 renewal. The fee for the initial license and all renewals thereof shall be
16 determined by the commission pursuant to rule.

17 (e) **Key employee license.** Every retail gaming licensee shall have
18 a person in charge of all limited gaming activities available at all times
19 when limited gaming is being conducted. ~~Such~~ THE person in charge shall
20 hold a key employee license. Each license issued pursuant to this
21 ~~paragraph (e)~~ SUBSECTION (1)(e) shall expire two years from the date of
22 its issuance but may be renewed upon the filing and approval of an
23 application for renewal. The fee for the initial license and all renewals
24 thereof shall be determined by the commission pursuant to rule.

25 (f) **Associated equipment supplier license.** An associated
26 equipment supplier license is required for a person who imports,
27 manufactures, or distributes associated equipment in this state, or who

1 otherwise acts as an associated equipment supplier. Slot machine
2 manufacturers or distributors who are licensed in this state and who
3 import, manufacture, or distribute associated equipment need not obtain
4 a separate associated equipment supplier license. Each license issued
5 under this ~~paragraph (f)~~ SUBSECTION (1)(f) expires two years after the
6 date of its issuance but may be renewed upon the filing and approval of
7 an application for renewal. The commission shall promulgate rules to
8 establish the fees for an initial license and renewal licenses.

9 **44-30-502. [Formerly 12-47.1-503] Key employee -**
10 **determination of status.** If, in the determination of the commission, an
11 employee of a licensee for limited gaming is a key employee and as such
12 is subject to licensure, the commission shall serve notice of ~~such~~ THE
13 determination upon the licensee who employed ~~such~~ THE key employee.
14 In determining whether or not an employee is a key employee, the
15 commission is not restricted by the title of the job performed by ~~such~~ THE
16 employee but may consider the functions and responsibilities of ~~such~~ THE
17 employee in making its decision. The licensee shall, within thirty days
18 following receipt of the notice of the commission's determination, present
19 the application for licensing of ~~such~~ THE employee to the commission or
20 provide documentary evidence that ~~such~~ THE employee is no longer
21 employed by the licensee. Failure of the licensee to respond as required
22 by this section is grounds for disciplinary action. A person subject to
23 application for licensing as a key employee may make written request to
24 the commission to review its determination of ~~such~~ THE person's status
25 within the gaming organization. If the commission determines that the
26 person is not a key employee, ~~such~~ THE person shall be allowed to
27 withdraw his OR HER application and continue in his OR HER employment.

1 The request by an employee for review of his OR HER employment status
2 does not stay the obligation of the licensee to present ~~such~~ THE
3 employee's application to the commission within the thirty-day period
4 prescribed by this section.

5 **44-30-503. [Formerly 12-47.1-504] Licenses - revocable -**
6 **nontransferable.** Every license issued pursuant to this ~~article~~ ARTICLE 30
7 is revocable and nontransferable. No licensee acquires any vested interest
8 or property right in a license. The gaming licenses issued pursuant to this
9 ~~article~~ ARTICLE 30 are only for the particular location initially authorized.
10 The revocable privilege for any license issued or other approval granted
11 is conditioned upon the proper and continuing qualification of the
12 licensee or registrant and upon the discharge of the affirmative
13 responsibility of each ~~such~~ licensee or registrant to provide to the
14 regulatory, investigatory, and law enforcement authorities any assistance
15 and information necessary to assure that the policies and requirements of
16 this ~~article~~ ARTICLE 30 are achieved.

17 **44-30-504. [Formerly 12-47.1-505] Operator, slot machine**
18 **manufacturer or distributor, associated equipment supplier, key**
19 **employee, support licensee, or retailer - qualifications for licensure.**
20 Before obtaining a license as an operator, slot machine manufacturer or
21 distributor, associated equipment supplier, key employee, support
22 licensee, or retailer, in addition to meeting other requirements of this
23 ~~article~~ ARTICLE 30 or rules of the commission, an applicant must show
24 that he or she is of good moral character. An applicant has the burden of
25 proving his or her qualifications to the satisfaction of the commission.
26 The applicant must submit to and pay for background investigations the
27 commission may order. All ~~such~~ payments shall be deposited into the

1 limited gaming fund created in ~~section 12-47.1-701~~ SECTION 44-30-701.

2 **44-30-505. [Formerly 12-47.1-506] Considerations for**
3 **licensure.** In considering whether a person is of good moral character for
4 purposes of issuing any license pursuant to this ~~article~~ ARTICLE 30, or for
5 any other purposes, the commission may, in addition to all other
6 information, consider whether that person has been denied a gaming
7 license by this or any other jurisdiction, city, state, or country, or whether
8 the person has ever had a gaming license in this or any other jurisdiction,
9 city, state, or country suspended or revoked. The commission may also
10 consider whether a person has ever withdrawn an application for any type
11 of gaming license anywhere and the reasons for ~~such~~ THE withdrawal.

12 **44-30-506. [Formerly 12-47.1-507] Temporary or conditional**
13 **licenses.** The commission may issue temporary or conditional licenses
14 with respect to all licenses authorized under this ~~article~~ ARTICLE 30.

15 **44-30-507. [Formerly 12-47.1-508] Delegation of authority to**
16 **issue certain licenses.** The commission may delegate to the division the
17 authority to issue permanent and temporary support and key employee
18 licenses, but the commission shall review and approve the issuance of all
19 other licenses issued pursuant to this ~~article~~ ARTICLE 30.

20 **44-30-508. [Formerly 12-47.1-509] Licensed premises - retail**
21 **floor plan - definitions.** (1) For purposes of this section, "retail floor
22 plan" means a physical layout of the inside of the building in which
23 limited gaming will take place ~~which shall show~~ THAT SHOWS the location
24 of the licensed premises within the building.

25 (2) The retail floor plan shall be submitted to the commission with
26 an applicant's application for a retail gaming license. Approval of the
27 retail floor plan is subject to commission rules and those rules pertaining

1 to the public health, safety, good order, and general welfare of the cities
2 of Central, Black Hawk, and Cripple Creek. All gaming devices shall be
3 located within the licensed premises of a business.

4 (3) A licensed retailer may change the physical location of the
5 licensed premises with the approval of the commission, the director, or
6 the director's designee; however, in no event shall the licensed premises
7 as modified violate any provision of this ~~article~~ ARTICLE 30 or consist of
8 more than two noncontiguous areas on one floor. Failure of the
9 commission, the director, or the director's designee to deny an application
10 to relocate the licensed premises in a building, within thirty days of ~~such~~
11 THE application, shall be deemed an approval thereof.

12 **44-30-509. [Formerly 12-47.1-510] License - disqualification -**
13 **criteria.** (1) The commission shall deny a license to any applicant who
14 is disqualified for licensure on the basis of any of the following criteria:

15 (a) Failure of the applicant to prove by clear and convincing
16 evidence that the applicant is qualified in accordance with the provisions
17 of this ~~article~~ ARTICLE 30;

18 (b) Failure of the applicant to provide information,
19 documentation, and assurances required by this ~~article~~ ARTICLE 30 or
20 requested by the commission, failure of the applicant to reveal any fact
21 material to qualification, or the supplying of information ~~which~~ THAT is
22 untrue or misleading as to a material fact pertaining to the qualification
23 criteria;

24 (c) Conviction of the applicant, or any of its officers or directors,
25 or any of its general partners, or any stockholders, limited partners, or
26 other persons having a financial or equity interest of five percent or
27 greater in the applicant, of any of the following:

1 (I) Service of a sentence upon conviction of a felony in a
2 correctional facility, city or county jail, or community correctional facility
3 or under the supervision of the state board of parole or any probation
4 department within ten years prior to the date of the application,
5 notwithstanding the provisions of section 24-5-101; ~~C.R.S.~~;

6 (II) Service of a sentence upon conviction of any misdemeanor
7 gambling-related offense or misdemeanor theft by deception in a
8 correctional facility, city or county jail, or community correctional facility
9 or under the supervision of the state board of parole or any probation
10 department within ten years prior to the date of the application,
11 notwithstanding section 24-5-101; ~~C.R.S.~~;

12 (III) Service of a sentence upon conviction of any misdemeanor
13 involving fraud or misrepresentation in a correctional facility, city or
14 county jail, or community correctional facility or under the supervision of
15 the state board of parole or any probation department within ten years
16 prior to the date of the application, notwithstanding the provisions of
17 section 24-5-101; ~~C.R.S.~~;

18 (IV) Service of a sentence upon conviction of any
19 gambling-related felony or felony involving theft by deception in a
20 correctional facility, city or county jail, or community correctional facility
21 or under the supervision of the state board of parole or any probation
22 department, notwithstanding the provisions of section 24-5-101; ~~C.R.S.~~;

23 (V) Service of a sentence upon conviction of any felony involving
24 fraud or misrepresentation in a correctional facility, city or county jail, or
25 community correctional facility or under the supervision of the state board
26 of parole or any probation department, notwithstanding the provisions of
27 section 24-5-101; ~~C.R.S.~~;

1 (d) Current prosecution or pending charges in any jurisdiction
2 against the applicant, or against any person listed in ~~paragraph (c) of this~~
3 ~~subsection (1)~~ SUBSECTION (1)(c) OF THIS SECTION, for any of the offenses
4 enumerated in ~~paragraph (c) of this subsection (1)~~ SUBSECTION (1)(c) OF
5 THIS SECTION; except that, at the request of the applicant or the person
6 charged, the commission shall defer decision upon ~~such~~ THE application
7 during the pendency of ~~such~~ THE charge;

8 (e) The identification of the applicant or any person listed in
9 ~~paragraph (c) of this subsection (1)~~ SUBSECTION (1)(c) OF THIS SECTION
10 as a career offender or a member of a career offender cartel or an
11 associate of a career offender or a career offender cartel in ~~such~~ a manner
12 ~~which~~ THAT creates a reasonable belief that the association is of such a
13 nature as to be inimical to the policy of this ~~article~~ ARTICLE 30 and to
14 gaming operations. For purposes of this section, "career offender" means
15 any person whose behavior is pursued in an occupational manner or
16 context for the purpose of economic gain, utilizing such methods as are
17 deemed criminal violations of the public policy of this state. For purposes
18 of this section, "career offender cartel" means any group of persons who
19 operate together as career offenders.

20 (f) Refusal to cooperate by the applicant or any person who is
21 required to be qualified under this ~~article~~ ARTICLE 30 with any legislative
22 investigatory body or other official investigatory body of any state or of
23 the United States when ~~such~~ THE body is engaged in the investigation of
24 crimes relating to gaming, official corruption, or organized crime activity;

25 (g) The applicant, or any of its officers or directors, or any of its
26 general partners, or any stockholders, limited partners, or other persons
27 having a financial or equity interest of five percent or greater in the

1 applicant is or has been a professional gambler as that term is defined in
2 article 10 of title 18. ~~C.R.S.~~

3 **44-30-510. [Formerly 12-47.1-511] Applicants and licensees -**
4 **providing information.** (1) All applicants for licenses issued by the
5 commission, and all persons holding ~~such~~ licenses, including all persons
6 interested, directly or indirectly, in the gaming business or license held by
7 an applicant or licensee, shall upon request by the commission or division
8 provide handwriting exemplars, and each ~~such~~ person shall allow himself
9 or herself to be photographed in accordance with procedures established
10 by the commission.

11 (2) Upon issuance of a formal request or subpoena by the
12 commission to answer or produce information, evidence, or testimony,
13 each applicant and licensee shall comply with the request or subpoena.
14 Where an applicant or licensee, or any employee or person interested,
15 directly or indirectly, in either refuses or fails to comply with a
16 commission request or subpoena, then that person's license or application
17 may be suspended, revoked, or denied, based solely upon such failure or
18 refusal.

19 (3) With the submission of an application for a license or an
20 application for a finding of suitability pursuant to this ~~article~~ ARTICLE 30,
21 each applicant shall submit a set of fingerprints to the commission. The
22 commission shall forward ~~such~~ THE fingerprints to the Colorado bureau
23 of investigation for the purpose of conducting a state and national
24 fingerprint-based criminal history record check utilizing records of the
25 Colorado bureau of investigation and the federal bureau of investigation.
26 Nothing in this subsection (3) shall preclude the commission from making
27 further inquiries into the background of the applicant.

1 **44-30-511. [Formerly 12-47.1-512] Application - fee - waiver**
2 **of confidentiality.** (1) The commission may establish investigation and
3 application fees for the purpose of paying for the administrative costs of
4 the commission and for paying for any background investigations of
5 applicants and others. These fees may vary depending on the type of
6 application, the complexity of the investigation, or the costs of the
7 commission in reviewing the matters involved.

8 (2) The application form created by the commission shall include
9 a waiver of any right of confidentiality and a provision ~~which~~ THAT
10 allows the information contained in the application to be accessible to law
11 enforcement agents of this or any other state, the government of the
12 United States, any foreign country, or any Indian tribe. The waiver of
13 confidentiality shall extend to any financial or personnel record, wherever
14 maintained.

15 **44-30-512. [Formerly 12-47.1-513] Supplier of licensee -**
16 **licensure requirements.** (1) Except as otherwise provided in subsection
17 (2) of this section, any person supplying goods, equipment, devices, or
18 services to any licensee in return for payment of a percentage, or
19 calculated upon a percentage, of limited gaming activity or income must
20 obtain an operator license or must be listed on the retailer's license where
21 ~~such~~ THE limited gaming will take place.

22 (2) A licensed slot machine manufacturer or distributor need not
23 obtain an operator's license or be listed on a retailer's license for purposes
24 of establishing and administering a fund associated with a
25 multiple-property, linked, progressive slot machine system as defined by
26 the commission, so long as all of the following conditions are met:

27 (a) The manufacturer or distributor shall deposit in the fund and

1 shall account, subject to supervision by the commission, for ~~those moneys~~
2 THAT MONEY derived from wagering in machines linked to the system
3 ~~which~~ THAT are due to the manufacturer or distributor pursuant to its
4 agreement with the retail licensee.

5 (b) The manufacturer or distributor shall maintain a separate
6 account for the fund associated with each progressive system.

7 (c) The manufacturer or distributor shall retain as compensation
8 only a flat, predetermined fee per machine. Operating costs of the system,
9 including payment of prizes, may be disbursed from the fund.

10 (d) Machines linked to the system shall be placed only in premises
11 controlled by a licensed operator or retailer.

12 **44-30-513. [Formerly 12-47.1-514] Application - authorization**
13 **for background investigations.** By signing and filing an application for
14 a license, which is hereby made subject to the perjury laws of this state,
15 the applicant authorizes the commission to obtain information from any
16 source, public or private, in this or any other country, regarding the
17 background or conduct of the applicant and, if the applicant is a
18 partnership or corporation, any of its shareholders, officers, directors,
19 partners, agents, or employees.

20 **44-30-514. [Formerly 12-47.1-515] License - grounds for**
21 **approval or denial.** The commission may approve or deny any
22 application for a license, in addition to all other conditions and
23 requirements set forth in this ~~article~~ ARTICLE 30 and the rules ~~and~~
24 ~~regulations~~ promulgated pursuant thereto, on the basis of whether it
25 deems the applicant a suitable person to hold the license applied for and
26 whether it considers the proposed location, retail floor plan, or any other
27 conditions suitable. Refusal of an applicant to provide all information

1 requested by the commission or to allow investigation into the applicant's
2 background is grounds for denial of a license. Information requested from
3 the applicant by the commission shall include the applicant's date of birth
4 in addition to other information necessary to identify and investigate fully
5 the record and relevant history of the applicant.

6 **44-30-515. [Formerly 12-47.1-516] Licensed premises - safety**
7 **conditions - fire and electrical.** (1) (a) The building in which limited
8 gaming will be conducted and the areas where limited gaming will occur
9 shall meet safety standards and conditions for the protection of life and
10 property as determined by the local fire official and the local building
11 official. In making ~~such~~ THE determinations, the codes adopted by the
12 director of the division of fire prevention and control within the
13 department of public safety pursuant to section 24-33.5-1203.5 ~~C.R.S.~~,
14 constitute the minimum safety standards for limited gaming structures;
15 except that, in connection with structures licensed for limited gaming and
16 operating ~~as such~~ on or before July 1, 2011, any newly adopted building
17 codes shall not be applied retroactively to structures that were newly
18 constructed or remodeled to accommodate licensed limited gaming.

19 (b) The local building official and the local historical preservation
20 commission shall work together to ensure that neither historical
21 preservation of existing buildings nor the safety of life are compromised.

22 (2) A certificate of compliance shall be issued to an applicant for
23 a premises license by the local fire and building officials, and approved
24 by the division of fire prevention and control. A copy of the local
25 inspection report shall be filed with the state division of fire prevention
26 and control. Once the division has deemed that the minimum
27 requirements for fire prevention and control have been met, the division

1 shall approve the certificate of compliance within five working days from
2 receipt of the inspection report. If not acted upon within five days, the
3 certificate of compliance shall be considered approved. ~~Such~~ THE
4 certificate shall be current and valid and shall cover the entire building
5 where limited gaming is conducted.

6 ~~(3) (Deleted by amendment, L. 2011, (SB 11-251), ch. 240, p.~~
7 ~~1043, § 3, effective June 30, 2011.)~~

8 ~~(4)~~ (3) In advance of any structural or significant change to the
9 building or areas where limited gaming is conducted, the plans for ~~such~~
10 a THE change shall be submitted by the licensee holding a premises
11 license to the local fire official and the local building official for their
12 review. No changes may be made to the building or areas where limited
13 gaming is conducted until the plans are approved by the local fire official
14 and the local building official.

15 ~~(5)~~ (4) The state division of fire prevention and control and the
16 state historical society shall provide technical assistance to the local
17 building officials, the local fire officials, the local historical preservation
18 commissions, and the commission upon request.

19 ~~(6)~~ (5) The commission shall act as an appeals board for any
20 owner, fire official, building official, or the division of fire prevention
21 and control who feels aggrieved by fire and life safety requirements or the
22 lack of fire and life safety standards in buildings in which limited gaming
23 will be conducted. If the commission fails to act upon an appeal within
24 fourteen days after its receipt by the commission, the certificate of
25 compliance shall be considered approved.

26 **44-30-516. [Formerly 12-47.1-517] Buildings - accessible to**
27 **persons with disabilities.** (1) All premises where limited gaming is

1 conducted shall be accessible to and functional for persons with physical
2 disabilities.

3 (2) An exception to the requirement of subsection (1) of this
4 section may be granted in cases where the local historical preservation
5 commission determines that compliance would result in degradation of
6 the historical significance of the building where limited gaming is
7 conducted.

8 **44-30-517. [Formerly 12-47.1-518] Waiver from liability - state**
9 **of Colorado - disclosures or publications.** All applicants, registrants,
10 and licensees shall waive liability as to the state of Colorado and its
11 instrumentalities and agents for any damages resulting from any
12 disclosure or publication in any manner, other than a willfully unlawful
13 disclosure or publication, of any material or information acquired during
14 inquiries, investigations, or hearings.

15 **44-30-518. [Formerly 12-47.1-519] Renewal of licenses.**
16 (1) Subject to the power of the commission to deny, revoke, or suspend
17 licenses, any license in force shall be renewed by the commission for the
18 next succeeding license period upon proper application for renewal and
19 payment of license fees and taxes as required by law and the ~~regulations~~
20 RULES of the commission. The license period for a renewed license shall
21 be the same period as the initial license period pursuant to ~~section~~
22 ~~12-47.1-501~~ SECTION 44-30-501. In addition, the commission shall reopen
23 licensing hearings at any time at the request of the director, the Colorado
24 bureau of investigation, or any law enforcement authority. The
25 commission shall act upon any ~~such~~ application prior to the date of
26 expiration of the current license.

27 (2) An application for renewal of a license may be filed with the

1 commission up to one hundred twenty days prior to the expiration of the
2 current license, and all license fees and taxes as required by law shall be
3 paid to the commission on or before the date of expiration of the current
4 license. The commission shall set the manner, time, and place at which an
5 application is made.

6 (3) Upon renewal of any license, the commission shall issue an
7 appropriate renewal certificate or validating device or sticker ~~which~~ THAT
8 shall be attached to each license.

9 (4) Renewal of a license may be denied by the commission for any
10 violation of this ~~article~~ ARTICLE 30 or article 20 of title 18, ~~C.R.S.~~, or the
11 rules ~~and regulations~~ promulgated pursuant thereto, for any reason ~~which~~
12 THAT would or could have prevented its original issuance, or for any good
13 cause shown.

14 **44-30-519. [Formerly 12-47.1-520] Denial of application.**

15 (1) Any person, or anyone who has an ownership interest of five percent
16 or more in the person:

17 (a) Whose application has been denied by the commission may not
18 reapply for licensure until at least one year has elapsed from the date of
19 denial;

20 (b) Who has been denied a license for a second time may not
21 reapply until at least three years have passed since the date of the second
22 denial.

23 **44-30-520. [Formerly 12-47.1-521] Appeal of final action of**
24 **commission.** Any person aggrieved by a final action of the commission
25 may appeal the final action to the court of appeals pursuant to section
26 24-4-106. ~~C.R.S.~~

27 **44-30-521. [Formerly 12-47.1-522] Executive and closed**

1 **meetings.** (1) The commission may hold executive or closed meetings
2 for any of the following purposes:

3 (a) Considering applications for licensing when discussing
4 background investigations or personal information;

5 (b) Meeting with gaming officials of other jurisdictions, the
6 attorney general, the district attorney for either Teller or Gilpin county,
7 or law enforcement officials in connection with possible criminal
8 violations;

9 (c) Consulting with the executive director, director, employees, or
10 agents of the commission concerning possible criminal violations or any
11 security issues;

12 (d) Deliberations after hearing evidence in an informal
13 consultation or in a contested case.

14 **44-30-522. [Formerly 12-47.1-523] Communications -**
15 **privileged and confidential.** Communications among the commission,
16 executive director, and the director relating to licensing, disciplining of
17 licensees, or violations by licensees are privileged and confidential if
18 made lawfully and in the course of or in furtherance of the business of the
19 commission, except pursuant to court order after an in-camera review.
20 The executive director, director, the commission, or any member of the
21 commission may claim this privilege.

22 **44-30-523. [Formerly 12-47.1-524] Summary suspension.** Every
23 license granted pursuant to this ~~article~~ ARTICLE 30 may be summarily
24 suspended by the commission, pending a hearing before the commission,
25 upon ~~such~~ ANY terms and conditions ~~as~~ THAT the commission shall by
26 rule ~~and regulation~~ mandate.

27 **44-30-524. [Formerly 12-47.1-525] Suspension or revocation of**

1 **license - grounds - penalties.** (1) (a) The commission may revoke a
2 license granted pursuant to this ~~article~~ ARTICLE 30 for any cause that
3 would have prevented issuance of the license, including the causes set
4 forth in ~~sections 12-47.1-510 and 12-47.1-801~~ SECTIONS 44-30-509 AND
5 44-30-801.

