

---

COLORADO

---

# LIMITED GAMING ACT

---

With Constitutional Amendment



**COLORADO**  
Department of Revenue  
Specialized Business Group





# **TITLE 44**

## **REVENUE – REGULATION OF ACTIVITIES**

### **ARTICLE 1**

#### **COMMON PROVISIONS**

Page 9

### **ARTICLE 30**

#### **COLORADO LIMITED GAMING ACT OF 1991**

Page 10

### **ARTICLE 31**

#### **TRIBAL-STATE GAMING COMPACT**

Page 121

### **ARTICLE 33**

#### **GAMBLING PAYMENT INTERCEPT ACT**

Page 122

### **ARTICLE XVIII**

#### **AMENDMENT TO THE CONSTITUTION**

#### **STATE OF COLORADO**

Page 128

# TABLE OF CONTENTS

<b>ARTICLE 1   COMMON PROVISIONS.....</b>	<b>9</b>
<b>44-1-101.</b> Short title.....	9
<b>44-1-102.</b> Legislative declaration.....	9
<b>44-1-103.</b> Definitions .....	10
<b>ARTICLE 30   COLORADO LIMITED GAMING ACT .....</b>	<b>10</b>
<b>PART 1   GENERAL PROVISIONS.....</b>	<b>10</b>
<b>44-30-101.</b> Short title.....	10
<b>44-30-102.</b> Legislative declaration.....	10
<b>44-30-103.</b> Definitions .....	12
<b>44-30-104.</b> Limited gaming - sports betting - authorization - regulation .....	16
<b>44-30-105.</b> Limited gaming - cities - commercial districts.....	17
<b>44-30-106.</b> Exceptions .....	17
<b>PART 2   DIVISION OF GAMING .....</b>	<b>17</b>
<b>44-30-201.</b> Division of gaming - creation - repeal .....	17
<b>44-30-202.</b> Function of division - repeal.....	18
<b>44-30-203.</b> Director - qualification - powers and duties .....	18
<b>44-30-204.</b> Investigator - peace officers .....	20
<b>44-30-205.</b> Division of gaming - access to records.....	21
<b>44-30-206.</b> Repeal of division - review of functions .....	21
<b>PART 3   COLORADO LIMITED GAMING CONTROL COMMISSION .....</b>	<b>22</b>
<b>44-30-301.</b> Colorado limited gaming control commission - creation....	22
<b>44-30-302.</b> Commission - powers and duties - rules.....	24
<b>PART 4   CONFLICT OF INTEREST .....</b>	<b>28</b>
<b>44-30-401.</b> Conflict of interest .....	28
<b>PART 5   LICENSING.....</b>	<b>30</b>
<b>44-30-501.</b> Licenses - types - rules .....	30
<b>44-30-502.</b> Key employee - determination of status .....	32
<b>44-30-503.</b> Licenses - revocable - nontransferable .....	32
<b>44-30-504.</b> Operator, slot machine manufacturer or distributor, associated equipment supplier, key employee, support licensee, or retailer - qualifications for licensure .....	32
<b>44-30-505.</b> Considerations for licensure .....	33
<b>44-30-506.</b> Temporary or conditional licenses .....	33
<b>44-30-507.</b> Delegation of authority to issue certain licenses .....	33

## Table Of Contents

44-30-508. Licensed premises - retail floor plan - definition .....	33
44-30-509. License - disqualification - criteria .....	34
44-30-510. Applicants and licensees - providing information - criminal history record check.....	36
44-30-511. Application - fee - waiver of confidentiality.....	36
44-30-512. Supplier of licensee - licensure requirements.....	37
44-30-513. Application - authorization for background investigations..	37
44-30-514. License - grounds for approval or denial .....	38
44-30-515. Licensed premises - safety conditions - fire and electrical ...	38
44-30-516. Buildings - accessible to persons with disabilities .....	39
44-30-517. Waiver from liability - state of Colorado - disclosures or publications .....	39
44-30-518. Renewal of licenses .....	39
44-30-519. Denial of application .....	40
44-30-520. Appeal of final action of commission .....	40
44-30-521. Executive and closed meetings .....	40
44-30-522. Communications - privileged and confidential .....	41
44-30-523. Summary suspension.....	41
44-30-524. Suspension or revocation of license - grounds - penalties...	41
44-30-525. Commission hearings - testimony .....	42
44-30-526. Records - confidentiality - exceptions.....	42
44-30-527. Executive director and director have access to files and records .....	44
44-30-528. Licensees - duty to maintain records.....	44
44-30-529. Businesses operating in compliance with section 18-10-105 (1.5) .....	44
44-30-530. Payments of winnings - intercept.....	44
<b>PART 6   GAMING TAX .....</b>	<b>44</b>
44-30-601. Gaming tax.....	44
44-30-602. Return and remittance .....	46
44-30-603. Violations of taxation provisions - penalties .....	46
44-30-604. Returns and reports - failure to file - penalties .....	47
44-30-605. Local jurisdiction.....	48
<b>PART 7   LIMITED GAMING FUND .....</b>	<b>48</b>
44-30-701. Limited gaming fund - created.....	48
44-30-702. Revenues attributable to local revisions to gaming limits - extended limited gaming fund - identification - separate administration - distribution - definitions.....	51
44-30-703. Audits and annual reports .....	56
44-30-704. Enforcement.....	56
44-30-705. Attorney general - duties.....	56

## Table Of Contents

<b>PART 8   UNLAWFUL ACTS.....</b>	<b>57</b>
<b>44-30-801.</b> Limited gaming equipment manufacturers or distributors, operators, associated equipment suppliers, retailers, key employees, support licensees, persons contracting with the commission or division - criteria .....	57
<b>44-30-802.</b> False statement on application - violations of rules or provisions of article as felony .....	58
<b>44-30-803.</b> Slot machines - shipping notices .....	58
<b>44-30-804.</b> Persons prohibited from interest in limited gaming .....	59
<b>44-30-805.</b> Responsibilities of operator.....	60
<b>44-30-806.</b> Gaming equipment - security and audit specifications ...	60
<b>44-30-807.</b> Gaming equipment - not subject to exclusive agreements..	60
<b>44-30-808.</b> Restriction upon persons having financial interest in retail licenses.....	60
<b>44-30-809.</b> Age of participants - violation as misdemeanor - applicability .....	61
<b>44-30-810.</b> Employee twenty-one years or older required on premises...	61
<b>44-30-811.</b> Persons conducting limited gaming.....	62
<b>44-30-812.</b> Employee of licensed person - good moral character .....	62
<b>44-30-813.</b> Minimum payback - limit to a slot machine .....	62
<b>44-30-814.</b> Key employee - support license .....	62
<b>44-30-815.</b> Extension of credit prohibited .....	62
<b>44-30-816.</b> Maximum amount of bets .....	63
<b>44-30-817.</b> Failure to pay winners .....	63
<b>44-30-818.</b> Approval of rules for certain games.....	63
<b>44-30-819.</b> Exchange - redemption of chips - unlawful acts .....	63
<b>44-30-820.</b> Persons in supervisory positions - unlawful acts - rules ...	63
<b>44-30-821.</b> Cheating - definition .....	64
<b>44-30-822.</b> Fraudulent acts .....	64
<b>44-30-823.</b> Use of device for calculating probabilities .....	66
<b>44-30-824.</b> Use of counterfeit or unapproved chips or tokens or unlawful coins or devices - possession of certain unlawful devices, equipment, products, or materials .....	66
<b>44-30-825.</b> Cheating game and devices.....	67
<b>44-30-826.</b> Unlawful manufacture, sale, distribution, marking, altering, or modification of equipment and devices associated with limited gaming - unlawful instruction ....	68
<b>44-30-827.</b> Unlawful entry by excluded and ejected persons .....	68
<b>44-30-828.</b> Detention and questioning of person suspected of violating article - limitations on liability - posting of notice.....	68
<b>44-30-829.</b> Failure to display operator and premises licenses.....	69
<b>44-30-830.</b> Authority, duties, and powers - department of revenue and department of public safety .....	69

## Table Of Contents

44-30-831. Violation of article as misdemeanor .....	71
44-30-832. Agreements, contracts, leases - void and unenforceable ...	71
44-30-833. Financial interest restrictions.....	71
44-30-834. Revocation or expiration of license - requirement of notification.....	71
44-30-835. Personal pecuniary gain or conflict of interest.....	72
44-30-836. False or misleading information - unlawful.....	72
<b>PART 9   CHARITABLE GAMING.....</b>	<b>72</b>
44-30-901. Events sponsored by charitable organizations.....	72
44-30-902. Terms of sponsorship.....	73
44-30-903. Notice of sponsorship .....	73
<b>PART 10   EXCLUDED PERSONS.....</b>	<b>74</b>
44-30-1001. Persons excluded or ejected - factors considered - legislative declaration .....	74
44-30-1002. Emergency listing of persons to be excluded or ejected....	75
<b>PART 11   GAMING DEVICES.....</b>	<b>76</b>
44-30-1101. Exemption from federal law.....	76
44-30-1102. Shipments of devices and machines deemed legal .....	76
44-30-1103. Ownership or possession of slot machines - rules.....	76
<b>PART 12   STATE HISTORICAL SOCIETY .....</b>	<b>77</b>
44-30-1201. State historical fund - administration - legislative declaration - state museum cash fund - capitol dome restoration fund - definition .....	77
44-30-1202. Expenditures from the state historical fund - legislative declaration. ....	84
<b>PART 13   LOCAL GOVERNMENT LIMITED GAMING IMPACT FUND .....</b>	<b>86</b>
44-30-1301. Local government limited gaming impact fund - rules - report - legislative declaration - definitions - repeal .....	86
44-30-1302. Local government limited gaming impact advisory committee - creation - duties.....	90
<b>PART 14   INDEPENDENT RESTORATION AND PRESERVATION COMMISSION.....</b>	<b>93</b>
44-30-1401. Definitions .....	93
44-30-1402. Independent restoration and preservation commission - appointments - qualifications - new appointments - appointments without nominations.....	93

## Table Of Contents

44-30-1403. Funding - compensation.....	94
44-30-1404. Officers - bylaws - rules .....	94
44-30-1405. Meetings.....	95
44-30-1406. Quorum - action .....	95
44-30-1407. Final agency action - judicial review .....	95
<b>PART 15   SPORTS BETTING .....</b>	<b>95</b>
44-30-1501. Definitions - rules .....	95
44-30-1502. Conflict of interest - participants in sports or athletic events .....	97
44-30-1503. Licenses - rules .....	98
44-30-1504. Disclosure of information by corporate applicants - license required - investigation - criminal history record check - rules - definition .....	99
44-30-1505. License classifications - number of licenses - designated sports betting operators - qualifications - rules.....	101
44-30-1506. Operations - eligibility to place bets - record-keeping - information sharing.....	104
44-30-1507. Records - confidentiality - exceptions.....	107
44-30-1508. Sports betting tax - rules .....	110
44-30-1509. Sports betting fund - creation - rules - definitions.....	110
44-30-1510. Audits .....	112
44-30-1511. Unlawful acts.....	112
44-30-1512. Penalties.....	113
44-30-1513. Other laws inapplicable.....	113
44-30-1514. Approval by electors - repeal.....	113
44-30-1515. Repeal of part .....	113
<b>PART 16   FANTASY CONTESTS .....</b>	<b>114</b>
44-30-1601. Short title.....	114
44-30-1602. Applicability of common provisions .....	114
44-30-1603. Definitions .....	114
44-30-1604. Rules - procedures - continuity of provisions and enforcement actions - repeal .....	115
44-30-1605. Registration .....	116
44-30-1606. Licensing - rules .....	116
44-30-1607. Consumer protections .....	118
44-30-1608. Duty to maintain records .....	120
44-30-1609. Authorization to conduct fantasy contests .....	120
44-30-1610. Grounds for discipline .....	120
44-30-1611. Civil fines.....	121
44-30-1612. Applicability .....	121



## Table Of Contents

<b>ARTICLE 31   TRIBAL-STATE GAMING COMPACT.....</b>	<b>121</b>
44-31-101. Tribal-state gaming compact.....	121
44-31-102. Effective date of compact.....	121
44-31-103. Provisions of compact .....	121
<b>ARTICLE 33   GAMBLING PAYMENT</b>	
<b>INTERCEPT ACT .....</b>	<b>122</b>
44-33-101. Short title.....	122
44-33-102. Legislative declaration.....	122
44-33-103. Definitions .....	123
44-33-104. Registry - creation - information.....	124
44-33-105. Payments - limited gaming and pari-mutuel wagering licensees - procedures .....	124
44-33-106. Gambling payment intercept cash fund - creation - gifts, grants, donations - intercepts for restitution.....	126
44-33-107. Liability - immunity.....	127
44-33-108. Contracting authority - memoranda of understanding - rules .....	128
<b>CONSTITUTIONAL AMENDMENT   ARTICLE XVIII ...</b>	<b>128</b>
<b>Section 9</b> Limited gaming permitted .....	128
<b>Index .....</b>	<b>135</b>



# COLORADO REVISED STATUTES 2018 TITLE 44

## REVENUE - REGULATION OF ACTIVITIES

### ARTICLE 1 COMMON PROVISIONS

#### 44-1-101.

**Short title.** The short title of this title 44 is the “Department of Revenue Activities Regulation Act”.

#### 44-1-102.

**Legislative declaration.**

(1) The general assembly hereby finds and declares that:

(a) Before the enactment of this title 44, laws administered by the department of revenue that regulate a variety of activities were codified in two titles of the Colorado Revised Statutes, most prominently in title 12, which governs professions and occupations;

(b) Most professions and occupations are regulated by the department of regulatory agencies pursuant to title 12, but prior to the 2017 legislative session, title 12 contained numerous laws that did not pertain to the regulation of professions and occupations and were not administered by the department of regulatory agencies;

(c) With the enactment of section 2-3-510 in 2016, the general assembly directed the office of legislative legal services to study an organizational recodification of title 12 of the Colorado Revised Statutes, including relocating laws that do not pertain to professions and occupations and are not administered by the department of regulatory agencies;

(d) Based on recommendations from the title 12 recodification study, the general assembly enacted several bills in the 2017 legislative session to relocate out of title 12 many laws that are administered by entities other than the department of regulatory agencies;

(e) The study also recommended creating a new title 44 for purposes of consolidating laws administered by the department of revenue that regulate activities into a single title in order to facilitate both:

- (I) The public's and regulated entities' understanding of the laws that apply to them; and
- (II) The department of revenue's administration of these laws; and
- (f) Creating a new title 44 consisting of laws administered by the department of revenue that regulate various activities is necessary to implement the recommendations of the title 12 recodification study and facilitate the reorganization of title 12 pertaining to the regulation of professions and occupations.

**44-1-103.**

**Definitions.** As used in this title 44, unless the context otherwise requires:

- (1) "Department" means the department of revenue created in section 24-1-117.
- (2) "Executive director" means the executive director of the department.

## **ARTICLE 30**

### **COLORADO LIMITED GAMING ACT**

## **PART 1**

### **GENERAL PROVISIONS**

**44-30-101.**

**Short title.** The short title of this article 30 is the "Limited Gaming Act of 1991".

**44-30-102.**

**Legislative declaration.**

- (1) The general assembly hereby finds, determines, and declares it to be the public policy of this state that:
  - (a) The success of limited gaming is dependent upon public confidence and trust that licensed limited gaming is conducted honestly and competitively; that the rights of the creditors of licensees are protected; and that gaming is free from criminal and corruptive elements;
  - (b) Public confidence and trust can be maintained only by strict regulation of all persons, locations, practices, associations, and activities related to the operation of licensed gaming establishments and the manufacture or distribution of gaming devices and equipment;
  - (c) All establishments where limited gaming is conducted and where gambling devices are operated and all manufacturers, sellers, and distributors of certain gambling devices and equipment must

therefore be licensed, controlled, and assisted to protect the public health, safety, good order, and the general welfare of the inhabitants of the state to foster the stability and success of limited gaming and to preserve the economy and policies of free competition of the state of Colorado;

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

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

(3) The general assembly further finds, determines, and declares that:

(a) When, in 2018, the United States supreme court held in *Murphy v. National Collegiate Athletic Association*, 138 S. Ct. 1461, that there existed no current federal impediment to an individual state's authority to legalize sports betting, but that such an effort was subject only to that state's own constitutional limits on that authority, Colorado had the option to expand the responsibilities of the limited gaming control commission created in this article 30 to include sports betting;

(b) Expansion of the commission's role in this way is appropriate, given the commission's experience in regulating limited gaming since 1991 and its track record of competent, evenhanded, and efficient discharge of the duties entrusted to it by Colorado's voters under section 9 of article XVIII of the state constitution;

(c) The general assembly intends, through passage of House Bill 19-1327, enacted in 2019, to incorporate sports betting seamlessly into the regulatory and taxing system established for limited gaming under this article 30 in a manner that honors the voters' intent in adopting section 9 of article XVIII of the state constitution and has done so through enactment of a referred measure requiring statewide approval;

(d) It is appropriate, and the general assembly intends, that after the incorporation of sports betting into this article 30 on May 1, 2020, no further expansion of sports betting nor authorization of any new or expanded class of licensees be made except with the approval of Colorado voters through legislation or constitutional amendments that are submitted to a statewide vote; and

(e) The success of sports betting is dependent upon public confidence and trust that activities related to sports betting are

conducted honestly and competitively; that the rights of the creditors of licensees are protected; and that sports betting is free from criminal and corruptive elements. Public confidence and trust can be maintained only by strict regulation of sports betting.

#### 44-30-103.

**Definitions.** As used in this article 30, unless the context otherwise requires:

- (1) “Adjusted gross proceeds”, except with respect to games of poker, means the total amount of all wagers made by players on limited gaming less all payments to players; and payment to players shall include all payments of cash premiums, merchandise, tokens, redeemable game credits, or any other thing of value. With respect to games of poker, “adjusted gross proceeds” means any sums wagered in a poker hand that may be retained by the licensee as compensation and are consistent with the minimum and maximum amounts established by the Colorado limited gaming control commission.
- (2) “Applicant” means any person who has applied for a license or registration under this article 30 or who has applied for permission to engage in any act or activity that is regulated by this article 30.
- (3)
  - (a) “Associated equipment” means a device, piece of equipment, or system used remotely or directly in connection with gaming or any game. The term includes a device, piece of equipment, or system used to monitor, collect, or report gaming transactions data or to calculate adjusted gross proceeds and gaming taxes.
  - (b) “Associated equipment” does not include equipment that meets the definition of a “gaming device” or “gaming equipment” in subsection (13) of this section.
- (4) “Associated equipment supplier” means a person who imports, manufactures, distributes, or otherwise provides associated equipment for use in Colorado. The term does not include a person licensed as a slot machine manufacturer or distributor under part 5 of this article 30.
- (5) “Bet” means an amount placed as a wager in a game of chance or on a sports event, as defined in section 44-30-1501 (12).
- (6) “Blackjack” means a banking card game commonly known as “21” or “blackjack” in which each player bets against the dealer. The object is to draw cards whose value will equal or approach twenty-one without exceeding that amount and win amounts bet, payable by the dealer, if the player holds cards more valuable than the dealer’s cards.
- (7) “Certified local government” means any local government certified by the state historic preservation officer pursuant to the provisions of 54 U.S.C. sec. 302503.

(8) “Commission” means the Colorado limited gaming control commission.

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

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

(11) “Director” means the director of the division of gaming.

(12) “Division” means the division of gaming.

