

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0250.01 Richard Sweetman x4333

HOUSE BILL 23-1041

HOUSE SPONSORSHIP

Duran and Lynch,

SENATE SPONSORSHIP

Ginal and Simpson,

House Committees

Business Affairs & Labor
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION AGAINST WAGERING ON RACES OF**
102 **GREYHOUNDS THAT ARE SIMULCAST FROM OUT-OF-STATE**
103 **TRACKS AT WHICH THE RACES ARE CONDUCTED.**

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>.)

Current law prohibits racing of greyhounds in Colorado; however, it is legal to wager on greyhound races that are conducted at out-of-state race tracks and simulcast for viewing in off-track betting venues in Colorado. The bill makes it unlawful in Colorado to wager on any race of greyhounds that is conducted at, and simulcast from, a track that is

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

HOUSE
Amended 2nd Reading
April 14, 2023

outside of Colorado.

The bill also makes conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 44-32-102, **amend**
3 (15), (18), and (22); and **repeal** (5) as follows:

4 **44-32-102. Definitions - rules.** As used in this article 32, unless
5 the context otherwise requires:

6 (5) "~~Cross simulcasting~~" means the receipt of a simulcast race of
7 ~~greyhounds at an out-of-state host track by a simulcast facility that is~~
8 ~~located on the premises of a track that is licensed to race horses.~~

9 (15) "Out-of-state host track" means a track, located within a state
10 other than Colorado, that is licensed or otherwise properly authorized
11 under the laws of the state to conduct live races of horses ~~or greyhounds~~
12 and to broadcast the races as simulcast races and that broadcasts the
13 simulcast races to an in-state simulcast facility.

14 (18) "Pari-mutuel wagering" means a form of wagering on the
15 outcome of horse ~~and greyhound~~ races in which those who wager
16 purchase tickets of various denominations on one or more horses ~~or~~
17 ~~greyhounds~~ from one or more pools and all like wagers from each race
18 are pooled and the winning ticket holders are paid prizes from the pool in
19 amounts proportional to the total receipts in the pool minus deductions
20 authorized by statute.

21 (22) "Simulcast race" means a live, audio-visual broadcast THAT
22 IS:

23 (a) Transmitted simultaneously with either:

24 (I) The performance of a live race of horses ~~or greyhounds~~ by an
25 out-of-state host track; or

1 (II) The performance of a live race of horses by an in-state host
2 track; AND

3 (b) ~~that is~~ Received by a simulcast facility.

4 **SECTION 2.** In Colorado Revised Statutes, 44-32-202, **amend**
5 (4)(a)(I) as follows:

6 **44-32-202. Director - qualifications - powers and duties - rules.**

7 (4) If so directed by the commission, the director may, on behalf of this
8 state:

9 (a) Negotiate, enter into, and participate in one or more interstate
10 compacts that enable party states to act jointly and cooperatively to create
11 more uniform, effective, and efficient practices, programs, and rules
12 relating to:

13 (I) Live horse ~~and greyhound~~ racing; and

14 **SECTION 3.** In Colorado Revised Statutes, **amend** 44-32-514 as
15 follows:

16 **44-32-514. Payments of winnings - intercept.** Before making a
17 payment of cash winnings from pari-mutuel wagering on horse ~~or~~
18 ~~greyhound~~ racing for which the licensee is required to file form W-2G,
19 or a substantially equivalent form, with the United States internal revenue
20 service, the licensee shall comply with the requirements of article 33 of
21 this title 44.

22 **SECTION 4.** In Colorado Revised Statutes, 44-32-602, **amend**
23 (1) and (5); and **repeal** (2) and (4)(a) as follows:

24 **44-32-602. Simulcast facilities and simulcast races - unlawful**
25 **act - repeal.** (1) It is unlawful for any person to accept or place wagers
26 on any simulcast race within the state of Colorado except under the
27 provisions of this article 32. It is lawful to conduct pari-mutuel wagering

1 on simulcast races of horses or greyhounds that are received by an in-state
2 simulcast facility authorized and operated pursuant to this article 32.