6 (b) The commission may suspend or revoke a license granted
7 pursuant to this ~~article~~ ARTICLE 30 for a violation by the licensee or an
8 officer, director, agent, member, or employee of the licensee, after notice
9 to the licensee, the opportunity for a hearing, and upon proof by a
10 preponderance of the evidence as determined by the commission.
11 Violations that may warrant license suspension or revocation include
12 violations of this ~~article~~ ARTICLE 30, any rule promulgated by the
13 commission, any provision of ~~part 6 of article 35 of title 24, C.R.S.,~~
14 ARTICLE 33 OF THIS TITLE 44, or any rule promulgated by the executive
15 director pursuant to ~~section 24-35-607 (3), C.R.S.,~~ SECTION 44-33-108
16 (3), or conviction of a crime. In addition to revocation or suspension, or
17 in lieu of revocation or suspension, the commission may impose a
18 reprimand or a monetary penalty not to exceed the following amounts:

19 (I) If the licensee is a slot machine manufacturer or distributor, the
20 amount of one hundred thousand dollars;

21 ~~(H.5)~~ (II) If the licensee is an associated equipment supplier, the
22 amount of twenty-five thousand dollars;

23 ~~(H)~~ (III) If the licensee is an operator, the amount of twenty-five
24 thousand dollars;

25 ~~(HH)~~ (IV) If the licensee is a retailer, the amount of twenty-five
26 thousand dollars;

27 ~~(HV)~~ (V) If the licensee is a key employee, the amount of five

1 thousand dollars;

2 ~~(V)~~ (VI) If the licensee holds a support license, the sum of two
3 thousand five hundred dollars.

4 (2) Any monetary penalty received by the commission pursuant
5 to this section shall be deposited in the limited gaming fund established
6 in ~~section 12-47.1-701~~ SECTION 44-30-701.

7 (3) The civil penalties set forth in this section shall not be a bar to
8 any criminal prosecution or to any civil or administrative prosecution.

9 **44-30-525. [Formerly 12-47.1-526] Commission hearings -**
10 **testimony.** In any hearing held by the commission pursuant to this ~~article~~
11 ARTICLE 30, the commission may apply to the district attorney having
12 jurisdiction to prosecute the underlying criminal matter for orders
13 pursuant to section 13-90-118 ~~C.R.S.~~, to compel testimony.

14 **44-30-526. [Formerly 12-47.1-527] Records - confidentiality -**
15 **exceptions.** (1) Information and records of the commission enumerated
16 by this section are confidential and may not be disclosed except pursuant
17 to a court order. No person may by subpoena, discovery, or statutory
18 authority obtain such information or records. Information and records
19 considered confidential include:

- 20 (a) Tax returns of individual licensees;
- 21 (b) Credit reports and security reports and procedures of
22 applicants for licenses and other persons seeking or doing business with
23 the commission;
- 24 (c) Audit work papers, worksheets, and auditing procedures used
25 by the commission, its agents, or employees; and
- 26 (d) Investigative reports concerning violations of law or
27 concerning the backgrounds of licensees, applicants, or other persons

1 prepared by division investigators or investigators from other agencies
2 working with the commission and any work papers related to ~~such~~ THE
3 reports; except that the commission may in its sole discretion disclose so
4 much of ~~said~~ THE reports or work papers as it deems necessary and
5 prudent.

6 (2) This section does not apply to requests for such information
7 or records from the governor, attorney general, state auditor, any of the
8 respective district attorneys of this state, or any federal or state law
9 enforcement agency, or for the use of such information or records by the
10 executive director, director, or commission for official purposes, or by
11 employees of the division of gaming or the department of ~~revenue~~ in the
12 performance of their authorized and official duties.

13 (3) This section may not be construed to make confidential the
14 aggregate tax collections during any reporting period, the names and
15 businesses of licensees, or figures showing the aggregate amount of
16 money bet during any reporting period.

17 (4) (a) Any person who discloses confidential records or
18 information in violation of the provisions of this section commits a class
19 1 misdemeanor and shall be punished as provided in section 18-1.3-501.
20 ~~C.R.S.~~ Any criminal prosecution pursuant to the provisions of this section
21 must be brought within five years from the date the violation occurred.

22 (b) If the person who violates this section is an officer or
23 employee of the state, in addition to any other penalties or sanctions, ~~such~~
24 THE person shall be subject to dismissal if the procedures in section
25 24-50-125 ~~C.R.S.~~, are followed.

26 (c) If the person violating ~~such~~ THE provisions is a present
27 employee or officer of the state who obtained the confidential records or

1 information during ~~such~~ THEIR employment, then in any civil action, the
2 subject of which includes the release of such confidential records or
3 information, ~~such~~ THE person shall be liable for treble damages to any
4 injured party.

5 (d) If the person violating ~~such~~ THE provisions is a former
6 employee or officer of the state who obtained the confidential records or
7 information during ~~such~~ THEIR employment, and if ~~such~~ THE person
8 executed a written statement with the state agreeing to be held to the
9 confidentiality standards expressed in this subsection (4), then in any civil
10 action, the subject of which includes the release of ~~such~~ THE records or
11 information after leaving state employment, the former employee or
12 officer shall be liable for treble damages to any injured party.

13 **44-30-527. [Formerly 12-47.1-528] Executive director and**
14 **director have access to files and records.** The executive director and the
15 director shall have access both physically and electronically to all files
16 and records kept, or required to be maintained, and may contribute to
17 those records.

18 **44-30-528. [Formerly 12-47.1-529] Licensees - duty to maintain**
19 **records.** Each licensee shall keep a complete set of books of account,
20 correspondence, and all other records necessary to show fully the gaming
21 transactions of the licensee, all of which shall be open at all times during
22 business hours for the inspection and examination of the division or its
23 duly authorized representatives. The division may require any licensee to
24 furnish ~~such~~ ANY information ~~as~~ THAT the division considers necessary
25 for the proper administration of this ~~article~~ ARTICLE 30 and may require
26 an audit to be made of ~~such~~ THE books of account and records on ~~such~~
27 ~~occasions as~~ ANY OCCASION THAT the division considers necessary by an

1 auditor, selected by the commission or the director, who shall likewise
2 have access to all ~~such~~ THE books and records of the licensee, and the
3 licensee may be required to pay the expense thereof.

4 **44-30-529. [Formerly 12-47.1-530] Businesses operating in**
5 **compliance with section 18-10-105 (1.5).** Nothing in this ~~article~~ ARTICLE
6 30 shall be construed to affect a manufacturer who, prior to June 4, 1991,
7 was operating a business in compliance with section 18-10-105 (1.5).
8 ~~C.R.S.~~

9 **44-30-530. [Formerly 12-47.1-531] Payments of winnings -**
10 **intercept.** ~~(1)~~ Before making a payment of cash gaming winnings for
11 which the licensee is required to file form W-2G, or a substantially
12 equivalent form, with the United States internal revenue service, a
13 licensee shall comply with the requirements of ~~part 6 of article 35 of title~~
14 ~~24, C.R.S.~~ ARTICLE 33 OF THIS TITLE 44.

15 ~~(2) Repealed.~~

16 PART 6

17 GAMING TAX

18 **44-30-601. [Formerly 12-47.1-601] Gaming tax.** (1) There is
19 hereby imposed a gaming tax on the adjusted gross proceeds of gaming
20 allowed by this ~~article~~ ARTICLE 30. The tax is set by rule as promulgated
21 by the commission. The commission shall not set the tax at more than
22 forty percent of the adjusted gross proceeds. In setting the tax rate, the
23 commission shall consider the need to provide ~~moneys~~ MONEY to the
24 cities of Central, Black Hawk, and Cripple Creek for historic restoration
25 and preservation; the impact on the communities and any state agency,
26 including infrastructure, law enforcement, environment, public health and
27 safety, education requirements, human services, and other components

1 due to limited gaming; the impact on licensees and the profitability of
2 their operations; the profitability of similar forms of gambling in other
3 states; and the expenses of the commission and the division for their
4 administration and operation. The commission shall also consider the
5 following:

6 (a) The amount shall never exceed the percentage provided in
7 ~~paragraph (a) of subsection (5) of section 9~~ SECTION 9 (5)(a) of article
8 XVIII of the state constitution;

9 (b) The amount shall be established in conformity with the spirit
10 and interest of this ~~article~~ ARTICLE 30 so as to encourage business growth
11 and investment in the gaming industry and to permit licensed operations,
12 under normal business conditions and operation procedures, to realize a
13 fair and just profit;

14 (c) The amount shall take into account unreimbursed local
15 financial burdens associated with limited gaming-related operations;

16 (d) In setting the amount, the commission shall take into account
17 profit levels after expenses of similar forms of gaming in other states;

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

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

24 (I) Capital costs associated with the licensed premises;

25 (II) Capital costs associated with limited gaming equipment;

26 (III) Capital costs required to comply with local or state
27 requirements;

1 (IV) Extraordinary operating costs, including the provision of
2 housing or transportation, or both, for employees;

3 (V) Initial costs associated with commencement of limited
4 gaming;

5 (VI) Financial reserves required by the commission for payment
6 to winners;

7 (VII) Investments necessitated by regulatory requirements of the
8 commission; and

9 (g) If local voters in one or more cities revise any limits on
10 gaming as provided in section 9 (7)(a) of article XVIII of the state
11 constitution:

12 (I) Any commission action that increases the percentage of
13 gaming taxes from the percentages imposed as of July 1, 2008, shall be
14 effective only if approved by voters at a statewide election held under
15 section 20 (4)(a) of article X of the state constitution; and

16 (II) Gaming tax revenues attributable to ~~such~~ THE locally
17 approved revisions shall be collected and spent as a voter-approved
18 revenue change without regard to any limitation contained in section 20
19 of article X of the state constitution or any other law.

20 ~~(1.5)~~ (2) When adopting or amending any rule affecting the
21 applicable tax rate or any other attribute or policy relating to application
22 of the gaming tax authorized by subsection (1) of this section, the
23 commission shall consider the impact on recipients of limited gaming tax
24 proceeds, including those from extended limited gaming.

25 ~~(2)~~ (3) (a) The department of revenue shall collect the amount of
26 gaming tax on adjusted gross proceeds determined pursuant to subsection
27 (1) of this section from the licensed retailer and shall have all of the

1 powers, rights, and duties provided in articles 20, 21, and 26 of title 39,
2 ~~C.R.S.~~, to carry out ~~such~~ THE collection. The commission shall authorize
3 reimbursement to the department of ~~revenue~~ of the costs associated with
4 collection of gaming tax on adjusted gross proceeds from licensed
5 operators pursuant to subsection (1) of this section, upon documentation
6 of ~~such~~ THE costs satisfactory to the commission.

7 (b) All ~~moneys~~ MONEY collected pursuant to this section shall be
8 deposited in the limited gaming fund created by ~~subsection (5)(a) of~~
9 ~~section 9~~ SECTION 9 (5)(a) of article XVIII of the state constitution.

10 **44-30-602. [Formerly 12-47.1-602] Return and remittance.** Not
11 later than fifteen days following the end of each retail month, each
12 licensed retailer shall make a return and remittance to the director on
13 forms prescribed and furnished by the director. The director may grant an
14 extension of not more than five days for filing a return and remittance;
15 except that the director shall not grant more than two extensions during
16 any one-year period. Unless an extension is granted, a penalty or interest
17 under ~~section 12-47.1-604~~ SECTION 44-30-604 shall be paid if a return or
18 remittance is not made on time.

19 **44-30-603. [Formerly 12-47.1-603] Violations of taxation**
20 **provisions - penalties.** (1) Any person who:

21 (a) Makes any false or fraudulent return in attempting to defeat or
22 evade the tax imposed by this ~~article~~ ARTICLE 30 commits a class 5 felony
23 and shall be punished as provided in section 18-1.3-401; ~~C.R.S.~~;

24 (b) Fails to pay tax due under this ~~article~~ ARTICLE 30 within thirty
25 days after the date the tax becomes due commits a class 1 misdemeanor
26 and shall be punished as provided in section 18-1.3-501; ~~C.R.S.~~;

27 (c) Fails to file a return required by this ~~article~~ ARTICLE 30 within

1 thirty days after the date the return is due commits a class 1 misdemeanor
2 and shall be punished as provided in section 18-1.3-501; ~~C.R.S.~~;

3 (d) Violates either ~~paragraph (b) or (c) of this subsection (1)~~
4 SUBSECTION (1)(b) OR (1)(c) OF THIS SECTION two or more times in any
5 twelve-month period commits a class 5 felony and shall be punished as
6 provided in section 18-1.3-401; ~~C.R.S.~~;

7 (e) Willfully aids or assists in, or procures, counsels, or advises
8 the preparation or presentation under or in connection with any matter
9 arising under any title administered by the commission or a return,
10 affidavit, claim, or other document ~~which~~ THAT is fraudulent or is false
11 as to any material fact, whether or not ~~such~~ THE falsity or fraud is with the
12 knowledge or consent of the person authorized or required to present ~~such~~
13 THE return, affidavit, claim, or document commits a class 5 felony and
14 shall be punished as provided in section 18-1.3-401. ~~C.R.S.~~

15 (2) For purposes of this section, "person" includes corporate
16 officers having control or supervision of, or responsibility for, completing
17 tax returns or making payments pursuant to this ~~article~~ ARTICLE 30.

18 **44-30-604. [Formerly 12-47.1-604] Returns and reports -**
19 **failure to file - penalties.** (1) (a) Any person who fails to file a return or
20 report required by this ~~article~~ ARTICLE 30, which return or report includes
21 taxable transactions, on or before the date the return or report is due as
22 prescribed in ~~section 12-47.1-602~~ SECTION 44-30-602 is subject to the
23 payment of an additional amount assessed as a penalty equal to fifteen
24 percent of the tax or ten dollars, whichever is greater; except that, for
25 good cause shown, the executive director may reduce or eliminate ~~such~~
26 THE penalty.

27 (b) Any person subject to taxation under this ~~article~~ ARTICLE 30

1 who fails to pay the tax within the time prescribed is subject to an interest
2 charge of two percent per month or portion thereof for the period of time
3 during which the payment is late or five dollars, whichever is greater.

4 (c) (I) Penalty and interest are considered the same as a tax for the
5 purposes of collection and enforcement, including liens, distraint
6 warrants, and criminal violations.

7 (II) Any payment received for taxes, penalties, or interest is
8 applied first to the tax, beginning with the oldest delinquency, then to
9 interest and then to penalty.

10 (d) The executive director may, upon application of the taxpayer,
11 establish a maximum interest rate of twenty-four percent upon delinquent
12 taxes if the executive director determines that the delinquent payment was
13 caused by a mistake of law and was not caused by an intent to evade the
14 tax.

15 (2) The procedures for collection of any taxes and penalties due
16 under this ~~article~~ ARTICLE 30 and the authority of the department of
17 ~~revenue~~ to collect ~~such~~ THE taxes and penalties shall be the same as those
18 provided for the collection of sales taxes pursuant to articles 20, 21, and
19 26 of title 39. ~~C.R.S.~~

20 **44-30-605. [Formerly 12-47.1-605] Local jurisdiction.** Nothing
21 in this ~~article~~ ARTICLE 30 shall impair or otherwise affect the power of the
22 municipalities where limited gaming is authorized to impose a fee upon
23 gaming devices used in limited gaming.

24 PART 7

25 LIMITED GAMING FUND

26 **44-30-701. [Formerly 12-47.1-701] Limited gaming fund -**
27 **created.** (1) There is hereby created in the office of the state treasurer the

1 limited gaming fund. The fund shall be maintained and operated as
2 follows:

3 (a) All revenues of the division shall be paid into the limited
4 gaming fund. All expenses of the division and the commission, including
5 the expenses of investigation and prosecution relating to limited gaming,
6 shall be paid from the fund.

7 (b) (I) All ~~moneys~~ MONEY paid into the limited gaming fund shall
8 be available immediately, without further appropriation, for the purposes
9 of the fund. From the ~~moneys~~ MONEY in the limited gaming fund, the
10 state treasurer is hereby authorized to pay all ongoing expenses of the
11 commission, the department, the division, and any other state agency from
12 whom assistance related to the administration of this ~~article~~ ARTICLE 30
13 is requested by the commission, director, or executive director. ~~Such~~ THE
14 payment shall be made upon proper presentation of a voucher prepared
15 by the commission in accordance with other statutes governing payments
16 of liabilities incurred on behalf of the state. ~~Such~~ THE payment shall not
17 be conditioned on any appropriation by the general assembly. Receipt of
18 ~~such~~ THE payment shall constitute spending authority by the division of
19 gaming in the department. ~~of revenue.~~

20 (II) No claim for the payment of any expense of the commission,
21 department, division, or other state agency shall be made unless it is
22 against the limited gaming fund. No other ~~moneys~~ MONEY of the state
23 shall be used or obligated to pay the expenses of the division or
24 commission.

25 (III) The division shall be operated so that it shall be
26 self-sustaining.

27 (c) The state treasurer shall invest the ~~moneys~~ MONEY in the

1 limited gaming fund so long as said ~~moneys are~~ MONEY IS readily
2 available to pay the expenses of the division. Investments shall be those
3 otherwise permitted by state law, and interest or any other return on the
4 investments shall be paid into the limited gaming fund.

5 (d) Pursuant to section 9 (5)(b)(II) of article XVIII of the state
6 constitution, except for amounts required to be transferred to the extended
7 limited gaming fund pursuant to ~~section 12-47.1-701.5~~ SECTION
8 44-30-702, and except for an amount equal to all expenses of the
9 administration of this ~~article~~ ARTICLE 30 for the preceding two-month
10 period, at the end of each state fiscal year, the state treasurer shall
11 distribute the balance remaining in the limited gaming fund as follows:

12 (I) Fifty percent shall be referred to in this section as the "state
13 share" and shall be transferred to the state general fund or ~~such~~ ANY other
14 fund ~~as~~ THAT the general assembly shall provide in subsection (2) of this
15 section;

16 (II) Twenty-eight percent shall be transferred to the state historical
17 fund created in section 9 (5)(b)(II) of article XVIII of the state
18 constitution and distributed as specified in section 9 (5)(b)(III) of article
19 XVIII of the state constitution and ~~section 12-47.1-1201~~ SECTION
20 44-30-1201;

21 (III) Twelve percent shall be distributed to the governing bodies
22 of Gilpin county and Teller county in proportion to the gaming revenues
23 generated in each county; and

24 (IV) The remaining ten percent shall be distributed to the
25 governing bodies of the cities of Central, Black Hawk, and Cripple Creek
26 in proportion to the gaming revenues generated in each respective city.

27 (2) (a) Except as provided in ~~paragraph (b) of this subsection (2)~~

1 SUBSECTION (2)(b) OF THIS SECTION, at the end of the 2012-13 state fiscal
2 year and at the end of each state fiscal year thereafter, the state treasurer
3 shall transfer the state share as follows:

4 (I) Fifteen million dollars to the Colorado travel and tourism
5 promotion fund created in section 24-49.7-106; ~~C.R.S.~~;

6 ~~(H) (A) Repealed.~~

7 ~~(B)~~ (II) For the 2014-15 state fiscal year and each state fiscal year
8 thereafter, five million five hundred thousand dollars to the advanced
9 industries acceleration cash fund created in section 24-48.5-117; ~~C.R.S.~~;

10 (III) Five million dollars to the local government limited gaming
11 impact fund created in ~~section 12-47.1-160~~ SECTION 44-30-1301;

12 (IV) Two million one hundred thousand dollars to the innovative
13 higher education research fund created in section 23-19.7-104; ~~C.R.S.~~;

14 (V) Two million dollars to the creative industries cash fund
15 created in section 24-48.5-301 ~~C.R.S.~~; for purposes of the council on
16 creative industries, including the administration of the council;

17 (VI) Five hundred thousand dollars to the Colorado office of film,
18 television, and media operational account cash fund created in section
19 24-48.5-116, ~~C.R.S.~~; for the operation of the Colorado office of film,
20 television, and media, for the performance-based incentive for film
21 production in Colorado as specified in section 24-48.5-116, ~~C.R.S.~~; and
22 for the Colorado office of film, television, and media loan guarantee
23 program as specified in section 24-48.5-115; ~~C.R.S.~~; and

24 (VII) Any amount of the state share that exceeds the transfers
25 specified in ~~subparagraphs (I) to (VI) of this paragraph (a)~~ SUBSECTIONS
26 (2)(a)(I) TO (2)(a)(VI) OF THIS SECTION shall be transferred to the general
27 fund.

1 (b) If a transfer specified in ~~subparagraphs (I) to (VI) of paragraph~~
2 ~~(a) of this subsection~~ SUBSECTIONS (2)(a)(I) TO (2)(a)(VI) OF THIS
3 SECTION provides ~~moneys~~ MONEY for a purpose or program that is
4 repealed or otherwise discontinued as of the date of the transfer, then the
5 transfer shall not be made to that particular fund but shall instead be
6 transferred to the state general fund.

7 **44-30-702. [Formerly 12-47.1-701.5] Revenues attributable to**
8 **local revisions to gaming limits - extended limited gaming fund -**
9 **identification - separate administration - distribution - definitions.**

10 (1) (a) Immediately after the limited gaming tax revenues attributable to
11 extended limited gaming are determined, the state treasurer shall transfer
12 ~~such~~ THE revenues, together with any associated interest, to the extended
13 limited gaming fund, also referred to in this section as the "fund", which
14 is hereby created in the state treasury.

15 (b) The commission shall annually determine the amount of
16 gaming tax revenues generated in each city from extended limited gaming
17 and shall report ~~such~~ THE amounts to the state treasurer.

18 (2) Interest earned on ~~moneys~~ MONEY in the fund shall remain in
19 the fund, and ~~moneys~~ MONEY remaining in the fund at the end of any
20 fiscal year shall not revert to the general fund or to any other fund.
21 Interest earnings shall be distributed annually in accordance with
22 ~~paragraph (c) of subsection (3)~~ SUBSECTION (3)(c) of this section.

23 (3) From the fund, the state treasurer shall pay:

24 (a) First, that portion of the ongoing expenses of the commission
25 and other state agencies that are related to the administration of extended
26 limited gaming, as determined in accordance with rules of the
27 commission. When making annual lump-sum distributions from the fund

1 as described in subsection (5) of this section, the state treasurer may
2 withhold an amount reasonably anticipated to be sufficient to pay ~~such~~
3 THE expenses until the next annual distribution.

4 (b) Second, annual adjustments, in connection with distributions
5 to limited gaming fund recipients listed in section 9 (5)(b)(II) of article
6 XVIII of the state constitution, to reflect the lesser of six percent, or the
7 actual percentage, of annual growth in extended limited gaming tax
8 revenues. As used in this ~~paragraph (b)~~ SUBSECTION (3)(b), "annual
9 adjustment" means an annual payment to limited gaming fund recipients
10 listed in section 9 (5)(b)(II) of article XVIII of the state constitution,
11 calculated as follows:

12 (I) For revenues collected in fiscal year 2009-10, the payment
13 shall equal six percent of the first year's limited gaming revenues
14 attributable to extended limited gaming.