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

(14) “Gaming employee” means any person employed by an operator or retailer hosting gaming to work directly with the gaming portion of the operator’s or retailer’s business, who shall be twenty-one years of age or older and hold a support license. Persons deemed to be gaming employees shall include, but shall not be limited to:

- (a) Dealers;
- (b) Change and counting room personnel;
- (c) Cashiers;
- (d) Floormen;
- (e) Cage personnel;
- (f) Slot machine repairmen or mechanics;
- (g) Persons who accept or transport gaming revenues;
- (h) Security personnel;
- (i) Shift or pit bosses;
- (j) Floor managers;
- (k) Supervisors;
- (l) Slot machine and slot booth personnel;
- (m) Any person involved in the handling, counting, collecting, or exchanging of money, property, checks, credit, or any representative of value, including, without limitation:

(I) Any coin, token, chip, cash premium, merchandise, redeemable game credits, or any other thing of value; or

- (II) The payoff from any game, gaming, or gaming device;
  - (n) Craps table personnel and roulette table personnel; and
  - (o) Any other persons that the commission shall by rule determine.
- (15) “Gaming license” means any license issued by the commission pursuant to this article 30 that authorizes any person to engage in gaming within the cities of Central, Black Hawk, or Cripple Creek.
- (16) “Immediate family” means a person’s spouse and any children actually living with the person.
- (17) “Key employee” means any executive, employee, or agent of a gaming licensee or sports betting licensee having the power to exercise a significant influence over decisions concerning any part of the operation of the gaming licensee or sports betting licensee.
- (18) “Licensed gaming establishment” means any premises licensed pursuant to this article 30 for the conduct of gaming.
- (19) “Licensed premises” means that portion of any premises licensed for the conduct of limited gaming. Nothing pursuant to this subsection (19) shall be construed to prohibit the affected local governing authority from otherwise determining the size of any building. In no event shall the licensed premises exceed thirty-five percent of the square footage of any building and no more than fifty percent of any one floor of the building.
- (20) “Licensee” means any person licensed under this article 30.
- (21) “Licensing authority” means the Colorado limited gaming control commission.
- (22) “Limited card games and slot machines”, “limited gaming”, or “gaming” means physical and electronic versions of slot machines, craps, roulette, and the card games of poker and blackjack authorized by this article 30, as well as such other games as are approved by the voters of Central, Black Hawk, or Cripple Creek at a local election held in each city to control the conduct of gaming in that jurisdiction, and defined and regulated by the commission, each game having a maximum single bet as approved by the voters of Central, Black Hawk, or Cripple Creek at a local election held in each city to control the conduct of gaming in that jurisdiction.
- (23) “Operator” means any person who places slot machines upon the person’s business premises or any person who, individually or jointly, pursuant to an agreement whereby consideration is paid for the right to place slot machines on another’s business premises, engages in the business of placing and operating slot machines on retail premises within the cities of Central, Black Hawk, or Cripple Creek.
- (24) “Person” means an individual, partnership, business trust, government or governmental subdivision or agency, estate, association, trust, for profit corporation, nonprofit corporation, organization,



or any other legal entity or a manager, agent, servant, officer, or employee thereof.

(25)

(a) “Poker” means a card game played by a player or players who are dealt cards by a dealer. The object of the game is:

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

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

(b) In a variation of poker in which there can be more than one winning hand and the dealer’s participation is necessary or desirable to improve the game for players other than the dealer, the dealer may play, but under no circumstances may the dealer place a wager in any game in which he or she is dealing. A game in which the player holding the highest-scoring hand splits his or her winnings with the player holding the lowest-scoring hand does not qualify as a “variation of poker in which there can be more than one winning hand” for purposes of this subsection (25)(b).

(26) “Repeating gambling offender” shall have the same meaning as set forth in section 18-10-102 (9).

(27) “Retailer” means any licensee who maintains gaming at his or her place of business within the cities of Central, Black Hawk, or Cripple Creek for use and operation by the public.

(28) “Retail space” means the area where a retailer’s business is principally conducted.

(29) “Roulette” means a game in which a ball is spun on a rotating wheel and drops into a numbered slot on the wheel, and bets are placed on which slot the ball will come to rest in.

(30)

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

(b) “Slot machine” does not include:

(I) A vintage slot machine model that:

(A) Was introduced on the market before 1984;

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

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

(II) Crane games.

(31) “Slot machine distributor” means any person who imports into this state, or first receives in this state, slot machines, or who sells, leases, for a fixed or flat fee, or distributes slot machines in this state; except that “slot machine distributor” does not include operators licensed in this state.

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

(32.5) “Sports Betting” means placing one or more bets in a sports betting operation, as defined in section 44-30-1501(10).

(33) “Suitability” or “suitable” means, in relation to a person, the ability to be licensed by the commission and, in relation to acts or practices, lawful acts or practices.

(34) “Unsuitability or unsuitable” means, in relation to a person, the inability to be licensed by the commission because of prior acts, associations, or financial conditions, and, in relation to acts or practices, those that violate or would violate the statutes or rules or are or would be contrary to the declared legislative purposes of this article 30.

(35) “Within the cities of Central, Black Hawk, or Cripple Creek” means within the commercial district of any of those cities as specified in section 44-30-105.

#### **44-30-104.**

##### **Limited gaming - sports betting - authorization - regulation.**

Limited gaming and sports betting are hereby authorized and may be operated and maintained subject to this article 30. All limited gaming and sports betting authorized by this article 30 is subject to regulation by the commission.

**44-30-105.**

**Limited gaming - cities - commercial districts.** Limited gaming shall take place only in the following existing Colorado cities: The city of Central, county of Gilpin; the city of Black Hawk, county of Gilpin; and the city of Cripple Creek, county of Teller. Limited gaming shall be further confined to the commercial districts of said cities as said districts are respectively defined in the city ordinances adopted by the city of Central on October 7, 1981; the city of Black Hawk on May 4, 1978; and the city of Cripple Creek on December 3, 1973.

**44-30-106.****Exceptions.**

(1) Nothing in this article 30 shall be construed in any way to affect or interfere with the regulation of bingo and raffles by the office of the secretary of state.

(2) Nothing contained in this article 30 shall be construed to modify, amend, or otherwise affect the validity of any provisions contained in article 10 of title 18.

## PART 2

### DIVISION OF GAMING

**44-30-201.****Division of gaming - creation - repeal.**

(1) There is hereby created, within the department, the division of gaming, the head of which is the director of the division of gaming. The director is appointed by, and is subject to removal by, the executive director. The division of gaming, the Colorado limited gaming control commission created in section 44-30-301, and the director of the division of gaming shall exercise their respective powers and perform their respective duties and functions as specified in this article 30 under the department as if they were transferred to the department by a **type 2** transfer, as the transfer is defined in the “Administrative Organization Act of 1968”, article 1 of title 24; except that the commission has full and exclusive authority to promulgate rules related to limited gaming and sports betting without any approval by, or delegation of authority from, the department. Notwithstanding any provision of this subsection (1) to the contrary, sports betting is not authorized unless the voters at the November 2019 statewide election approve the ballot question submitted pursuant to section 44-30-1514, enacted in 2019 in House Bill 19-1327.

(2)

(a) The commission may adopt temporary or emergency rules, or both, and may accept license applications, before May 1, 2020, in

anticipation of the authorization of sports betting under part 15 of this article 30.

(b) This subsection (2) is repealed, effective July 1, 2020.

#### **44-30-202.**

##### **Function of division - repeal.**

(1) The functions of the division are to license, implement, regulate, and supervise the conduct in this state of:

(a) Limited gaming as authorized by section 9 of article XVIII of the state constitution; and

(b)

(I) Sports betting as authorized by part 15 of this article 30.

(II) This subsection (1)(b) is repealed, effective September 1, 2020, if the voters at the November 2019 statewide election do not approve the question described in section 44-30-1514 and the governor issues an official declaration of the vote thereon.

(2) Notwithstanding any provision of this section to the contrary, sports betting is not authorized unless the voters at the November 2019 statewide election approve the ballot question submitted pursuant to section 44-30-1514, enacted in 2019 in House Bill 19-1327.

#### **44-30-203.**

##### **Director - qualification - powers and duties.**

(1) The director shall:

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

(b) Be of good character and shall not have been convicted of any felony or gambling-related offense, notwithstanding the provisions of section 24-5-101;

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

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

(2) In addition to the duties imposed upon the director elsewhere in this part 2 and in parts 15 and 16 of this article 30, the director shall:

(a) Supervise and administer the operation of the division, limited gaming and sports betting in accordance with this article 30 and the rules of the commission;

(a.5) Supervise and administer the regulation of fantasy contest operators in accordance with part 16 of this article 30, including the establishment of fees for registration of small fantasy contest operators under section 44-30-1605 and fees for licensing, renewal,

and reinstatement of licenses of fantasy contest operators under section 44-30-1606;

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

(c)

(I) Employ and direct any personnel as may be necessary to carry out the purposes of this article 30, but no person shall be employed who has been convicted of a felony or gambling-related offense, notwithstanding the provisions of section 24-5-101.

(II) The director, with the approval of the commission, may enter into agreements with any department, agency, or unit of state government to secure services that the director deems necessary and to provide for the payment for the services and may employ and compensate the consultants and technical assistants as may be required and as otherwise permitted by law.

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

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

(f) Advise the commission and recommend to the commission any rules and other procedures as the director deems necessary and advisable to improve the operation of the division and the conduct of limited gaming or sports betting;

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

(h) Make a continuous study and investigation of the operation and the administration of similar laws that may be in effect in other states or countries; of any literature on gaming or sports betting that from time to time may be published or available; and of any federal laws that may affect the operation of the division, the conduct of limited gaming or sports betting, or the reaction of Colorado citizens to limited gaming or sports betting with a view to recommending or effecting changes that would serve the purposes of this article 30;

(i)

(I) Furnish to the commission a monthly report that contains a full and complete statement of the division's revenue and expenses for each month.

- (II) All reports required by this subsection (2)(i) shall be public, and copies of all the reports shall be sent to the governor, the speaker of the house of representatives, the president of the senate, the minority leaders of both houses, and the executive director.
- (j) Annually prepare and submit to the commission, for its approval, a proposed budget for the next succeeding fiscal year, setting forth a complete financial plan for all proposed expenditures and anticipated revenues of the division;
- (k) Take any action as may be determined by the commission to be necessary to protect the security and integrity of limited gaming or sports betting; and
- (l) Perform any other lawful acts that the commission may consider necessary or desirable in order to carry out the purposes and provisions of this article 30.

#### **44-30-204.**

##### **Investigator - peace officers.**

(I) All investigators of the division, and their supervisors, including the director and the executive director, have all the powers of any peace officer to:

- (a) Make arrests, with or without warrant, for any violation of this article 30, article 20 of title 18, or the rules promulgated pursuant to this article 30, any other laws or rules pertaining to the conduct of limited gaming or sports betting in this state, or any criminal law of this state, if, during an officer's exercise of powers or performance of duties under this section, probable cause is established that a violation of any said law or rule has occurred;
- (b) Inspect, examine, investigate, hold, or impound any premises where limited gaming or sports betting is conducted, any devices or equipment designed for or used in limited gaming or sports betting, and any books and records in any way connected with any limited gaming or sports betting activity;
- (c) Require any person licensed pursuant to this article 30, upon demand, to permit an inspection of his or her licensed premises, gaming equipment and devices, or books or records; and to permit the testing and the seizure for testing or examination purposes of all devices, equipment, and books and records;
- (d) Serve all warrants, notices, summonses, or other processes relating to the enforcement of laws regulating limited gaming or sports betting;
- (e) Serve distraint warrants issued by the department pertaining to limited gaming or sports betting;

(f) Conduct investigations into the character, record, and reputation of all applicants for limited gaming or sports betting licenses, all licensees, and any other persons as the commission may determine pertaining to limited gaming or sports betting;

(g) Investigate violations of all the laws pertaining to limited gaming, sports betting, and activities related to both;

(h) Assist or aid any sheriff or other peace officer in the performance of his or her duties upon the sheriff's or peace officer's request or the request of other local officials having jurisdiction.

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

(3) The investigators of the division, including the director of the division, shall be considered peace officers, as described in sections 16-2.5-101 and 16-2.5-123. The executive director shall be considered a peace officer as described in sections 16-2.5-101 and 16-2.5-121.

(4) Nothing in this section shall be construed to prohibit local sheriffs, police departments, and other local law enforcement agencies from enforcing the provisions of this article 30, and the rules promulgated pursuant to this article 30, or from performing their other duties to the full extent permitted by law. All sheriffs, police officers, district attorneys, and other local law enforcement agencies shall have all the powers set forth in subsection (1) of this section.

#### **44-30-205.**

**Division of gaming - access to records.** The division of gaming, for purposes of this article 30, shall have full authority to procure, at the expense of the division, any records furnished to or maintained by any law enforcement agency in the United States, including state and local law enforcement agencies in Colorado and other states for the purposes of carrying out its responsibilities pursuant to this article 30. Upon request from the Colorado bureau of investigation, the division shall provide copies of any and all information obtained pursuant to this article 30.

#### **44-30-206.**

**Repeal of division - review of functions.** Unless continued by the general assembly, this part 2 is repealed, effective September 1, 2022, and those powers, duties, and functions of the director specified in this part 2 are abolished. The provisions of section 24-34-104 (2) to (8) concerning a wind-up period, an analysis and evaluation, public hearings, and claims by or against an agency apply to the powers, duties, and functions of the director of the division.

## PART 3

### COLORADO LIMITED GAMING CONTROL COMMISSION 44-30-301.

#### **Colorado limited gaming control commission - creation.**

(1) There is hereby created, within the division of gaming, the Colorado limited gaming control commission. The commission shall consist of five members, all of whom shall be citizens of the United States and residents of this state who have been residents of the state for the past five years. The members shall be appointed by the governor, with the consent and approval of the senate. No member shall have been convicted of a felony or gambling-related offense, notwithstanding the provisions of section 24-5-101. No more than three of the five members shall be members of the same political party and no more than one member shall be from any one congressional district; except that a member who is serving pursuant to subsection (1)(a) of this section as a registered elector of Teller or Gilpin County may reside in the same congressional district as one of the other members. At the first meeting of each fiscal year, a chair and vice-chair of the commission shall be chosen from the membership by a majority of the members. Membership and operation of the commission shall additionally meet the following requirements:

(a) One member of the commission shall have had at least five years' law enforcement experience as a peace officer certified pursuant to section 24-31-305; one member shall be an attorney admitted to the practice of law in Colorado for not less than five years and who has experience in regulatory law; one member shall be a certified public accountant or public accountant who has been practicing in Colorado for at least five years and who has a comprehensive knowledge of the principles and practices of corporate finance; one member shall have been engaged in business in a management-level capacity for at least five years; and one member shall be a registered elector of any county in the state who is not employed in a profession or industry otherwise described in this subsection (1)(a). To the extent that applications have been submitted for consideration for membership on the commission, the governor shall prioritize appointing members who are registered electors of Gilpin county or Teller county. The registered elector members of the commission from Gilpin and Teller counties may be employed in a profession or industry otherwise described in this subsection (1)(a).

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



until July 1, 1994, and two members to serve until July 1, 1995. All subsequent appointments shall be for terms of four years. No member of the commission shall be eligible to serve more than two consecutive terms.

(c) Any vacancy on the commission shall be filled for the unexpired term in the same manner as the original appointment. The member appointed to fill the vacancy shall be from the same category described in subsection (1)(a) of this section as the member vacating the position.

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

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

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

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

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

- (i) A majority of the commission shall constitute a quorum, but the concurrence of a majority of the members appointed to the commission shall be required for any final determination by the commission.
- (j) The commission shall keep a complete and accurate record of all its meetings.

#### **44-30-302.**

##### **Commission - powers and duties - rules**

(1) In addition to any other powers and duties set forth in this part 3, and notwithstanding the designation of the Colorado limited gaming control commission under section 44-30-201 as a type 2 transfer, the commission shall nonetheless have the following powers and duties:

- (a) To promulgate the rules governing the licensing, conducting, and operating of limited gaming and sports betting as it deems necessary to carry out the purposes of this article 30. The director shall prepare and submit to the commission written recommendations concerning proposed rules for this purpose.
- (b) To conduct hearings upon complaints charging violations of this article 30 or rules promulgated pursuant to this article 30, and to conduct any other hearings as may be required by rules of the commission;
- (c) To enter into agreements with the Colorado bureau of investigation and state and local law enforcement agencies for the conduct of investigation, identification, or registration, or any combination thereof, of licensed operators and employees in licensed premises or in premises containing licensed premises in accordance with the provisions of this article 30, which conduct shall include, but not be limited to, performing background investigations and criminal records checks on an applicant applying for licensure pursuant to the provisions of this article 30 and investigating violations of any provision of this article 30 or of any rule promulgated by the commission pursuant to subsection (1)(a) of this section discovered as a result of the investigatory process or discovered by the department or the commission in the course of conducting its business. Nothing in this section shall prevent or impair the Colorado bureau of investigation or state or local law enforcement agencies from engaging in the activities set forth in this subsection (1)(c) on their own initiative.
- (d) To conduct a continuous study and investigation of limited gaming and sports betting throughout the state for the purpose of ascertaining any defects in this article 30 or in the rules promulgated pursuant to this article 30 in order to discover any abuses in the

administration and operation of the division or any violation of this article 30 or any rule promulgated pursuant to this article 30;

(e) To formulate and recommend changes to this article 30 or any rule promulgated pursuant to this article 30 for the purpose of preventing abuses and violations of this article 30 or any of the rules promulgated pursuant to this article 30; to guard against the use of this article 30 and the rules as a cloak for the conducting of illegal activities; and to ensure that this article 30 and the rules shall be in such form and be so administered as to serve the true purpose and intent of this article 30;

(f) To report immediately to the governor, the attorney general, the speaker of the house of representatives, the president of the senate, the minority leaders of both houses, and any other state officers as the commission deems appropriate concerning any laws that it determines require immediate amendment to prevent abuses and violations of this article 30 or any rule promulgated pursuant to this article 30 or to remedy undesirable conditions in connection with the administration or the operation of the division, limited gaming, or sports betting;

(g) To require any special reports from the director that it considers necessary;

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

(i) Upon complaint, or upon its own motion, to levy fines and to suspend or revoke, licenses that the commission has issued;

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

(k) To obtain all information from licensees and other persons and agencies that the commission deems necessary or desirable in the conduct of its business;

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

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

(n)

(I) Except as otherwise provided in subsection (1)(n)(II) of this section, to inspect and examine without notice all premises in which limited gaming or sports betting is conducted or where

devices or equipment used in those activities are located, manufactured, sold, or distributed, and to summarily seize, remove, and impound, without notice or hearing from the premises any equipment, devices, supplies, books, or records for the purpose of examination or inspection.

(II) Subsection (1)(n)(I) of this section does not apply to an owner, operator, employee, or customer of a simulated gambling device, or of a business offering simulated gambling devices, who:

(A) Ceased participating in such activity on or before July 1, 2018; and

(B) Provides clear documentation to the district attorney that a lawful contract has been entered into for the sale or transfer of all simulated gambling devices connected with the activity to a person by whom, or into a jurisdiction where, the activity is lawful; and consummates the contract by actually selling or transferring the simulated gambling devices within one hundred eighty days after the contract was entered into or after any simulated gambling devices that were seized, confiscated, or forfeited by law enforcement authorities have been returned, whichever occurs later.

(o) To enter into contracts with any governmental entity to carry out its duties without compliance with the provisions of the “Procurement Code”, articles 101 to 112 of title 24. The contracts or formal agreements, or both, are to be based on preestablished commission criteria specifying minimum levels of cooperation and conditions for payment.