3 ~~(2) Cross simulcasting between an in-state host track or an~~
4 ~~out-of-state host track and an in-state simulcast facility, or between an~~
5 ~~in-state host track and an out-of-state simulcast facility, is permissible.~~

6 ~~(4) (a) (F) An in-state simulcast facility may, subject to the~~
7 ~~commission's approval, receive the broadcast signal of greyhounds from~~
8 ~~an out-of-state host track and conduct pari-mutuel wagering on the signal~~
9 ~~through an in-state simulcast facility located on the premises of a class B~~
10 ~~track that has conducted, or is scheduled to conduct during the next~~
11 ~~twelve months, a live race meet of horses of at least the duration required~~
12 ~~for a class B track.~~

13 ~~(H) The specified portions of the gross receipts from pari-mutuel~~
14 ~~wagers placed at an in-state simulcast facility on simulcast greyhound~~
15 ~~races being held on out-of-state host tracks from signals received through~~
16 ~~a class B track shall be distributed in accordance with section 44-32-701~~
17 ~~(2).~~

18 (5) An in-state simulcast facility having a written simulcast racing
19 agreement with an in-state or out-of-state host track pursuant to section
20 44-32-503 (2) may receive simulcast races, as specified in subsections (2)
21 to (4) SUBSECTION (4)(b) of this section, on any day, including a day not
22 within the race meet of the in-state simulcast facility that is also a track
23 and a day on which no live race is conducted within the race meet of the
24 in-state simulcast facility that is also a track.

25 **SECTION 5.** In Colorado Revised Statutes, **amend** 44-32-604 as
26 follows:

27 **44-32-604. Greyhound racing prohibited.** (1) No live

1 greyhound racing involving the betting or wagering on the speed or
2 ability of the greyhounds racing shall be conducted in Colorado. The
3 commission shall not accept or approve an application or request for race
4 dates for live greyhound racing in Colorado.

5 (2) NOTWITHSTANDING THE PROVISIONS OF THIS ARTICLE 32 OR
6 ANY OTHER GENERAL OR SPECIFIC LAW TO THE CONTRARY, IT IS UNLAWFUL
7 IN COLORADO TO WAGER ON ANY RACE OF GREYHOUNDS THAT IS
8 CONDUCTED AT, AND SIMULCAST FROM, A TRACK THAT IS OUTSIDE OF
9 COLORADO.

10 **SECTION 6.** In Colorado Revised Statutes, 44-32-701, **amend**
11 (2)(a), (2)(b), and (2)(c)(I); and **repeal** (1) as follows:

12 **44-32-701. License fees and Colorado-bred horse race**
13 **requirement - rules - repeal.** (1) ~~Subject to section 44-32-702 (1), for~~
14 ~~the privilege of conducting racing under a license issued under and of~~
15 ~~operating an in-state simulcast facility pursuant to this article 32, a~~
16 ~~licensee for the racing of greyhounds and an operator of an in-state~~
17 ~~simulcast facility that receives simulcast races of greyhounds shall pay to~~
18 ~~the department through the division four and one-half percent of the gross~~
19 ~~receipts derived from pari-mutuel wagering during any such race meet or~~
20 ~~placed on the simulcast races that are received through a live greyhound~~
21 ~~track.~~

22 (2) (a) (I) For the privilege of conducting racing under a license
23 issued under, and of operating an in-state simulcast facility pursuant to,
24 this article 32, a licensee for the racing of horses and an operator of an
25 in-state simulcast facility that receives simulcast races of horses ~~or~~
26 ~~greyhounds~~ pursuant to section ~~44-32-602 (4)(a)(I)~~ 44-32-602 (4)(b) shall
27 pay to the department through the division three-fourths of one percent

1 of the gross receipts of the pari-mutuel wagering at any race meet or
2 placed on the simulcast races; except that a licensee for the racing of
3 horses at a class B track race meet shall pay to the department through the
4 division three-fourths of one percent of the gross receipts of the
5 pari-mutuel wagering at any such race meet.

6 (I.5) (A) NOTWITHSTANDING SECTION 44-32-706 (2), ON JANUARY
7 1, 2025, OF THE MONEY THAT IS PAID TO THE DEPARTMENT BY LICENSEES
8 PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION, THE DEPARTMENT
9 SHALL TRANSFER TWENTY-FIVE THOUSAND DOLLARS TO THE FUND
10 CREATED IN SUBSECTION (2)(a)(I.5)(B) OF THIS SECTION, AND ON JANUARY
11 1, 2026, THE DEPARTMENT SHALL TRANSFER FIFTY THOUSAND DOLLARS TO
12 THE FUND, IN ACCORDANCE WITH RULES PROMULGATED BY THE
13 COMMISSION.