15 (II) For each fiscal year after 2009-10, the annual payment shall
16 be increased or decreased as follows and shall constitute the annual
17 adjustment:

18 (A) For any year in which the annual growth of limited gaming
19 revenues attributable to extended limited gaming exceeds or equals six
20 percent, add an amount equal to six percent of said revenues;

21 (B) For any year in which the annual growth in limited gaming
22 revenues attributable to extended limited gaming is between zero and six
23 percent, add an amount equal to the actual percentage growth of said
24 revenues;

25 (C) For any year in which limited gaming tax revenues experience
26 a decline, subtract an amount equal to the actual percentage decline of
27 said revenues.

1 (III) Nothing in this ~~paragraph (b)~~ SUBSECTION (3)(b) shall be
2 construed to permit compounding or accumulation of the annual
3 adjustment.

4 (c) Of the remaining gaming tax revenues, distributions in the
5 following proportions:

6 (I) Seventy-eight percent to the state's public community colleges,
7 junior colleges, and local district colleges to supplement existing state
8 funding for student financial aid programs and classroom instruction
9 programs, including workforce preparation to enhance the growth of the
10 state economy, to prepare Colorado residents for meaningful employment,
11 and to provide Colorado businesses with well-trained employees. ~~Such~~
12 THE revenue shall be distributed to colleges that were operating on and
13 after January 1, 2008, in proportion to their respective full-time
14 equivalent student enrollments in the previous fiscal year. For purposes
15 of ~~such~~ THE distribution, the state treasurer shall use the most recent
16 available figures on full-time equivalent student enrollment calculated by
17 the Colorado commission on higher education in accordance with
18 ~~paragraph (c) of subsection (4)~~ SUBSECTION (4)(c) of this section.

19 (II) Ten percent to the governing bodies of the cities of Central,
20 Black Hawk, and Cripple Creek to address local gaming impacts. ~~Such~~
21 THE revenue shall be distributed based on the proportion of extended
22 limited gaming tax revenues that are paid by licensees operating in each
23 city.

24 (III) Twelve percent to the governing bodies of Gilpin and Teller
25 counties to address local gaming impacts. ~~Such~~ THE revenue shall be
26 distributed based on the proportion of extended limited gaming tax
27 revenues that are paid by licensees operating in each county.

1 (4) **Definitions.** As used in this section:

2 (a) "Colleges that were operating on and after January 1, 2008"
3 means: Aims community college, Arapahoe community college, Colorado
4 mountain college, Colorado Northwestern community college, the
5 community college of Aurora, the community college of Denver, Front
6 Range community college, Lamar community college, Morgan
7 community college, Northeastern junior college, Otero junior college,
8 Pikes Peak community college, Pueblo community college, Red Rocks
9 community college, Trinidad state junior college, the two-year role and
10 mission of Colorado Mesa university, currently referred to as Western
11 Colorado community college division of Colorado Mesa university, the
12 two-year academic role and mission of Adams state university, and the
13 state board for community colleges and occupational education, for so
14 long as each such college or board continues operating.

15 (b) "Extended limited gaming" means the extension of hours,
16 games, or bet limits by a local vote in accordance with section 9 (7)(a) of
17 article XVIII of the state constitution.

18 (c) (I) "Full-time equivalent student enrollment" means the
19 number of in-state, full-time equivalent students enrolled at a college, as
20 determined in accordance with article 7 of title 23, ~~C.R.S.~~, and the
21 eligibility parameters contained in the "Policy for Reporting Full-Time
22 Equivalent Student Enrollment" published as of January 1, 2008, by the
23 Colorado commission on higher education, pursuant to its authority under
24 section 23-1-105. ~~C.R.S.~~ The Colorado commission on higher education
25 shall determine the full-time equivalent student enrollment for each
26 college no later than August 15 of each year. For purposes of calculating
27 a college's in-state, full-time equivalent student enrollment for any fiscal

1 year, the number of students enrolled in certificate, AA, AS, AGS, or
2 AAS degree courses and programs, as well as the nondegree-seeking
3 students who are included as part of the community college role and
4 mission for purposes of application to the department of higher education
5 and enrollments in developmental courses by any students, regardless of
6 degree intent, reported by the college to the department of higher
7 education in its final student FTE report for that fiscal year shall be
8 presumed correct; except that the following students shall be excluded:

9 (A) Students who are admitted to a college on a competitive basis
10 and are not enrolled in certificate, AA, AS, AGS, or AAS developmental
11 or vocational courses;

12 (B) Students who are admitted pursuant to the Colorado
13 commission on higher education's undergraduate admissions standard
14 index for a college or within the Colorado commission on higher
15 education's admissions window for a college and are not enrolled in
16 certificate, AA, AS, AGS, or AAS developmental or vocational courses;
17 and

18 (C) Students who are enrolled in classes that are not supported by
19 state general fund ~~moneys~~ MONEY.

20 (II) With respect to the two-year mission at Adams state
21 university, full-time equivalent student enrollment shall be limited to
22 enrollment in the associate's degree programs that existed as of November
23 4, 2008.

24 (d) "Limited gaming tax revenues attributable to extended limited
25 gaming" means all limited gaming tax revenue in excess of the amount
26 collected during fiscal year 2008-09, adjusted as follows:

27 (I) For revenues collected in fiscal year 2009-2010, reduced by a

1 three percent growth factor on the 2008-2009 base of limited gaming tax
2 revenues, which amount shall be added to the base and shall constitute the
3 adjusted base; and

4 (II) Thereafter:

5 (A) Reduced by a three percent per fiscal year growth factor on
6 the previous year's adjusted base, which growth factor shall be added to
7 the previous fiscal year's adjusted base and shall constitute the new
8 adjusted base; or

9 (B) If growth in limited gaming tax revenues is between zero and
10 three percent in any fiscal year, the growth factor on the previous fiscal
11 year's adjusted base shall be the actual percentage growth in limited
12 gaming tax revenues, which shall be added to the previous fiscal year's
13 adjusted base; or

14 (C) If limited gaming tax revenues decline from year to year, the
15 previous fiscal year's adjusted base shall be reduced by the actual
16 percentage decline in limited gaming tax revenue.

17 (e) "Other state ~~moneys~~ MONEY appropriated or otherwise
18 allocated for similar programs or purposes" means all ~~moneys~~ MONEY
19 distributed from the general fund of the state by the general assembly for
20 higher education or for the support of any institution of higher education,
21 including without limitation the colleges listed in ~~paragraph (a) of this~~
22 ~~subsection (4)~~ SUBSECTION (4)(a) OF THIS SECTION. If the total amount of
23 spending described in this ~~paragraph (e)~~ SUBSECTION (4)(e) is reduced
24 from one state fiscal year to the next, the percentage of ~~such~~ THE
25 reduction for the colleges listed in ~~paragraph (a) of this subsection (4)~~
26 SUBSECTION (4)(a) OF THIS SECTION shall not exceed the percentage of
27 reduction in total general fund operating funding, including college

1 opportunity fund stipends and fee-for-service funds, for all institutions of
2 higher education during the same state fiscal year.

3 (f) "Previous fiscal year" means, with respect to a college
4 receiving ~~moneys~~ MONEY under this section, the fiscal year immediately
5 preceding the fiscal year in which ~~moneys are~~ MONEY IS made available
6 to the college pursuant to this section.

7 (5) **Method of distribution - distribution to colleges -**
8 **relationship to funding from other sources.** (a) On or before
9 September 1 of each year, the state treasurer shall distribute all ~~moneys~~
10 MONEY from the fund to the recipients identified in ~~paragraph (c) of~~
11 ~~subsection (3)~~ SUBSECTION (3)(c) of this section in the form of lump-sum
12 payments. Distribution to colleges listed in ~~paragraph (a) of subsection (4)~~
13 SUBSECTION (4)(a) of this section shall be to the state board for
14 community colleges and occupational education for those colleges listed
15 in section 23-60-205, ~~C.R.S.~~, and to the respective governing boards of
16 the colleges that are not so listed.

17 (b) ~~Moneys~~ MONEY distributed under this section to colleges
18 listed in ~~paragraph (a) of subsection (4)~~ SUBSECTION (4)(a) of this section,
19 and any interest or income earned on a college's deposit of ~~such moneys~~
20 THE MONEY, shall supplement and shall not supplant any other state
21 ~~moneys~~ MONEY appropriated or otherwise allocated for similar programs
22 or purposes. As used in this subsection (5), "state ~~moneys~~ MONEY" means
23 general fund operating funding, including college opportunity fund
24 stipends and fee-for-service funds, adjusted for inflation to the same
25 degree as the inflation adjustment received by other institutions of higher
26 education.

27 (c) Any higher education funding formula that allocates

1 state-appropriated ~~moneys~~ MONEY shall not use ~~moneys~~ MONEY
2 distributed under this section to supplant state ~~moneys~~ MONEY otherwise
3 allocated by ~~such~~ THE formula.

4 (d) ~~Moneys~~ MONEY distributed from the fund ~~are~~ IS hereby
5 continuously appropriated to the governing boards of the colleges listed
6 in ~~paragraph (a) of subsection (4)~~ SUBSECTION (4)(a) of this section. ~~Such~~
7 ~~moneys~~ THE MONEY shall be included for informational purposes in the
8 annual general appropriation bill or in supplemental appropriation bills
9 for the purpose of complying with any applicable constitutional and
10 statutory limits on state fiscal year spending.

11 (6) **Bonding authority.** In addition to any other powers conferred
12 by law, the governing body of each college listed in ~~paragraph (a) of~~
13 ~~subsection (4)~~ SUBSECTION (4)(a) of this section may issue bonds
14 refundable from revenues received pursuant to this section.

15 **44-30-703. [Formerly 12-47.1-702] Audits and annual reports.**
16 ~~(†)~~ The limited gaming fund shall be audited at least annually by or under
17 the direction of the state auditor, who shall submit a report of the audit to
18 the legislative audit committee. The expenses of the audit shall be paid
19 from the limited gaming fund.

20 ~~(2) Repealed.~~

21 **44-30-704. [Formerly 12-47.1-703] Enforcement.** It is the duty
22 of all sheriffs and police officers in this state to enforce the provisions of
23 this ~~article~~ ARTICLE 30, or article 20 of title 18, ~~C.R.S.~~, and the rules ~~and~~
24 ~~regulations~~ promulgated by the commission, either on their own motion
25 or upon complaint of any person, including any authorized agent of the
26 commission. ~~Such~~ THE sheriffs and police officers may exercise any
27 authority of inspection and examination specified in this ~~article~~ ARTICLE

1 30. The district attorneys of the respective judicial districts of this state
2 shall prosecute all violations of this ~~article~~ ARTICLE 30 in the same
3 manner as provided for other crimes and misdemeanors.

4 **44-30-705. [Formerly 12-47.1-704] Attorney general - duties.**

5 (1) The attorney general shall provide legal services for the division and
6 the commission at the request of the executive director, director, or the
7 commission. The attorney general shall make reasonable efforts to ensure
8 that there is continuity in the legal services provided and that the attorneys
9 providing legal services to the division and the commission have
10 expertise in ~~such~~ THE field.

11 (2) The commission, the executive director, or the director may
12 request the attorney general to make civil investigations and enforce civil
13 violations of rules ~~and regulations~~ of the commission, on behalf of and in
14 the name of the division, and to bring and defend civil suits and
15 proceedings for any of the purposes necessary and proper for carrying out
16 the functions of the division.

17 (3) Expenses of the attorney general incurred in the performance
18 of the responsibilities under this section shall be paid from the limited
19 gaming fund.

20 PART 8

21 UNLAWFUL ACTS

22 **44-30-801. [Formerly 12-47.1-801] Limited gaming equipment**
23 **manufacturers or distributors, operators, associated equipment**
24 **suppliers, retailers, key employees, support licensees, persons**
25 **contracting with the commission or division - criteria.** (1) This section

26 applies to the following persons:

27 (a) All persons licensed pursuant to this ~~article~~ ARTICLE 30;

1 (b) With respect to privately held corporations licensed pursuant
2 to this ~~article~~ ARTICLE 30, the officers, directors, and stockholders of ~~such~~
3 THE corporations;

4 (c) With respect to publicly traded corporations licensed pursuant
5 to this ~~article~~ ARTICLE 30, all officers, directors, and stockholders holding
6 either five percent or greater interest or a controlling interest;

7 (d) With respect to partnerships licensed pursuant to this ~~article~~
8 ARTICLE 30, all general partners and all limited partners;

9 (e) With respect to any other organization licensed pursuant to this
10 ~~article~~ ARTICLE 30, all those persons connected with the organization
11 having a relationship to it similar to that of an officer, director, or
12 stockholder of a corporation;

13 (f) All persons contracting with or supplying any goods or service
14 to the commission or the division;

15 (g) All persons supplying financing or loaning money to any
16 licensee, when ~~such~~ THE financing or loan is connected with the
17 establishment or operation of limited gaming;

18 (h) All persons having a contract, lease, or other ongoing financial
19 or business arrangement with any licensee, where ~~such~~ THE contract,
20 lease, or arrangement relates to limited gaming operations, equipment,
21 devices, or premises.

22 (2) Each of the persons described in subsection (1) of this section
23 shall be:

24 (a) A person of good moral character, honesty, and integrity
25 notwithstanding section 24-5-101; ~~C.R.S.~~;

26 (b) A person whose prior activities, criminal record, reputation,
27 habits, and associations do not pose a threat to the public interests of this

1 state or to the control of gaming or create or enhance the dangers of
2 unsuitable, unfair, or illegal practices, methods, and activities in the
3 conduct of gaming or the carrying-on of the business or financial
4 arrangements incidental to the conduct of gaming;

5 (c) A person who has not served a sentence upon conviction of
6 any felony, misdemeanor gambling-related offense, misdemeanor theft by
7 deception, or misdemeanor involving fraud or misrepresentation in a
8 correctional facility, city or county jail, or community correctional facility
9 or under the supervision of the state board of parole or any probation
10 department within ten years prior to the date of applying for a license
11 pursuant to this ~~article~~ ARTICLE 30, notwithstanding section 24-5-101;
12 ~~C.R.S.~~;

13 (d) A person who has not served a sentence upon conviction of
14 any gambling-related felony, felony involving theft by deception, or
15 felony involving fraud or misrepresentation in a correctional facility, city
16 or county jail, or community correctional facility or under the supervision
17 of the state board of parole or any probation department, notwithstanding
18 section 24-5-101; ~~C.R.S.~~;

19 (e) A person who has not been found to have seriously or
20 repeatedly violated this ~~article~~ ARTICLE 30 or any rule promulgated
21 pursuant to this ~~article~~ ARTICLE 30; and has not knowingly made a false
22 statement of material facts to the commission, its legal counsel, or any
23 employee of the division.

24 **44-30-802. [Formerly 12-47.1-802] False statement on**
25 **application - violations of rules or provisions of article as felony.** Any
26 person who knowingly makes a false statement in any application for a
27 license or in any statement attached to the application, or who provides

1 any false or misleading information to the commission or the division, or
2 who fails to keep books and records to substantiate the receipts, expenses,
3 or uses resulting from limited gaming conducted under this ~~article~~
4 ARTICLE 30 as prescribed in rules promulgated by the commission, or who
5 falsifies any books or records that relate to any transaction connected with
6 the holding, operating, and conducting of any limited gaming activity, or
7 who knowingly violates any of the provisions of this ~~article~~ ARTICLE 30
8 or any rule adopted by the commission or any terms of any license
9 granted under this ~~article~~ ARTICLE 30, commits a class 5 felony and shall
10 be punished as provided in section 18-1.3-401. ~~C.R.S.~~

11 **44-30-803. [Formerly 12-47.1-803] Slot machines - shipping**
12 **notices.** (1) (a) (I) Any slot machine manufacturer or distributor shipping
13 or importing a slot machine into the state of Colorado shall provide to the
14 commission at the time of shipment a copy of the shipping invoice which
15 shall include, at a minimum, the destination, the serial number of each
16 machine, and a description of each machine.

17 (II) Any person within the state of Colorado receiving a slot
18 machine shall, upon receipt of the machine, provide to the commission
19 upon a form available from the commission information showing at a
20 minimum the location of each machine, its serial number, and description.
21 ~~Such~~ THE report shall be provided regardless of whether the machine is
22 received from a manufacturer or any other person.

23 (III) Any machine licensed pursuant to this section shall be
24 licensed for a specific location, and movement of the machine from that
25 location shall be reported to the commission in accordance with rules
26 adopted by the commission.

27 (b) Any person violating any provision of this section commits a

1 class 5 felony and shall be punished as provided in section 18-1.3-401.

2 ~~C.R.S.~~

3 (c) Any slot machine that is not in compliance with this ~~article~~
4 ARTICLE 30 is declared contraband and may be summarily seized and
5 destroyed after notice and hearing.

6 (d) The commission shall promulgate rules setting the time and
7 manner for reporting the movement of any slot machine.

8 (2) Slot machines ~~which~~ THAT because of age and condition bear
9 no manufacturer serial number shall be assigned a serial number by a
10 remanufacturer of slot machines. ~~Such~~ THE new serial number shall be
11 duly recorded as required by federal regulations.

12 (3) The director may approve a change to the registration of a slot
13 machine under circumstances constituting an emergency. If the director
14 approves ~~such~~ an emergency change, the registration of the slot machine
15 shall not be suspended pending the filing of a supplemental application.

16 **44-30-804. [Formerly 12-47.1-804] Persons prohibited from**
17 **interest in limited gaming.** (1) None of the following persons shall have
18 any interest, direct or indirect, in any license involved in or with limited
19 gaming:

20 (a) Officers, reserve police officers, agents, or employees of any
21 law enforcement agency of the state of Colorado with the authority to
22 investigate or prosecute crime in Teller or Gilpin counties or of any local
23 law enforcement agency or detention or correctional facility within Teller
24 or Gilpin counties;

25 (b) District, county, or municipal court judges whose jurisdiction
26 includes all or any portion of Teller or Gilpin counties;

27 (c) Elected municipal officials or county commissioners of the

1 counties of Teller and Gilpin and of the cities of Central, Black Hawk,
2 and Cripple Creek;

3 (d) Central, Black Hawk, or Cripple Creek city manager or
4 planning commission member.

5 (2) No licensee may employ any person in any capacity while that
6 person is in the employment of the commission or is in the employment
7 of, or has a reserve police officer position with, a law enforcement agency
8 of the state of Colorado with the authority to investigate or prosecute
9 crime in Teller or Gilpin counties, any local law enforcement agency or
10 detention or correctional facility within Teller or Gilpin counties, or any
11 other county that may later be an authorized gaming location under
12 ~~section 12-47.1-105~~ SECTION 44-30-105.

13 **44-30-805. [Formerly 12-47.1-805] Responsibilities of operator.**

14 Every licensed operator and retailer having slot machines on his OR HER
15 premises shall provide audit and security measures relating to slot
16 machines, as prescribed by this ~~article~~ ARTICLE 30 and by rules of the
17 commission. Every licensed operator and retailer having slot machines on
18 his OR HER premises shall ensure that the slot machines in his OR HER
19 establishment comply with the specifications set forth in this ~~article~~
20 ARTICLE 30 and the rules ~~and regulations~~ promulgated pursuant to this
21 ~~article~~ ARTICLE 30.

22 **44-30-806. [Formerly 12-47.1-806] Gaming equipment -**
23 **security and audit specifications.** All slot machines and all other
24 equipment and devices used in limited gaming allowed by this ~~article~~
25 ARTICLE 30 shall have the features, security provisions, and audit
26 specifications established in rules ~~or regulations~~ adopted by the
27 commission.

1 **44-30-807 [Formerly 12-47.1-807] Gaming equipment - not**
2 **subject to exclusive agreements.** It is the public policy of this state that
3 gaming equipment authorized and approved by the commission may not
4 be subject to any exclusive agreement entered into prior to October 1,
5 1991.

6 **44-30-808. [Formerly 12-47.1-808] Restriction upon persons**
7 **having financial interest in retail licenses.** No person may have an
8 ownership interest in more than three retail licenses. The interest of a
9 licensed operator leasing or routing slot machines in return for a
10 percentage of the income from limited gaming shall not by itself be
11 considered an interest in a retail license under this section.

12 **44-30-809. [Formerly 12-47.1-809] Age of participants -**
13 **violation as misdemeanor - applicability.** (1) (a) It is unlawful for any
14 person under twenty-one years of age to:

15 (I) Linger in the gaming area of a casino;

16 (II) Sit on a chair or be present at a gaming table, slot machine, or
17 other area in which gaming is conducted; or

18 (III) Participate, play, be allowed to play, place wagers, or collect
19 winnings, whether personally or through an agent, in or from any limited
20 gaming game or slot machines.

21 ~~(b) Subparagraphs (I) and (II) of paragraph (a) of this subsection~~
22 ~~(†) SUBSECTIONS (1)(a)(I) AND (1)(a)(II) OF THIS SECTION shall not apply~~
23 ~~to a person employed by the casino in which the person is present.~~

24 ~~(c) Nothing in paragraph (a) of this subsection (†) SUBSECTION~~
25 ~~(1)(a) OF THIS SECTION shall prevent any person under twenty-one years~~
26 ~~of age from passing through a casino to nongaming areas.~~

27 (2) It is unlawful for any person to engage in limited gaming with,

1 or to share proceeds from limited gaming with, any person under
2 twenty-one years of age.

3 (3) (a) It is unlawful for any licensee to permit any person who is
4 less than twenty-one years of age to:

5 (I) Linger in the gaming area of a casino;

6 (II) Sit on a chair or be present at a gaming table, slot machine, or
7 other area in which gaming is conducted; or

8 (III) Participate, play, place wagers, or collect winnings, whether
9 personally or through an agent, in or from any limited gaming game or
10 slot machine.

11 (b) ~~Subparagraphs (I) and (II) of paragraph (a) of this subsection~~
12 ~~(3) SUBSECTIONS (3)(a)(I) AND (3)(a)(II) OF THIS SECTION~~ shall not apply
13 to a person employed by the casino in which the person is present.

14 (c) Nothing in ~~paragraph (a) of this subsection (3) SUBSECTION~~
15 ~~(3)(a) OF THIS SECTION~~ shall prevent any person under twenty-one years
16 of age from passing through a casino to nongaming areas.

17 (4) Any person violating any of the provisions of this section
18 commits a class 2 misdemeanor and shall be punished as provided in
19 section 18-1.3-501. ~~C.R.S.~~

20 (5) Any person violating any of the provisions of this section with
21 a person under eighteen years of age may also be proceeded against
22 pursuant to section 18-6-701 ~~C.R.S.~~, for contributing to the delinquency
23 of a minor.