(p) To exercise any other incidental powers as may be necessary to ensure the safe and orderly regulation of limited gaming and sports betting and the secure collection of all revenues, taxes, and license fees;

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

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

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

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

- (u) To demand, at any time when business is being conducted, access to and inspection, examination, photocopying, and auditing of all papers, books, and records of applicants and licensees, on their premises or elsewhere as practicable and in the presence of the licensee or the licensee's agent, pertaining to the gross income produced by any establishment or activity licensed under this article 30; to require verification of income, and all other matters affecting the enforcement of the policies of the commission or any provision of this article 30; and to impound or remove all papers, books, and records of applicants and licensees, without hearing, for inspection or examination; and
  - (v) To prescribe voluntary alternative methods for the making, filing, signing, subscribing, verifying, transmitting, receiving, or storing of returns or other documents.
- (2) Rules promulgated pursuant to subsection (1) of this section must include, at a minimum, the following:
- (a) The types of limited gaming and sports betting activities to be conducted and the rules for those activities;
  - (b) The requirements, qualifications, and grounds for the issuance, revocation, suspension, and summary suspension of all types of permanent and temporary licenses required for the conduct of limited gaming or sports betting;
  - (c) Qualifications of persons to hold limited gaming or sports betting licenses;
  - (d) Restrictions upon the times, places, and structures where limited gaming or sports betting are authorized;
  - (e) The ongoing operation of limited gaming or sports betting activities, including the testing and approval of software or accounting systems used in connection with limited gaming or sports betting;
  - (f) The scope and conditions for investigations and inspections into the conduct of limited gaming or sports betting, the background of licensees and applicants for licenses, the premises where limited gaming or sports betting are authorized, all premises where gaming devices are located, the books and records of licensees, and the sources and maintenance of limited gaming or sports betting devices and equipment;
  - (g) Activities that constitute fraud, cheating, or illegal or criminal activities;
  - (h) The percentage of the adjusted gross proceeds to be paid by each licensee to the commission, in addition to license fees and taxes;

- (i) The seizure without notice or hearing of gaming equipment, supplies, or books and records for the purpose of examination and inspection;
  - (j) The disclosure of the complete financial interests of applicants for licenses or of licensees;
  - (k) The issuance or denial of support licenses by the director;
  - (l) The granting of certain licenses with special conditions or for limited periods, or both;
  - (m) The establishment of procedures for determining suitability or unsuitability of persons, acts, or practices;
  - (n) The payment of costs incurred in the operation and administration of the division, and the costs resulting from any contract entered into for consulting or operational services;
  - (o) The payment of costs incurred by the Colorado bureau of investigation and any other agencies for investigations or background checks, which shall be paid by applicants for licenses or by licensees;
  - (p) The levying of fines for violations of this article 30 or any rule promulgated pursuant to this article 30;
  - (q) The amount of license fees for all types of licenses issued by the commission and the division;
  - (r) The conditions and circumstances that constitute suitability of persons, locations, and equipment for gaming or sports betting;
  - (s) The types and specifications of all equipment and devices used in or with limited gaming or sports betting; and
  - (t) All other provisions necessary to accomplish the purposes of this article 30.
- (3) Notwithstanding any provision of this section to the contrary, sports betting is not authorized unless the voters at the November 2019 statewide election approve the ballot question submitted pursuant to section 44-30-1514, enacted in 2019 in House Bill 19-1327.

## PART 4

### CONFLICT OF INTEREST

#### 44-30-401.

##### **Conflict of interest.**

- (1) Members of the commission and employees of the division are declared to be in positions of public trust. In order to ensure the confidence of the people of the state in the integrity of the division, its employees, and the commission, the following restrictions shall apply:
- (a) Except as otherwise provided in subsection (1)(b) of this section, no member of the commission, an ancestor or descendant of a member, including a natural child, child by adoption, or stepchild,

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

**(b)** No member of the commission or employee of the division, including the director, and no member of the immediate family of a member or employee of the division, shall have any interest, direct or indirect, in any licensee, licensed premises, establishment, or business involved in or with limited gaming. Further, the person shall not own, in whole or in part, property in the cities of Central, Black Hawk, or Cripple Creek; except that;

**(I)** A member of the commission serving pursuant to subsection (1)(a) of this section as a registered elector of Gilpin or Teller county may live with his or her family in the city of Central, Black Hawk, or Cripple Creek or in Gilpin or Teller county, and may own private property in those areas for residential purposes; and

**(II)** Employees of the division assigned to work regularly in Gilpin or Teller county may live with their families in those counties, and may own private property in those counties for residential purposes, with commission approval.

**(c)** No member of the commission or employee of the division, including the director, and no member of the immediate family of a member of the commission or employee of the division, shall receive any gift, gratuity, employment, or other thing of value from any person, corporation, association, or firm that contracts with or that offers services, supplies, materials, or equipment used by the division in the normal course of its operations, or that is licensed by the division or the commission; except that such persons may accept on an infrequent basis in the normal course of business any nonpecuniary items of insignificant value as shall be allowed by the director and as shall be specified by the commission by rule.

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

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

(2) Notwithstanding the provisions of subsection (1) of this section, the commission may, by rule, determine that an ownership interest of no more than five percent held by or through an institutional investor fund does not constitute an interest under subsections (1)(a) and (1)(b) of this section.

(3) For purposes of investigating violations of this article 30, the provisions of subsections (1)(c) and (1)(d) of this section shall not apply to an employee of the division acting in his or her official capacity while on duty.

## PART 5 LICENSING

### 44-30-501.

#### **Licenses - types - rules.**

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

(a) Slot machine manufacturer or distributor. A slot machine manufacturer or distributor license is required for all persons who import, manufacture, or distribute slot machines in this state, or who otherwise act as a slot machine manufacturer or distributor. Each license issued pursuant to this subsection (1)(a) shall expire two years from the date of its issuance but may be renewed upon the filing and approval of an application for renewal. The fee for the initial license and all renewals thereof shall be determined by the commission pursuant to rule.

(b) Operator license.

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

(II) This subsection (1)(b) shall not apply to persons holding retail gaming licenses issued pursuant to subsection (1)(c) of this section.

(c) Retail gaming license. A retail gaming license is required for all persons permitting or conducting limited gaming on their premises. A retail gaming license may only be granted to a retailer.



Each person licensed as a retailer shall have and maintain sole and exclusive legal possession of the entire premises for which the retail license is issued. Each license issued pursuant to this subsection (1)(c) shall expire two years from the date of its issuance but may be renewed upon the filing and approval of an application for renewal. The fee for the initial license and all renewals thereof shall be determined by the commission pursuant to rule. A licensed retailer shall obtain slot machines only from, and shall return or sell slot machines only to, a licensed manufacturer or distributor. Slot machine transfers between licensed retailers directly and completely owned by the same person are allowed, if proper notification is given to the division.

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

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

**(f) Associated equipment supplier license.** An associated equipment supplier license is required for a person who imports, manufactures, or distributes associated equipment in this state, or who otherwise acts as an associated equipment supplier. Slot machine manufacturers or distributors who are licensed in this state and who import, manufacture, or distribute associated equipment need not obtain a separate associated equipment supplier license. Each license issued under this subsection (1)(f) expires two years after the date of its issuance but may be renewed upon the filing and approval of an application for renewal. The commission shall promulgate rules to establish the fees for an initial license and renewal licenses.

**44-30-502.**

**Key employee - determination of status.** If, in the determination of the commission, an employee of a licensee for limited gaming is a key employee and as such is subject to licensure, the commission shall serve notice of the determination upon the licensee who employed the key employee. In determining whether or not an employee is a key employee, the commission is not restricted by the title of the job performed by the employee but may consider the functions and responsibilities of the employee in making its decision. The licensee shall, within thirty days following receipt of the notice of the commission's determination, present the application for licensing of the employee to the commission or provide documentary evidence that the employee is no longer employed by the licensee. Failure of the licensee to respond as required by this section is grounds for disciplinary action. A person subject to application for licensing as a key employee may make written request to the commission to review its determination of the person's status within the gaming organization. If the commission determines that the person is not a key employee, the person shall be allowed to withdraw his or her application and continue in his or her employment. The request by an employee for review of his or her employment status does not stay the obligation of the licensee to present the employee's application to the commission within the thirty-day period prescribed by this section.

**44-30-503.**

**Licenses - revocable - nontransferable.** Every license issued pursuant to this article 30 is revocable and nontransferable. No licensee acquires any vested interest or property right in a license. The gaming licenses issued pursuant to this article 30 are only for the particular location initially authorized. The revocable privilege for any license issued or other approval granted is conditioned upon the proper and continuing qualification of the licensee or registrant and upon the discharge of the affirmative responsibility of each licensee or registrant to provide to the regulatory, investigatory, and law enforcement authorities any assistance and information necessary to assure that the policies and requirements of this article 30 are achieved.

**44-30-504.**

**Operator, slot machine manufacturer or distributor, associated equipment supplier, key employee, support licensee, or retailer - qualifications for licensure.** Before obtaining a license as an operator, slot machine manufacturer or distributor, associated equipment supplier, key employee, support licensee, or retailer, in

addition to meeting other requirements of this article 30 or rules of the commission, an applicant must show that he or she is of good moral character. An applicant has the burden of proving his or her qualifications to the satisfaction of the commission. The applicant must submit to and pay for background investigations the commission may order. All payments shall be deposited into the limited gaming fund created in section 44-30-701.

#### **44-30-505.**

**Considerations for licensure.** In considering whether a person is of good moral character for purposes of issuing any license pursuant to this article 30, or for any other purposes, the commission may, in addition to all other information, consider whether that person has been denied a gaming license by this or any other jurisdiction, city, state, or country, or whether the person has ever had a gaming license in this or any other jurisdiction, city, state, or country suspended or revoked. The commission may also consider whether a person has ever withdrawn an application for any type of gaming license anywhere and the reasons for the withdrawal.

#### **44-30-506.**

**Temporary or conditional licenses.** The commission may issue temporary or conditional licenses with respect to all licenses authorized under this article 30.

#### **44-30-507.**

**Delegation of authority to issue certain licenses.** The commission may delegate to the division the authority to issue permanent and temporary support and key employee licenses, but the commission shall review and approve the issuance of all other licenses issued pursuant to this article 30.

#### **44-30-508.**

##### **Licensed premises - retail floor plan - definition.**

(1) For purposes of this section, “retail floor plan” means a physical layout of the inside of the building in which limited gaming will take place that shows the location of the licensed premises within the building.

(2) The retail floor plan shall be submitted to the commission with an applicant’s application for a retail gaming license. Approval of the retail floor plan is subject to commission rules and those rules pertaining to the public health, safety, good order, and general welfare of the

cities of Central, Black Hawk, and Cripple Creek. All gaming devices shall be located within the licensed premises of a business.

(3) A licensed retailer may change the physical location of the licensed premises with the approval of the commission, the director, or the director's designee. Failure of the commission, the director, or the director's designee to deny an application to relocate the licensed premises in a building, within thirty days of the application, shall be deemed an approval thereof.

#### **44-30-509.**

##### **License - disqualification - criteria.**

(1) The commission shall deny a license to any applicant who is disqualified for licensure on the basis of any of the following criteria:

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

(b) Failure of the applicant to provide information, documentation, and assurances required by this article 30 or requested by the commission, failure of the applicant to reveal any fact material to qualification, or the supplying of information that is untrue or misleading as to a material fact pertaining to the qualification criteria;

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

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

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

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

- (IV) Service of a sentence upon conviction of any gambling-related felony or felony involving theft by deception in a correctional facility, city or county jail, or community correctional facility or under the supervision of the state board of parole or any probation department, notwithstanding the provisions of section 24-5-101;
- (V) Service of a sentence upon conviction of any felony involving fraud or misrepresentation in a correctional facility, city or county jail, or community correctional facility or under the supervision of the state board of parole or any probation department, notwithstanding the provisions of section 24-5-101;
- (d) Current prosecution or pending charges in any jurisdiction against the applicant, or against any person listed in subsection (1)(c) of this section, for any of the offenses enumerated in subsection (1)(c) of this section; except that, at the request of the applicant or the person charged, the commission shall defer decision upon the application during the pendency of the charge;
- (e) The identification of the applicant or any person listed in subsection (1)(c) of this section as a career offender or a member of a career offender cartel or an associate of a career offender or a career offender cartel in a manner that creates a reasonable belief that the association is of such a nature as to be inimical to the policy of this article 30 and to gaming operations. For purposes of this section, “career offender” means any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing such methods as are deemed criminal violations of the public policy of this state. For purposes of this section, “career offender cartel” means any group of persons who operate together as career offenders.
- (f) Refusal to cooperate by the applicant or any person who is required to be qualified under this article 30 with any legislative investigatory body or other official investigatory body of any state or of the United States when the body is engaged in the investigation of crimes relating to gaming, official corruption, or organized crime activity;
- (g) The applicant, or any of its officers or directors, or any of its general partners, or any stockholders, limited partners, or other persons having a financial or equity interest of five percent or greater in the applicant is or has been a professional gambler as that term is defined in article 10 of title 18.

**44-30-510.****Applicants and licensees - providing information - criminal history record check.**

(1) All applicants for licenses issued by the commission, and all persons holding licenses, including all persons interested, directly or indirectly, in the gaming business or license held by an applicant or licensee, shall upon request by the commission or division provide handwriting exemplars, and each person shall allow himself or herself to be photographed in accordance with procedures established by the commission.

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

(3)

(a) With or as a supplement to an application for a license or an application for a finding of suitability pursuant to this article 30, each applicant shall submit a set of fingerprints to the commission. The commission shall forward the fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. The commission shall not take final action on the application before receiving the results of the fingerprint-based criminal history record check.

(b) When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this subsection (3) reveal a record of arrest without a disposition, the commission shall require that applicant to submit to a name-based criminal history record check, as defined in section 22-2-119.3 (6)(d)

(c) Nothing in this subsection (3) shall preclude the commission from making further inquiries into the background of the applicant.

**44-30-511.****Application - fee - waiver of confidentiality.**

(1) The commission may establish investigation and application fees for the purpose of paying for the administrative costs of the commission and for paying for any background investigations of applicants and others. These fees may vary depending on the type of application, the complexity of the investigation, or the costs of the commission in reviewing the matters involved.

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

#### **44-30-512.**

##### **Supplier of licensee - licensure requirements.**

(1) Except as otherwise provided in subsection (2) of this section, any person supplying goods, equipment, devices, or services to any licensee in return for payment of a percentage, or calculated upon a percentage, of limited gaming activity or income must obtain an operator license or must be listed on the retailer's license where the limited gaming will take place.

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

(a) The manufacturer or distributor shall deposit in the fund and shall account, subject to supervision by the commission, for that money derived from wagering in machines linked to the system that is due to the manufacturer or distributor pursuant to its agreement with the retail licensee.

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

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

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

#### **44-30-513.**

**Application - authorization for background investigations.** By signing and filing an application for a license, which is hereby made subject to the perjury laws of this state, the applicant authorizes the commission to obtain information from any source, public or private, in this or any other country, regarding the background or conduct of the applicant and, if the applicant is a partnership or corporation, any of its shareholders, officers, directors, partners, agents, or employees.

**44-30-514.**

**License - grounds for approval or denial.** The commission may approve or deny any application for a license, in addition to all other conditions and requirements set forth in this article 30 and the rules promulgated pursuant thereto, on the basis of whether it deems the applicant a suitable person to hold the license applied for and whether it considers the proposed location, retail floor plan, or any other conditions suitable. Refusal of an applicant to provide all information requested by the commission or to allow investigation into the applicant's background is grounds for denial of a license. Information requested from the applicant by the commission shall include the applicant's date of birth in addition to other information necessary to identify and investigate fully the record and relevant history of the applicant.

**44-30-515.****Licensed premises - safety conditions - fire and electrical.**

(1)

(a) The building in which limited gaming will be conducted and the areas where limited gaming will occur shall meet safety standards and conditions for the protection of life and property as determined by the local fire official and the local building official. In making the determinations, the codes adopted by the director of the division of fire prevention and control within the department of public safety pursuant to section 24-33.5-1203.5 constitute the minimum safety standards for limited gaming structures; except that, in connection with structures licensed for limited gaming and operating on or before July 1, 2011, any newly adopted building codes shall not be applied retroactively to structures that were newly constructed or remodeled to accommodate licensed limited gaming.

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

(2) A certificate of compliance shall be issued to an applicant for a premises license by the local fire and building officials, and approved by the division of fire prevention and control. A copy of the local inspection report shall be filed with the state division of fire prevention and control. Once the division has deemed that the minimum requirements for fire prevention and control have been met, the division shall approve the certificate of compliance within five working days from receipt of the inspection report. If not acted upon within five days, the certificate of compliance shall be considered approved. The certificate



shall be current and valid and shall cover the entire building where limited gaming is conducted.

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

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

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

#### **44-30-516.**

##### **Buildings - accessible to persons with disabilities.**

(1) All premises where limited gaming is conducted shall be accessible to and functional for persons with physical disabilities.

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

#### **44-30-517.**

**Waiver from liability - state of Colorado - disclosures or publications.** All applicants, registrants, and licensees shall waive liability as to the state of Colorado and its instrumentalities and agents for any damages resulting from any disclosure or publication in any manner, other than a willfully unlawful disclosure or publication, of any material or information acquired during inquiries, investigations, or hearings.

#### **44-30-518.**

##### **Renewal of licenses.**

(1) Subject to the power of the commission to deny, revoke, or suspend licenses, any license in force shall be renewed by the commission for

the next succeeding license period upon proper application for renewal and payment of license fees and taxes as required by law and the rules of the commission. The license period for a renewed license shall be the same period as the initial license period pursuant to section 44-30-501. In addition, the commission shall reopen licensing hearings at any time at the request of the director, the Colorado bureau of investigation, or any law enforcement authority. The commission shall act upon any application prior to the date of expiration of the current license.

(2) An application for renewal of a license may be filed with the commission up to one hundred twenty days prior to the expiration of the current license, and all license fees and taxes as required by law shall be paid to the commission on or before the date of expiration of the current license. The commission shall set the manner, time, and place at which an application is made.

(3) Upon renewal of any license, the commission shall issue an appropriate renewal certificate or validating device or sticker that shall be attached to each license.

(4) Renewal of a license may be denied by the commission for any violation of this article 30 or article 20 of title 18, or the rules promulgated pursuant thereto, for any reason that would or could have prevented its original issuance, or for any good cause shown.

#### **44-30-519.**

##### **Denial of application.**

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

- (a) Whose application has been denied by the commission may not reapply for licensure until at least one year has elapsed from the date of denial;
- (b) Who has been denied a license for a second time may not reapply until at least three years have passed since the date of the second denial.

#### **44-30-520.**

**Appeal of final action of commission.** Any person aggrieved by a final action of the commission may appeal the final action to the court of appeals pursuant to section 24-4-106.

#### **44-30-521.**

##### **Executive and closed meetings.**

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

- (a) Considering applications for licensing when discussing background investigations or personal information;
- (b) Meeting with gaming officials of other jurisdictions, the attorney general, the district attorney for either Teller or Gilpin county, or law enforcement officials in connection with possible criminal violations;
- (c) Consulting with the executive director, director, employees, or agents of the commission concerning possible criminal violations or any security issues;
- (d) Deliberations after hearing evidence in an informal consultation or in a contested case.