14 (B) THE GREYHOUND WELFARE AND ADOPTION FUND, REFERRED
15 TO IN THIS SUBSECTION (2)(a)(I.5) AS THE "FUND", IS HEREBY CREATED IN
16 THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE
17 FUND PURSUANT TO SUBSECTION (2)(a)(I.5)(A) OF THIS SECTION AND ANY
18 OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR
19 TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL
20 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
21 MONEY IN THE FUND TO THE FUND. ANY UNEXPENDED AND
22 UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL
23 YEAR REMAINS IN THE FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE
24 GENERAL ASSEMBLY, THE DEPARTMENT MAY MAKE DISTRIBUTIONS OF
25 MONEY FROM THE FUND TO GREYHOUND WELFARE AND ADOPTION
26 ORGANIZATIONS IN ACCORDANCE WITH RULES OF THE COMMISSION. THE
27 COMMISSION SHALL NOT CONDITION DISTRIBUTIONS FROM THE ACCOUNT

1 ON WHETHER A GREYHOUNDS WELFARE AND ADOPTION ORGANIZATION
2 SUPPORTS OR OPPOSES GREYHOUND RACING. THE STATE TREASURER
3 SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE
4 FUND ON JULY 31, 2026, TO THE GENERAL FUND.

5 (C) THIS SUBSECTION (2)(a)(I.5) IS REPEALED, EFFECTIVE AUGUST
6 1, 2026.

7 (II) (A) ~~Except as otherwise provided in subsection (2)(a)(II)(B)~~
8 ~~of this section,~~ In addition to the amount paid to the department through
9 the division in subsection (2)(a)(I) of this section, a licensee for the racing
10 of horses and an operator of an in-state simulcast facility that receives
11 simulcast races of horses ~~or greyhounds~~ pursuant to section ~~44-32-602~~
12 ~~(4)(a)(I)~~ 44-32-602 (4)(b) shall pay to Colorado state university for
13 allocation to its school of veterinary medicine one-fourth of one percent
14 of the gross receipts of all pari-mutuel wagering, except on win, place, or
15 show, at the horse race meet or placed on the simulcast races, to be used
16 for racing-related equine research. To receive research funding under this
17 subsection (2)(a)(II), an institution or individual must describe and report
18 to the commission on all projects upon completion.

19 (B) ~~In the case of pari-mutuel wagers on greyhound simulcast~~
20 ~~signals received by a class B track, in lieu of the amounts otherwise~~
21 ~~payable to Colorado state university pursuant to subsection (2)(a)(II)(A)~~
22 ~~of this section, the licensee shall instead pay an equivalent amount into a~~
23 ~~trust account for distribution in accordance with rules of the commission~~
24 ~~under section 44-32-702 (1)(c)(I).~~

25 (b) In addition to any money to be paid pursuant to subsection
26 (2)(a) of this section, a licensee for the racing of horses and an operator
27 of an in-state simulcast facility that receives simulcast races of horses ~~or~~

1 ~~greyhounds~~ pursuant to section ~~44-32-602 (4)(a)(I)~~ 44-32-602 (4)(b) shall
2 pay to a trust account one-half of one percent of the gross receipts of
3 pari-mutuel wagering on win, place, and show and one and one-half
4 percent of the gross receipts from all other pari-mutuel wagering at any
5 such race meet or placed on the simulcast races for the horse breeders'
6 and owners' awards and supplemental purse fund established in section
7 44-32-705.

8 (c) (I) The operator of a simulcast facility that receives simulcast
9 races of horses ~~or greyhounds~~ pursuant to section ~~44-32-602 (4)(a)(I)~~
10 44-32-602 (4)(b) shall retain five percent of the gross receipts of
11 pari-mutuel wagering placed on the simulcast races at that facility, to be
12 used to cover the particular expenses incurred in operating a simulcast
13 facility.

14 **SECTION 7.** In Colorado Revised Statutes, 44-32-702, **amend**
15 (1)(b)(I), (1)(e)(I), (1)(h)(III), and (4) introductory portion; and **repeal**
16 (1)(h)(II) and (1)(i) as follows:

17 **44-32-702. Unlawful to wager - exception - excess - taxes -**
18 **special provisions for simulcast races - rules.** (1) (b) (I) Except as
19 otherwise provided in subsection (4) of this section, it is unlawful for a
20 racing or simulcast facility licensee for the racing of ~~greyhounds~~ or horses
21 to take more than the percentage of the gross receipts authorized by the
22 commission pursuant to subsection (1)(b)(II) of this section of any
23 pari-mutuel wagering on the races or simulcast races.