24 **44-30-810. [Formerly 12-47.1-810] Employee twenty-one years**
25 **or older required on premises.** A retail licensee shall have one
26 employee who is at least twenty-one years of age on the premises during
27 the hours limited gaming is conducted and within full view and control

1 of any limited gaming activity conducted on the premises pursuant to the
2 license obtained.

3 **44-30-811. [Formerly 12-47.1-811] Persons conducting limited**
4 **gaming.** No person under the age of twenty-one years shall be employed
5 as a gaming employee, conduct, or assist in conducting, any limited
6 gaming activity, and no such person shall manage or handle any of the
7 proceeds from limited gaming.

8 **44-30-812. [Formerly 12-47.1-812] Employee of licensed person**
9 **- good moral character.** No person licensed under this ~~article~~ ARTICLE
10 30 shall employ or be assisted by any person who is not of good moral
11 character.

12 **44-30-813. [Formerly 12-47.1-813] Minimum payback - limit**
13 **to a slot machine.** The minimum theoretical payback value on a slot
14 machine shall be at least eighty but not more than one hundred percent of
15 the value of any credit played. However, this section shall not be
16 construed to prohibit tournament slot machines with theoretical payback
17 values greater than one hundred percent where ~~such~~ THE machines do not
18 accept nor pay out coins or tokens.

19 **44-30-814. [Formerly 12-47.1-814] Key employee - support**
20 **license.** (1) A licensee shall not employ any person to work in the field
21 of limited gaming, or to handle any of the proceeds of limited gaming,
22 unless ~~such~~ THE person holds a valid key employee or support license
23 issued by the commission.

24 (2) It is unlawful for any person holding a key employee or
25 support license to participate in limited gaming in the gaming
26 establishment where ~~such~~ THE licensee is employed or in any other
27 gaming establishment owned by the licensee's employer; except that ~~such~~

1 THE licensee may participate in limited gaming if ~~such~~ THE participation
2 is performed as part of ~~such~~ THE licensee's employment responsibilities.

3 **44-30-815. [Formerly 12-47.1-815] Extension of credit**
4 **prohibited.** No person licensed under this ~~article~~ ARTICLE 30 may extend
5 credit to another person for participation in limited gaming.

6 **44-30-816. [Formerly 12-47.1-816] Maximum amount of bets.**
7 The amount of a bet made pursuant to this ~~article~~ ARTICLE 30 shall not be
8 more than one hundred dollars on the initial bet or subsequent bet, subject
9 to rules promulgated by the commission.

10 **44-30-817. [Formerly 12-47.1-817] Failure to pay winners.**

11 (1) It is unlawful for any licensee to willfully refuse to pay the winner of
12 any limited gaming game, except as authorized by ~~section 24-35-605~~
13 ~~(2)(b)(H), C.R.S.~~ SECTION 44-33-105 (2)(b)(II).

14 (2) Any person violating any provision of this section commits a
15 class 1 misdemeanor and shall be punished as provided in section
16 18-1.3-501. ~~C.R.S.~~

17 **44-30-818. [Formerly 12-47.1-818] Approval of rules for**
18 **certain games.** (1) Specific rules for blackjack, poker, craps, and roulette
19 shall be approved by the commission and clearly posted within plain view
20 of ~~such~~ THE games.

21 (2) A licensee shall not offer poker, blackjack, craps, or roulette,
22 or any variation game of poker, blackjack, craps, or roulette, without prior
23 approval of the game by the commission, except as specifically
24 authorized in the commission's rules regarding field trials of new games
25 or technology.

26 (3) No licensee shall employ skills.

27 **44-30-819. [Formerly 12-47.1-819] Exchange - redemption of**

1 **chips - unlawful acts.** It is unlawful for a person to exchange or redeem
2 chips for anything whatsoever, except currency, negotiable personal
3 checks, negotiable counter checks, or other chips. A licensee shall, upon
4 the request of a person, redeem the licensee's gaming chips surrendered
5 by that person pursuant to rules established by the commission.

6 **44-30-820. [Formerly 12-47.1-820] Persons in supervisory**
7 **positions - unlawful acts - rules.** It is unlawful for a dealer, floorperson,
8 or other employee who serves in a supervisory position to solicit or accept
9 a tip or gratuity from a player or patron at the licensed gaming
10 establishment where he or she is employed; except that a dealer may
11 accept tips or gratuities from a patron at the table at which the dealer is
12 conducting play, subject to this section. Except as the commission may
13 authorize by rule, a dealer shall immediately deposit tips or gratuities in
14 a lockbox reserved for that purpose, accounted for and placed in a pool
15 for distribution based upon criteria established in advance by the licensed
16 retailer.

17 **44-30-821. [Formerly 12-47.1-822] Cheating - definition.** (1) It
18 is unlawful for any person, whether he OR SHE is an owner or employee
19 of, or a player in, an establishment, to cheat at any limited gaming
20 activity.

21 (2) For purposes of this ~~article~~ ARTICLE 30, "cheating" means to
22 alter the selection of criteria ~~which~~ THAT determine:

23 (a) The result of a game; or

24 (b) The amount or frequency of payment in a game.

25 (3) Any person issued a license pursuant to this ~~article~~ ARTICLE 30
26 violating any provision of this section commits a class 6 felony and shall
27 be punished as provided in section 18-1.3-401, ~~C.R.S.~~, and any other

1 person violating any provision of this section commits a class 1
2 misdemeanor and shall be punished as provided in section 18-1.3-501.

3 ~~C.R.S.~~ If the person is a repeating gambling offender, the person commits
4 a class 5 felony and shall be punished as provided in section 18-1.3-401.

5 ~~C.R.S.~~

6 **44-30-822. [Formerly 12-47.1-823] Fraudulent acts.** (1) It is
7 unlawful for a person:

8 (a) To alter or misrepresent the outcome of a game or other event
9 on which wagers have been made after the outcome is made sure but
10 before it is revealed to the players;

11 (b) To place, increase, or decrease a bet or to determine the course
12 of play after acquiring knowledge, not available to all players, of the
13 outcome of the game or any event that affects the outcome of the game
14 or ~~which~~ THAT is the subject of the bet or to aid anyone in acquiring ~~such~~
15 THE knowledge for the purpose of placing, increasing, or decreasing a bet
16 or determining the course of play contingent upon that event or outcome;

17 (c) To claim, collect, or take, or attempt to claim, collect, or take,
18 money or anything of value in or from a limited gaming activity with
19 intent to defraud and without having made a wager contingent thereon, or
20 to claim, collect, or take an amount greater than the amount won;

21 (d) Knowingly to entice or induce another to go to any place
22 where limited gaming is being conducted or operated in violation of the
23 provisions of this ~~article~~ ARTICLE 30, with the intent that the other person
24 play or participate in that limited gaming activity;

25 (e) To place or increase a bet after acquiring knowledge of the
26 outcome of the game or other event ~~which~~ THAT is the subject of the bet,
27 including past-posting and pressing bets;

1 (f) To reduce the amount wagered or to cancel a bet after
2 acquiring knowledge of the outcome of the game or other event ~~which~~
3 THAT is the subject of the bet, including pinching bets;

4 (g) To manipulate, with the intent to cheat, any component of a
5 gaming device in a manner contrary to the designed and normal
6 operational purpose for the component, with knowledge that the
7 manipulation affects the outcome of the game or with knowledge of an
8 event that affects the outcome of the game;

9 (h) To, by any trick or sleight of hand performance, or by fraud or
10 fraudulent scheme, cards, or device, for himself OR HERSELF or another,
11 win or attempt to win money or property or a representative of either or
12 reduce a losing wager or attempt to reduce a losing wager in connection
13 with limited gaming;

14 (i) To conduct any limited gaming operation without a valid
15 license;

16 (j) To conduct any limited gaming operation on an unlicensed
17 premises;

18 (k) To permit any limited gaming game or slot machine to be
19 conducted, operated, dealt, or carried on in any limited gaming premises
20 by a person other than a person licensed for ~~such~~ THE premises pursuant
21 to this ~~article~~ ARTICLE 30;

22 (l) To place any limited gaming games or slot machines into play
23 or display ~~such~~ THE games or slot machines without the authorization of
24 the commission;

25 (m) To employ or continue to employ any person in a limited
26 gaming operation who is not duly licensed or registered in a position
27 whose duties require a license or registration pursuant to this ~~article~~

1 ARTICLE 30; or

2 (n) To, without first obtaining the requisite license or registration
3 pursuant to this ~~article~~ ARTICLE 30, be employed, work, or otherwise act
4 in a position whose duties would require licensing or registration pursuant
5 to this ~~article~~ ARTICLE 30.

6 (2) Any person issued a license pursuant to this ~~article~~ ARTICLE 30
7 violating any provision of this section commits a class 6 felony and shall
8 be punished as provided in section 18-1.3-401, ~~C.R.S.~~, and any other
9 person violating any provision of this section commits a class 1
10 misdemeanor and shall be punished as provided in section 18-1.3-501.
11 ~~C.R.S.~~ If the person is a repeating gambling offender, the person commits
12 a class 5 felony and shall be punished as provided in section 18-1.3-401.
13 ~~C.R.S.~~

14 **44-30-823. [Formerly 12-47.1-824] Use of device for calculating**
15 **probabilities.** (1) It is unlawful for any person at a licensed gaming
16 establishment to use, or possess with the intent to use, any device to
17 assist:

- 18 (a) In projecting the outcome of the game;
- 19 (b) In keeping track of the cards played;
- 20 (c) In analyzing the probability of the occurrence of an event
21 relating to the game; or
- 22 (d) In analyzing the strategy for playing or betting to be used in
23 the game, except as permitted by the commission.

24 (2) Any person issued a license pursuant to this ~~article~~ ARTICLE 30
25 violating any provision of this section commits a class 6 felony and shall
26 be punished as provided in section 18-1.3-401, ~~C.R.S.~~, and any other
27 person violating any provision of this section commits a class 1

1 misdemeanor and shall be punished as provided in section 18-1.3-501.

2 ~~C.R.S.~~ If the person is a repeating gambling offender, the person commits
3 a class 5 felony and shall be punished as provided in section 18-1.3-401.

4 ~~C.R.S.~~

5 **44-30-824. [Formerly 12-47.1-825] Use of counterfeit or**
6 **unapproved chips or tokens or unlawful coins or devices - possession**
7 **of certain unlawful devices, equipment, products, or materials.** (1) It
8 is unlawful for any licensee, employee, or other person to use counterfeit
9 chips in any limited gaming activity.

10 (2) It is unlawful for a person, in playing or using a limited
11 gaming activity designed to be played with, to receive, or to be operated
12 by chips, tokens, or other wagering instruments approved by the
13 commission or by lawful coin of the United States of America:

14 (a) Knowingly to use anything other than chips or tokens
15 approved by the commission or lawful coin, legal tender of the United
16 States of America, or to use coin not of the same denomination as the
17 coin intended to be used in that limited gaming activity; or

18 (b) To use any device or means to violate the provisions of this
19 ~~article~~ ARTICLE 30.

20 (3) It is unlawful for any person to possess any device, equipment,
21 or material ~~which~~ THAT he OR SHE knows has been manufactured,
22 distributed, sold, tampered with, or serviced in violation of the provisions
23 of this ~~article~~ ARTICLE 30.

24 (4) It is unlawful for any person, not a duly authorized employee
25 of a licensee acting in furtherance of his or her employment within an
26 establishment, to have on his or her person or in his or her possession any
27 device intended to be used to violate the provisions of this ~~article~~ ARTICLE

1 30.

2 (5) It is unlawful for any person, not a duly authorized employee
3 of a licensee acting in furtherance of his or her employment within an
4 establishment, to have on his or her person or in his or her possession
5 while on the premises of any licensed gaming establishment any key or
6 device known to have been designed for the purpose of and suitable for
7 opening, entering, or affecting the operation of any limited gaming
8 activity, drop box, or electronic or mechanical device connected thereto,
9 or for removing money or other contents therefrom.

10 (6) Possession of more than one of the devices, equipment,
11 products, or materials described in this section shall give rise to a
12 rebuttable presumption that the possessor intended to use them for
13 cheating.

14 (7) It is unlawful for any person to use or possess while on the
15 premises any cheating or thieving device, including but not limited to,
16 tools, drills, wires, coins, or tokens attached to strings or wires or
17 electronic or magnetic devices, to facilitate the alignment of any winning
18 combination or to facilitate removing from any slot machine any money
19 or contents thereof, unless the person is a duly authorized gaming
20 employee acting in the furtherance of his or her employment.

21 (8) Any person violating any provision of this section commits a
22 class 6 felony and shall be punished as provided in section 18-1.3-401;
23 ~~€R.S.~~, except that, if the person is a repeating gambling offender, the
24 person commits a class 5 felony and shall be punished as provided in
25 section 18-1.3-401. ~~€R.S.~~

26 **44-30-825. [Formerly 12-47.1-826] Cheating game and devices.**

27 (1) It is unlawful for a person playing a licensed game in licensed gaming

1 premises to:

2 (a) Knowingly conduct, carry on, operate, or deal or allow to be
3 conducted, carried on, operated, or dealt any cheating or thieving game
4 or device; or

5 (b) Knowingly deal, conduct, carry on, operate, or expose for play
6 a physical or electronic version of a game played with physical or
7 electronic cards or a mechanical device, or any combination of games or
8 devices, that have been marked or tampered with or placed in a condition
9 or operated in a manner that tends to deceive the public or alter the
10 normal random selection of characteristics or the normal chance of the
11 game, or that could determine or alter the result of the game.

12 (2) Any person violating any provision of this section commits a
13 class 6 felony and shall be punished as provided in section 18-1.3-401;
14 ~~€:R:S.;~~ except that, if the person is a repeating gambling offender, the
15 person commits a class 5 felony and shall be punished as provided in
16 section 18-1.3-401. ~~€:R:S.~~

17 **44-30-826. [Formerly 12-47.1-827] Unlawful manufacture, sale,**
18 **distribution, marking, altering, or modification of equipment and**
19 **devices associated with limited gaming - unlawful instruction. (1) It**
20 **is unlawful to manufacture, sell, or distribute any cards, chips, dice, game,**
21 **or device ~~which~~ THAT is intended to be used to violate any provision of**
22 **this ~~article~~ ARTICLE 30.**

23 (2) It is unlawful to mark, alter, or otherwise modify related
24 equipment or a limited gaming device in a manner that:

25 (a) Affects the result of a wager by determining win or loss; or

26 (b) Alters the normal criteria of random selection, ~~which~~ THAT
27 affects the operation of a game or ~~which~~ THAT determines the outcome of

1 a game.

2 (3) It is unlawful for any person to instruct another in cheating or
3 in the use of any device for that purpose, with the knowledge or intent
4 that the information or use so conveyed may be employed to violate any
5 provision of this ~~article~~ ARTICLE 30.

6 (4) Any person issued a license pursuant to this ~~article~~ ARTICLE 30
7 violating any provision of this section commits a class 6 felony and shall
8 be punished as provided in section 18-1.3-401, ~~C.R.S.~~, and any other
9 person violating any provision of this section commits a class 1
10 misdemeanor and shall be punished as provided in section 18-1.3-501.
11 ~~C.R.S.~~ If the person is a repeating gambling offender, the person commits
12 a class 5 felony and shall be punished as provided in section 18-1.3-401.
13 ~~C.R.S.~~

14 **44-30-827. [Formerly 12-47.1-828] Unlawful entry by excluded**
15 **and ejected persons.** (1) It is unlawful for any person whose name is on
16 the list promulgated by the commission pursuant to ~~section 12-47.1-1001~~
17 ~~or 12-47.1-1002~~ SECTION 44-30-1001 OR 44-30-1002 to enter the licensed
18 premises of a limited gaming licensee.

19 (2) It is unlawful for any person whose name is on the list
20 promulgated by the commission pursuant to ~~section 12-47.1-1001~~ or
21 ~~12-47.1-1002~~ SECTION 44-30-1001 OR 44-30-1002 to have any personal
22 pecuniary interest, direct or indirect, in any limited gaming licensee,
23 licensed premises, establishment, or business involved in or with limited
24 gaming or in the shares in any corporation, association, or firm licensed
25 pursuant to this ~~article~~ ARTICLE 30.

26 (3) Any person violating the provisions of this section commits a
27 class 5 felony and shall be punished as provided in section 18-1.3-401.

1 ~~C.R.S.~~

2 **44-30-828. [Formerly 12-47.1-829] Detention and questioning**
3 **of person suspected of violating article - limitations on liability -**

4 **posting of notice.** (1) Any licensee or an officer, employee, or agent
5 thereof may question any person in the licensee's establishment suspected
6 of violating any of the provisions of this ~~article~~ ARTICLE 30. A licensee or
7 any officer, employee, or agent thereof is not criminally or civilly liable:

8 (a) On account of any such questioning; or

9 (b) For reporting to the division, commission, or law enforcement
10 authorities the person suspected of the violation.

11 (2) Any licensee or any officer, employee, or agent thereof who
12 has probable cause to believe that there has been a violation of this ~~article~~
13 ARTICLE 30 in the licensee's establishment by any person may take that
14 person into custody and detain him OR HER in the establishment in a
15 reasonable manner and for a reasonable length of time. Such a taking into
16 custody and detention does not render the licensee or the officer,
17 employee, or agent thereof criminally or civilly liable unless it is
18 established by clear and convincing evidence that the taking into custody
19 or detention is unreasonable under all the circumstances.

20 (3) A licensee or any officer, employee, or agent thereof is not
21 entitled to the immunity from liability provided for in subsection (2) of
22 this section unless there is displayed in a conspicuous place in the
23 licensee's establishment a notice in bold-face type clearly legible and in
24 substantially this form:

25 **Any gaming licensee, or any officer, employee, or agent**
26 **thereof who has probable cause to believe that any**
27 **person has violated any provision prohibiting cheating**

1 **in limited gaming may detain that person in the**
2 **establishment.**

3 **44-30-829. [Formerly 12-47.1-830] Failure to display operator**
4 **and premises licenses.** (1) It is unlawful for any person to fail to
5 permanently display in a conspicuous manner:

- 6 (a) Operator and premises licenses granted by the commission;
- 7 (b) A notice in bold face type ~~which~~ THAT is clearly legible and
8 in substantially the following form:

9 **IT IS UNLAWFUL FOR ANY PERSON UNDER THE**
10 **AGE OF TWENTY-ONE TO ENGAGE IN LIMITED**
11 **GAMING.**

12 (2) Any person violating this section commits a class 2
13 misdemeanor and shall be punished as provided in section 18-1.3-501.
14 ~~C.R.S.~~

15 **44-30-830. [Formerly 12-47.1-831] Authority, duties, and**
16 **powers - department of revenue and department of public safety.**

17 (1) The gaming commission, the department, ~~of revenue~~, and the division
18 shall regulate the gaming industry and enforce the gaming laws. Nothing
19 in this section shall be construed to prohibit or limit the authority of local
20 sheriffs or police officers to enforce all the provisions of this ~~article~~
21 ARTICLE 30 or the rules ~~and regulations~~ promulgated pursuant to this
22 ~~article~~ ARTICLE 30.

23 (2) The Colorado bureau of investigation shall have authority for
24 the following:

- 25 (a) Conduct criminal investigations and law enforcement
26 oversight relating to violations of the "Colorado Organized Crime Control
27 Act" article 17 of title 18, ~~C.R.S.~~, as these violations are reported by law

1 enforcement officials, the gaming commission, the governor, or as
2 discovered by the Colorado bureau of investigation.

3 (b) In cooperation with local law enforcement officials and the
4 commission, the Colorado bureau of investigation shall develop and
5 collect information with regard to organized crime in an effort to identify
6 criminal elements or enterprises ~~which~~ THAT might infiltrate and
7 influence limited gaming and report ~~such~~ THE information to appropriate
8 law enforcement organizations and the limited gaming commission.

9 (c) Prepare reports concerning any activities in, or movements
10 into, this state of organized crime for use by the commission or the
11 governor in their efforts to prevent and thwart criminal elements or
12 enterprises from infiltrating or influencing limited gaming as defined in
13 this ~~article~~ ARTICLE 30.

14 (d) Inspect or examine, during normal business hours, premises,
15 equipment, books, records, or other written material maintained at gaming
16 establishments as required by this ~~article~~ ARTICLE 30, in the course of
17 performing the activities of the Colorado bureau of investigation as set
18 forth in this section.

19 (3) The commission shall, in cooperation with the Colorado
20 bureau of investigation, conduct background investigations of gaming
21 license applicants, licensees, owners or tenants of property or premises
22 upon which gaming is permitted or conducted, and key employees of ~~such~~
23 THE gaming establishments as defined in this ~~article~~ ARTICLE 30 or by
24 commission rule. ~~or regulation.~~

25 (4) Criminal violations of this ~~article~~ ARTICLE 30 discovered
26 during an authorized investigation or discovered by the limited gaming
27 commission shall be referred to the appropriate district attorney.

1 (5) The director of the Colorado bureau of investigation shall
2 employ ~~such~~ ANY personnel ~~as~~ THAT may be necessary to carry out the
3 duties and responsibilities set forth in this ~~article~~ ARTICLE 30. The
4 commission shall authorize payment to the Colorado bureau of
5 investigation for the cost involved. Costs for activities relating to limited
6 gaming shall be paid from the limited gaming fund pursuant to
7 preestablished contracts or formal agreements, or both, including
8 contracts or formal agreements on specific activities the department of
9 public safety will complete for the commission and conditions for
10 payment, the manner in which the commission and the department of
11 public safety will review budgets and project resource needs in the future,
12 and the level of cooperation established between the division, the
13 Colorado bureau of investigation for conducting background
14 investigations, and the Colorado state patrol for contracted services.

15 **44-30-831. [Formerly 12-47.1-832] Violations of article as**
16 **misdemeanors.** Any person violating any of the provisions of this ~~article~~
17 ARTICLE 30, or any of the rules ~~and regulations~~ promulgated pursuant
18 thereto, commits a class 1 misdemeanor and shall be punished as
19 provided in section 18-1.3-501, ~~C.R.S.~~, except as may otherwise be
20 specifically provided in this ~~article~~ ARTICLE 30.

21 **44-30-832. [Formerly 12-47.1-833] Agreements, contracts,**
22 **leases - void and unenforceable.** All agreements, contracts, leases, or
23 arrangements in violation of this ~~article~~ ARTICLE 30, or the rules ~~and~~
24 ~~regulations~~ promulgated pursuant to this ~~article~~ ARTICLE 30, are void and
25 unenforceable.

26 **44-30-833. [Formerly 12-47.1-835] Financial interest**
27 **restrictions.** (1) A manufacturer or distributor of slot machines,

1 associated equipment, or related equipment shall not knowingly, without
2 notifying the division within ten days:

3 (a) Have any interest, directly or indirectly, in any operator;

4 (b) Allow any of its officers, or any other person with a substantial
5 interest in ~~such~~ THE business, to have any interest in an operator;

6 (c) Employ any person in any capacity or allow any person to
7 represent the business in any way if ~~such~~ THE person is also employed by
8 an operator;

9 ~~(d) Repealed.~~

10 ~~(e)~~ (d) Allow any operator or any person having a substantial
11 interest therein, to have any interest, directly or indirectly, in ~~such~~ THE
12 business.