**44-30-522.**

**Communications - privileged and confidential.** Communications among the commission, executive director, and the director relating to licensing, disciplining of licensees, or violations by licensees are privileged and confidential if made lawfully and in the course of or in furtherance of the business of the commission, except pursuant to court order after an in-camera review. The executive director, director, the commission, or any member of the commission may claim this privilege.

**44-30-523.**

**Summary suspension.** Every license granted pursuant to this article 30 may be summarily suspended by the commission, pending a hearing before the commission, upon any terms and conditions that the commission shall by rule mandate.

**44-30-524.**

**Suspension or revocation of license - grounds - penalties.**

(1)

- (a) The commission may revoke a license granted pursuant to this article 30 for any cause that would have prevented issuance of the license, including the causes set forth in sections 44-30-509 and 44-30-801.
- (b) The commission may suspend or revoke a license granted pursuant to this article 30 for a violation by the licensee or an officer, director, agent, member, or employee of the licensee, after notice to the licensee, the opportunity for a hearing, and upon proof by a preponderance of the evidence as determined by the commission. Violations that may warrant license suspension or revocation include violations of this article 30, any rule promulgated by the commission, any provision of article 33 of this title 44, or any rule promulgated by

the executive director pursuant to section 44-33-108 (3), or conviction of a crime. In addition to revocation or suspension, or in lieu of revocation or suspension, the commission may impose a reprimand or a monetary penalty not to exceed the following amounts:

- (I) If the licensee is a slot machine manufacturer or distributor, the amount of one hundred thousand dollars;
  - (II) If the licensee is an associated equipment supplier, the amount of twenty-five thousand dollars;
  - (III) If the licensee is an operator, the amount of twenty-five thousand dollars;
  - (IV) If the licensee is a retailer, the amount of twenty-five thousand dollars;
  - (V) If the licensee is a key employee, the amount of five thousand dollars;
  - (VI) If the licensee holds a support license, the sum of two thousand five hundred dollars.
- (2) Any monetary penalty received by the commission pursuant to this section shall be deposited in the limited gaming fund established in section 44-30-701.
- (3) The civil penalties set forth in this section shall not be a bar to any criminal prosecution or to any civil or administrative prosecution.

#### **44-30-525.**

**Commission hearings - testimony.** In any hearing held by the commission pursuant to this article 30, the commission may apply to the district attorney having jurisdiction to prosecute the underlying criminal matter for orders pursuant to section 13-90-118 to compel testimony.

#### **44-30-526.**

##### **Records - confidentiality - exceptions.**

(1) Information and records of the commission enumerated by this section are confidential and may not be disclosed except pursuant to a court order. No person may by subpoena, discovery, or statutory authority obtain such information or records. Information and records considered confidential include:

- (a) Tax returns of individual licensees;
- (b) Credit reports and security reports and procedures of applicants for licenses and other persons seeking or doing business with the commission;
- (c) Audit work papers, worksheets, and auditing procedures used by the commission, its agents, or employees; and

- (d) Investigative reports concerning violations of law or concerning the backgrounds of licensees, applicants, or other persons prepared by division investigators or investigators from other agencies working with the commission and any work papers related to the reports; except that the commission may in its sole discretion disclose so much of the reports or work papers as it deems necessary and prudent.
- (2) This section does not apply to requests for such information or records from the governor, attorney general, state auditor, any of the respective district attorneys of this state, or any federal or state law enforcement agency, or for the use of such information or records by the executive director, director, or commission for official purposes, or by employees of the division of gaming or the department in the performance of their authorized and official duties.
- (3) This section may not be construed to make confidential the aggregate tax collections during any reporting period, the names and businesses of licensees, or figures showing the aggregate amount of money bet during any reporting period.
- (4)
- (a) Any person who discloses confidential records or information in violation of the provisions of this section commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501. Any criminal prosecution pursuant to the provisions of this section must be brought within five years from the date the violation occurred.
  - (b) If the person who violates this section is an officer or employee of the state, in addition to any other penalties or sanctions, the person shall be subject to dismissal if the procedures in section 24-50-125 are followed.
  - (c) If the person violating the provisions is a present employee or officer of the state who obtained the confidential records or information during their employment, then in any civil action, the subject of which includes the release of such confidential records or information, the person shall be liable for treble damages to any injured party.
  - (d) If the person violating the provisions is a former employee or officer of the state who obtained the confidential records or information during his or her employment, and if the person executed a written statement with the state agreeing to be held to the confidentiality standards expressed in this subsection (4), then in any civil action, the subject of which includes the release of the records or information after leaving state employment, the former employee or officer shall be liable for treble damages to any injured party.

**44-30-527.**

**Executive director and director have access to files and records.** The executive director and the director shall have access both physically and electronically to all files and records kept, or required to be maintained, and may contribute to those records.

**44-30-528.**

**Licensees - duty to maintain records.** Each licensee shall keep a complete set of books of account, correspondence, and all other records necessary to show fully the gaming transactions of the licensee, all of which shall be open at all times during business hours for the inspection and examination of the division or its duly authorized representatives. The division may require any licensee to furnish any information that the division considers necessary for the proper administration of this article 30 and may require an audit to be made of the books of account and records on any occasion that the division considers necessary by an auditor, selected by the commission or the director, who shall likewise have access to all the books and records of the licensee, and the licensee may be required to pay the expense thereof.

**44-30-529.**

**Businesses operating in compliance with section 18-10-105 (1.5).** Nothing in this article 30 shall be construed to affect a manufacturer who, prior to June 4, 1991, was operating a business in compliance with section 18-10-105 (1.5).

**44-30-530.**

**Payments of winnings - intercept.** Before making a payment of cash gaming winnings for which the licensee is required to file form W-2G, or a substantially equivalent form, with the United States internal revenue service, a licensee shall comply with the requirements of article 33 of this title 44.

## PART 6

### GAMING TAX

**44-30-601.****Gaming tax.**

(1) There is hereby imposed a gaming tax on the adjusted gross proceeds of gaming allowed by this article 30. The tax is set by rule as promulgated by the commission. The commission shall not set the tax at more than forty percent of the adjusted gross proceeds. In setting the tax rate, the commission shall consider the need to provide money

to the cities of Central, Black Hawk, and Cripple Creek for historic restoration and preservation; the impact on the communities and any state agency, including infrastructure, law enforcement, environment, public health and safety, education requirements, human services, and other components due to limited gaming; the impact on licensees and the profitability of their operations; the profitability of similar forms of gambling in other states; and the expenses of the commission and the division for their administration and operation. The commission shall also consider the following:

- (a) The amount shall never exceed the percentage provided in section 9 (5)(a) of article XVIII of the state constitution;
- (b) The amount shall be established in conformity with the spirit and interest of this article 30 so as to encourage business growth and investment in the gaming industry and to permit licensed operations, under normal business conditions and operation procedures, to realize a fair and just profit;
- (c) The amount shall take into account unreimbursed local financial burdens associated with limited gaming-related operations;
- (d) In setting the amount, the commission shall take into account profit levels after expenses of similar forms of gaming in other states;
- (e) The amount shall take into account capital costs required to comply with local, state, or federal requirements; financial reserves required by the commission for payments to winners; and investments necessitated by regulatory requirements of the commission;
- (f) The amount shall permit the licensed operator a reasonable profit after expenses, including:
  - (I) Capital costs associated with the licensed premises;
  - (II) Capital costs associated with limited gaming equipment;
  - (III) Capital costs required to comply with local or state requirements;
  - (IV) Extraordinary operating costs, including the provision of housing or transportation, or both, for employees;
  - (V) Initial costs associated with commencement of limited gaming;
  - (VI) Financial reserves required by the commission for payment to winners;
  - (VII) Investments necessitated by regulatory requirements of the commission; and
- (g) If local voters in one or more cities revise any limits on gaming as provided in section 9 (7)(a) of article XVIII of the state constitution:
  - (I) Any commission action that increases the percentage of gaming taxes from the percentages imposed as of July 1, 2008,

shall be effective only if approved by voters at a statewide election held under section 20 (4)(a) of article X of the state constitution; and

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

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

(3)

(a) The department shall collect the amount of gaming tax on adjusted gross proceeds determined pursuant to subsection (1) of this section from the licensed retailer and shall have all of the powers, rights, and duties provided in articles 20, 21, and 26 of title 39 to carry out the collection. The commission shall authorize reimbursement to the department of the costs associated with collection of gaming tax on adjusted gross proceeds from licensed operators pursuant to subsection (1) of this section, upon documentation of the costs satisfactory to the commission.

(b) All money collected pursuant to this section shall be deposited in the limited gaming fund created by section 9 (5)(a) of article XVIII of the state constitution.

#### **44-30-602.**

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

#### **44-30-603.**

##### **Violations of taxation provisions - penalties.**

(1) Any person who:

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



- (b) Fails to pay tax due under this article 30 within thirty days after the date the tax becomes due commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501;
  - (c) Fails to file a return required by this article 30 within thirty days after the date the return is due commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501;
  - (d) Violates either subsection (1)(b) or (1)(c) of this section two or more times in any twelve-month period commits a class 5 felony and shall be punished as provided in section 18-1.3-401;
  - (e) Willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under or in connection with any matter arising under any title administered by the commission or a return, affidavit, claim, or other document that is fraudulent or is false as to any material fact, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim, or document commits a class 5 felony and shall be punished as provided in section 18-1.3-401.
- (2) For purposes of this section, “person” includes corporate officers having control or supervision of, or responsibility for, completing tax returns or making payments pursuant to this article 30.

#### **44-30-604.**

##### **Returns and reports - failure to file - penalties.**

- (1)
  - (a) Any person who fails to file a return or report required by this article 30, which return or report includes taxable transactions, on or before the date the return or report is due as prescribed in section 44-30-602 is subject to the payment of an additional amount assessed as a penalty equal to fifteen percent of the tax or ten dollars, whichever is greater; except that, for good cause shown, the executive director may reduce or eliminate the penalty.
  - (b) Any person subject to taxation under this article 30 who fails to pay the tax within the time prescribed is subject to an interest charge of two percent per month or portion thereof for the period of time during which the payment is late or five dollars, whichever is greater.
  - (c)
    - (I) Penalty and interest are considered the same as a tax for the purposes of collection and enforcement, including liens, distraint warrants, and criminal violations.
    - (II) Any payment received for taxes, penalties, or interest is applied first to the tax, beginning with the oldest delinquency, then to interest and then to penalty.

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

(2) The procedures for collection of any taxes and penalties due under this article 30 and the authority of the department to collect the taxes and penalties shall be the same as those provided for the collection of sales taxes pursuant to articles 20, 21, and 26 of title 39.

#### 44-30-605.

**Local jurisdiction.** Nothing in this article 30 shall impair or otherwise affect the power of the municipalities where limited gaming is authorized to impose a fee upon gaming devices used in limited gaming.

## PART 7 LIMITED GAMING FUND

#### 44-30-701.

**Limited gaming fund - created.**

(1) There is hereby created in the office of the state treasurer the limited gaming fund. The fund shall be maintained and operated as follows:

(a) Except as specified in part 15 or this article 30, all revenues of the division shall be paid into the limited gaming fund. Except for those expenses related to sports betting as specified in part 15 of this article 30, all expenses of the division and the commission, including the expenses of investigation and prosecution relating to limited gaming, shall be paid from the fund.

(b)

(I) All money paid into the limited gaming fund shall be available immediately, without further appropriation, for the purposes of the fund. From the money in the limited gaming fund, the state treasurer is hereby authorized to pay all ongoing expenses of the commission, the department, the division, and any other state agency from whom assistance related to the administration of this article 30 is requested by the commission, director, or executive director, except those expenses related to sports betting, as specified in part 15 of this article 30. The payment shall be made upon proper presentation of a voucher prepared by the commission in accordance with other statutes governing payments of liabilities incurred on behalf of the state. The payment shall not be conditioned on any appropriation by

the general assembly. Receipt of the payment shall constitute spending authority by the division of gaming in the department.

(II) Except as specified in part 15 of this article 30:

(A) No claim for the payment of any expense of the commission, department, division, or other state agency shall be made unless it is against the limited gaming fund; and

(B) No other money of the state shall be used or obligated to pay the expenses of the division or commission.

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

(c) The state treasurer shall invest the money in the limited gaming fund so long as said money is readily available to pay the expenses of the division. Investments shall be those otherwise permitted by state law, and interest or any other return on the investments shall be paid into the limited gaming fund.

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

(I) Fifty percent shall be referred to in this section as the “state share” and shall be transferred to the state general fund or any other fund that the general assembly shall provide in subsection (2) of this section;

(II) Twenty-eight percent shall be transferred to the state historical fund created in section 9 (5)(b)(II) of article XVIII of the state constitution and distributed as specified in section 9 (5)(b)(III) of article XVIII of the state constitution and section 44-30-1201;

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

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

(2)

(a) Except as provided in subsection (2)(b) of this section, at the end of the 2012-13 state fiscal year and at the end of each state fiscal year thereafter, the state treasurer shall transfer the state share as follows:

- (I) Fifteen million dollars to the Colorado travel and tourism promotion fund created in section 24-49.7-106;
  - (II) For the 2014-15 state fiscal year and each state fiscal year thereafter, five million five hundred thousand dollars to the advanced industries acceleration cash fund created in section 24-48.5-117;
  - (III)
    - (A) At the end of the 2017-18 state fiscal year and each state fiscal year thereafter, five million dollars as annually increased by an amount equal to the percentage increase in the state share as described in subsection (1)(d)(I) of this section from the previous fiscal year to the local government limited gaming impact fund created in section 44-30-1301, plus an amount equal to the projected direct and indirect costs to administer the local government limited gaming impact grant program set forth in section 44-30-1301 (2)(a) for the upcoming fiscal year; except that such transfer shall be made at the beginning of the state fiscal year, and any unspent money from such transfer reverts to the local government limited gaming impact fund.
    - (B) If the state share does not increase from the previous fiscal year, then the state treasurer shall transfer an amount equal to the previous fiscal year's transfer.
  - (IV) Two million one hundred thousand dollars to the innovative higher education research fund created in section 23-19.7-104;
  - (V) Two million dollars to the creative industries cash fund created in section 24-48.5-301 for purposes of the council on creative industries, including the administration of the council;
  - (VI) Five hundred thousand dollars to the Colorado office of film, television, and media operational account cash fund created in section 24-48.5-116, for the operation of the Colorado office of film, television, and media, for the performance-based incentive for film production in Colorado as specified in section 24-48.5-116, and for the Colorado office of film, television, and media loan guarantee program as specified in section 24-48.5-115; and
  - (VII) Any amount of the state share that exceeds the transfers specified in subsections (2)(a)(I) to (2)(a)(VI) of this section shall be transferred to the general fund.
- (b) If a transfer specified in subsections (2)(a)(I) to (2)(a)(VI) of this section provides money for a purpose or program that is repealed or otherwise discontinued as of the date of the transfer, then the

transfer shall not be made to that particular fund but shall instead be transferred to the state general fund.

(c)

(I) Notwithstanding any provision of this section to the contrary, the state treasurer shall not make any of the transfers specified in subsections (2)(a)(I) to (2)(a)(VI) of this section at the end of the 2019-20 and 2020-21 state fiscal years.

(II) This subsection (2)(c) is repealed, effective July 1, 2023.

(3) Notwithstanding any provision of this section to the contrary, sports betting is not authorized unless the voters at the November 2019 statewide election approve the ballot question submitted pursuant to section 44-30-1514, enacted in 2019 in House Bill 19-1327.

#### **44-30-702.**

#### **Revenues attributable to local revisions to gaming limits - extended limited gaming fund - identification - separate administration - distribution - definitions.**

(1)

(a) Immediately after the limited gaming tax revenues attributable to extended limited gaming are determined, the state treasurer shall transfer the revenues, together with any associated interest, to the extended limited gaming fund, also referred to in this section as the “fund”, which is hereby created in the state treasury.

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

(2) Interest earned on money in the fund shall remain in the fund, and money remaining in the fund at the end of any fiscal year shall not revert to the general fund or to any other fund. Interest earnings shall be distributed annually in accordance with subsection (3)(c) of this section.

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

(a) First, that portion of the ongoing expenses of the commission and other state agencies that are related to the administration of extended limited gaming, as determined in accordance with rules of the commission. When making annual lump-sum distributions from the fund as described in subsection (5) of this section, the state treasurer may withhold an amount reasonably anticipated to be sufficient to pay the expenses until the next annual distribution.

(b) Second, annual adjustments, in connection with distributions to limited gaming fund recipients listed in section 9 (5)(b)(II) of article XVIII of the state constitution, to reflect the lesser of six percent, or the actual percentage, of annual growth in extended limited

gaming tax revenues. As used in this subsection (3)(b), “annual adjustment” means an annual payment to limited gaming fund recipients listed in section 9 (5)(b)(II) of article XVIII of the state constitution, calculated as follows:

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

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

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

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

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

(III) Nothing in this subsection (3)(b) shall be construed to permit compounding or accumulation of the annual adjustment.

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

(I) Seventy-eight percent to the state’s public community colleges, junior colleges, and local district colleges to supplement existing state funding for student financial aid programs and classroom instruction programs, including programs to improve student retention and increase credential completion, as well as workforce preparation to enhance the growth of the state economy, to prepare Colorado residents for meaningful employment, and to provide Colorado businesses with well-trained employees. The revenue shall be distributed to colleges that were operating on and after January 1, 2008, in proportion to their respective full-time equivalent student enrollments in the previous fiscal year. For purposes of the distribution, the state treasurer shall use the most recent available figures on full-time equivalent student enrollment calculated by the Colorado commission on higher education in accordance with subsection (4)(c) of this section.

(II) Ten percent to the governing bodies of the cities of Central, Black Hawk, and Cripple Creek to address local gaming

impacts. The revenue shall be distributed based on the proportion of extended limited gaming tax revenues that are paid by licensees operating in each city.

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

(4) Definitions. As used in this section:

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

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

(c)

(I) “Full-time equivalent student enrollment” means the number of in-state, full-time equivalent students enrolled at a college, as determined in accordance with article 7 of title 23, and the eligibility parameters contained in the “Policy for Reporting Full-Time Equivalent Student Enrollment” published as of January 1, 2008, by the Colorado commission on higher education, pursuant to its authority under section 23-1-105. The Colorado commission on higher education shall determine the full-time equivalent student enrollment for each college no later than August 15 of each year. For purposes of calculating a college’s in-state, full-time equivalent student enrollment for any fiscal year, the number of students enrolled in certificate, AA, AS, AGS, or AAS degree courses and programs, as well as the nondegree-seeking students who are included as part of the community college role and mission for purposes of application to the department of higher education and enrollments in developmental courses by any students, regardless of degree

intent, reported by the college to the department of higher education in its final student FTE report for that fiscal year shall be presumed correct; except that the following students shall be excluded:

- (A) Students who are admitted to a college on a competitive basis and are not enrolled in certificate, AA, AS, AGS, or AAS developmental or vocational courses;
- (B) Students who are admitted pursuant to the Colorado commission on higher education's undergraduate admissions standard index for a college or within the Colorado commission on higher education's admissions window for a college and are not enrolled in certificate, AA, AS, AGS, or AAS developmental or vocational courses; and
- (C) Students who are enrolled in classes that are not supported by state general fund money.

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

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

(I) For revenues collected in fiscal year 2009-2010, reduced by a three percent growth factor on the 2008-2009 base of limited gaming tax revenues, which amount shall be added to the base and shall constitute the adjusted base; and

(II) Thereafter:

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

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

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

(e) "Other state money appropriated or otherwise allocated for similar programs or purposes" means all money distributed from



the general fund of the state by the general assembly for higher education or for the support of any institution of higher education, including without limitation the colleges listed in subsection (4)(a) of this section. If the total amount of spending described in this subsection (4)(e) is reduced from one state fiscal year to the next, the percentage of the reduction for the colleges listed in subsection (4)(a) of this section shall not exceed the percentage of reduction in total general fund operating funding, including college opportunity fund stipends and fee-for-service funds, for all institutions of higher education during the same state fiscal year.