24 (e) (I) Each operator of an in-state simulcast facility that receives
25 simulcast races of horses from either an in-state host track or an
26 out-of-state host track ~~or of greyhounds from an out-of-state host track,~~
27 shall pay to purse funds for the racing of horses and to the in-state or

1 out-of-state tracks and simulcast facilities described in the simulcast
2 agreement filed with the commission, the percentages of the gross
3 pari-mutuel wagering on the simulcast races, after deduction of a signal
4 fee required by an out-of-state host track or an in-state host track, paid
5 during the current year or a previous year, and the applicable amounts
6 specified in subsection (2)(b) of this section and in sections ~~44-32-701(1)~~
7 ~~and (2)~~ 44-32-701 (2) and 44-32-705 (2), as specified in the simulcast
8 agreement. ~~In the case of pari-mutuel wagers on greyhound simulcast~~
9 ~~signals received by a class B track from an out-of-state host track, the~~
10 ~~operator shall deposit the amounts payable pursuant to section 44-32-701~~
11 ~~(2)(a)(H)(B) into a trust account for distribution, in accordance with rules~~
12 ~~of the commission, to greyhound welfare and adoption organizations.~~

13 (h) (II) ~~The breakage at any greyhound race meet shall be retained~~
14 ~~by the licensee under whose license the greyhound race meet was held.~~

15 (III) Except as otherwise provided in subsection (1)(h)(IV) or (4)
16 of this section, the breakage on any simulcast race of horses ~~or~~
17 ~~greyhounds~~ received by an in-state simulcast facility shall be retained by
18 the operator of the in-state simulcast facility.

19 (i) ~~An operator of an in-state simulcast facility shall retain the~~
20 ~~proceeds derived from all unclaimed pari-mutuel tickets for each~~
21 ~~simulcast race of greyhounds received for a race held at an out-of-state~~
22 ~~host track and, after a period of one year following the simulcast race, the~~
23 ~~proceeds revert and belong to the operator.~~

24 (4) Pursuant to a valid simulcasting agreement, an operator of an
25 in-state simulcast facility that receives simulcast signals of horse ~~or~~
26 ~~greyhound~~ races held in another state may:

27 **SECTION 8.** In Colorado Revised Statutes, 44-32-704, **amend**

1 (1) and (2)(a) as follows:

2 **44-32-704. Limitations on pari-mutuel wagering.** (1) Wagers
3 on pari-mutuel horse ~~or greyhound~~ races conducted in or out of this state
4 may ~~only~~ be placed ONLY upon the premises of a racetrack or an in-state
5 simulcast facility licensed by the commission or the out-of-state racetrack
6 or simulcast facility as authorized by the commission. No wagering or
7 betting on the results of any of the races licensed under this article 32
8 shall be conducted outside a licensed or approved racetrack or simulcast
9 facility.

10 (2) (a) No person or agent or employee of any person shall place,
11 receive, offer, or agree to place or receive a wager on a pari-mutuel horse
12 ~~or greyhound~~ race, conducted in or broadcast in this state, by messenger,
13 telephone, telegraph, facsimile machine, or other electronic device;
14 except that this subsection (2) shall not apply to associations or simulcast
15 facilities licensed by the commission. Nothing in this section shall be
16 construed to prohibit gambling as provided in section 18-10-102 (2)(d).

17 **SECTION 9.** In Colorado Revised Statutes, 26-13-118.7, **amend**
18 **as it will become effective July 1, 2023,** (2) as follows:

19 **26-13-118.7. Gambling winnings - interception - rules.**

20 (2) Upon receipt from the registry operator of a payment and
21 accompanying information pursuant to section 44-33-105 (2)(b), the state
22 department, through the casino, sports betting operator, internet sports
23 betting operator, racetrack, or off-track betting facility, shall notify the
24 obligated parent in writing that the state intends to offset the parent's child
25 support debt, child support arrearages, or child support costs against the
26 parent's winnings from limited gaming, from sports betting, or from
27 pari-mutuel wagering on horse ~~or greyhound~~ racing. The notice must

1 include information concerning the parent's right to object to the offset
2 and to request an administrative review pursuant to the rules of the state
3 board.

4 **SECTION 10.** In Colorado Revised Statutes, 44-33-103, **amend**
5 **as it will become effective July 1, 2023,** (3) as follows:

6 **44-33-103. Definitions.** As used in this article 33, unless the
7 context otherwise requires:

8 (3) "Payment" means cash winnings from limited gaming, from
9 sports betting, or from pari-mutuel wagering on horse or ~~greyhound~~
10 racing payable by a licensee for which the licensee is required to file form
11 W-2G, or a substantially equivalent form, with the United States internal
12 revenue service.

13 **SECTION 11. Act subject to petition - effective date -**
14 **applicability.** (1) This act takes effect October 1, 2024; except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within the ninety-day period after final adjournment of the general
18 assembly, then the act, item, section, or part will not take effect unless
19 approved by the people at the general election to be held in November
20 2024 and, in such case, will take effect on the date of the official
21 declaration of the vote thereon by the governor.

22 (2) This act applies to conduct occurring on or after the applicable
23 effective date of this act.