13 (2) The word "interest" as used in this section does not preclude
14 transactions in the ordinary course of business.

15 **44-30-834. [Formerly 12-47.1-837] Revocation or expiration of**
16 **license - requirement of notification.** A licensee whose license has been
17 revoked or has expired shall notify ~~such~~ THE licensee's employer within
18 twenty-four hours after ~~such~~ THE revocation or expiration.

19 **44-30-835. [Formerly 12-47.1-838] Personal pecuniary gain or**
20 **conflict of interest.** (1) It is unlawful for any person to issue, suspend,
21 revoke, or renew any license pursuant to this ~~article~~ ARTICLE 30 for any
22 personal pecuniary gain or any thing of value, as defined in section
23 18-1-901 (3)(r), ~~C.R.S.~~, or for any person to violate any of the provisions
24 of ~~section 12-47.1-401~~ SECTION 44-30-401.

25 (2) Any person violating any of the provisions of this section
26 commits a class 3 felony and shall be punished as provided in section
27 18-1.3-401. ~~C.R.S.~~

1 (d) Criminal violations of this ~~article~~ ARTICLE 30 discovered
2 during an authorized investigation or discovered by the commission shall
3 be referred to the appropriate district attorney.

4 **44-30-902. [Formerly 12-47.1-902] Terms of sponsorship.**

5 (1) All limited gaming events sponsored by charitable organizations
6 pursuant to this part 9 must, in addition to all the other requirements of
7 this ~~article~~ ARTICLE 30, meet the following conditions:

8 (a) The agreement between the licensed operator or retailer and
9 the charitable organization shall provide for the payment by the charitable
10 organization to the retailer or operator of a flat fee or no fee; in return, the
11 charitable organization shall receive one hundred percent of the adjusted
12 gross proceeds, less the amount of taxes due on those proceeds as
13 determined by the commission from gaming for each day of the
14 sponsored event, or during all the hours of a sponsored event if less than
15 a full day. The licensed operator or retailer shall report and pay taxes on
16 the full amount of the adjusted gross proceeds from gaming sponsored by
17 any charitable organization.

18 (b) A one-day sponsored event must, for purposes of this part 9,
19 begin at 8 a.m. and end at 8 a.m. the following day. For purposes of this
20 section, no event is considered as less than a one-day event; except that
21 a retailer may devote less than one full day to a charitable event.

22 (c) No retailer shall permit a single charitable organization to
23 sponsor more than three days of limited gaming at that retailer's licensed
24 premises during any calendar year; and no retailer shall permit more than
25 thirty total days of sponsored events on its premises during any calendar
26 year;

27 (d) No charitable organization shall sponsor more than three days

1 of limited gaming during any calendar year;

2 (e) The charitable organization shall file notice of its intent to
3 sponsor limited gaming at least fourteen days in advance with the
4 commission, upon forms provided by the commission.

5 **44-30-903. [Formerly 12-47.1-903] Notice of sponsorship.** No
6 person licensed as a retailer, operator, key employee, or support person,
7 and no member, agent, employee, officer, or director of a charitable
8 organization, shall represent to any person that a limited gaming activity
9 is being sponsored by that or another charitable organization unless the
10 sponsoring charitable organization has filed a notice of intent with the
11 commission pursuant to ~~section 12-47.1-902 (1)(e)~~ SECTION 44-30-902
12 (1)(e).

13 PART 10

14 EXCLUDED PERSONS

15 **44-30-1001. [Formerly 12-47.1-1001] Persons excluded or**
16 **ejected - factors considered - legislative declaration.** (1) The general
17 assembly hereby declares that the exclusion or ejection of certain persons
18 from licensed gaming establishments is necessary to carry out the policies
19 of this ~~article~~ ARTICLE 30 and to maintain effectively the strict regulation
20 of licensed gaming.

21 (2) The commission may by rule ~~or regulation~~ provide for the
22 establishment of a list of persons who are to be excluded or ejected from
23 any licensed gaming establishment, including any person whose presence
24 in the establishment is determined to pose a threat to the interest of the
25 state of Colorado or to licensed gaming, or both. In making the
26 determination for exclusion, the commission may consider any of the
27 following:

1 (a) Prior conviction of a felony, a misdemeanor involving moral
2 turpitude, or a violation of the gaming laws of any state, the United
3 States, or any of its possessions or territories, including Indian tribes;

4 (b) A violation, attempt to violate, or conspiracy to violate the
5 provisions of this ~~article~~ ARTICLE 30 relating to the failure to disclose an
6 interest in a gaming establishment for which the person must obtain a
7 license or make disclosures to the commission, or intentional evasion of
8 fees or taxes;

9 (c) A reputation that would adversely affect public confidence and
10 trust that the gaming industry is free from criminal or corruptive
11 influences;

12 (d) Prior exclusion or ejection under the gaming ~~regulations~~ RULES
13 of any other state, the United States, any of its possessions or territories,
14 or an Indian tribe ~~which~~ THAT regulates gaming;

15 (e) Career or professional offenders or associates of career or
16 professional offenders, and ~~such~~ ANY others as defined by ~~regulation~~
17 RULE of the commission.

18 (3) If the name and description of any person is placed on the
19 exclusion list, the commission shall serve notice of that action upon the
20 person by at least one of the following means:

21 (a) By personal service;

22 (b) By certified mail to the last-known address of the person; or

23 (c) By publication in one or more official newspapers in Teller
24 and Gilpin Counties, Colorado. A person placed upon the exclusion list
25 may contest that action by filing a written protest with the commission,
26 and the protest shall be heard by the commission as a contested case.

27 (4) The commission may impose sanctions upon any licensee in

1 accordance with the provisions of this ~~article~~ ARTICLE 30 if ~~such~~ THE
2 licensee fails to exclude or eject from the licensed premises any person
3 placed by the commission on the list of persons to be excluded or ejected
4 from licensed gaming establishments, which sanctions may include, but
5 not be limited to, suspension, revocation, limitation, modification, denial,
6 or restriction of any license.

7 **44-30-1002. [Formerly 12-47.1-1002] Emergency listing of**
8 **persons to be excluded or ejected.** (1) The commission, by rule, ~~and~~
9 ~~regulation~~, and notwithstanding the provisions of ~~section 12-47.1-1001~~
10 SECTION 44-30-1001, may list persons to be excluded or ejected from any
11 licensed gaming establishment, effective October 1, 1991, if the
12 commission finds that listing ~~such~~ THE persons on an emergency basis is
13 necessary to avoid danger to the public safety and if the public confidence
14 and trust would be maintained only if ~~such~~ THE persons were listed on
15 such an emergency basis.

16 (2) Notwithstanding the provisions of section 24-4-103 (6),
17 ~~C.R.S.~~, the listing of persons to be excluded or ejected pursuant to this
18 section expires one year after the adoption of the list, unless the
19 provisions of ~~section 12-47.1-1001~~ SECTION 44-30-1001 are followed for
20 permanent listing.

21 (3) With respect to the finding of danger to public safety, the
22 commission shall consider whether the persons have been listed on the
23 list of persons excluded or ejected under the laws and ~~regulations~~ GAMING
24 RULES of the states of Nevada, New Jersey, South Dakota, and any other
25 states, the United States, its territories or possessions, or any Indian tribe
26 regulating gaming.

27 (4) Any rule adopted pursuant to this section shall be followed

1 within thirty days after ~~such~~ THE emergency listing by the procedures set
2 forth in ~~section 12-47.1-1001~~ SECTION 44-30-1001. A listing pursuant to
3 this section must be vacated upon the conclusion of the rule-making
4 proceeding initiated under ~~section 12-47.1-1001~~ SECTION 44-30-1001 if
5 a determination is made by the commission that a person should not have
6 been placed on the list of persons to be excluded or ejected.

7 PART 11

8 GAMING DEVICES

9 **44-30-1101. [Formerly 12-47.1-1101] Exemption from federal**
10 **law.** Pursuant to section 2 of an act of congress of the United States
11 entitled "An Act to prohibit transportation of gambling devices in
12 interstate and foreign commerce", approved January 2, 1951, designated
13 15 U.S.C. secs. 1171 to 1177, inclusive, and in effect January 1, 1989, the
14 state of Colorado acting by and through its elected and qualified members
15 of its general assembly, does hereby, and in accordance with and in
16 compliance with the provisions of section 2 of the act of congress, declare
17 and proclaim that it is exempt from the provisions of section 2 of that act
18 of congress of the United States, as regards gaming devices operated and
19 used within the cities of Central, Black Hawk, and Cripple Creek,
20 Colorado.

21 **44-30-1102. [Formerly 12-47.1-1102] Shipments of devices and**
22 **machines deemed legal.** All shipments of gaming devices, including slot
23 machines, into this state, the registering, recording, and labeling of which
24 has been duly made by the manufacturer or dealer thereof in accordance
25 with sections 3 and 4 of an act of congress of the United States entitled
26 "An Act to prohibit transportation of gambling devices in interstate and
27 foreign commerce", approved January 2, 1951, designated as 15 U.S.C.

1 secs. 1171 to 1177, inclusive, and in effect on January 1, 1989, shall be
2 deemed legal shipments thereof, for use only within the cities of Central,
3 Black Hawk, and Cripple Creek, Colorado.

4 **44-30-1103. [Formerly 12-47.1-1103] Ownership or possession**
5 **of slot machines - rules.** Notwithstanding any other laws of this state to
6 the contrary, if a licensed slot machine manufacturer, slot machine
7 distributor, operator, retailer, or a retail gaming license applicant complies
8 with all of the provisions of this ~~article~~ ARTICLE 30 and the rules
9 promulgated under this ~~article~~ ARTICLE 30, he or she may legally own,
10 possess, or own and possess slot machines in this state; except that
11 nothing in this section authorizes the use of slot machines for any purpose
12 other than the purposes specifically authorized in this ~~article~~ ARTICLE 30
13 and the rules promulgated under this ~~article~~ ARTICLE 30. The commission
14 shall promulgate rules concerning the conditions under which the division
15 may authorize a retail gaming license applicant to own, possess, or own
16 and possess slot machines in this state before obtaining a retail gaming
17 license.

18 PART 12

19 STATE HISTORICAL SOCIETY

20 **44-30-1201. [Formerly 12-47.1-1201] State historical fund -**
21 **administration - legislative declaration - state museum cash fund -**
22 **capitol dome restoration fund - definition.** (1) The state treasurer shall
23 make annual distributions, from the state historical fund created by
24 ~~subsection (5)(b)(II) of section 9~~ SECTION 9 (5)(b)(II) of article XVIII of
25 the state constitution, in accordance with the provisions of ~~subsection~~
26 ~~(5)(b)(III) of said section 9~~ SECTION 9 (5)(b)(III) OF ARTICLE XVIII OF
27 THE STATE CONSTITUTION. As specified in ~~said subsection (5)(b)(III)~~

1 SECTION 9 (5)(b)(III) OF ARTICLE XVIII OF THE STATE CONSTITUTION,
2 twenty percent of the ~~moneys~~ MONEY in the state historical fund shall be
3 used for the preservation and restoration of the cities of Central, Black
4 Hawk, and Cripple Creek. The remaining eighty percent of the fund shall
5 be administered by the state historical society in accordance with
6 subsection (5) of this section. Expenditures from the fund shall be subject
7 to the provisions of ~~section 12-47.1-1202~~ SECTION 44-30-1202. The
8 society shall make grants from the eighty percent portion of said fund
9 administered by the society for the following historic preservation
10 purposes:

11 (a) The identification, evaluation, documentation, study, and
12 marking of buildings, structures, objects, sites, or areas important in the
13 history, architecture, archaeology, or culture of this state, and the official
14 designation of ~~such~~ THE properties;

15 (b) The excavation, stabilization, preservation, restoration,
16 rehabilitation, reconstruction, or acquisition of ~~such~~ THE designated
17 properties;

18 (c) Education and training for governmental entities,
19 organizations, and private citizens on how to plan for and accommodate
20 the preservation of historic and archaeological structures, buildings,
21 objects, sites, and districts;

22 (d) Preparation, production, distribution, and presentation of
23 educational, informational, and technical documents, guidance, and aids
24 on historic preservation practices, standards, guidelines, techniques,
25 economic incentives, protective mechanisms, and historic preservation
26 planning.

27 (2) (a) The society shall make grants primarily to governmental

1 entities and to nonprofit organizations; except that the society may make
2 grants to persons in the private sector so long as the person requesting the
3 grant makes application through a governmental entity. The selection of
4 recipients and the amount granted to a recipient shall be determined by
5 the society, which determination shall be based on the information
6 provided in the applications submitted to the society.

7 (b) As used in this subsection (2), "governmental entity" means
8 the state and any state agency or institution, county, city and county,
9 incorporated city or town, school district, special improvement district,
10 authority, and every other kind of district, instrumentality, or political
11 subdivision of the state organized pursuant to law. "Governmental entity"
12 shall include any county, city and county, or incorporated city or town,
13 governed by a home rule charter.

14 (3) Subject to annual appropriation, the society may employ ~~such~~
15 ANY personnel in accordance with section 13 of article XII of the state
16 constitution ~~as~~ THAT may be necessary to fulfill its duties in accordance
17 with this section.

18 (4) The society shall promulgate rules for the purpose of
19 administering the state historical fund, which rules may include criteria
20 for consideration in awarding grants from ~~such~~ THE fund and standards
21 for preservation ~~which~~ THAT are acceptable to the society and ~~which~~ THAT
22 shall be employed by grant recipients.

23 (5) (a) (I) The general assembly hereby finds and declares that:

24 (A) The state historical society, ~~which was~~ founded in 1879, has
25 a unique role as the state educational institution charged with collecting,
26 preserving, and interpreting the history of Colorado and the west. The
27 state formally recognized the state historical society as a state agency by

1 statute in 1915, and the general assembly has continuously made
2 appropriations for the society since that time.

3 (B) The state historical fund created by ~~subsection (5)(b)(H) of~~
4 ~~section 9~~ SECTION 9 (5)(b)(II) of article XVIII of the state constitution has
5 grown significantly since its inception in 1991. In accordance with
6 ~~subsection (5)(b)(H) of section 9~~ SECTION 9 (5)(b)(III) of article XVIII
7 of the state constitution, the general assembly hereby determines that it is
8 appropriate to provide funding for the state historical society through the
9 state historical fund.

10 (C) The use of a portion of the state historical fund for the support
11 needs of the state historical society is consistent with the preservation
12 purposes of the fund and of the society.

13 (D) Grants from the state historical fund by the society pursuant
14 to subsection (1) of this section serve the state and its people well in
15 promoting preservation purposes and economic development throughout
16 the state.

17 (II) Accordingly, it is the intent of the general assembly that the
18 majority of the gaming revenues deposited in and available for
19 distribution from the eighty percent portion of the state historical fund
20 administered by the society shall continue to be used for ~~such~~ THE grants.

21 (b) Subject to annual appropriation, the society may make
22 expenditures from the museum and preservation operations account for
23 the reasonable costs incurred by the society in connection with fulfilling
24 the society's mission as a state educational institution to collect, preserve,
25 and interpret the history of Colorado and the west and carrying out other
26 activities and programs authorized by statute or rule. ~~Such~~ THE reasonable
27 costs may include capital construction and controlled maintenance

1 expenditures relating to properties owned, managed, or used by the
2 society.

3 (c) (I) All ~~moneys~~ MONEY received by the society from limited
4 gaming revenues pursuant to ~~section 12-47.1-701 (1)(d)(II)~~ SECTION
5 44-30-701 (1)(d)(II) shall be transmitted to the state treasurer, who shall
6 credit the same to the state historical fund. Eighty percent of the state
7 historical fund administered by the society is divided into the following
8 two accounts:

9 (A) The preservation grant program account, ~~which is~~ hereby
10 created in the state historical fund, that consists of fifty and one-tenth of
11 one percent of the ~~moneys~~ MONEY received from the society in a fiscal
12 year. ~~Moneys~~ MONEY in the account are subject to annual appropriation
13 by the general assembly to the society to cover the reasonable costs as
14 may be incurred in the selection, monitoring, and administration of grants
15 for historic preservation purposes. Any ~~moneys~~ MONEY not appropriated
16 for ~~such~~ THE costs ~~are~~ IS continuously appropriated to the society for the
17 purpose of making grants pursuant to subsection (1) of this section.

18 (B) The museum and preservation operations account, ~~which is~~
19 hereby created in the state historical fund, that consists of forty-nine and
20 nine-tenths of one percent of the ~~moneys~~ MONEY received from the
21 society in a fiscal year. ~~Moneys~~ MONEY in the account ~~are~~ IS subject to
22 annual appropriation by the general assembly for the purposes set forth
23 in ~~paragraph (b) of this subsection (5)~~ SUBSECTION (5)(b) OF THIS
24 SECTION.

25 (II) Except as otherwise specified in ~~subparagraph (III) of this~~
26 ~~paragraph (c)~~ SUBSECTION (5)(c)(III) OF THIS SECTION, all interest and
27 income derived from the deposit and investment of ~~moneys~~ MONEY in the

1 state historical fund, including the accounts created in ~~sub-subparagraphs~~
2 ~~(A) and (B) of subparagraph (I) of this paragraph (c)~~ SUBSECTIONS
3 ~~(5)(c)(I)(A) AND (5)(c)(I)(B) OF THIS SECTION~~, shall remain in the fund.
4 At the end of any fiscal year, all unexpended and unencumbered ~~moneys~~
5 MONEY in the fund ~~remain~~ REMAINS therein and shall not be transferred
6 or revert to the general fund or any other fund; except that, for the fiscal
7 year commencing July 1, 2008, and for each fiscal year thereafter through
8 the fiscal year commencing July 1, 2045, the society may direct the state
9 treasurer to transfer any unexpended and unencumbered ~~moneys~~ MONEY
10 in the museum and preservation operations account at the end of the fiscal
11 year to the state museum cash fund created pursuant to section 24-80-214.
12 ~~€-R.-S.~~ The state treasurer shall be the custodian of ~~such~~ THE funds
13 pursuant to section 24-80-209. ~~€-R.-S.~~

14 ~~(H.5) Repealed.~~

15 (III) (A) For the fiscal year commencing July 1, 2010, the state
16 treasurer shall transfer four million dollars from the state historical fund,
17 from the portion reserved for the statewide grant program for preservation
18 pursuant to ~~sub-subparagraph (A) of subparagraph (H) of paragraph (d)~~
19 ~~of this subsection (5)~~ SUBSECTION (5)(d)(II)(A) OF THIS SECTION, at the
20 beginning of the fiscal year to the capitol dome restoration fund, also
21 referred to in this ~~subparagraph (H)~~ SUBSECTION (5)(c)(III) as the "fund",
22 ~~which is hereby created in the state treasury.~~ ~~Moneys~~ MONEY in the fund
23 ~~are~~ IS subject to appropriation by the general assembly for repairs and
24 safety improvements to the state capitol dome and supporting structures
25 and for no other purpose, and any unexpended and unencumbered ~~moneys~~
26 MONEY remaining in the fund as of June 30, 2011, shall not revert to the
27 state historical fund or any other fund. The four million dollar transfer

1 specified in this ~~sub-subparagraph (A)~~ SUBSECTION (5)(c)(III)(A) shall be
2 reduced, dollar for dollar, by ~~moneys~~ MONEY deposited into the capitol
3 dome restoration trust fund as specified in section 2-3-1304.3 (6)(b),
4 ~~€:R:S.~~, if any. This dollar-for-dollar reduction shall not reduce the
5 authorized fees and expenses of any fundraising firm selected by the
6 capital development committee for cause-related marketing for capitol
7 dome repairs.

8 (B) For the fiscal years commencing July 1, 2011, and July 1,
9 2012, the state treasurer shall transfer up to four million dollars from the
10 state historical fund, from the portion reserved for the statewide grant
11 program for preservation pursuant to ~~sub-subparagraph (A) of~~
12 ~~subparagraph (H) of paragraph (d) of this subsection (5)~~ SUBSECTION
13 (5)(d)(II)(A) OF THIS SECTION, at the beginning of the fiscal year to the
14 capitol dome restoration fund; except that the said four-million-dollar
15 maximum amount shall be reduced, dollar for dollar, by the combined
16 total of ~~moneys~~ MONEY deposited into the capitol dome restoration trust
17 fund as specified in section 2-3-1304.3 (6)(b), ~~€:R:S.~~, if any, and grants
18 for repairs and safety improvements to the state capitol dome and
19 supporting structures made by the state historical society under the grants
20 process set forth in subsection (1) of this section. This dollar-for-dollar
21 reduction shall not reduce any authorized fees and expenses of any
22 fundraising firm selected by the capital development committee for
23 cause-related marketing for capitol dome repairs.

24 ~~(C) Repealed.~~

25 ~~(D)~~ (C) In the event of an emergency contingency expenditure
26 deemed necessary by the state architect and approved by the office of
27 state planning and budgeting and the capital development committee,

1 supplemental appropriations out of the capitol dome restoration trust fund
2 created in section 2-3-1304.3 (6)(b), ~~C.R.S.~~, and the capitol dome
3 restoration fund created in ~~sub-subparagraph (A) of this subparagraph~~
4 ~~(HH)~~ SUBSECTION (5)(c)(III)(A) OF THIS SECTION may be made from any
5 unexpended and unencumbered ~~moneys~~ MONEY remaining in the
6 specified funds at any time.

7 ~~(E)~~ (D) Prior to the end of the 2014-15 state fiscal year and after
8 a complete accounting is available of the total in-kind and monetary
9 donations received through the fundraising program established in section
10 2-3-1304.3, ~~C.R.S.~~, an end-of-project accounting shall occur based on the
11 final total cost of the dome restoration construction project to ensure,
12 through the annual general appropriations act, supplemental
13 appropriations acts, or transfers between funds, as necessary, that all of
14 the transfers from the state historical fund specified in ~~sub-subparagraphs~~
15 ~~(A) and (B) of this subparagraph~~ ~~(HH)~~ SUBSECTIONS (5)(c)(III)(A) AND
16 (5)(c)(III)(B) OF THIS SECTION, and the 2013-14 appropriation from the
17 capital construction fund specified in Senate Bill 13-230, are reduced,
18 dollar for dollar, by the combined total of ~~moneys~~ MONEY deposited into
19 the capitol dome restoration trust fund as specified in section 2-3-1304.3
20 (6)(b), ~~C.R.S.~~, grants for repairs and safety improvements to the state
21 capitol dome and supporting structures made by the state historical
22 society under the grants process set forth in subsection (1) of this section,
23 any money received for the recycling of salvaged building materials from
24 the state capitol dome during the construction period, and any in-kind
25 gifts and donations, such as materials or labor, that resulted in the
26 reduction of the total cost of the construction. The total value of any
27 in-kind gifts and donations for purposes of the dollar-for-dollar reduction

1 specified in this ~~sub-subparagraph (E)~~ SUBSECTION (5)(c)(III)(D) shall be
2 calculated by the department of personnel and approved by the capital
3 development committee as specified in section 2-3-1304.3 (6)(a)(II).
4 ~~C.R.S.~~

5 ~~(F)~~ (E) Until completion of the capitol dome restoration project
6 as reported by the state architect pursuant to section 2-3-1304.5, ~~C.R.S.~~,
7 the Colorado historical society shall submit an annual report to the capital
8 development committee on or before December 15 of each year
9 concerning all grants awarded from the state historical fund.