**(f)** “Previous fiscal year” means, with respect to a college receiving money under this section, the fiscal year immediately preceding the fiscal year in which money is made available to the college pursuant to this section.

**(5)** Method of distribution - distribution to colleges - relationship to funding from other sources.

**(a)** On or before September 1 of each year, the state treasurer shall distribute all money from the fund to the recipients identified in subsection (3)(c) of this section in the form of lump-sum payments. Distribution to colleges listed in subsection (4)(a) of this section shall be to the state board for community colleges and occupational education for those colleges listed in section 23-60-205, and to the respective governing boards of the colleges that are not so listed.

**(b)** Money distributed under this section to colleges listed in subsection (4)(a) of this section, and any interest or income earned on a college’s deposit of the money, shall supplement and shall not supplant any other state money appropriated or otherwise allocated for similar programs or purposes. As used in this subsection (5), “state money” means general fund operating funding, including college opportunity fund stipends and fee-for-service funds, adjusted for inflation to the same degree as the inflation adjustment received by other institutions of higher education.

**(c)** Any higher education funding formula that allocates state-appropriated money shall not use money distributed under this section to supplant state money otherwise allocated by the formula.

**(d)** Money distributed from the fund is hereby continuously appropriated to the governing boards of the colleges listed in subsection (4)(a) of this section. The money shall be included for informational purposes in the annual general appropriation bill or in supplemental appropriation bills for the purpose of complying with any applicable constitutional and statutory limits on state fiscal year spending.

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

#### **44-30-703.**

**Audits and annual reports.** The limited gaming fund shall be audited at least annually by or under the direction of the state auditor, who shall submit a report of the audit to the legislative audit committee. The expenses of the audit shall be paid from the limited gaming fund.

#### **44-30-704.**

**Enforcement.** It is the duty of all sheriffs and police officers in this state to enforce the provisions of this article 30, or article 20 of title 18, and the rules promulgated by the commission, either on their own motion or upon complaint of any person, including any authorized agent of the commission. The sheriffs and police officers may exercise any authority of inspection and examination specified in this article 30. The district attorneys of the respective judicial districts of this state shall prosecute all violations of this article 30 in the same manner as provided for other crimes and misdemeanors.

#### **44-30-705.**

##### **Attorney general - duties.**

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

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

(3) Expenses of the attorney general incurred in the performance of the responsibilities under this section shall be paid from the limited gaming fund; except that any such expenses related to sports betting under part 15 of this article 30 shall be paid from the sports betting fund. Notwithstanding any provision of this subsection (3) to the contrary, sports betting is not authorized unless the voters at the November 2019 statewide election approve the ballot question submitted pursuant to section 44-30-1514, enacted in 2019 in House Bill 19-1327.

## PART 8

### UNLAWFUL ACTS

#### 44-30-801.

**Limited gaming equipment manufacturers or distributors, operators, associated equipment suppliers, retailers, key employees, support licensees, persons contracting with the commission or division - criteria.**

- (1) This section applies to the following persons:
  - (a) All persons licensed pursuant to this article 30;
  - (b) With respect to privately held corporations licensed pursuant to this article 30, the officers, directors, and stockholders of the corporations;
  - (c) With respect to publicly traded corporations licensed pursuant to this article 30, all officers, directors, and stockholders holding either five percent or greater interest or a controlling interest;
  - (d) With respect to partnerships licensed pursuant to this article 30, all general partners and all limited partners;
  - (e) With respect to any other organization licensed pursuant to this article 30, all those persons connected with the organization having a relationship to it similar to that of an officer, director, or stockholder of a corporation;
  - (f) All persons contracting with or supplying any goods or service to the commission or the division;
  - (g) All persons supplying financing or loaning money to any licensee, when the financing or loan is connected with the establishment or operation of limited gaming;
  - (h) All persons having a contract, lease, or other ongoing financial or business arrangement with any licensee, where the contract, lease, or arrangement relates to limited gaming operations, equipment, devices, or premises.
- (2) Each of the persons described in subsection (1) of this section shall be:
  - (a) A person of good moral character, honesty, and integrity notwithstanding section 24-5-101;
  - (b) A person whose prior activities, criminal record, reputation, habits, and associations do not pose a threat to the public interests of this state or to the control of gaming or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying-on of the business or financial arrangements incidental to the conduct of gaming;
  - (c) A person who has not served a sentence upon conviction of any felony, misdemeanor gambling-related offense, misdemeanor theft

by deception, or misdemeanor involving fraud or misrepresentation in a correctional facility, city or county jail, or community correctional facility or under the supervision of the state board of parole or any probation department within ten years prior to the date of applying for a license pursuant to this article 30, notwithstanding section 24-5-101;

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

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

#### **44-30-802.**

**False statement on application - violations of rules or provisions of article as felony.** Any person who knowingly makes a false statement in any application for a license or in any statement attached to the application, or who provides any false or misleading information to the commission or the division, or who fails to keep books and records to substantiate the receipts, expenses, or uses resulting from limited gaming conducted under this article 30 as prescribed in rules promulgated by the commission, or who falsifies any books or records that relate to any transaction connected with the holding, operating, and conducting of any limited gaming activity, or who knowingly violates any of the provisions of this article 30 or any rule adopted by the commission or any terms of any license granted under this article 30, commits a class 5 felony and shall be punished as provided in section 18-1.3-401.

#### **44-30-803.**

**Slot machines - shipping notices.**

(1)

(a)

(I) Any slot machine manufacturer or distributor shipping or importing a slot machine into the state of Colorado shall provide to the commission at the time of shipment a copy of the shipping invoice which shall include, at a minimum, the destination, the serial number of each machine, and a description of each machine.

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

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

(b) Any person violating any provision of this section commits a class 5 felony and shall be punished as provided in section 18-1.3-401.

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

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

(2) Slot machines that because of age and condition bear no manufacturer serial number shall be assigned a serial number by a remanufacturer of slot machines. The new serial number shall be duly recorded as required by federal regulations.

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

#### **44-30-804.**

##### **Persons prohibited from interest in limited gaming.**

(1) None of the following persons shall have any interest, direct or indirect, in any license involved in or with limited gaming:

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

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

(c) Elected municipal officials or county commissioners of the counties of Teller and Gilpin and of the cities of Central, Black Hawk, and Cripple Creek;

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

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

#### **44-30-805.**

**Responsibilities of operator.** Every licensed operator and retailer having slot machines on his or her premises shall provide audit and security measures relating to slot machines, as prescribed by this article 30 and by rules of the commission. Every licensed operator and retailer having slot machines on his or her premises shall ensure that the slot machines in his or her establishment comply with the specifications set forth in this article 30 and the rules promulgated pursuant to this article 30.

#### **44-30-806.**

**Gaming equipment - security and audit specifications.** All slot machines and all other equipment and devices used in limited gaming allowed by this article 30 shall have the features, security provisions, and audit specifications established in rules adopted by the commission.

#### **44-30-807.**

**Gaming equipment - not subject to exclusive agreements.** It is the public policy of this state that gaming equipment authorized and approved by the commission may not be subject to any exclusive agreement entered into prior to October 1, 1991.

#### **44-30-808.**

**Restriction upon persons having financial interest in retail licenses.** No person may have an ownership interest in more than three retail licenses. The interest of a licensed operator leasing or routing slot machines in return for a percentage of the income from limited gaming shall not by itself be considered an interest in a retail license under this section.

**44-30-809.****Age of participants - violation as misdemeanor - applicability.****(1)**

- (a) It is unlawful for any person under twenty-one years of age to:
  - (I) Linger in the gaming area of a casino;
  - (II) Sit on a chair or be present at a gaming table, slot machine, or other area in which gaming is conducted; or
  - (III) Participate, play, be allowed to play, place wagers, or collect winnings, whether personally or through an agent, in or from any limited gaming game or slot machines.
- (b) Subsections (1)(a)(I) and (1)(a)(II) of this section shall not apply to a person employed by the casino in which the person is present.
- (c) Nothing in subsection (1)(a) of this section shall prevent any person under twenty-one years of age from passing through a casino to nongaming areas.

(2) It is unlawful for any person to engage in limited gaming with, or to share proceeds from limited gaming with, any person under twenty-one years of age.

**(3)**

- (a) It is unlawful for any licensee to permit any person who is less than twenty-one years of age to:
  - (I) Linger in the gaming area of a casino;
  - (II) Sit on a chair or be present at a gaming table, slot machine, or other area in which gaming is conducted; or
  - (III) Participate, play, place wagers, or collect winnings, whether personally or through an agent, in or from any limited gaming game or slot machine.
- (b) Subsections (3)(a)(I) and (3)(a)(II) of this section shall not apply to a person employed by the casino in which the person is present.
- (c) Nothing in subsection (3)(a) of this section shall prevent any person under twenty-one years of age from passing through a casino to nongaming areas.

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

(5) Any person violating any of the provisions of this section with a person under eighteen years of age may also be proceeded against pursuant to section 18-6-701 for contributing to the delinquency of a minor.

**44-30-810.**

**Employee twenty-one years or older required on premises.** A retail licensee shall have one employee who is at least twenty-one years

of age on the premises during the hours limited gaming is conducted and within full view and control of any limited gaming activity conducted on the premises pursuant to the license obtained.

#### **44-30-811.**

**Persons conducting limited gaming.** No person under the age of twenty-one years shall be employed as a gaming employee, conduct, or assist in conducting, any limited gaming activity, and no such person shall manage or handle any of the proceeds from limited gaming.

#### **44-30-812.**

**Employee of licensed person - good moral character.** No person licensed under this article 30 shall employ or be assisted by any person who is not of good moral character.

#### **44-30-813.**

**Minimum payback - limit to a slot machine.** The minimum theoretical payback value on a slot machine shall be at least eighty but not more than one hundred percent of the value of any credit played. However, this section shall not be construed to prohibit tournament slot machines with theoretical payback values greater than one hundred percent where the machines do not accept nor pay out coins or tokens.

#### **44-30-814.**

**Key employee - support license.**

(1) A licensee shall not employ any person to work in the field of limited gaming, or to handle any of the proceeds of limited gaming, unless the person holds a valid key employee or support license issued by the commission.

(2) It is unlawful for any person holding a key employee or support license to participate in limited gaming in the gaming establishment where the licensee is employed or in any other gaming establishment owned by the licensee's employer; except that the licensee may participate in limited gaming if the participation is performed as part of the licensee's employment responsibilities.

#### **44-30-815.**

**Extension of credit prohibited.** No person licensed under this article 30 may extend credit to another person for participation in limited gaming.



**44-30-816.**

**Maximum amount of bets.** The amount of a bet made pursuant to this article 30 shall not be more, on the initial bet or subsequent bet, than the amounts approved by the voters of Central, Black Hawk, or Cripple Creek at a local election held in each city to control the conduct of gaming in that jurisdiction, subject to rules promulgated by the commission.

**44-30-817.****Failure to pay winners.**

- (1) It is unlawful for any licensee to willfully refuse to pay the winner of any limited gaming game, except as authorized by section 44-33-105 (2)(b)(II).
- (2) Any person violating any provision of this section commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501.

**44-30-818.****Approval of rules for certain games.**

- (1) Specific rules for blackjack, poker, craps, roulette, and such other games as are approved by the voters of Central, Black Hawk, or Cripple Creek at a local election held in each city to control the conduct of gaming in that jurisdiction shall be approved by the commission and clearly posted within plain view of the games.
- (2) A licensee shall not offer poker, blackjack, craps, or roulette, or any variation game of poker, blackjack, craps, or roulette, without prior approval of the game by the commission, except as specifically authorized in the commission's rules regarding field trials of new games or technology.
- (3) No licensee shall employ shills.

**44-30-819.**

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

**44-30-820.**

**Persons in supervisory positions - unlawful acts - rules.** It is unlawful for a dealer, floorperson, or other employee who serves in a supervisory position to solicit or accept a tip or gratuity from a player or patron at the licensed gaming establishment where he or she is

employed; except that a dealer may accept tips or gratuities from a patron at the table at which the dealer is conducting play, subject to this section. Except as the commission may authorize by rule, a dealer shall immediately deposit tips or gratuities in a lockbox reserved for that purpose, accounted for and placed in a pool for distribution based upon criteria established in advance by the licensed retailer.

#### **44-30-821.**

##### **Cheating - definition.**

- (1) It is unlawful for any person, whether he or she is an owner or employee of, or a player in, an establishment, to cheat at any limited gaming activity.
- (2) For purposes of this article 30, "cheating" means to alter the selection of criteria that determine:
  - (a) The result of a game; or
  - (b) The amount or frequency of payment in a game.
- (3) Any person issued a license pursuant to this article 30 violating any provision of this section commits a class 6 felony and shall be punished as provided in section 18-1.3-401, and any other person violating any provision of this section commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501. If the person is a repeating gambling offender, the person commits a class 5 felony and shall be punished as provided in section 18-1.3-401.

#### **44-30-822.**

##### **Fraudulent acts.**

- (1) It is unlawful for a person:
  - (a) To alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players;
  - (b) To place, increase, or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or that is the subject of the bet or to aid anyone in acquiring the knowledge for the purpose of placing, increasing, or decreasing a bet or determining the course of play contingent upon that event or outcome;
  - (c) To claim, collect, or take, or attempt to claim, collect, or take, money or anything of value in or from a limited gaming activity with intent to defraud and without having made a wager contingent thereon, or to claim, collect, or take an amount greater than the amount won;
  - (d) Knowingly to entice or induce another to go to any place where limited gaming is being conducted or operated in violation of the

provisions of this article 30, with the intent that the other person play or participate in that limited gaming activity;

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

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

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

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

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

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

(k) To permit any limited gaming game or slot machine to be conducted, operated, dealt, or carried on in any limited gaming premises by a person other than a person licensed for the premises pursuant to this article 30;

(l) To place any limited gaming games or slot machines into play or display the games or slot machines without the authorization of the commission;

(m) To employ or continue to employ any person in a limited gaming operation who is not duly licensed or registered in a position whose duties require a license or registration pursuant to this article 30; or

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

(2) Any person issued a license pursuant to this article 30 violating any provision of this section commits a class 6 felony and shall be punished as provided in section 18-1.3-401, and any other person violating any provision of this section commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501. If the person is a repeating gambling offender, the person commits a class 5 felony and shall be punished as provided in section 18-1.3-401.

**44-30-823.****Use of device for calculating probabilities.**

(1) It is unlawful for any person at a licensed gaming establishment to use, or possess with the intent to use, any device to assist:

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

(2) Any person issued a license pursuant to this article 30 violating any provision of this section commits a class 6 felony and shall be punished as provided in section 18-1.3-401, and any other person violating any provision of this section commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501. If the person is a repeating gambling offender, the person commits a class 5 felony and shall be punished as provided in section 18-1.3-401.

**44-30-824.****Use of counterfeit or unapproved chips or tokens or unlawful coins or devices - possession of certain unlawful devices, equipment, products, or materials.**

(1) It is unlawful for any licensee, employee, or other person to use counterfeit chips in any limited gaming activity.

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

- (a) Knowingly to use anything other than chips or tokens approved by the commission or lawful coin, legal tender of the United States of America, or to use coin not of the same denomination as the coin intended to be used in that limited gaming activity; or
- (b) To use any device or means to violate the provisions of this article 30.

(3) It is unlawful for any person to possess any device, equipment, or material that he or she knows has been manufactured, distributed, sold, tampered with, or serviced in violation of the provisions of this article 30.

(4) It is unlawful for any person, not a duly authorized employee of a licensee acting in furtherance of his or her employment within an establishment, to have on his or her person or in his or her possession any device intended to be used to violate the provisions of this article 30.

(5) It is unlawful for any person, not a duly authorized employee of a licensee acting in furtherance of his or her employment within an

establishment, to have on his or her person or in his or her possession while on the premises of any licensed gaming establishment any key or device known to have been designed for the purpose of and suitable for opening, entering, or affecting the operation of any limited gaming activity, drop box, or electronic or mechanical device connected thereto, or for removing money or other contents therefrom.

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

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

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

#### **44-30-825.**

##### **Cheating game and devices.**

(1) It is unlawful for a person playing a licensed game in licensed gaming premises to:

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

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

(2) Any person violating any provision of this section commits a class 6 felony and shall be punished as provided in section 18-1.3-401; except that, if the person is a repeating gambling offender, the person commits a class 5 felony and shall be punished as provided in section 18-1.3-401.

**44-30-826.****Unlawful manufacture, sale, distribution, marking, altering, or modification of equipment and devices associated with limited gaming - unlawful instruction.**

- (1) It is unlawful to manufacture, sell, or distribute any cards, chips, dice, game, or device that is intended to be used to violate any provision of this article 30.
- (2) It is unlawful to mark, alter, or otherwise modify related equipment or a limited gaming device in a manner that:
  - (a) Affects the result of a wager by determining win or loss; or
  - (b) Alters the normal criteria of random selection, that affects the operation of a game or that determines the outcome of a game.
- (3) It is unlawful for any person to instruct another in cheating or in the use of any device for that purpose, with the knowledge or intent that the information or use so conveyed may be employed to violate any provision of this article 30.
- (4) Any person issued a license pursuant to this article 30 violating any provision of this section commits a class 6 felony and shall be punished as provided in section 18-1.3-401, and any other person violating any provision of this section commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501. If the person is a repeating gambling offender, the person commits a class 5 felony and shall be punished as provided in section 18-1.3-401.

**44-30-827.****Unlawful entry by excluded and ejected persons.**

- (1) It is unlawful for any person whose name is on the list promulgated by the commission pursuant to section 44-30-1001 or 44-30-1002 to enter the licensed premises of a limited gaming licensee.
- (2) It is unlawful for any person whose name is on the list promulgated by the commission pursuant to section 44-30-1001 or 44-30-1002 to have any personal pecuniary interest, direct or indirect, in any limited gaming licensee, licensed premises, establishment, or business involved in or with limited gaming or in the shares in any corporation, association, or firm licensed pursuant to this article 30.
- (3) Any person violating the provisions of this section commits a class 5 felony and shall be punished as provided in section 18-1.3-401.

**44-30-828.****Detention and questioning of person suspected of violating article - limitations on liability - posting of notice.**

- (1) Any licensee or an officer, employee, or agent thereof may question any person in the licensee's establishment suspected of violating any of

the provisions of this article 30. A licensee or any officer, employee, or agent thereof is not criminally or civilly liable:

- (a) On account of any such questioning; or
- (b) For reporting to the division, commission, or law enforcement authorities the person suspected of the violation.

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

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

Any gaming licensee, or any officer, employee, or agent thereof who has probable cause to believe that any person has violated any provision prohibiting cheating in limited gaming may detain that person in the establishment.

#### **44-30-829.**

##### **Failure to display operator and premises licenses.**

(1) It is unlawful for any person to fail to permanently display in a conspicuous manner:

- (a) Operator and premises licenses granted by the commission;
- (b) A notice in bold-faced type that is clearly legible and in substantially the following form:

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

(2) Any person violating this section commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501.

#### **44-30-830.**

##### **Authority, duties, and powers - department of revenue and department of public safety.**

(1) The gaming commission, the department, and the division shall regulate the gaming industry and enforce the gaming laws. Nothing in this section shall be construed to prohibit or limit the authority of local

sheriffs or police officers to enforce all the provisions of this article 30 or the rules promulgated pursuant to this article 30.

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

(a) Conduct criminal investigations and law enforcement oversight relating to violations of the “Colorado Organized Crime Control Act”, article 17 of title 18, as these violations are reported by law enforcement officials, the gaming commission, the governor, or as discovered by the Colorado bureau of investigation.

(b) In cooperation with local law enforcement officials and the commission, the Colorado bureau of investigation shall develop and collect information with regard to organized crime in an effort to identify criminal elements or enterprises that might infiltrate and influence limited gaming and report the information to appropriate law enforcement organizations and the limited gaming commission.

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

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

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

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

(5) The director of the Colorado bureau of investigation shall employ any personnel that may be necessary to carry out the duties and responsibilities set forth in this article 30. The commission shall authorize payment to the Colorado bureau of investigation for the cost involved. Costs for activities relating to limited gaming shall be paid from the limited gaming fund pursuant to pre-established contracts or formal agreements, or both, including contracts or formal agreements on specific activities the department of public safety will complete for the commission and conditions for payment, the manner in which the



commission and the department of public safety will review budgets and project resource needs in the future, and the level of cooperation established between the division, the Colorado bureau of investigation for conducting background investigations, and the Colorado state patrol for contracted services.

#### **44-30-831.**

**Violation of article as misdemeanor.** Any person violating any of the provisions of this article 30, or any of the rules promulgated pursuant thereto, commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, except as may otherwise be specifically provided in this article 30.

#### **44-30-832.**

**Agreements, contracts, leases - void and unenforceable.** All agreements, contracts, leases, or arrangements in violation of this article 30, or the rules promulgated pursuant to this article 30, are void and unenforceable.

#### **44-30-833.**

##### **Financial interest restrictions.**

(1) A manufacturer or distributor of slot machines, associated equipment, or related equipment shall not knowingly, without notifying the division within ten days:

- (a) Have any interest, directly or indirectly, in any operator;
- (b) Allow any of its officers, or any other person with a substantial interest in the business, to have any interest in an operator;
- (c) Employ any person in any capacity or allow any person to represent the business in any way if the person is also employed by an operator;
- (d) Allow any operator or any person having a substantial interest therein, to have any interest, directly or indirectly, in the business.

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

#### **44-30-834.**

**Revocation or expiration of license - requirement of notification.** A licensee whose license has been revoked or has expired shall notify the licensee’s employer within twenty-four hours after the revocation or expiration.

**44-30-835.****Personal pecuniary gain or conflict of interest.**

(1) It is unlawful for any person to issue, suspend, revoke, or renew any license pursuant to this article 30 for any personal pecuniary gain or any thing of value, as defined in section 18-1-901 (3)(r), or for any person to violate any of the provisions of section 44-30-401.

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

**44-30-836.****False or misleading information - unlawful.**

(1) It is unlawful for any person to provide any false or misleading information under the provisions of this article 30.

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

## PART 9

### CHARITABLE GAMING

**44-30-901.****Events sponsored by charitable organizations.**

(1) Any person licensed as a retailer, or as both a retailer and operator, may choose to allow a charitable organization to sponsor limited gaming at that retailer's licensed premises, if the following conditions are met:

(a) The organization is a charitable organization, that for purposes of this section means any organization, not for pecuniary profit, that is operated for the relief of poverty, distress, or other condition of public concern within this state and that has been so engaged for five years prior to making application to sponsor limited gaming under this article 30;

(b) The licensed operator or retailer and the charitable organization agree in writing upon all the terms and conditions of the sponsorship, and a copy of the written agreement is filed with the commission at least fourteen days prior to the day of the sponsored event;

(c) All sponsored events shall take place on licensed retail premises, and all requirements of this article 30 shall apply to the events, unless specifically modified by this part 9; and

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

**44-30-902.****Terms of sponsorship.**

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

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

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

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

(d) No charitable organization shall sponsor more than three days of limited gaming during any calendar year;

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

**44-30-903.**

**Notice of sponsorship.** No person licensed as a retailer, operator, key employee, or support person, and no member, agent, employee, officer, or director of a charitable organization, shall represent to any person that a limited gaming activity is being sponsored by that or another charitable organization unless the sponsoring charitable organization has filed a notice of intent with the commission pursuant to section 44-30-902 (1)(e).

## PART 10

### EXCLUDED PERSONS

#### 44-30-1001.

#### **Persons excluded or ejected - factors considered - legislative declaration.**

(1) The general assembly hereby declares that the exclusion or ejection of certain persons from licensed gaming establishments is necessary to carry out the policies of this article 30 and to maintain effectively the strict regulation of licensed gaming.

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

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

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

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

(d) Prior exclusion or ejection under the gaming rules of any other state, the United States, any of its possessions or territories, or an Indian tribe that regulates gaming;

(e) Career or professional offenders or associates of career or professional offenders, and any others as defined by rule of the commission.

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

(a) By personal service;

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

(c) By publication in one or more official newspapers in Teller and Gilpin Counties, Colorado. A person placed upon the exclusion list may contest that action by filing a written protest with the

commission, and the protest shall be heard by the commission as a contested case.

(4) The commission may impose sanctions upon any licensee in accordance with the provisions of this article 30 if the licensee fails to exclude or eject from the licensed premises any person placed by the commission on the list of persons to be excluded or ejected from licensed gaming establishments, which sanctions may include, but not be limited to, suspension, revocation, limitation, modification, denial, or restriction of any license.

#### **44-30-1002.**

##### **Emergency listing of persons to be excluded or ejected.**

(1) The commission, by rule, and notwithstanding the provisions of section 44-30-1001, may list persons to be excluded or ejected from any licensed gaming establishment, effective October 1, 1991, if the commission finds that listing the persons on an emergency basis is necessary to avoid danger to the public safety and if the public confidence and trust would be maintained only if the persons were listed on such an emergency basis.

(2) Notwithstanding the provisions of section 24-4-103 (6), the listing of persons to be excluded or ejected pursuant to this section expires one year after the adoption of the list, unless the provisions of section 44-30-1001 are followed for permanent listing.

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

(4) Any rule adopted pursuant to this section shall be followed within thirty days after the emergency listing by the procedures set forth in section 44-30-1001. A listing pursuant to this section must be vacated upon the conclusion of the rule-making proceeding initiated under section 44-30-1001 if a determination is made by the commission that a person should not have been placed on the list of persons to be excluded or ejected.

## PART 11

### GAMING DEVICES

**44-30-1101.**

**Exemption from federal law.** Pursuant to section 2 of an act of congress of the United States entitled “An Act to prohibit transportation of gambling devices in interstate and foreign commerce”, approved January 2, 1951, designated 15 U.S.C. secs. 1171 to 1177, inclusive, and in effect January 1, 1989, the state of Colorado acting by and through its elected and qualified members of its general assembly, does hereby, and in accordance with and in compliance with the provisions of section 2 of the act of congress, declare and proclaim that it is exempt from the provisions of section 2 of that act of congress of the United States, as regards gaming devices operated and used within the cities of Central, Black Hawk, and Cripple Creek, Colorado.

**44-30-1102.**

**Shipments of devices and machines deemed legal.** All shipments of gaming devices, including slot machines, into this state, the registering, recording, and labeling of which has been duly made by the manufacturer or dealer thereof in accordance with sections 3 and 4 of an act of congress of the United States entitled “An Act to prohibit transportation of gambling devices in interstate and foreign commerce”, approved January 2, 1951, designated as 15 U.S.C. secs. 1171 to 1177, inclusive, and in effect on January 1, 1989, shall be deemed legal shipments thereof, for use only within the cities of Central, Black Hawk, and Cripple Creek, Colorado.

**44-30-1103.**

**Ownership or possession of slot machines - rules.** Notwithstanding any other laws of this state to the contrary, if a licensed slot machine manufacturer, slot machine distributor, operator, retailer, or a retail gaming license applicant complies with all of the provisions of this article 30 and the rules promulgated under this article 30, he or she may legally own, possess, or own and possess slot machines in this state; except that nothing in this section authorizes the use of slot machines for any purpose other than the purposes specifically authorized in this article 30 and the rules promulgated under this article 30. The commission shall promulgate rules concerning the conditions under which the division may authorize a retail gaming license applicant to own, possess, or own and possess slot machines in this state before obtaining a retail gaming license.

## PART 12

### STATE HISTORICAL SOCIETY

#### 44-30-1201.

**State historical fund - administration - legislative declaration - state museum cash fund - capitol dome restoration fund - definition.**

(1) The state treasurer shall make annual distributions, from the state historical fund created by section 9 (5)(b)(II) of article XVIII of the state constitution, in accordance with the provisions of section 9 (5)(b)(III) of article XVIII of the state constitution. As specified in section 9 (5)(b)(III) of article XVIII of the state constitution, twenty percent of the money in the state historical fund shall be used for the preservation and restoration of the cities of Central, Black Hawk, and Cripple Creek. The remaining eighty percent of the fund shall be administered by the state historical society in accordance with subsection (5) of this section. Expenditures from the fund shall be subject to the provisions of section 44-30-1202. The society shall make grants from the eighty percent portion of said fund administered by the society for the following historic preservation purposes:

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

(b) The excavation, stabilization, preservation, restoration, rehabilitation, reconstruction, or acquisition of the designated properties;

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

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

(2)

(a) The society shall make grants primarily to governmental entities and to nonprofit organizations; except that the society may make grants to persons in the private sector so long as the person requesting the grant makes application through a governmental entity. The selection of recipients and the amount granted to a recipient shall be determined by the society, which determination shall be

based on the information provided in the applications submitted to the society.

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

**(3)** Subject to annual appropriation, the society may employ any personnel in accordance with section 13 of article XII of the state constitution that may be necessary to fulfill its duties in accordance with this section.

**(4)** The society shall promulgate rules for the purpose of administering the state historical fund, which rules may include criteria for consideration in awarding grants from the fund and standards for preservation that are acceptable to the society and that shall be employed by grant recipients.

**(5)**

**(a)**

**(I)** The general assembly hereby finds and declares that:

**(A)** The state historical society, founded in 1879, has a unique role as the state educational institution charged with collecting, preserving, and interpreting the history of Colorado and the west. The state formally recognized the state historical society as a state agency by statute in 1915, and the general assembly has continuously made appropriations for the society since that time.

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

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

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



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

(b) Subject to annual appropriation, the society may make expenditures from the museum and preservation operations account for the reasonable costs incurred by the society in connection with fulfilling the society's mission as a state educational institution to collect, preserve, and interpret the history of Colorado and the west and carrying out other activities and programs authorized by statute or rule. The reasonable costs may include capital construction and controlled maintenance expenditures relating to properties owned, managed, or used by the society.

(c)

(I) All money received by the society from limited gaming revenues pursuant to section 44-30-701 (1)(d)(II) shall be transmitted to the state treasurer, who shall credit the same to the state historical fund. Eighty percent of the state historical fund administered by the society is divided into the following two accounts:

(A) The preservation grant program account, hereby created in the state historical fund, that consists of fifty and one-tenth of one percent of the money received from the society in a fiscal year. Money in the account is subject to annual appropriation by the general assembly to the society to cover the reasonable costs as may be incurred in the selection, monitoring, and administration of grants for historic preservation purposes. Any money not appropriated for the costs is continuously appropriated to the society for the purpose of making grants pursuant to subsection (1) of this section.

(B) The museum and preservation operations account, hereby created in the state historical fund, that consists of forty-nine and nine-tenths of one percent of the money received from the society in a fiscal year. Money in the account is subject to annual appropriation by the general assembly for the purposes set forth in subsection (5)(b) of this section.

(II) Except as otherwise specified in subsection (5)(c)(III) of this section, all interest and income derived from the deposit and investment of money in the state historical fund, including the accounts created in subsections (5)(c)(I)(A) and (5)(c)(I)(B) of this

section, shall remain in the fund. At the end of any fiscal year, all unexpended and unencumbered money in the fund remains therein and shall not be transferred or revert to the general fund or any other fund; except that, for the fiscal year commencing July 1, 2008, and for each fiscal year thereafter through the fiscal year commencing July 1, 2045, the society may direct the state treasurer to transfer any unexpended and unencumbered money in the museum and preservation operations account at the end of the fiscal year to the state museum cash fund created pursuant to section 24-80-214. The state treasurer shall be the custodian of the funds pursuant to section 24-80-209.

**(III)**

**(A)** For the fiscal year commencing July 1, 2010, the state treasurer shall transfer four million dollars from the state historical fund, from the portion reserved for the statewide grant program for preservation pursuant to subsection (5)(d)(II)(A) of this section, at the beginning of the fiscal year to the capitol dome restoration fund, also referred to in this subsection (5)(c)(III) as the “fund”, hereby created in the state treasury. Money in the fund is subject to appropriation by the general assembly for repairs and safety improvements to the state capitol dome and supporting structures and for no other purpose, and any unexpended and unencumbered money remaining in the fund as of June 30, 2011, shall not revert to the state historical fund or any other fund. The four million dollar transfer specified in this subsection (5)(c)(III)(A) shall be reduced, dollar for dollar, by money deposited into the capitol dome restoration trust fund as specified in section 2-3-1304.3 (6)(b), if any. This dollar-for-dollar reduction shall not reduce the authorized fees and expenses of any fundraising firm selected by the capital development committee for cause-related marketing for capitol dome repairs.

**(B)** For the fiscal years commencing July 1, 2011, and July 1, 2012, the state treasurer shall transfer up to four million dollars from the state historical fund, from the portion reserved for the statewide grant program for preservation pursuant to subsection (5)(d)(II)(A) of this section, at the beginning of the fiscal year to the capitol dome restoration fund; except that the said four-million-dollar maximum amount shall be reduced, dollar for dollar, by the combined total of money deposited

into the capitol dome restoration trust fund as specified in section 2-3-1304.3 (6)(b), if any, and grants for repairs and safety improvements to the state capitol dome and supporting structures made by the state historical society under the grants process set forth in subsection (1) of this section. This dollar-for-dollar reduction shall not reduce any authorized fees and expenses of any fundraising firm selected by the capital development committee for cause-related marketing for capitol dome repairs.

**(C)** In the event of an emergency contingency expenditure deemed necessary by the state architect and approved by the office of state planning and budgeting and the capital development committee, supplemental appropriations out of the capitol dome restoration trust fund created in section 2-3-1304.3 (6)(b), and the capitol dome restoration fund created in subsection (5)(c)(III)(A) of this section may be made from any unexpended and unencumbered money remaining in the specified funds at any time.

**(D)** Prior to the end of the 2014-15 state fiscal year and after a complete accounting is available of the total in-kind and monetary donations received through the fundraising program established in section 2-3-1304.3, an end-of-project accounting shall occur based on the final total cost of the dome restoration construction project to ensure, through the annual general appropriations act, supplemental appropriations acts, or transfers between funds, as necessary, that all of the transfers from the state historical fund specified in subsections (5)(c)(III)(A) and (5)(c)(III)(B) of this section, and the 2013-14 appropriation from the capital construction fund specified in Senate Bill 13-230, are reduced, dollar for dollar, by the combined total of money deposited into the capitol dome restoration trust fund as specified in section 2-3-1304.3 (6)(b), grants for repairs and safety improvements to the state capitol dome and supporting structures made by the state historical society under the grants process set forth in subsection (1) of this section, any money received for the recycling of salvaged building materials from the state capitol dome during the construction period, and any in-kind gifts and donations, such as materials or labor, that resulted in the reduction of the total cost of the construction. The total value of any in-kind gifts and donations for purposes of

the dollar-for-dollar reduction specified in this subsection (5)(c)(III)(D) shall be calculated by the department of personnel and approved by the capital development committee as specified in section 2-3-1304.3 (6)(a)(II).

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

(d)

(I) The general assembly finds and declares that:

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

(B) Construction of a new Colorado state museum and offices for the state historical society will provide improved historic preservation, education, planning, and interpretation of Colorado's heritage, including the identification, evaluation, study, and marking of buildings, structures, objects, sites, or areas important in the history, architecture, archeology, or culture of the state; the official designation of the properties as appropriate for preservation; and other activities described in subsections (1)(c) and (1)(d) of this section.

(II) The general assembly reaffirms its intent that:

(A) The majority of the eighty percent portion of the state historical fund administered by the society shall continue to be used for the statewide grants for historic preservation purposes as described in subsection (1) of this section and may also be used to pay the administrative cost of the society in administering the grant program; and

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

(III) On or before October 1, 2008, the state treasurer shall transfer from the state historical fund to the state museum cash fund created pursuant to section 24-80-214 the sum of three million dollars. On or before October 1, 2009, the state treasurer shall transfer from the state historical fund to the state

museum cash fund the sum of two million dollars. On or before October 1, 2010, the state treasurer shall transfer from the state historical fund to the state museum cash fund the sum of two million dollars.

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

(6) For the fiscal year commencing July 1, 2014, the state treasurer shall transfer one million dollars from the state historical fund at the beginning of the fiscal year to the capital construction fund created in section 24-75-302 for historic renovation of the state house of representatives' chambers and the state senate's chambers.

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

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

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

(10) For the fiscal year commencing July 1, 2018, the state treasurer shall transfer eight hundred fifty thousand dollars from the preservation grant program account of the state historical fund on October 1, 2018, to the legislative department cash fund created in section 2-2-1601 to restore the old supreme court chamber in the state capitol building.

(11) For the fiscal year commencing July 1, 2018, the state treasurer shall transfer one hundred fifty thousand dollars from the preservation grant program account of the state historical fund on October 1, 2018, to the capital construction fund created in section 24-75-302 for historical property rehabilitation in the capitol complex.

(12) For the state fiscal year commencing July 1, 2019, the state treasurer shall transfer one million dollars from the preservation grant program account of the state historical fund on October 1, 2019, to the capital construction fund created in section 24-75-302 for repainting of the interior of the dome of the state capitol building.

**44-30-1202.**

**Expenditures from the state historical fund - legislative declaration.**

(1) The general assembly hereby finds and declares that when the voters approved the conduct of limited gaming in the cities of Central, Black Hawk, and Cripple Creek they believed that all money expended from the state historical fund would be used to restore and preserve the historic nature of those cities and other sites and municipalities throughout the state. Together with the limitations contained in section 44-30-1201 on the expenditure of money in the fund that is subject to administration by the state historical society, this section is intended to assure that expenditures from the fund by the society and by the cities of Central, Black Hawk, and Cripple Creek are used for historic restoration and preservation.

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

(3) The governing bodies of the cities of Central, Black Hawk, and Cripple Creek shall not expend money from their twenty percent portion of the state historical fund unless they have adopted standards for distribution of grants from that portion of the fund. At a minimum, the standards shall include the following:

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

- (b) A requirement that the city is a certified local government, as defined in section 44-30-103 (7), and that the city's historic preservation commission review and recommend grant awards to the governing body;
  - (c) A provision that prohibits a private individual from receiving more than one grant for the restoration or preservation of the same property within any one-year period;
  - (d) A provision that limits grants to property that is located within a national historic landmark district or within an area listed on the national register of historic places;
  - (e) A provision that limits grants for restoration or preservation to structures that have historical significance because they were originally constructed more than fifty years prior to the date of the application;
  - (f) A provision that prohibits issuing a grant to a private individual who does not own the residential property that is to be restored or preserved;
  - (g) A provision that prohibits making grants for more than one year at a time;
  - (h) A provision that requires a member of the governing body to disclose any personal interest in a grant before voting on the application;
  - (i) A provision requiring the award of any grant in excess of fifty thousand dollars for any single residential property to be conditioned upon an agreement to repay the grant upon any sale or transfer of the property within five years of the date the grant is awarded. The amount to be repaid shall equal the amount of the grant less an amount equal to one-sixtieth of the amount of the grant for each full month occurring between the date the grant is awarded and the date of the sale or transfer of the property.
  - (j) A provision allowing for the appropriate use of sustainable solutions such as environmentally sensitive and energy efficient windows, window assemblies, insulating materials, and heating and cooling systems, as long as the use of the sustainable solutions does not adversely affect the appearance or integrity of a historic property.
- (4) The provision contained in subsection (3)(d) of this section that requires that the governing bodies of the specified cities not expend money from the state historical fund unless they adopt standards that include a provision that limits grants to property that is located within a national historic landmark district or within an area listed on the national register of historic places is not intended to affect the status of the cities as approved sites for limited gaming under section 9 of

article XVIII of the state constitution in the event that the status as a historical landmark district or listing on the national register of historic places is not maintained.