10 (d) (I) The general assembly finds and declares that:

11 (A) To better preserve, study, and restore historical sites and
12 objects throughout the state, it is in the best interest of the state to
13 construct a new Colorado state museum and offices for the state historical
14 society; and

15 (B) Construction of a new Colorado state museum and offices for
16 the state historical society will provide improved historic preservation,
17 education, planning, and interpretation of Colorado's heritage, including
18 the identification, evaluation, study, and marking of buildings, structures,
19 objects, sites, or areas important in the history, architecture, archeology,
20 or culture of the state; the official designation of ~~such~~ THE properties as
21 appropriate for preservation; and other activities described in ~~paragraphs~~
22 ~~(c) and (d) of subsection (1)~~ SUBSECTIONS (1)(c) AND (1)(d) of this
23 section.

24 (II) The general assembly reaffirms its intent that:

25 (A) The majority of the eighty percent portion of the state
26 historical fund administered by the society shall continue to be used for
27 the statewide grants for historic preservation purposes as described in

1 subsection (1) of this section and may also be used to pay the
2 administrative cost of the society in administering the grant program; and

3 (B) Costs associated with the new Colorado state museum shall
4 be from the portion of the state historical fund not reserved for the
5 statewide grant program for preservation, or from other ~~moneys~~ MONEY
6 as designated by the general assembly.

7 (III) On or before October 1, 2008, the state treasurer shall
8 transfer from the state historical fund to the state museum cash fund
9 created pursuant to section 24-80-214 ~~C.R.S.~~, the sum of three million
10 dollars. On or before October 1, 2009, the state treasurer shall transfer
11 from the state historical fund to the state museum cash fund the sum of
12 two million dollars. On or before October 1, 2010, the state treasurer shall
13 transfer from the state historical fund to the state museum cash fund the
14 sum of two million dollars.

15 (IV) For the fiscal year beginning on July 1, 2011, and for each
16 fiscal year thereafter through the fiscal year beginning on July 1, 2045, so
17 long as there are payments due on an agreement entered into pursuant to
18 the provisions of section 3 of Senate Bill 08-206, as enacted at the second
19 regular session of the sixty-sixth general assembly, the general assembly
20 shall appropriate to the state historical society from the museum and
21 preservation operations account of the state historical fund an amount
22 equal to the annual aggregate rentals or other payments due from state
23 funds; except that the amount shall not exceed four million nine hundred
24 ninety-eight thousand dollars in any given fiscal year.

25 (6) For the fiscal year commencing July 1, 2014, the state
26 treasurer shall transfer one million dollars from the state historical fund
27 at the beginning of the fiscal year to the capital construction fund created

1 in section 24-75-302 ~~C.R.S.~~, for historic renovation of the state house of
2 representatives' chambers and the state senate's chambers.

3 (7) For the fiscal year commencing July 1, 2015, the state
4 treasurer shall transfer one million dollars from the preservation grant
5 program account of the state historical fund at the beginning of the fiscal
6 year to the capital construction fund created in section 24-75-302 ~~C.R.S.~~,
7 for historic renovation of the state house of representatives' chambers and
8 the state senate's chambers.

9 (8) For the fiscal year commencing July 1, 2016, the state
10 treasurer shall transfer one million dollars from the preservation grant
11 program account of the state historical fund at the beginning of the fiscal
12 year to the capital construction fund created in section 24-75-302 ~~C.R.S.~~,
13 for historic renovation of the state house of representatives' chambers and
14 the state senate's chambers.

15 (9) For the fiscal year commencing July 1, 2017, the state
16 treasurer shall transfer one million dollars from the preservation grant
17 program account of the state historical fund on October 1, 2017, to the
18 capital construction fund created in section 24-75-302 to restore the
19 windows and granite exterior of the state capitol building.

20 **44-30-1202. [Formerly 12-47.1-1202] Expenditures from the**
21 **state historical fund - legislative declaration.** (1) The general assembly
22 hereby finds and declares that when the voters approved the conduct of
23 limited gaming in the cities of Central, Black Hawk, and Cripple Creek
24 they believed that all ~~moneys~~ MONEY expended from the state historical
25 fund would be used to restore and preserve the historic nature of those
26 cities and other sites and municipalities throughout the state. Together
27 with the limitations contained in ~~section 12-47.1-1201~~ SECTION

1 44-30-1201 on the expenditure of ~~moneys~~ MONEY in the fund that are
2 subject to administration by the state historical society, this section is
3 intended to assure that expenditures from the fund by the society and by
4 the cities of Central, Black Hawk, and Cripple Creek are used for historic
5 restoration and preservation.

6 (2) The state historical society shall not expend ~~moneys~~ MONEY
7 from the eighty percent portion of the state historical fund administered
8 by the society unless they have adopted standards for distribution of
9 grants from that portion of the fund. The standards shall allow for the
10 appropriate use of sustainable solutions such as environmentally sensitive
11 and energy efficient windows, window assemblies, insulating materials,
12 and heating and cooling systems, as long as the use of ~~such~~ THE
13 sustainable solutions does not adversely affect the appearance or integrity
14 of a historic property. The standards shall further include requirements
15 that assure compliance with the secretary of the interior's standards for
16 treatment of historic properties.

17 (3) The governing bodies of the cities of Central, Black Hawk,
18 and Cripple Creek shall not expend ~~moneys~~ MONEY from their twenty
19 percent portion of the state historical fund unless they have adopted
20 standards for distribution of grants from that portion of the fund. At a
21 minimum, ~~such~~ THE standards shall include the following:

22 (a) Requirements that assure compliance with the secretary of the
23 interior's standards for treatment of historic properties;

24 ~~(a.5)~~ (b) A requirement that the city is a certified local
25 government, as defined in ~~section 12-47.1-103 (4.5)~~ SECTION 44-30-103
26 (7), and that the city's historic preservation commission review and
27 recommend grant awards to the governing body;

1 **(b)** (c) A provision that prohibits a private individual from
2 receiving more than one grant for the restoration or preservation of the
3 same property within any one-year period;

4 **(c)** (d) A provision that limits grants to property that is located
5 within a national historic landmark district or within an area listed on the
6 national register of historic places;

7 **(d)** (e) A provision that limits grants for restoration or
8 preservation to structures that have historical significance because they
9 were originally constructed more than fifty years prior to the date of the
10 application;

11 **(e)** ~~(Deleted by amendment, L. 2004, p. 743, § 1, effective May~~
12 ~~12, 2004.)~~

13 **(f)** A provision that prohibits issuing a grant to a private
14 individual who does not own the residential property that is to be restored
15 or preserved;

16 **(g)** ~~(Deleted by amendment, L. 2004, p. 743, § 1, effective May~~
17 ~~12, 2004.)~~

18 **(h)** (g) A provision that prohibits making grants for more than one
19 year at a time;

20 **(i)** (h) A provision that requires a member of the governing body
21 to disclose any personal interest in a grant before voting on the
22 application;

23 **(j)** (i) A provision requiring the award of any grant in excess of
24 fifty thousand dollars for any single residential property to be conditioned
25 upon an agreement to repay the grant upon any sale or transfer of the
26 property within five years of the date the grant is awarded. The amount
27 to be repaid shall equal the amount of the grant less an amount equal to

1 one-sixtieth of the amount of the grant for each full month occurring
2 between the date the grant is awarded and the date of the sale or transfer
3 of the property.

4 ~~(k)~~ (j) A provision allowing for the appropriate use of sustainable
5 solutions such as environmentally sensitive and energy efficient windows,
6 window assemblies, insulating materials, and heating and cooling
7 systems, as long as the use of ~~such~~ THE sustainable solutions does not
8 adversely affect the appearance or integrity of a historic property.

9 (4) The provision contained in ~~paragraph (c) of subsection (3)~~
10 SUBSECTION (3)(d) of this section that requires that the governing bodies
11 of the specified cities not expend ~~moneys~~ MONEY from the state historical
12 fund unless they adopt standards that include a provision that limits grants
13 to property that is located within a national historic landmark district or
14 within an area listed on the national register of historic places is not
15 intended to affect the status of the cities as approved sites for limited
16 gaming under section 9 of article XVIII of the state constitution in the
17 event that the status as a historical landmark district or listing on the
18 national register of historic places is not maintained.

19 (5) The governing body of a city that is not a certified local
20 government pursuant to ~~paragraph (a.5) of subsection (3)~~ SUBSECTION
21 (3)(b) of this section and that receives ~~moneys~~ MONEY from the state
22 historical fund for historic preservation purposes shall not expend ~~such~~
23 ~~moneys~~ THE MONEY but instead shall create an independent restoration
24 and preservation commission for the purpose of expending the ~~moneys~~
25 MONEY in accordance with ~~part 17~~ PART 14 of this ~~article~~ ARTICLE 30.

26 PART 13

27 LOCAL GOVERNMENT LIMITED GAMING IMPACT FUND

1 **44-30-1301. [Formerly 12-47.1-1601] Local government limited**
2 **gaming impact fund - rules - repeal - definitions.** (1) ~~(a)~~ There is
3 hereby created in the office of the state treasurer the local government
4 limited gaming impact fund, referred to in this ~~part 16~~ PART 13 as the
5 "fund", and within the fund, there is created the limited gaming impact
6 account and the gambling addiction account. Of the ~~moneys~~ MONEY
7 transferred to the fund pursuant to ~~section 12-47.1-701 (2)(a)(III)~~ SECTION
8 44-30-701 (2)(a)(III), ninety-eight percent shall be allocated to the limited
9 gaming impact account and two percent shall be allocated to the gambling
10 addiction account. ~~Moneys~~ MONEY in the limited gaming impact account
11 shall be used to provide financial assistance to designated local
12 governments for documented gaming impacts, and ~~moneys~~ MONEY in the
13 gambling addiction account shall be used to award grants for the
14 provision of gambling addiction counseling, including prevention and
15 education, to Colorado residents. For the purposes of this ~~part 16~~ PART 13,
16 "documented gaming impacts" means the documented expenses, costs,
17 and other impacts incurred directly as a result of limited gaming permitted
18 in the counties of Gilpin and Teller and on Indian lands.

19 ~~(b) and (c) Repealed.~~

20 ~~(2) (Deleted by amendment, L. 2011, (SB 11-159), ch. 54, p. 142,~~
21 ~~§ 2, effective March 25, 2011.)~~

22 ~~(3) (Deleted by amendment, L. 2006, p. 1665, § 5, effective June~~
23 ~~5, 2006.)~~

24 ~~(4)(a)(I)~~ (2) (a) After considering the recommendations of the
25 local government limited gaming impact advisory committee created in
26 ~~section 12-47.1-1602~~ SECTION 44-30-1302, the ~~moneys~~ MONEY from the
27 limited gaming impact account shall be distributed at the authority of the

1 executive director of the department of local affairs to eligible local
2 governmental entities upon their application for grants to finance
3 planning, construction, and maintenance of public facilities and the
4 provision of public services related to the documented gaming impacts.
5 At the end of any fiscal year, all unexpended and unencumbered ~~moneys~~
6 MONEY in the limited gaming impact account shall remain available for
7 expenditure in any subsequent fiscal year without further appropriation
8 by the general assembly.

9 ~~(H) Repealed.~~

10 ~~(a.5)~~ (b) (I) For the 2008-09 fiscal year and each fiscal year
11 thereafter, the executive director of the department of human services
12 shall use the ~~moneys~~ MONEY in the gambling addiction account to award
13 grants for the purpose of providing gambling addiction counseling
14 services to Colorado residents. The department of human services may
15 use a portion of the ~~moneys~~ MONEY in the gambling addiction account,
16 not to exceed ten percent in the 2008-09 fiscal year and five percent in
17 each fiscal year thereafter, to cover the department's direct and indirect
18 costs associated with administering the grant program authorized in this
19 ~~paragraph (a.5)~~ SUBSECTION (2)(b). The executive director of the
20 department of human services shall award grants to state or local public
21 or private entities or programs that provide gambling addiction
22 counseling services and that have or are seeking nationally accredited
23 gambling addiction counselors. The executive director of the department
24 of human services shall award ten percent of the ~~moneys~~ MONEY in the
25 gambling addiction account in grants to addiction counselors who are
26 actively pursuing national accreditation as gambling addiction counselors.
27 In order to qualify for an accreditation grant, an addiction counselor

1 applicant must provide sufficient proof that he or she has completed at
2 least half of the counseling hours required for national accreditation. The
3 executive director of the department of human services shall adopt rules
4 establishing the procedure for applying for a grant from the gambling
5 addiction account, the criteria for awarding grants and prioritizing
6 applications, and any other provision necessary for the administration of
7 the grant applications and awards. Neither the entity, program, or
8 gambling addiction counselor providing the gambling addiction
9 counseling services nor the recipients of the counseling services need to
10 be located within the jurisdiction of an eligible local governmental entity
11 in order to receive a grant or counseling services. At the end of a fiscal
12 year, all unexpended and unencumbered ~~moneys~~ MONEY in the gambling
13 addiction account remain in the account and do not revert to the general
14 fund or any other fund or account.

15 (II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), by January
16 1, 2009, and by each January 1 thereafter, the department of human
17 services shall submit a report to the health and human services
18 committees of the senate and house of representatives, or their successor
19 committees, regarding the grant program. The report shall detail the
20 following information for the fiscal year in which the report is submitted:

21 (A) The amount of ~~moneys~~ MONEY allocated to the gambling
22 addiction account pursuant to ~~paragraph (a) of subsection (1)~~ SUBSECTION
23 (1) of this section;

24 (B) The number of grant applications received and the total
25 amount of grant ~~moneys~~ MONEY requested by grant applicants;

26 (C) The total amount of ~~moneys~~ MONEY in the gambling addiction
27 account that was awarded as grants to applicants; and

1 (D) The entities or programs that received grants and the amount
2 of grant ~~moneys~~ MONEY each grant recipient received.

3 (III) This ~~paragraph (a.5)~~ SUBSECTION (2)(b) is repealed, effective
4 September 1, 2022. The state treasurer shall transfer any ~~moneys~~ MONEY
5 remaining in the gambling addiction account on August 31, 2022, to the
6 limited gaming impact account.

7 ~~(b)~~ (c) For the purposes of this ~~part 16~~ PART 13, the term "eligible
8 local governmental entity" means the following local governmental
9 entities:

10 (I) The counties of Boulder, Clear Creek, Grand, Jefferson, El
11 Paso, Fremont, Park, Douglas, Gilpin, Teller, La Plata, Montezuma, and
12 Archuleta;

13 (II) Any municipality located within the boundaries of any county
14 set forth in ~~subparagraph (I) of this paragraph (b)~~ SUBSECTION (2)(c)(I)
15 OF THIS SECTION, except the City of Central, the City of Black Hawk, and
16 the City of Cripple Creek; and

17 (III) Any special district providing emergency services within the
18 boundaries of any county set forth in ~~subparagraph (I) of this paragraph~~
19 ~~(b)~~ SUBSECTION (2)(c)(I) OF THIS SECTION.

20 ~~(5)~~ (3) Notwithstanding the provisions of ~~subparagraph (H) of~~
21 ~~paragraph (b) of subsection (4)~~ SUBSECTION (2)(b)(II) of this section,
22 neither the City of Woodland Park nor the City of Victor shall be eligible
23 local governmental entities prior to July 1, 2002.

24 ~~(6) (a) (f)~~ (4) Notwithstanding any other provision of this section,
25 ~~moneys~~ MONEY accruing to the fund on and after July 1, 2002, and any
26 previously transferred unencumbered ~~moneys~~ MONEY in the fund on July
27 1, 2003, shall be transferred to the general fund. Transfers to the fund

1 shall resume as otherwise provided in this section for any state fiscal year
2 commencing on or after July 1, 2004.

3 ~~(H) Repealed.~~

4 ~~(b) Repealed.~~

5 ~~(7) and (8) Repealed.~~

6 **44-30-1302. [Formerly 12-47.1-1602] Local government limited**
7 **gaming impact advisory committee - creation - duties.** (1) There is
8 hereby created within the department of local affairs a local government
9 limited gaming impact advisory committee, referred to in this section as
10 the "committee". The committee shall be composed of the following
11 thirteen members:

12 (a) The executive director of the department of local affairs;

13 (b) Two members, one of whom shall be appointed by and serve
14 at the pleasure of the executive director of the department of public safety
15 and one who shall be appointed by and serve at the pleasure of the
16 executive director; ~~of the department of revenue;~~

17 (c) Three members representing the counties eligible to receive
18 ~~moneys~~ MONEY from the fund pursuant to ~~section 12-47.1-1601 (4)~~
19 SECTION 44-30-1301 (2) who shall serve at the pleasure of the boards and
20 who shall be appointed as follows:

21 (I) One member shall be appointed by the chairs of the boards of
22 county commissioners from the counties impacted by gaming in the City
23 of Cripple Creek who shall serve a term of four years, except the initial
24 appointee who shall serve a term of two years;

25 (II) One member shall be appointed by the chairs of the boards of
26 county commissioners from the counties impacted by gaming in the City
27 of Central and the City of Black Hawk who shall serve a term of four

1 years; and

2 (III) One member shall be appointed by the chairs of the boards
3 of county commissioners from the counties impacted by tribal gaming
4 who shall serve a term of four years.

5 (d) Two members representing the municipalities eligible to
6 receive ~~moneys~~ MONEY from the fund pursuant to ~~section 12-47.1-1601~~
7 ~~(4)~~ SECTION 44-30-1301 (2) to be appointed by the mayors of the
8 municipalities and who shall serve at the pleasure of the mayors for terms
9 of four years; except that one of the initial appointees shall serve a term
10 of two years. Not more than one member shall be selected pursuant to this
11 ~~paragraph (d)~~ SUBSECTION (1)(d) from each of the groups of counties
12 described in ~~subparagraphs (I) to (III) of paragraph (c) of this subsection~~
13 ~~(I)~~ SUBSECTIONS (1)(c)(I) TO (1)(c)(III) OF THIS SECTION.

14 (e) One member representing the special districts providing
15 emergency services that are eligible to receive ~~moneys~~ MONEY from the
16 fund pursuant to ~~section 12-47.1-1601 (4)~~ SECTION 44-30-1301 (2) to be
17 appointed by and who shall serve at the pleasure of the director of the
18 division in the department of public health and environment responsible
19 for statewide emergency medical and trauma services management;

20 (f) One member of the Colorado house of representatives to be
21 appointed by the speaker of the house of representatives and who shall
22 serve at the pleasure of the speaker;

23 (g) One member of the Colorado senate to be appointed by the
24 president of the senate and who shall serve at the pleasure of the
25 president; and

26 (h) Two members representing the governor, to be appointed by
27 the governor and who shall serve at the pleasure of the governor.

1 ~~(1.5)~~ (2) The terms of the members appointed by the speaker of
2 the house of representatives and the president of the senate who are
3 serving on March 22, 2007, shall be extended to and expire on or shall
4 terminate on the convening date of the first regular session of the
5 sixty-seventh general assembly. As soon as practicable after ~~such~~ THE
6 convening date, the speaker and the president shall each appoint or
7 reappoint one member in the same manner as provided in ~~paragraphs (f)~~
8 ~~and (g) of subsection (1)~~ SUBSECTIONS (1)(f) AND (1)(g) of this section.
9 Thereafter, the terms of the members appointed or reappointed by the
10 speaker and the president shall expire on the convening date of the first
11 regular session of each general assembly, and all subsequent
12 appointments and reappointments by the speaker and the president shall
13 be made as soon as practicable after ~~such~~ THE convening date. The person
14 making the original appointment or reappointment shall fill any vacancy
15 by appointment for the remainder of an unexpired term. Members
16 appointed or reappointed by the speaker and the president shall serve at
17 the pleasure of the appointing authority and shall continue in office until
18 the member's successor is appointed.

19 ~~(2)~~ (3) The executive director of the department of local affairs
20 shall convene the first meeting of the committee. The committee shall
21 select a chair of the committee, from among the committee members, who
22 shall convene the committee from time to time as the committee deems
23 necessary.

24 ~~(3)~~ (4) The committee shall have the following duties:

25 (a) To establish a standardized methodology and criteria for
26 documenting, measuring, assessing, and reporting the documented
27 gaming impacts upon eligible local governmental entities;

1 (b) To review the documented gaming impacts upon eligible local
2 governmental entities on a continuing basis;

3 (c) To review grant applications from eligible local governmental
4 entities, individually or in cooperation with other eligible local
5 governmental entities, based upon the needs of the entities and the
6 documented gaming impacts on the entities;

7 (d) To make funding recommendations on a continuing basis to
8 be considered by the executive director OF THE DEPARTMENT OF LOCAL
9 AFFAIRS in making funding decisions for grant applications submitted by
10 eligible local governmental entities pursuant to ~~section 12-47.1-1601~~
11 ~~(4)(a)~~ SECTION 44-30-1301 (2)(a).

12 ~~(e) Repealed.~~

13 ~~(4)~~ (5) The members of the committee appointed pursuant to
14 ~~paragraphs (f) and (g) of subsection (1)~~ SUBSECTIONS (1)(f) AND (1)(g) of
15 this section are entitled to receive compensation and reimbursement of
16 expenses as provided in section 2-2-326. ~~C.R.S.~~

17 PART 14

18 INDEPENDENT RESTORATION AND PRESERVATION

19 COMMISSION

20 **44-30-1401. [Formerly 12-47.1-1701] Definitions.** As used in this
21 ~~part 17~~ PART 14, unless the context otherwise requires:

22 (1) "City" means a city that is not a certified local government as
23 defined in ~~section 12-47.1-103 (4.5)~~ SECTION 44-30-103 (7) and that
24 receives ~~moneys~~ MONEY from the state historical fund for historic
25 preservation purposes.

26 (2) "Commission" means an independent restoration and
27 preservation commission created pursuant to ~~section 12-47.1-1202 (5)~~

1 SECTION 44-30-1202 (5).

2 **44-30-1402. [Formerly 12-47.1-1702] Independent restoration**
3 **and preservation commission - appointments - qualifications - new**
4 **appointments - appointments without nominations.** (1) Pursuant to
5 ~~section 12-47.1-1202 (5)~~ SECTION 44-30-1202 (5), the governing body of
6 a city shall create an independent restoration and preservation
7 commission. The governing body shall appoint seven members to the
8 commission as follows:

9 (a) Two persons who are architects shall be appointed from
10 nominees submitted by the Colorado chapter of the American institute of
11 architects or any successor organization.