(5) The governing body of a city that is not a certified local government pursuant to subsection (3)(b) of this section and that receives money from the state historical fund for historic preservation purposes shall not expend the money but instead shall create an independent restoration and preservation commission for the purpose of expending the money in accordance with part 14 of this article 30.

## PART 13

### LOCAL GOVERNMENT LIMITED GAMING IMPACT FUND

#### 44-30-1301.

#### **Local government limited gaming impact fund - rules - report - legislative declaration - definitions - repeal.**

(1)

(a) There is hereby created in the state treasury the local government limited gaming impact fund, and within the fund, there is created the limited gaming impact account and the gambling addiction account. The fund consists of money transferred to the fund pursuant to section 44-30-701 (2)(a)(III) and money appropriated to the fund by the general assembly. Of the money transferred to the fund, ninety-eight percent shall be allocated to the limited gaming impact account and two percent shall be allocated to the gambling addiction account. Money in the limited gaming impact account shall be used to provide financial assistance to eligible local government entities for documented negative gaming impacts and to award grants for the provision of gambling addiction counseling, including prevention and education, to Colorado residents.

(b) As used in this part 13, unless the context otherwise requires:

(I) “Documented gaming impacts” means the documented expenses, costs, and other negative impacts that are incurred directly and are explicitly identifiable as a result of limited gaming permitted in the counties of Gilpin and Teller and on Indian lands. “Documented negative gaming impacts” includes the provision of gambling addiction counseling, including prevention and education, to Colorado Residents.

(II) “Eligible local governmental entity” means the following local governmental entities:

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



- (B) Any municipality located within the boundaries of any county set forth in subsection (1)(b)(II)(A) of this section, except the City of Central, the City of Black Hawk, and the City of Cripple Creek, and except that neither the City of Woodland Park nor the City of Victor are eligible local governmental entities prior to July 1, 2002; and
- (C) Any special district providing emergency services within the boundaries of any county set forth in subsection (1)(b)(II)(A) of this section.
- (III) “Fund” means the local government limited gaming impact fund created in this section.
- (IV) “Negative impacts” means impacts that harm, damage, hurt, interfere, or undermine the eligible local governmental entity, and include, but are not limited to:
- (A) Increased infrastructure costs to service the licensed gaming establishment; for example, road repair and utilities;
  - (B) Increased service costs to service the licensed gaming establishment; for example, police services, fire services, and public transportation;
  - (C) Decreased number of new businesses and revenue in businesses cannibalized by gaming at a licensed gaming establishment; for example, charitable gaming through bingo or scratch tickets, horse racing and associated horse breeding and training, and a wide range of other possible entertainment industries;
  - (D) Decreased property values in areas proximate to a licensed gaming establishment;
  - (E) Increased rates of gambling addiction, increased indices associated with gambling addiction, and increased costs of addressing the following issues: increased rates of personal bankruptcy; increased rates of divorce, separation, and restraining orders; increased rates of child neglect and abuse; increased rates of mental health problems, self-harm, and suicide; increased rates of crime due to gambling addiction; decreased work productivity; increased treatment and prevention costs to treat problem gambling; and increased prevention costs to prevent problem gambling;
  - (F) Increased rates of crime, policing, incarceration, and probation services facilitated by the presence of a licensed gaming establishment, including additional alcohol-re-

lated crime, money laundering, passing counterfeit, and attracting clientele with antisocial tendencies;

(G) Decreased employment in industries cannibalized by a licensed gaming establishment;

(H) Increased traffic and traffic accidents;

(I) Increased noise; and

(J) Increased socioeconomic inequality, as gambling tends to be regressive.

(V) "Property values" means the sum of the actual value of all property, including the actual value of all tax-exempt property, as of December 31 of the prior year.

(2)

(a)

(I) After considering the recommendations of the local government limited gaming impact advisory committee created in section 44-30-1302, the money from the limited gaming impact account shall be distributed at the authority of the executive director of the department of local affairs to eligible local governmental entities upon their application for grants to finance planning, construction, and maintenance of public facilities and the provision of public services related to the documented negative gaming impacts; except that the grants must be prioritized.

(A) For eligible local governmental entities that are counties with lower property values compared to the property values of all counties that are eligible local governmental entities; or prioritized for eligible local governmental entities located in counties with lower property values compared to the property values of all counties that are eligible local governmental entities. If an eligible local governmental entity has a jurisdictional boundary that includes more than one county, then the prioritization for that eligible local governmental entity is established based on the county in which the eligible local governmental entity's administrative offices are located.

(B) Based on a methodological approach that incorporates a weighted decision matrix which includes community and impact scoring.

(II) At the end of any fiscal year, all unexpended and unencumbered money in the limited gaming impact account shall remain available for expenditure in any subsequent fiscal year without further appropriation by the general assembly.

(b)

(I) For the 2008-09 fiscal year and each fiscal year thereafter, the executive director of the department of human services

shall use the money in the gambling addiction account to award grants for the purpose of providing gambling addiction counseling services to Colorado residents and to provide gambling addiction treatment training to staff at nonprofit community mental health centers or clinics as defined in section 27-66-101. The department of human services may use a portion of the money in the gambling addiction account, not to exceed ten percent in the 2008-09 fiscal year and five percent in each fiscal year thereafter, to cover the department's direct and indirect costs associated with administering the grant program authorized in this subsection (2)(b). The executive director of the department of human services shall award grants to state or local public or private entities or programs that provide gambling addiction counseling services and that have or are seeking nationally accredited gambling addiction counselors. The executive director of the department of human services shall award ten percent of the money in the gambling addiction account in grants to addiction counselors who are actively pursuing national accreditation as gambling addiction counselors. In order to qualify for an accreditation grant, an addiction counselor applicant must provide sufficient proof that he or she has completed at least half of the counseling hours required for national accreditation. The executive director of the department of human services shall adopt rules establishing the procedure for applying for a grant from the gambling addiction account, the criteria for awarding grants and prioritizing applications, and any other provision necessary for the administration of the grant applications and awards. Neither the entity, program, or gambling addiction counselor providing the gambling addiction counseling services nor the recipients of the counseling services need to be located within the jurisdiction of an eligible local governmental entity in order to receive a grant or counseling services. At the end of a fiscal year, all unexpended and unencumbered money in the gambling addiction account remains in the account and does not revert to the general fund or any other fund or account.

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

(A) The amount of money allocated to the gambling addiction account pursuant to subsection (1) of this section;

(B) The number of grant applications received and the total amount of grant money requested by grant applicants;

(C) The total amount of money in the gambling addiction account that was awarded as grants to applicants; and

(D) The entities or programs that received grants and the amount of grant money each grant recipient received.

(III) This subsection (2)(b) is repealed, effective September 1, 2022. The state treasurer shall transfer any money remaining in the gambling addiction account on August 31, 2022, to the limited gaming impact account.

(c) Repealed

(3) Repealed.

(4) Notwithstanding any other provision of this section, money accruing to the fund on and after July 1, 2002, and any previously transferred unencumbered money in the fund on July 1, 2003, shall be transferred to the general fund. Transfers to the fund shall resume as otherwise provided in this section for any state fiscal year commencing on or after July 1, 2004.

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

(a) Grants to eligible local governmental entities from the local government limited gaming impact fund provide very valuable money to those communities, particularly in times of economic distress;

(b) The grants should only be awarded for explicitly identifiable and well-documented negative impacts resulting from limited gaming permitted in the counties of Gilpin and Teller and on Indian lands;

(c) Negative impacts are those impacts that harm, damage, hurt, interfere, or undermine the eligible local governmental entity; and

(d) The grant awards should be distributed based on the relative need of the county or town, as evidenced by the prioritization requirements set forth in subsection (2)(a)(I) of this section.

#### 44-30-1302.

#### **Local government limited gaming impact advisory committee - creation - duties.**

(1) There is hereby created within the department of local affairs a local government limited gaming impact advisory committee, referred to in this section as the “committee”. The committee shall be composed of the following thirteen members:

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

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

(c) Three members representing the counties eligible to receive money from the fund pursuant to section 44-30-1301 (2) who shall serve at the pleasure of the boards and who shall be appointed as follows:

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

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

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

(d) Two members representing the municipalities eligible to receive money from the fund pursuant to section 44-30-1301 (2) to be appointed by the mayors of the municipalities and who shall serve at the pleasure of the mayors for terms of four years; except that one of the initial appointees shall serve a term of two years. Not more than one member shall be selected pursuant to this subsection (1)(d) from each of the groups of counties described in subsections (1)(c)(I) to (1)(c)(III) of this section.

(e) One member representing the special districts providing emergency services that are eligible to receive money from the fund pursuant to section 44-30-1301 (2) to be appointed by and who shall serve at the pleasure of the director of the division in the department of public health and environment responsible for statewide emergency medical and trauma services management;

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

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

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

(2) The terms of the members appointed by the speaker of the house of representatives and the president of the senate who are serving on March 22, 2007, shall be extended to and expire on or shall terminate on the convening date of the first regular session of the sixty-seventh general assembly. As soon as practicable after the convening date, the speaker and the president shall each appoint or reappoint one member in the same manner as provided in subsections (1)(f) and (1)(g) of this section. Thereafter, the terms of the members appointed or reappointed by the speaker and the president shall expire on the convening date of the first regular session of each general assembly, and all subsequent appointments and reappointments by the speaker and the president shall be made as soon as practicable after the convening date. The person making the original appointment or reappointment shall fill any vacancy by appointment for the remainder of an unexpired term. Members appointed or reappointed by the speaker and the president shall serve at the pleasure of the appointing authority and shall continue in office until the member's successor is appointed.

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

(4) The committee shall have the following duties:

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

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

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

(d) To review grant applications from eligible local governmental entities, individually or in cooperation with other eligible local governmental entities, based upon the needs of the entities and the documented negative gaming impacts on the entities, and the prioritization requirements set forth in section 44-30-1301 (2)(a)(I); and

(e) To make funding recommendations on a continuing basis to be considered by the executive director of the department of local affairs in making funding decisions for grant applications submitted by eligible local governmental entities pursuant to section 44-30-1301 (2)(a).

(5) The members of the committee appointed pursuant to subsections (1)(f) and (1)(g) of this section are entitled to receive compensation and reimbursement of expenses as provided in section 2-2-326.

## PART 14

### INDEPENDENT RESTORATION AND PRESERVATION COMMISSION

#### 44-30-1401.

**Definitions.** As used in this part 14, unless the context otherwise requires:

- (1) “City” means a city that is not a certified local government as defined in section 44-30-103 (7) and that receives money from the state historical fund for historic preservation purposes.
- (2) “Commission” means an independent restoration and preservation commission created pursuant to section 44-30-1202 (5).

#### 44-30-1402.

**Independent restoration and preservation commission - appointments - qualifications - new appointments - appointments without nominations.**

(1) Pursuant to section 44-30-1202 (5), the governing body of a city shall create an independent restoration and preservation commission. The governing body shall appoint seven members to the commission as follows:

- (a) Two persons who are architects shall be appointed from nominees submitted by the Colorado chapter of the American institute of architects or any successor organization.
  - (b) Two persons who are experts in historic preservation shall be appointed from nominees submitted by the Colorado historical society.
  - (c) Two persons who shall each have a degree in either urban planning or landscape architecture shall be appointed from nominees submitted by the Colorado chapter of the American planning association or any successor organization.
  - (d) One person who is a member of the community shall be appointed directly by the governing body of the city.
- (2) In making appointments to the commission, the governing body of the city shall give due consideration to maintaining a balance of interests and skills in the composition of the commission and to the individual qualifications of the candidates, including their training, experience, and knowledge in the areas of architecture, landscape architecture, the history of the community, real estate, law, and urban planning.

(3) At any time that the term of office of a member of the commission is due to expire or when a member resigns, the governing body of the city shall request at least two nominees for each opening from the appropriate entity listed in subsection (1) of this section; except that this requirement shall not apply to the member of the community appointed directly by the governing body. The governing body shall make the appointments from the appropriate list of nominations.

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

(5) Members of the commission shall be appointed by and shall serve at the pleasure of the governing body of the city. Each member shall continue to serve until the member's successor has been duly appointed pursuant to subsection (1) of this section and is acting, but the period shall not extend more than ninety days past the expiration of the first member's term. The governing body shall determine the length of terms and whether the terms are staggered.

#### **44-30-1403.**

##### **Funding - compensation.**

(1) Costs associated with the operation of the commission shall be paid from the city's share of preservation and restoration money from the state historical fund.

(2) Members of the commission shall serve without compensation. To the extent authorized by the governing body of the city, members of the commission may be reimbursed for actual and necessary expenses incurred in the discharge of their official duties, including an allowance for mileage.

#### **44-30-1404.**

##### **Officers - bylaws - rules.**

(1) The commission shall elect a chairperson and any officers that it may require.

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

(3) The commission may adopt rules for the administration and enforcement of part 12 of this article 30 and this part 14.



**44-30-1405.**

**Meetings.** The commission shall act only at regularly scheduled semi-monthly meetings, that shall be held at a time determined by the governing body of the city, or at meetings of which not less than five days' notice has been given. Absent the objection of any member, the chairperson may cancel or postpone a regularly scheduled meeting of the commission.

**44-30-1406.**

**Quorum - action.** No official business of the commission shall be conducted unless a quorum of not less than four members is present. The concurring vote of at least four members of the commission is necessary to constitute an official act of the commission.

**44-30-1407.**

**Final agency action - judicial review.** Any official decision of the commission shall be considered final agency action and subject to judicial review in a court of competent jurisdiction. No official decision of the commission shall be appealable to or reviewable by the governing body of the city.

## **PART 15**

### **SPORTS BETTING**

**44-30-1501.****Definitions - rules.**

Definitions applicable to this part 15 also appear in section 44-30-103 and article 1 of this title 44. As used in this part 15, unless the context otherwise requires:

- (1) "Casino" means a licensed gaming establishment as defined in section 44-30-103 (18).
- (2) "Collegiate sports event" means a sports event offered or sponsored by or played in connection with a public or private institution that offers educational services beyond the secondary level.
- (3) "Fantasy sports activity" means the conduct of, or participation in, a fantasy contest as defined in section 44-30-1603 (4).
- (4) "Internet sports betting operation" means a sports betting operation in which wagers on sports events are made through a computer or mobile or interactive device and accepted by an internet sports betting operator.
- (5) "Internet sports betting operator" means a person licensed by the commission to operate an internet sports betting operation.

(6) “Master license” means a sports betting license, issued by the commission pursuant to section 44-30-1505 (1)(a), that authorizes the licensee to either conduct sports betting and internet sports betting itself or contract with a sports betting operator, an internet sports betting operator, or both, to conduct sports betting.

(7) “Net sports betting proceeds” means the total amount of all bets placed by players in a sports betting operation or internet sports betting operation, excluding free bets, less all payments to players and less all excise taxes paid pursuant to federal law. Payments to players include all payments of cash premiums, merchandise, or any other thing of value.

(8) “Prohibited sports event” means:

(a) A high school sports event;

(b) A video game that is not sanctioned by a sports governing body as an electronic competition; and

(c) Only with respect to proposition bets, a collegiate sports event.

(9) “Sports betting license” means any of the licenses specified in section 44-30-1505 (1).

(10) “Sports betting operation” means a licensed wagering operation in which bets are placed on sports events through any system or method of wagering, including single-game bets, teaser bets, parlays, over-under, moneyline, pools, exchange wagering, in-game wagering, in-play bets, proposition bets other than those relating to collegiate sports events, or straight bets.

(11) “Sports betting operator” means a person that is licensed to operate a sports betting operation in which customers place bets in person at a designated physical location.

(12)

(a) “Sports event” means:

(I) Any individual or team sport or athletic event in which the outcome is not determined solely by chance, whether amateur or professional, including an Olympic or international sport or athletic event and any collegiate sports event;

(II) Any portion of a sport or athletic event listed in subsection (12)(a)(I) of this section, including the individual performance statistics of athletes in a sports event or combination of sports events;

(III) A sanctioned motor sport, as authorized by the commission by rule; and

(IV) Any other sports event or combination of sports events as authorized by the commission by rule.

(b) “Sports event” does not include a prohibited sports event or a fantasy sports activity.

(13) “Sports governing body” means an organization that performs a regulatory or sanctioning function over the conduct of a sports event.

**44-30-1502.****Conflict of interest - participants in sports or athletic events.**

(1) The following persons shall not have any ownership interest in, control of, or otherwise be employed by a sports betting operator, a licensee, or a facility in which sports betting takes place or place a wager on a sports event that is overseen by that person's sports governing body based on publicly available information:

- (a) An athlete, coach, referee, employee, or director of:
  - (I) A sports governing body that sanctions or governs a sports event on which bets are placed; or
  - (II) Any team that is a member team in a sports governing body described in subsection (1)(a)(I) of this section.
- (b) A sports governing body or any of its member teams;
- (c) An agent, union, or union representative that advocates for players, referees, or other personnel involved with the conduct of a sports event;
- (d) A person who holds a position of authority or influence sufficient to exert influence over the participants in a sports event, including coaches, managers, and athletic trainers;
- (e) A person with access to nonpublic information on any sports event overseen by that person's sports governing body, which information pertains to or could affect or influence the performance of any team, coach, or participant in the sports event; or
- (f) A person identified by the sports governing body to the division or the commission for purposes of establishing actual or potential conflicts of interest.

(2) The direct or indirect legal or beneficial owner of ten percent or more of a sports governing body or any of its member teams shall not place or accept any wager on a sports event in which any member team of that sports governing body participates.

(3) The prohibitions set forth in this section do not apply to a sports governing body, a member team of a sports governing body, or a person who is a director or a direct or indirect owner of a sports governing body or member team of a sports governing body:

- (a) Who holds less than ten percent direct or indirect ownership interest in a casino or sports betting operation; or
- (b) Whose sports betting operation prohibits any wagering on the owner's team or players or the sports governing body's sports events.

**44-30-1503.****Licenses - rules.****(1)**

(a) The commission shall issue, deny, suspend, revoke, and renew sports betting licenses pursuant to subsection (3) of this section and rules adopted by the commission and may assess fines and penalties for violations of this part 15. The commission's licensing rules must include requirements relating to the financial responsibility of the licensee, the licensee's source of revenue for its sports betting operations, the character of the licensee, the trustworthy operation of the sports betting activity sought to be licensed, and other matters necessary to protect the public interest and trust in sports betting. Suspension is limited to circumstances in which the licensee's actions appear contrary to the public interest or tend to undermine public trust in the integrity of sports betting.

(b) The commission's rules must require that licenses be prominently displayed in areas visible to the public.