12 (b) Two persons who are experts in historic preservation shall be
13 appointed from nominees submitted by the Colorado historical society.

14 (c) Two persons who shall each have a degree in either urban
15 planning or landscape architecture shall be appointed from nominees
16 submitted by the Colorado chapter of the American planning association
17 or any successor organization.

18 (d) One person who is a member of the community shall be
19 appointed directly by the governing body of the city.

20 (2) In making appointments to the commission, the governing
21 body of the city shall give due consideration to maintaining a balance of
22 interests and skills in the composition of the commission and to the
23 individual qualifications of the candidates, including their training,
24 experience, and knowledge in the areas of architecture, landscape
25 architecture, the history of the community, real estate, law, and urban
26 planning.

27 (3) At any time that the term of office of a member of the

1 commission is due to expire or when a member resigns, the governing
2 body of the city shall request at least two nominees for each ~~such~~ opening
3 from the appropriate entity listed in subsection (1) of this section; except
4 that ~~no such~~ THIS requirement shall NOT apply to the member of the
5 community appointed directly by the governing body. The governing
6 body shall make the appointments from the appropriate list of
7 nominations.

8 (4) If the nominations required to make appointments or to fill
9 vacancies have not been received by the governing body of the city within
10 forty-five days after a written request for the required list has been sent
11 to the nominating entity, the governing body may appoint members of the
12 commission without nominations. However, the governing body shall
13 give consideration to the qualifications of the appointee as if ~~such~~ THE
14 appointee were nominated by the designated nominating entity.

15 (5) Members of the commission shall be appointed by and shall
16 serve at the pleasure of the governing body of the city. Each member shall
17 continue to serve until the member's successor has been duly appointed
18 pursuant to subsection (1) of this section and is acting, but ~~no such~~ THE
19 period shall NOT extend more than ninety days past the expiration of the
20 first member's term. The governing body shall determine the length of
21 terms and whether the terms are staggered.

22 **44-30-1403. [Formerly 12-47.1-1703] Funding - compensation.**

23 (1) Costs associated with the operation of the commission shall be paid
24 from the city's share of preservation and restoration ~~moneys~~ MONEY from
25 the state historical fund.

26 (2) Members of the commission shall serve without compensation.
27 To the extent authorized by the governing body of the city, members of

1 the commission may be reimbursed for actual and necessary expenses
2 incurred in the discharge of their official duties, including an allowance
3 for mileage.

4 **44-30-1404. [Formerly 12-47.1-1704] Officers - bylaws - rules.**

5 (1) The commission shall elect a chairperson and ~~such~~ ANY officers ~~as~~
6 THAT it may require.

7 (2) The commission shall make and adopt bylaws governing its
8 work.

9 (3) The commission may adopt rules ~~and regulations~~ for the
10 administration and enforcement of part 12 of this ~~article~~ ARTICLE 30 and
11 this ~~part 17~~ PART 14.

12 **44-30-1405. [Formerly 12-47.1-1705] Meetings.** The commission
13 shall act only at regularly scheduled semi-monthly meetings, ~~which~~ THAT
14 shall be held at a time determined by the governing body of the city, or at
15 meetings of which not less than five days' notice has been given. Absent
16 the objection of any member, the chairperson may cancel or postpone a
17 regularly scheduled meeting of the commission.

18 **44-30-1406. [Formerly 12-47.1-1706] Quorum - action.** No
19 official business of the commission shall be conducted unless a quorum
20 of not less than four members is present. The concurring vote of at least
21 four members of the commission is necessary to constitute an official act
22 of the commission.

23 **44-30-1407. [Formerly 12-47.1-1707] Final agency action -**
24 **judicial review.** Any official decision of the commission shall be
25 considered final agency action and subject to judicial review in a court of
26 competent jurisdiction. No official decision of the commission shall be
27 appealable to or reviewable by the governing body of the city.

1 for, the licensing and regulation of ~~such~~ THE activity;

2 (b) The allocation of criminal and civil jurisdiction between this
3 state and the Indian tribe necessary for the enforcement of ~~such~~ THE laws
4 and regulations;

5 (c) The assessment by this state of such activities in such amounts
6 as are necessary to defray the costs of regulating such activity;

7 (d) Taxation by the Indian tribe of ~~such~~ THE activity in amounts
8 comparable to amounts assessed by this state for comparable activities;

9 (e) Remedies for breach of contract;

10 (f) Standards for the operation of ~~such~~ THE activity and
11 maintenance of the gaming facility, including licensing; and

12 (g) Any other subjects that are directly related to the operation of
13 gaming activities.

14 (2) It is the intent of the general assembly that the restrictions set
15 forth in section 9 of article XVIII of the state constitution shall apply to
16 limited gaming activities on tribal lands.

17 **SECTION 4. Repeal of relocated provisions in this act.** In
18 Colorado Revised Statutes, **repeal** articles 47.1 and 47.2 of title 12.

19 **SECTION 5.** In Colorado Revised Statutes, 2-3-123, **amend** (1)
20 introductory portion and (1)(b) as follows:

21 **2-3-123. Audits of the distribution of money in the state**
22 **historical fund used for the preservation and restoration of the cities**
23 **of Central, Black Hawk, and Cripple Creek.** (1) Subject to the
24 requirements of section 2-3-103 (2), no later than September 1, 2017,
25 September 1, 2022, and September 1, 2027, the state auditor shall conduct
26 or cause to be conducted postaudits and performance audits of the twenty
27 percent of the twenty-eight percent of the limited gaming fund that is

1 transferred to the state historical fund for the preservation and restoration
2 of the city of Central, the city of Black Hawk, and the city of Cripple
3 Creek as specified in ~~subsection (5)(b)(III) of section 9~~ SECTION 9
4 (5)(b)(III) of article XVIII of the state constitution in order to ascertain:

5 (b) Whether the city of Central, the city of Black Hawk, and the
6 city of Cripple Creek have adopted and are following the standards
7 described in ~~section 12-47.1-1202(3), C.R.S.~~ SECTION 44-30-1202 (3) for
8 distribution of grants from each city's share.

9 **SECTION 6.** In Colorado Revised Statutes, 6-1-802, **amend** (1)
10 and (10) as follows:

11 **6-1-802. Definitions.** As used in this part 8, unless the context
12 otherwise requires:

13 (1) "Contest" means any game, puzzle, competition, or plan that
14 holds out or offers to prospective participants the opportunity to receive
15 or compete for gifts, prizes, or gratuities as determined by skill or any
16 combination of chance and skill; except that "contest" shall not be
17 construed to include any activity of licensees regulated under ~~article 9 or~~
18 ~~article 47.1 of title 12, C.R.S.~~ PART 6 OF ARTICLE 21 OF TITLE 24, ARTICLE
19 30 OF TITLE 44, or part 2 of article 35 of title 24. ~~C.R.S.~~

20 (10) "Sweepstakes" means any competition, giveaway, drawing,
21 plan, or other selection process or other enterprise or promotion in which
22 anything of value is awarded to participants by chance or random
23 selection that is not otherwise unlawful under other provisions of law;
24 except that "sweepstakes" shall not be construed to include any activity
25 of licensees regulated under ~~article 9 or article 47.1 of title 12, C.R.S.~~
26 PART 6 OF ARTICLE 21 OF TITLE 24, ARTICLE 30 OF TITLE 44, or part 2 of
27 article 35 of title 24. ~~C.R.S.~~

1 **SECTION 7.** In Colorado Revised Statutes, 12-15.5-108, **amend**
2 (1) as follows:

3 **12-15.5-108. Authorization to conduct fantasy contests.**

4 (1) Fantasy contests are authorized and may be conducted by a fantasy
5 contest operator at a licensed gaming establishment, as that term is
6 defined in ~~section 12-47.1-103 (15)~~ SECTION 44-30-103 (18). A gaming
7 retailer, as that term is defined in ~~section 12-47.1-103 (24)~~ SECTION
8 44-30-103 (27), may conduct fantasy contests if the gaming retailer is
9 licensed as a fantasy contest operator.

10 **SECTION 8.** In Colorado Revised Statutes, 12-47-414, **amend**
11 (1) as follows:

12 **12-47-414. Retail gaming tavern license.** (1) A retail gaming
13 tavern license shall be issued to persons who are licensed pursuant to
14 ~~section 12-47.1-501 (1)(c)~~ SECTION 44-30-501 (1)(c), who sell alcohol
15 beverages by individual drink for consumption on the premises, and who
16 sell sandwiches or light snacks or who contract with an establishment that
17 provides ~~such~~ THE food services within the same building as the licensed
18 premises. In no event shall any person hold more than three retail gaming
19 tavern licenses.

20 **SECTION 9.** In Colorado Revised Statutes, **amend** 16-2.5-121
21 as follows:

22 **16-2.5-121. Executive director of the department of revenue**
23 **- senior director of enforcement for the department of revenue.** The
24 executive director and the senior director of enforcement of the
25 department of revenue are peace officers while engaged in the
26 performance of their duties whose authority includes the enforcement of
27 laws and rules regarding automobile dealers pursuant to section 12-6-105

1 (3), the lottery pursuant to sections 24-35-205 (3) and 24-35-206 (7),
2 medical marijuana pursuant to article 43.3 of title 12, limited gaming
3 pursuant to ~~section 12-47.1-204~~ SECTION 44-30-204, liquor pursuant to
4 section 12-47-904 (1), and racing events pursuant to section 12-60-203
5 (1), and the enforcement of all laws of the state of Colorado and who may
6 be certified by the P.O.S.T. board.

7 **SECTION 10.** In Colorado Revised Statutes, **amend** 16-2.5-123
8 as follows:

9 **16-2.5-123. Director of the division of gaming - gaming**
10 **investigator.** The director of the division of gaming in the department of
11 revenue or a gaming investigator in the department of revenue is a peace
12 officer while engaged in the performance of his or her duties whose
13 primary authority shall be as stated in ~~section 12-47.1-204, C.R.S.~~
14 SECTION 44-30-204, and shall also include the enforcement of all laws of
15 the state of Colorado and who may be certified by the P.O.S.T. board.

16 **SECTION 11.** In Colorado Revised Statutes, 16-13-303, **amend**
17 (1)(m) as follows:

18 **16-13-303. Class 1 public nuisance.** (1) Every building or part
19 of a building including the ground upon which it is situate and all fixtures
20 and contents thereof, every vehicle, and any real property shall be deemed
21 a class 1 public nuisance when:

22 (m) (I) Used, or designed and intended to be used, as gaming
23 premises, or as a place where any gaming device, as ~~such~~ THE term is
24 defined in ~~section 12-47.1-103 (10), C.R.S.~~ SECTION 44-30-103 (13), or
25 gaming record is kept, in violation of ~~article 47.1 of title 12, C.R.S.~~
26 ARTICLE 30 OF TITLE 44, or in violation of article 20 of title 18; ~~C.R.S.;~~

27 (II) Used for transporting adjusted gross proceeds or gaming

1 devices as ~~such~~ THE terms are defined in ~~section 12-47.1-103 (1) and (10),~~
2 ~~C.R.S. SECTION 44-30-103 (1) AND (13),~~ or records in violation of the
3 provisions of ~~article 47.1 of title 12, C.R.S. ARTICLE 30 OF TITLE 44,~~ or in
4 violation of article 20 of title 18; ~~C.R.S.;~~

5 (III) Used for the unlawful manufacture, production, sale,
6 distribution, or for storage or possession for any unlawful manufacture,
7 sale, or distribution of any gaming device, as defined in ~~section~~
8 ~~12-47.1-103 (10), C.R.S. SECTION 44-30-103 (13),~~ or any other gaming
9 device, equipment, key, electronic or mechanical device, slot machine,
10 bogus chips, counterfeit chips, cards, coins, gaming billets, cheating
11 device, thieving device, tools, drills, or wires used in violation of ~~article~~
12 ~~47.1 of title 12, C.R.S. ARTICLE 30 OF TITLE 44,~~ or in violation of article
13 20 of title 18; ~~C.R.S.;~~ or

14 **SECTION 12.** In Colorado Revised Statutes, 16-15-102, **amend**
15 (1)(a)(IX) as follows:

16 **16-15-102. Ex parte order authorizing the interception of wire,**
17 **oral, or electronic communications.** (1) (a) An ex parte order
18 authorizing or approving the interception of any wire, oral, or electronic
19 communication may be issued by any judge of competent jurisdiction of
20 the state of Colorado upon application of the attorney general or a district
21 attorney, or his or her designee if the attorney general or district attorney
22 is absent from his or her jurisdiction, showing by affidavit that there is
23 probable cause to believe that evidence will be obtained of the
24 commission of any one of the crimes enumerated in this subsection (1) or
25 that one of said enumerated crimes will be committed:

26 (IX) Limited gaming as defined in ~~article 47.1 of title 12~~ ARTICLE
27 30 OF TITLE 44 or in violation of article 20 of title 18; or

1 **SECTION 13.** In Colorado Revised Statutes, 18-10-102, **amend**
2 the introductory portion, (2)(f), (3), (9), and (10) as follows:

3 **18-10-102. Definitions.** As used in this ~~article~~ ARTICLE 10, unless
4 the context otherwise requires:

5 (2) "Gambling" means risking any money, credit, deposit, or other
6 thing of value for gain contingent in whole or in part upon lot, chance, the
7 operation of a gambling device, or the happening or outcome of an event,
8 including a sporting event, over which the person taking a risk has no
9 control, but does not include:

10 (f) Any use of or transaction involving a crane game, as defined
11 in ~~section 12-47.1-103 (5.5), C.R.S.~~ SECTION 44-30-103 (9).

12 (3) "Gambling device" means any device, machine, paraphernalia,
13 or equipment that is used or usable in the playing phases of any
14 professional gambling activity, whether that activity consists of gambling
15 between persons or gambling by a person involving the playing of a
16 machine; except that the term does not include a crane game, as defined
17 in ~~section 12-47.1-103 (5.5), C.R.S.~~ SECTION 44-30-103 (9).

18 (9) "Repeating gambling offender" means any person who is
19 convicted of an offense under section 18-10-103 (2) or sections
20 18-10-105 to 18-10-107 ~~or sections 12-47.1-809 to 12-47.1-811 or~~
21 ~~12-47.1-818 to 12-47.1-832 or 12-47.1-839, C.R.S.~~ or sections 18-20-103
22 to 18-20-114 OR SECTIONS 44-30-809 TO 44-30-811 OR 44-30-818 TO
23 44-30-831 OR 44-30-837, within five years after a previous misdemeanor
24 conviction under these sections or a former statute prohibiting gambling
25 activities, or at any time after a previous felony conviction under any of
26 the mentioned sections. A conviction in any jurisdiction of the United
27 States of an offense which, if committed in this state, would be

1 professional gambling shall warrant a prosecution in this state as a
2 repeating gambling offender.

3 (10) "Vintage slot machine" means any model slot machine, as
4 defined in ~~section 12-47.1-103 (26), C.R.S.~~ SECTION 44-30-103 (30), that
5 was introduced on the market prior to January 1, 1984.

6 **SECTION 14.** In Colorado Revised Statutes, 18-17-103, **amend**
7 the introductory portion and (5)(b)(XVI) as follows:

8 **18-17-103. Definitions.** As used in this ~~article~~ ARTICLE 17, unless
9 the context otherwise requires:

10 (5) "Racketeering activity" means to commit, to attempt to
11 commit, to conspire to commit, or to solicit, coerce, or intimidate another
12 person to commit:

13 (b) Any violation of the following provisions of the Colorado
14 statutes or any criminal act committed in any jurisdiction of the United
15 States which, if committed in this state, would be a crime under the
16 following provisions of the Colorado statutes:

17 (XVI) Offenses relating to limited gaming, as defined in ~~article~~
18 ~~47.1 of title 12, C.R.S.~~ ARTICLE 30 OF TITLE 44 or article 20 of this ~~title~~
19 TITLE 18; and

20 **SECTION 15.** In Colorado Revised Statutes, **amend** 18-20-102
21 as follows:

22 **18-20-102. Definitions - terms used.** (1) As used in this ~~article~~
23 ARTICLE 20, unless this ~~article~~ ARTICLE 20 otherwise provides or unless
24 the context otherwise requires, terms used in this ~~article~~ ARTICLE 20 shall
25 have the same meanings as those set forth in ~~article 47.1 of title 12,~~
26 ~~C.R.S.~~ ARTICLE 30 OF TITLE 44.

27 (2) The term "repeating gambling offender" means any person

1 who is convicted of an offense under section 18-10-103 (2), sections
2 18-10-105 to 18-10-107, or sections 18-20-103 to 18-20-114, or sections
3 ~~12-47.1-809 to 12-47.1-811 or 12-47.1-818 to 12-47.1-832 or~~
4 ~~12-47.1-839, C.R.S.~~ SECTIONS 44-30-809 TO 44-30-811 OR 44-30-818 TO
5 44-30-831 OR 44-30-837, within five years after a previous misdemeanor
6 conviction under said sections or under a former statute prohibiting
7 gambling activities or at any time after a previous felony conviction under
8 any of said sections. A conviction in any jurisdiction of the United States
9 of an offense which, if committed in this state, would be professional
10 gambling shall constitute a previous conviction for purposes of a
11 prosecution in this state as a repeating gambling offender.

12 **SECTION 16.** In Colorado Revised Statutes, 18-20-103, **amend**
13 (1)(a), (1)(b), (1)(c), (1)(d), and (2) as follows:

14 **18-20-103. Violations of taxation provisions - penalties.**

15 (1) Any person who:

16 (a) Makes any false or fraudulent return in attempting to defeat or
17 evade the tax imposed by ~~article 47.1 of title 12, C.R.S.~~ ARTICLE 30 OF
18 TITLE 44, commits a class 5 felony;

19 (b) Fails to pay tax due under ~~article 47.1 of title 12, C.R.S.~~
20 ARTICLE 30 OF TITLE 44, within thirty days after the date the tax becomes
21 due commits a class 1 misdemeanor;

22 (c) Fails to file a return required by ~~article 47.1 of title 12, C.R.S.~~
23 ARTICLE 30 OF TITLE 44, within thirty days after the date the return is due
24 commits a class 1 misdemeanor;

25 (d) Violates ~~section 12-47.1-603 (1)(b) or (1)(c), C.R.S.~~ SECTION
26 44-30-603 (1)(b) OR (1)(c), two or more times in any twelve-month period
27 commits a class 5 felony;

1 (2) For purposes of this section, "person" includes corporate
2 officers having control or supervision of, or responsibility for, completing
3 tax returns or making payments pursuant to ~~article 47.1 of title 12, C.R.S.~~
4 ARTICLE 30 OF TITLE 44.

5 **SECTION 17.** In Colorado Revised Statutes, **amend** 18-20-104
6 as follows:

7 **18-20-104. False statement on application - violations of rules**
8 **or provisions of article 30 of title 44 as felony.** Any person who
9 knowingly makes a false statement in any application for a license or in
10 any statement attached to the application, or who provides any false or
11 misleading information to the commission or the division, or who fails to
12 keep books and records to substantiate the receipts, expenses, or uses
13 resulting from limited gaming conducted under ~~article 47.1 of title 12,~~
14 ~~C.R.S.~~ ARTICLE 30 OF TITLE 44, as prescribed in rules ~~or regulations~~
15 promulgated by the commission, or who falsifies any books or records
16 which relate to any transaction connected with the holding, operating, and
17 conducting of any limited card games or slot machines, or who knowingly
18 violates any of the provisions of ~~article 47.1 of title 12, C.R.S.~~ ARTICLE
19 30 OF TITLE 44, or any rule ~~or regulation~~ adopted by the commission or
20 any terms of any license granted under said ~~article 47.1~~ ARTICLE 30,
21 commits a class 5 felony.

22 **SECTION 18.** In Colorado Revised Statutes, 18-20-105, **amend**
23 (1) and (3) as follows:

24 **18-20-105. Slot machines - shipping notices.** (1) Any slot
25 machine manufacturer or distributor shipping or importing a slot machine
26 into the state of Colorado shall provide to the Colorado limited gaming
27 control commission created in ~~section 12-47.1-301, C.R.S.,~~ SECTION

1 44-30-301, at the time of shipment a copy of the shipping invoice which
2 shall include, at a minimum, the destination, the serial number of each
3 machine, and a description of each machine. Any person within the state
4 of Colorado receiving a slot machine shall, upon receipt of the machine,
5 provide to the Colorado limited gaming control commission upon a form
6 available from the commission information showing at a minimum the
7 location of each machine, its serial number, and description. ~~Such~~ THE
8 report shall be provided regardless of whether the machine is received
9 from a manufacturer or any other person. Any machine licensed pursuant
10 to ~~section 12-47.1-803, C.R.S.~~ SECTION 44-30-803, shall be licensed for
11 a specific location, and movement of the machine from that location shall
12 be reported to said commission within the time period set out in rules
13 promulgated pursuant to ~~section 12-47.1-803 (1)(d), C.R.S~~ SECTION
14 44-30-803 (1)(d). Any person violating any provision of ~~section~~
15 ~~12-47.1-803, C.R.S.~~ SECTION 44-30-803 commits a class 5 felony. Any
16 slot machine ~~which~~ THAT is not in compliance with ~~article 47.1 of title 12,~~
17 ~~C.R.S.~~ ARTICLE 30 OF TITLE 44 is declared contraband and may be
18 summarily seized and destroyed after notice and hearing.

19 (3) The director of the division of gaming appointed pursuant to
20 ~~section 12-47.1-201, C.R.S.,~~ SECTION 44-30-201 may approve a change
21 to the registration of a slot machine under circumstances constituting an
22 emergency. If said director approves ~~such~~ an emergency change, the
23 registration of the slot machine shall not be suspended pending the filing
24 of a supplemental application.

25 **SECTION 19.** In Colorado Revised Statutes, 18-20-106, **amend**
26 (2) introductory portion and (3) as follows:

27 **18-20-106. Cheating.** (2) For purposes of ~~article 47.1 of title 12,~~

1 ~~C.R.S.~~ ARTICLE 30 OF TITLE 44, "cheating" means to alter the selection of
2 criteria which determine:

3 (3) Any person issued a license pursuant to ~~article 47.1 of title 12,~~
4 ~~C.R.S.~~ ARTICLE 30 OF TITLE 44, violating any provision of this section
5 commits a class 6 felony, and any other person violating any provision of
6 this section commits a class 1 misdemeanor. If the person is a repeating
7 gambling offender, the person commits a class 5 felony.

8 **SECTION 20.** In Colorado Revised Statutes, 18-20-107, **amend**
9 (1)(d), (1)(k), (1)(m), (1)(n), and (2) as follows:

10 **18-20-107. Fraudulent acts.** (1) It is unlawful for any person:

11 (d) Knowingly to entice or induce another to go to any place
12 where limited gaming is being conducted or operated in violation of the
13 provisions of ~~article 47.1 of title 12, C.R.S.~~ ARTICLE 30 OF TITLE 44, with
14 the intent that the other person play or participate in that limited gaming
15 activity;

16 (k) To permit any limited gaming game or slot machine to be
17 conducted, operated, dealt, or carried on in any limited gaming premises
18 by a person other than a person licensed for ~~such~~ THE premises pursuant
19 to ~~article 47.1 of title 12, C.R.S.~~ ARTICLE 30 OF TITLE 44;

20 (m) To employ or continue to employ any person in a limited
21 gaming operation who is not duly licensed or registered in a position
22 whose duties require a license or registration pursuant to ~~article 47.1 of~~
23 ~~title 12, C.R.S.~~ ARTICLE 30 OF TITLE 44; or

24 (n) To, without first obtaining the requisite license or registration
25 pursuant to ~~article 47.1 of title 12, C.R.S.~~ ARTICLE 30 OF TITLE 44, be
26 employed, work, or otherwise act in a position whose duties would
27 require licensing or registration pursuant to said ~~article~~ ARTICLE 30.

1 (2) Any person issued a license pursuant to ~~article 47.1 of title 12,~~
2 ~~C.R.S.~~ ARTICLE 30 OF TITLE 44 violating any provision of this section
3 commits a class 6 felony, and any other person violating any provision of
4 this section commits a class 1 misdemeanor. If the person is a repeating
5 gambling offender, the person commits a class 5 felony.

6 **SECTION 21.** In Colorado Revised Statutes, 18-20-108, **amend**
7 (2) as follows:

8 **18-20-108. Use of device for calculating probabilities.** (2) Any
9 person issued a license pursuant to ~~article 47.1 of title 12, C.R.S.,~~
10 ARTICLE 30 OF TITLE 44 violating any provision of this section commits
11 a class 6 felony and any other person violating any provision of this
12 section commits a class 1 misdemeanor. If the person is a repeating
13 gambling offender, the person commits a class 5 felony.

14 **SECTION 22.** In Colorado Revised Statutes, 18-20-109, **amend**
15 (2)(b), (3), and (4) as follows:

16 **18-20-109. Use of counterfeit or unapproved chips or tokens**
17 **or unlawful coins or devices - possession of certain unlawful devices,**
18 **equipment, products, or materials.** (2) It is unlawful for any person, in
19 playing or using any limited gaming activity designed to be played with,
20 to receive, or to be operated by chips or tokens approved by the Colorado
21 limited gaming control commission or by lawful coin of the United States
22 of America:

23 (b) To use any device or means to violate the provisions of ~~article~~
24 ~~47.1 of title 12, C.R.S.~~ ARTICLE 30 OF TITLE 44.

25 (3) It is unlawful for any person to possess any device, equipment,
26 or material which he knows has been manufactured, distributed, sold,
27 tampered with, or serviced in violation of the provisions of ~~article 47.1 of~~

1 ~~title 12, C.R.S.~~ ARTICLE 30 OF TITLE 44.

2 (4) It is unlawful for any person, not a duly authorized employee
3 of a licensee acting in furtherance of his or her employment within an
4 establishment, to have on his or her person or in his or her possession any
5 device intended to be used to violate the provisions of ~~article 47.1 of title~~
6 ~~12, C.R.S.~~ ARTICLE 30 OF TITLE 44.

7 **SECTION 23.** In Colorado Revised Statutes, 18-20-111, **amend**
8 (1), (3), and (4) as follows:

9 **18-20-111. Unlawful manufacture, sale, distribution, marking,**
10 **altering, or modification of equipment and devices related to limited**
11 **gaming - unlawful instruction.** (1) It is unlawful to manufacture, sell,
12 or distribute any cards, chips, dice, game, or device ~~which~~ THAT is
13 intended to be used to violate any provision of ~~article 47.1 of title 12,~~
14 ~~C.R.S.~~ ARTICLE 30 OF TITLE 44.

15 (3) It is unlawful for any person to instruct another in cheating or
16 in the use of any device for that purpose, with the knowledge or intent
17 that the information or use so conveyed may be employed to violate any
18 provision of ~~article 47.1 of title 12, C.R.S.~~ ARTICLE 30 OF TITLE 44.

19 (4) Any person issued a license pursuant to ~~article 47.1 of title 12,~~
20 ~~C.R.S.~~ ARTICLE 30 OF TITLE 44 violating any provision of this section
21 commits a class 6 felony, and any other person violating any provision of
22 this section commits a class 1 misdemeanor. If the person is a repeating
23 gambling offender, the person commits a class 5 felony.

24 **SECTION 24.** In Colorado Revised Statutes, 18-20-112, **amend**
25 (1) and (2) as follows:

26 **18-20-112. Unlawful entry by excluded and ejected persons.**
27 (1) It is unlawful for any person whose name is on the list promulgated

1 by the Colorado limited gaming control commission pursuant to ~~section~~
2 ~~12-47.1-1001 or 12-47.1-1002, C.R.S.~~, SECTION 44-30-1001 OR
3 44-30-1002 to enter the licensed premises of a limited gaming licensee.

4 (2) It is unlawful for any person whose name is on the list
5 promulgated by the Colorado limited gaming control commission
6 pursuant to ~~section 12-47.1-1001 or 12-47.1-1002, C.R.S.~~ SECTION
7 44-30-1001 OR 44-30-1002 to have any personal pecuniary interest, direct
8 or indirect, in any limited gaming licensee, licensed premises,
9 establishment, or business involved in or with limited gaming or in the
10 shares in any corporation, association, or firm licensed pursuant to ~~article~~
11 ~~47.1 of title 12, C.R.S.~~ ARTICLE 30 OF TITLE 44.

12 **SECTION 25.** In Colorado Revised Statutes, 18-20-113, **amend**
13 (1) as follows:

14 **18-20-113. Personal pecuniary gain or conflict of interest.**

15 (1) It is unlawful for any person to issue, suspend, revoke, or renew any
16 license pursuant to ~~article 47.1 of title 12, C.R.S.~~ ARTICLE 30 OF TITLE 44,
17 for any personal pecuniary gain or any thing of value, as defined in
18 section 18-1-901 (3)(r), or for any person to violate any of the provisions
19 of part 4 of ~~article 47.1 of title 12, C.R.S.~~ ARTICLE 30 OF TITLE 44.

20 **SECTION 26.** In Colorado Revised Statutes, 18-20-114, **amend**
21 (1) as follows:

22 **18-20-114. False or misleading information - unlawful.** (1) It
23 is unlawful for any person to provide any false or misleading information
24 under the provisions of ~~article 47.1 of title 12, C.R.S.~~ ARTICLE 30 OF TITLE
25 44.

26 **SECTION 27.** In Colorado Revised Statutes, 23-19.7-104,
27 **amend** (1)(d) as follows:

1 **23-19.7-104. Innovative higher education research fund -**
2 **funding.** (1) There is hereby created in the state treasury the innovative
3 higher education research fund, which shall consist of:

4 (d) Any ~~moneys~~ MONEY transferred pursuant to ~~section~~
5 ~~12-47.1-701 (2), C.R.S.~~ SECTION 44-30-701 (2); and

6 **SECTION 28.** In Colorado Revised Statutes, **amend** 23-60-106
7 as follows:

8 **23-60-106. Notification concerning gaming schools.** The board
9 shall notify the limited gaming control commission created in ~~section~~
10 ~~12-47.1-301, C.R.S.~~, SECTION 44-30-301 of any educational program or
11 school offering instruction in occupations relating to limited gaming or
12 any other gambling.

13 **SECTION 29.** In Colorado Revised Statutes, 24-1-135, **amend**
14 (2) as follows:

15 **24-1-135. Effect of congressional redistricting.** (2) Any
16 member of a board, commission, or committee who was appointed or
17 elected to ~~such~~ THE office as a resident of a designated congressional
18 district pursuant to section 24 (2) of article VI of the state constitution or
19 section 11-2-102, 12-22-104, 12-35-104, ~~12-47.1-301~~, 22-2-105,
20 23-1-102, 23-20-102, 23-21-503, ~~or~~ 23-60-104, ~~C.R.S., or section~~
21 24-32-308, ~~or~~ 24-32-706, ~~or section~~ 25-1-103, 25-1-902, 25-3.5-104,
22 26-11-101, 33-11-105, 34-60-104, ~~or~~ 35-65-401, ~~C.R.S.~~ OR 44-30-301,
23 and who no longer resides in ~~such~~ THE congressional district solely
24 because of a change made to the boundaries of ~~such~~ THE district
25 subsequent to the 1990 federal decennial census is eligible to hold office
26 for the remainder of the term to which the member was elected or
27 appointed, notwithstanding ~~such~~ THE nonresidency.

1 **SECTION 30.** In Colorado Revised Statutes, 24-30-1310, **amend**
2 (1)(d) as follows:

3 **24-30-1310. Funding for capital construction, controlled**
4 **maintenance, or capital renewal - definitions.** (1) As used in this
5 section, unless the context otherwise requires:

6 (d) "Cash fund" does not include the lottery fund created in
7 section 24-35-210 or the limited gaming fund created in ~~section~~
8 ~~12-47.1-701 (1)~~ SECTION 44-30-701 (1), nor does it include money
9 allocated to the division of parks and wildlife from lottery proceeds as
10 specified in section 3 of article XXVII of the state constitution.

11 **SECTION 31.** In Colorado Revised Statutes, 24-33.5-1203.5,
12 **amend** (2)(b) as follows:

13 **24-33.5-1203.5. Powers and duties of director - report.** (2) In
14 order to carry out the purposes and provisions of this part 12 and part 14
15 of article 20 of title 30, the director of the division shall promulgate rules
16 in accordance with article 4 of this title 24:

17 (b) Adopting nationally recognized standards that the director
18 reasonably finds necessary to carry out the purposes and provisions of this
19 part 12, sections 24-33.5-2008 ~~and 12-47.1-516~~ AND 44-30-515, and part
20 14 of article 20 of title 30.

21 **SECTION 32.** In Colorado Revised Statutes, 24-34-104, **amend**
22 (23)(a)(VII) as follows:

23 **24-34-104. General assembly review of regulatory agencies**
24 **and functions for repeal, continuation, or reestablishment - legislative**
25 **declaration - repeal.** (23) (a) The following agencies, functions, or both,
26 are scheduled for repeal on September 1, 2022:

27 (VII) The division of gaming created in part 2 of ~~article 47.1~~ of

1 ~~title 12, C.R.S.~~ ARTICLE 30 OF TITLE 44;

2 **SECTION 33.** In Colorado Revised Statutes, 24-46-105.7,
3 **amend** (9)(a)(I) as follows:

4 **24-46-105.7. Performance-based incentive for new job**
5 **creation - new jobs incentives cash fund.** (9) (a) There is hereby
6 created in the state treasury the new jobs incentives cash fund, referred to
7 in this section as the "fund". The fund shall consist of:

8 (I) ~~Moneys~~ MONEY transferred to the fund in accordance with
9 ~~section 12-47.1-701 (2), C.R.S.~~ SECTION 44-30-701 (2); and

10 **SECTION 34.** In Colorado Revised Statutes, 24-46-303, **amend**
11 (7.5) as follows:

12 **24-46-303. Definitions.** As used in this part 3, unless the context
13 otherwise requires:

14 (7.5) "Gambling-related activities" means any betting, wagering,
15 or payments made on or in connection with one or more games that
16 qualify as gambling as defined in section 18-10-102 (2), ~~C.R.S.~~, or
17 limited gaming as defined in section 9 of article XVIII of the state
18 constitution and ~~section 12-47.1-103 (19), C.R.S.~~ SECTION 44-30-103
19 (22).

20 **SECTION 35.** In Colorado Revised Statutes, 24-48.5-116,
21 **amend** (5)(a)(I) as follows:

22 **24-48.5-116. Film, television, and media - performance-based**
23 **incentive for film production in Colorado - Colorado office of film,**
24 **television, and media operational account cash fund - creation.**
25 (5) (a) There is hereby created in the state treasury the Colorado office
26 of film, television, and media operational account cash fund, referred to
27 in this section as the "fund". The fund shall consist of:

1 (I) ~~Moneys~~ MONEY transferred to the fund in accordance with
2 ~~section 12-47.1-701 (2), C.R.S.~~ SECTION 44-30-701 (2);

3 **SECTION 36.** In Colorado Revised Statutes, 24-48.5-117,
4 **amend** (7)(a)(III) as follows:

5 **24-48.5-117. Advanced industry - grants - fund - definitions -**
6 **repeal.** (7) **Fund.** (a) The advanced industries acceleration cash fund is
7 created in the state treasury. The fund consists of:

8 (III) ~~Moneys~~ MONEY transferred to it pursuant to ~~section~~
9 ~~12-47.1-701 (2), C.R.S.~~ SECTION 44-30-701 (2);

10 **SECTION 37.** In Colorado Revised Statutes, 24-48.5-301,
11 **amend** (2)(a)(II) as follows:

12 **24-48.5-301. Creative industries division - creative industries**
13 **cash fund - creation - definition.** (2) (a) There is hereby created in the
14 state treasury the creative industries cash fund, referred to in this section
15 as the "fund". The fund consists of:

16 (II) ~~Moneys~~ MONEY transferred to the fund in accordance with
17 ~~section 12-47.1-701 (2) (a) (V), C.R.S.~~ SECTION 44-30-701 (2)(a)(V);

18 **SECTION 38.** In Colorado Revised Statutes, 24-48.5-314,
19 **amend** (5)(b) as follows:

20 **24-48.5-314. Creative districts - creation - certification -**
21 **powers of coordinator and division - legislative declaration -**
22 **definitions.** (5) (b) In addition to any powers explicitly granted to the
23 division under this section, the division shall have ~~such~~ ANY additional
24 powers ~~as~~ THAT are necessary to carry out the purposes of this section.
25 Where authorized by law, ~~such~~ THE powers may include offering
26 incentives to state-certified creative districts to encourage business
27 development, including, but not limited to, incentives in the form of

1 need-based funding for infrastructure development in state-certified
2 creative districts, exploring new incentives that are directly related to
3 creative enterprises, facilitating local access to state economic
4 development assistance, enhancing the visibility of state-certified creative
5 districts, providing state-certified creative districts with technical
6 assistance and planning aid, ensuring broad and equitable program
7 benefits, and fostering a supportive climate for the arts and culture within
8 the state; except that, notwithstanding any other provision of this section,
9 a creative district created pursuant to this section shall not be eligible to
10 receive any form of financial incentive that is derived from ~~moneys~~
11 MONEY allocated to the local government limited gaming impact fund
12 created in ~~section 12-47.1-1601 (1)(a), C.R.S.~~ SECTION 44-30-1301 (1),
13 without the consent of the applicable eligible local governmental entity
14 or entities, as defined in ~~section 12-47.1-1601 (4)(b), C.R.S.~~ SECTION
15 44-30-1301 (2)(c), inside the territorial boundaries of which the creative
16 district is located.

17 **SECTION 39.** In Colorado Revised Statutes, 24-49.7-106,
18 **amend** (1)(a) as follows:

19 **24-49.7-106. Colorado travel and tourism promotion fund -**
20 **Colorado travel and tourism additional source fund - creation -**
21 **nature of funds.** (1) There is hereby created a fund in the state treasury
22 to be known as the Colorado travel and tourism promotion fund, which
23 shall be administered by the board and which shall consist of:

24 (a) All ~~moneys~~ MONEY transferred thereto in accordance with
25 ~~sections 12-47.1-701 (2) and~~ SECTIONS 38-13-116.7 (3) ~~C.R.S.~~ AND
26 44-30-701 (2); and

27 **SECTION 40.** In Colorado Revised Statutes, 24-75-403, **amend**

1 (1)(d) as follows:

2 **24-75-403. Capital reserve - creation - annual appropriation**
3 **- definitions.** (1) As used in this section:

4 (d) "Cash fund" means any fund established by law for a specific
5 program or purpose; except that "cash fund" does not include the state
6 general fund created by section 24-75-201, the lottery fund created in
7 section 24-35-210, the highway users tax fund created in section
8 43-4-201, ~~C.R.S.~~, or the limited gaming fund created in ~~section~~
9 ~~12-47.1-701 (1), C.R.S.~~ SECTION 44-30-701 (1).

10 **SECTION 41.** In Colorado Revised Statutes, 24-80-209, **amend**
11 (2) as follows:

12 **24-80-209. Title to property - disbursement of revenues -**
13 **enterprise services cash fund - community museums cash fund -**
14 **definition.** (2) All noncustodial revenues received by the society other
15 than limited gaming revenues deposited in the state historical fund
16 pursuant to ~~section 12-47.1-1201~~ SECTION 44-30-1201, and revenues
17 deposited in the community museums cash fund pursuant to subsection
18 (3) of this section, whether from commissions, sale of goods and services,
19 admissions, membership and user charges, service fees, operation or
20 rental of concessions or facilities, or from any other state source shall be
21 deposited in the enterprise services cash fund, which fund is hereby
22 created in the state treasury. ~~Moneys~~ MONEY in the fund ~~are~~ IS subject to
23 annual appropriation by the general assembly for the direct and indirect
24 costs of carrying out the activities of the society. The state treasurer shall
25 credit all interest derived from the deposit and investment of ~~moneys~~
26 MONEY in the fund to the fund. Any ~~moneys~~ MONEY not appropriated
27 ~~remain~~ REMAINS in the fund and shall not be transferred or revert to the

1 general fund or any other fund at the end of any fiscal year. ~~Moneys~~
2 MONEY in the enterprise services cash fund and any other historical
3 society custodial accounts shall be held by the state treasurer as custodian
4 separate and apart from other funds and may be withdrawn from the
5 treasurer's custody for the purposes and under the control of the society,
6 only upon the issuance of vouchers signed by the president or
7 vice-president and treasurer or secretary of the society and upon warrants
8 drawn against ~~such~~ THE funds by the controller.

9 **SECTION 42.** In Colorado Revised Statutes, **amend** 24-80-214
10 as follows:

11 **24-80-214. State museum cash fund.** There is hereby created in
12 the state treasury the state museum cash fund, referred to in this section
13 as the "cash fund". The cash fund shall consist of all ~~moneys~~ MONEY
14 transferred to the cash fund from the state historical fund pursuant to
15 ~~section 12-47.1-1201 (5), C.R.S.;~~ ~~moneys~~ SECTION 44-30-1201 (5);
16 MONEY transferred from the justice center cash fund pursuant to section
17 13-32-101 (7)(b)(II), ~~C.R.S.~~, as said ~~subparagraph~~ SUBSECTION existed
18 prior to its repeal in 2015; and any other ~~moneys~~ MONEY appropriated to
19 the cash fund by the general assembly. ~~Moneys~~ MONEY in the cash fund
20 shall be subject to annual appropriation by the general assembly to the
21 state historical society to pay for the planning, design, acquisition, and
22 construction of and relocation to a new state museum, exhibits for the
23 museum, and for exhibit planning, development, and build-out at other
24 facilities owned and operated by the historical society. Three million
25 dollars and compounding interest earned on this amount beginning July
26 1, 2015, shall be retained in the cash fund as a controlled maintenance
27 reserve for the new state museum and will be available for appropriation

1 for controlled maintenance at the museum beginning in the fiscal year that
2 begins July 1, 2027. Appropriations from the cash fund shall remain
3 available to the state historical society for a period of four years. Any
4 ~~moneys~~ MONEY in the cash fund not expended for the purpose of this
5 section may be invested by the state treasurer as provided by law. All
6 interest and income derived from the investment and deposit of ~~moneys~~
7 MONEY in the cash fund shall be credited to the cash fund. Any
8 unexpended and unencumbered ~~moneys~~ MONEY remaining in the cash
9 fund at the end of a fiscal year shall remain in the cash fund and shall not
10 be credited or transferred to the general fund or another fund.

11 **SECTION 43.** In Colorado Revised Statutes, 26-2-104, **amend**
12 (2)(a)(II)(A), (2)(h)(I) introductory portion, and (2)(h)(I)(A) as follows:

13 **26-2-104. Public assistance programs - electronic benefits**
14 **transfer service - joint reports with department of revenue - signs -**
15 **rules - repeal.** (2) (a) (II) Only those businesses that offer products or
16 services related to the purpose of the public assistance benefits are
17 allowed to participate in the electronic benefits transfer service through
18 the use of point-of-sale terminals. Clients shall not be allowed to access
19 cash benefits through the electronic benefits transfer service from
20 automated teller machines in this state located in:

21 (A) Licensed gaming establishments as defined in ~~section~~
22 ~~12-47.1-103 (15), C.R.S.~~ SECTION 44-30-103 (18), in-state simulcast
23 facilities as defined in section 12-60-102 (14), ~~C.R.S.~~, tracks for racing
24 as defined in section 12-60-102 (26), ~~C.R.S.~~, commercial bingo facilities
25 as defined in ~~section 12-9-102 (2.3), C.R.S.~~; SECTION 24-21-602 (11);

26 (h) (I) On or before January 1, 2016, the department of revenue
27 shall adopt rules pursuant to the "State Administrative Procedure Act",

1 article 4 of title 24, that relate to a client's use of automated teller
2 machines at locations where ~~such~~ THE use is prohibited. The rules must
3 apply to the following establishments:

4 (A) Licensed gaming establishments as defined in ~~section~~
5 ~~12-47.1-103 (15), C.R.S.~~ SECTION 44-30-103 (18); in-state simulcast
6 facilities as defined in section 12-60-102 (14); ~~C.R.S.~~; and tracks for
7 racing as defined in section 12-60-102 (26); ~~C.R.S.~~;

8 **SECTION 44.** In Colorado Revised Statutes, 38-13-102, **amend**
9 the introductory portion and (8.3) as follows:

10 **38-13-102. Definitions and use of terms.** As used in this article
11 ARTICLE 13, unless the context otherwise requires:

12 (8.3) "Licensed gaming establishment" shall have the same
13 meaning as set forth in ~~section 12-47.1-103 (15), C.R.S.~~ SECTION
14 44-30-103 (18).

15 **SECTION 45.** In Colorado Revised Statutes, 39-1-103, **amend**
16 (18)(d) as follows:

17 **39-1-103. Actual value determined - when.** (18) (d) For
18 purposes of this subsection (18), real property is considered to be "used
19 for limited gaming" if the owner or lessee of the real property holds a
20 retail gaming license issued pursuant to part 5 of ~~article 47.1 of title 12,~~
21 ~~C.R.S.~~ ARTICLE 30 OF TITLE 44, and if the owner or lessee actually uses
22 the real property in offering limited gaming for play or for administrative
23 support services related to providing limited gaming or makes the real
24 property available for other uses by persons who are engaged in limited
25 gaming for play, including but not limited to using the property for
26 parking, for a restaurant, or for a hotel or motel.

27 **SECTION 46. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2018 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.