**(2)**

(a) A license shall be revoked upon a finding that the licensee has:

(I) Provided misleading information to the division or commission;

(II) Been convicted of a felony or any gambling-related offense;

(III) Become a person whose character is no longer consistent with the protection of the public interest and trust in sports betting; or

(IV) Intentionally refused to pay a prize in the licensee's possession to a person entitled to receive the prize under this part 15.

(b) A license may be suspended, revoked, or not renewed for any of the following causes:

(I) A delinquency in remitting money rightfully owed to players, contractors, or others involved in sports betting;

(II) Failure to ensure the trustworthy operation of sports betting; or

(III) Any intentional violation of this part 15 or any rule adopted pursuant to this part 15.

(3) Licensees may include individuals, firms, associations, or corporations, whether for profit or nonprofit, but the following are ineligible for a license under this part 15:

(a) A person who has been convicted of a gambling-related offense, notwithstanding section 24-5-101;

(b) A person who is or has been a professional gambler or gambling promoter;

- (c) A person who has engaged in bookmaking or any other form of illegal gambling, including any sports betting operation whose wagering activities did not result in prosecution but that the commission finds violated state or federal law;
  - (d) A person who is not of good character and reputation, notwithstanding section 24-5-101;
  - (e) A person who has been convicted of a crime involving misrepresentation, notwithstanding section 24-5-101;
  - (f) A firm or corporation in which a person described in subsections (3)(b) to (3)(e) of this section has a proprietary, equitable, or credit interest of ten percent or more;
  - (g) An organization in which a person described in subsections (3)(b) to (3)(e) of this section is an officer, director, or managing agent, whether compensated or not; or
  - (h) An organization in which a person described in subsections (3)(b) to (3)(e) of this section is to participate in the management or promotion of sports betting.
- (4) In addition to the persons specified in subsection (3) of this section as ineligible for a license, the commission may determine the following to be ineligible for a license under this part 15:
- (a) A person who has been convicted of a felony or a crime involving fraud, notwithstanding section 24-5-101;
  - (b) A firm or corporation in which a person described in subsection (4)(a) of this section has a proprietary, equitable, or credit interest of ten percent or more;
  - (c) An organization in which a person described in subsection (4)(a) of this section is an officer, director, or managing agent, whether compensated or not; or
  - (d) An organization in which a person described in subsection (4)(a) of this section is to participate in the management or promotion of sports betting.
- (5) Notwithstanding any provision of this section to the contrary, sports betting is not authorized unless the voters at the November 2019 statewide election approve the ballot question submitted pursuant to section 44-30-1514, enacted in 2019 in House Bill 19-1327.

#### **44-30-1504.**

#### **Disclosure of information by corporate applicants - license required - investigation - criminal history record check - rules - definition.**

- (1) Corporate applicants for a sports betting license and licensees shall disclose to the commission, in a form and manner determined by the commission, the identity of:

- (a) Each board-appointed officer of the applicant or licensee;
  - (b) Each director of the applicant or licensee;
  - (c) Each person who directly holds any voting or controlling interest of ten percent or more, in the case of a sports betting operator license or internet sports betting operator license, or of any percentage, in the case of a master license, of the securities issued by the applicant or licensee;
  - (d) Each person who directly holds any nonvoting or passive ownership interest of twenty-five percent or more of the securities issued by the applicant or licensee;
  - (e) Each holding, intermediary, or subsidiary company of the applicant or licensee; and
  - (f) Each lender from which the applicant or licensee currently has an outstanding loan.
- (2) As to each holding, intermediary, or subsidiary company of an applicant for a sports betting license or a licensee, the applicant or licensee shall establish and maintain the qualifications of:
- (a) Each board-appointed officer of the holding, intermediary, or subsidiary company;
  - (b) Each director of the holding, intermediary, or subsidiary company;
  - (c) Each person who directly holds any voting or controlling interest of ten percent or more, in the case of a sports betting operator license or internet sports betting operator license, or of any percentage, in the case of a master license, of the securities issued by the holding, intermediary, or subsidiary company;
  - (d) Each person who directly holds any nonvoting or passive ownership interest of twenty-five percent or more in the holding, intermediary, or subsidiary company; and
  - (e) Each lender from which the holding, intermediary, or subsidiary company currently has an outstanding loan.
- (3) The commission or the division may waive any or all of the qualification requirements for any person listed in subsection (1) or (2) of this section.
- (4) All persons employed directly in gambling-related activities conducted by a licensee or applicant for a sports betting license, whether in a casino, in a sports betting operation or internet sports betting operation, or in any other capacity, must be licensed under this part 15. Other employees of a licensee may be required to hold support licenses, if appropriate, in accordance with rules of the commission promulgated in consultation with the division.

(5) A master licensee shall designate one or more key employees to be responsible for the operation of the sports betting operation. At least one such key employee shall be on the premises whenever sports betting is conducted.

(6) The applicant for a sports betting license must submit to and pay the costs of any investigation into the background of an applicant. The division may conduct the investigation pursuant to section 44-30-204.

(7)

(a) Each applicant for a sports betting license, with or as a supplement to the application, shall submit a set of fingerprints to the division. The division shall forward the fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. Only the actual costs of the record check shall be borne by the applicant. Nothing in this subsection (7) precludes the division from making further inquiries into the background of the applicant.

(b) For purposes of this subsection (7), “applicant” means an individual or each officer or director of a firm, association, or corporation that is applying for a sports betting license pursuant to this section.

(8) Notwithstanding any provision of this section to the contrary, sports betting is not authorized unless the voters at the November 2019 statewide election approve the ballot question submitted pursuant to section 44-30-1514, enacted in 2019 in House Bill 19-1327.

#### 44-30-1505.

#### **License classifications - number of licenses - designated sports betting operators - qualifications - rules.**

(1) The commission shall issue the following three classifications of sports betting licenses in addition to any license classifications the commission chooses to authorize in accordance with section 44-30-1504 (4):

- (a) Master license;
- (b) Sports betting operator; and
- (c) Internet sports betting operator.

(2)

(a)

(I) The commission may issue a master license, upon the applicant’s payment of any required fees and compliance with all other requirements of this part 15, to a person that holds a retail gaming license as described in section 44-30-501 (1)(c). A person

holding more than one retail gaming license may be issued one master license for each retail gaming license it holds.

(II) The purchase of an existing ownership interest in a casino requiring the issuance of a new retail gaming license does not prohibit the transfer of an existing master license with the ownership interest, subject to approval by the commission.

(III) A master licensee shall conduct sports betting on its premises in accordance with this part 15 and shall not transfer its licensed sports betting operation to be conducted at any facility located outside the city of Central, the city of Black Hawk, or the city of Cripple Creek, regardless of whether that facility is licensed to manufacture or sell alcohol beverages under this title 44; licensed as a class B track or simulcast facility under article 32 of this title 44; licensed as a lottery sales agent under section 44-40-107; or licensed to conduct bingo or raffles under part 6 of article 21 of title 24. This subsection (2)(a)(III) does not prohibit sports betting through a licensed internet sports betting operator by a customer using his or her own computer or mobile or interactive device anywhere in the state.

(IV) A master license expires two years after the date of issuance but may be renewed upon the filing and approval of an application for renewal.

(b)

(I) A sports betting operator license or internet sports betting operator license entitles the licensee to contract with a master licensee for the purpose of operating a sports betting operation or internet sports betting operation, as applicable. Each master licensee shall contract with no more than one sports betting operator and one internet sports betting operator at the same time. A master licensee may contract with the same entity to provide the services of a sports betting operator and an internet sports betting operator.

(II) An internet sports betting operator may provide only one individually branded website, which may have an accompanying mobile application that must bear the same unique brand as the website for an internet sports betting operation. An internet sports betting operation shall not be opened to the public, and, except for test purposes, sports betting shall not be conducted in the internet sports betting operation until the internet sports betting operator receives its license and the commission approves its contract with the master licensee in accordance with subsection (3) of this section.



- (c) A person may hold both a sports betting operator license and an internet sports betting operator license. The commission shall determine by rule the distinctions and specific qualifications applicable to these licenses, including qualifications as to the time, place, and manner of accepting wagers and of verifying the identity of persons seeking to place wagers.
- (3) A contract between two or more licensees listed in subsection (1) of this section must be submitted in advance to, and is subject to approval by, the division in accordance with rules of the commission.
- (4) Each license issued pursuant to this section expires two years after issuance but may be renewed upon the filing and approval of an application for renewal. The fee for issuance or renewal of a license listed in subsection (1) of this section is as specified by the commission by rule in an amount sufficient to recover the commission's direct and indirect costs of processing the application and conducting background investigations, not to exceed one hundred twenty-five thousand dollars.
- (5)
- (a) A sports betting operation other than an internet sports betting operation must be operated in a designated area within a casino, subject to all requirements concerning design, equipment, security measures, and related matters established by the commission by rule, and may offer sports betting on any sports event authorized under rules of the commission.
- (b) All sports betting licenses must specify the portion of the licensee's premises located within the city of Central, the city of Black Hawk, or the city of Cripple Creek where sports betting will take place. The commission shall not require sports betting to be conducted within a casino's designated gaming area as authorized by the commission by rule, but any sports betting conducted outside of a casino's designated gaming area must be conducted only by a licensed internet sports betting operator, and bets must be placed only through a customer's own computer or mobile or interactive device.
- (c) A casino's support services for sports betting, including data aggregation, risk management, computer services, setting of odds, and banking may be sited outside of a casino's designated gaming area.
- (d) Notwithstanding any other provision of this article 30, sports betting, other than by a customer using his or her own computer or mobile or interactive device through an internet sports betting operation, shall not be conducted anywhere in the city of Central, the city of Black Hawk, or the city of Cripple Creek unless sports betting is authorized by the local voters of the respective city in a

municipal or coordinated election held in November 2019, concurrently with the statewide election described in section 44-30-1514.

(6) Each licensee shall keep a complete set of books of account, correspondence, and all other records necessary to fully show the sports betting transactions of the licensee, all of which must be open at all times during business hours for inspection and examination by the division or its duly authorized representatives. The division may require any licensee to furnish the information that the division considers necessary for the proper administration of this part 15 and may require an audit to be made of the books of account and records when the division considers it necessary by an auditor, selected by the director, who shall likewise have access to all the books and records of the licensee, and the licensee may be required to pay the expense of the audit.

(7) A sports governing body may petition the commission to restrict, limit, or exclude a type of wager the outcome of which is solely determined by the actions of a single player. Upon receiving such a petition, the commission shall review the request in good faith, seek input from the sports betting operators on the petition, and, if the commission deems it appropriate, adopt rules to restrict, limit, or exclude that type of wager.

(8) Notwithstanding any provision of this section to the contrary, sports betting is not authorized unless the voters at the November 2019 statewide election approve the ballot question submitted pursuant to section 44-30-1514, enacted in 2019 in House Bill 19-1327.

#### **44-30-1506.**

#### **Operations - eligibility to place bets - record-keeping - information sharing.**

(1) A person must be at least twenty-one years of age to place a bet.

(2)

(a) A sports betting operator shall adopt procedures to prevent persons who are prohibited from wagering on sports events from doing so. In the event of a wager placed by a person later determined to be ineligible, the sports betting operator shall refund the wager if possible or, if a refund is not possible, shall remit the amount of the wager to the commission for transfer to the sports betting fund.

(b) A sports betting operator shall not accept a bet from any person whose identity is known to the sports betting operator and:

(I) Whose name appears on the exclusion list maintained by the master licensee with whom the sports betting operator has a contractual relationship; except that a person may not invalidate

or retract a bet already placed at the time the person's name is placed on the exclusion list;

(II) Who is the sports betting operator, a director, officer, owner, or employee of the sports betting operator, or any relative of the sports betting operator living in the same household as the sports betting operator;

(III) Who has access to nonpublic, confidential information held by the sports betting operator; or

(IV) Who is an agent or proxy for any other person for the purpose of placing the bet.

(3) A sports betting operator shall establish or display the odds at which wagers may be placed on sports events.

(4) A sports betting operator shall adopt procedures to obtain personally identifiable information from any individual who places any single bet in an amount of ten thousand dollars or more on a sports event while physically present in a casino, and all disclosure and reporting requirements otherwise applicable to wagers under this article 30 apply to the conduct of sports betting under this part 15.

(5)

(a) A sports betting operator shall promptly report to the division:

(I) Any criminal or disciplinary proceedings commenced against the sports betting operator or its employees in connection with the operations of the sports betting operation or internet sports betting operation;

(II) Any abnormal betting activity or discernible patterns that may indicate a concern about the integrity of a sports event or events;

(III) Any other conduct with the potential to corrupt a betting outcome of a sports event for purposes of financial gain, including match fixing or the use of material, nonpublic information to place bets or facilitate another person's sports betting activity; and

(IV) Suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place bets, or use of false identification.

(b) In addition to reporting to the division as required by subsection (5)(a) of this section, a sports betting operator shall maintain records of all bets placed, including personally identifiable information of the bettor when available, amount and type of bet, time the bet was placed, location of the bet, including internet protocol address if applicable, the outcome of the bet, and records of abnormal betting activity. A sports betting operator shall maintain these

records for at least three years after the sports event occurs and shall make the records available for inspection upon request of the division or as required by court order.

(c) The division shall, given good and sufficient reason, cooperate with a sports governing body and sports betting operators to ensure the timely, efficient, and accurate sharing of information for the sole purpose of ensuring the integrity of their sport.

(d) The division and sports betting operators shall, given good and sufficient reason, cooperate with investigations conducted by sports governing bodies and shall cooperate with law enforcement agencies, including providing or facilitating the provision of account-level betting information and any available audio or video files relating to persons placing bets.

(e) The division may share any information obtained under this section with any law enforcement entity, team, sports governing body, or regulatory agency that requests information from the division in connection with an investigation conducted by that entity, team, sports governing body, or regulatory agency. The division may redact or aggregate information to protect the privacy of persons who are not subjects or targets of the investigation.

(6) All bets authorized under this part 15 must be initiated, received, and otherwise made within Colorado unless otherwise determined by the division in accordance with applicable federal and state laws. Consistent with the intent of the United States congress as articulated in the federal “Unlawful Internet Gambling Enforcement Act of 2006”, 31 U.S.C. sec. 5361-5367, the intermediate routing of electronic data relating to a lawful intrastate wager authorized under this provision does not determine the location or locations in which the wager is initiated, received, or otherwise made.

(7) Each sports betting operator may set such bet limits as it sees fit, in its sole discretion, and may make those limits specific to a form or class of sports betting, a specific sports event, or a person placing a bet, based on individual or aggregate data concerning bets to be placed or that have been placed historically by that individual or on that form or class of sports betting or on that sports event.

(8) An internet sports betting operator shall accept bets only from persons physically located within the state of Colorado. An internet sports betting operator may establish and fund sports wagering accounts electronically through commission-approved mobile applications and digital platforms.

**44-30-1507.****Records - confidentiality - exceptions.**

(1) Except as specified in subsections (2) and (3) of this section, information and records of the commission enumerated by this section are confidential and may not be disclosed except pursuant to a court order. No person may by subpoena or statutory authority obtain such information or records. Information and records considered confidential include:

- (a) Tax returns of individual licensees;
- (b) Credit reports and security reports and procedures of applicants and other persons seeking to do business or doing business with the commission;
- (c) Audit work papers, worksheets, and auditing procedures used by the commission, its agents, or employees; and
- (d) Investigative reports concerning violations of law or concerning the backgrounds of licensees, applicants, or other persons prepared by division investigators or investigators from other agencies working with the commission and any work papers related to the reports; except that the commission may, in its sole discretion, disclose so much of the reports or work papers as it deems necessary and prudent.

(2) Subsection (1) of this section does not apply to requests for information or records described in subsection (1) of this section from the governor, attorney general, state auditor, any of the respective district attorneys of this state, or any federal or state law enforcement agency, or for the use of the information or records by the executive director, director, or commission for official purposes, or by employees of the division or the department in the performance of their authorized and official duties.

(3)

(a) This section does not make confidential the aggregate tax collections during any reporting period, the names and businesses of licensees, or figures showing the aggregate amount of money bet during any reporting period. The division shall publicly report this information on a monthly basis in statements of net sports betting proceeds and sports betting taxes. Public reporting shall be made electronically and posted on the Divisions website.

(b)

(I) The division shall publicly report monthly and annual net sports betting proceeds, aggregated on a city-by-city basis for the city of Cripple Creek, the city of Central, and the city of Black Hawk, based on the physical location of master licensees' casinos. The data must also contain subtotals for proceeds

derived from on-site and internet sports betting operations, respectively. To the extent partial-year data are available for any reporting period that preceded the effective date of this subsection (3)(b), the division shall report any available monthly figures and shall note that annual figures do not reflect activity during the entire reporting period.

**(II)** If there are fewer than three holders of active and valid sports betting licenses in any of the cities listed in subsection (3)(b)(I) of this section, then, to protect the licensees' privacy, the division shall aggregate that city's sports betting proceeds with the sports betting proceeds of the city that has the next lowest number of active and valid sports betting licensees.

**(III)** If the Gilpin county assessor or Teller county assessor uses information aggregated pursuant to subsection (3)(b)(II) of this section to establish the actual value of a casino, whether sports betting is offered on the premises of the casino or online by the casino or by a contractor, and the use of the aggregated information results in an increase in the actual value of the casino's real property, the county assessor or an authorized agent of the assessor shall:

**(A)** Present the county assessor's estimate of the increase in the casino's valuation, based on the aggregated data, to the taxpayer on or before March 1 of each revaluation year;

**(B)** Consider any information that the taxpayer, in its discretion, chooses to disclose and provides to the county assessor or authorized agent of the assessor on or before March 15 of the revaluation year tending to show that the value attributed to the casino based on the aggregated data is incorrect;

**(C)** Treat any such disclosure by the taxpayer as the proprietary and confidential information of the taxpayer and shall not reveal the information to any other person, notwithstanding any provision of the "Colorado Open Records Act", part 2 of article 72 of title 24, or any other law. The confidentiality created by this subsection (3)(b)(III)(C) applies at all times during the real property assessment process, beginning when the information is first provided to the county assessor or authorized agent of the assessor and continuing through county board of equalization proceedings, any protest process, any board of assessment appeal proceedings, and any court proceedings. To the extent that this information is the subject of

administrative or court proceedings, the discussion of the information shall not be public and shall be restricted to in camera proceedings under seal.

**(D)** Only use such aggregated information or information provided by the taxpayer that establishes income actually received by the casino because the casino conducts sports betting on its licensed premises, either directly or by contracting with a licensed sports betting operator; or contracts with a third party so that the third party may conduct a licensed online sports betting operation in conjunction with the casino's master license.

**(IV)** Nothing in this subsection (3)(b) authorizes the division to produce any document or information that directly discloses, or would indirectly result in the disclosure of, taxpayer information that is confidential under this article 30 or any other provision of law.

**(4)**

**(a)** A person who discloses confidential records or information in violation of this section commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501. A criminal prosecution pursuant to this section must be brought within five years after the date the violation occurred.

**(b)** If a person violating this section is an officer or employee of the state, in addition to any other penalties or sanctions, the person is subject to dismissal if the procedures in section 24-50-125 are followed.

**(c)** A person is liable for treble damages to an injured party in a civil action the subject of which includes the release of confidential records or information, if the person violating this section is a current employee or officer of the state who obtained the confidential records or information specified in subsection (1) of this section during his or her employment.

**(d)** A former employee or officer is liable for treble damages to an injured party in a civil action the subject of which includes the release of records or information after leaving state employment if the person violating this section is a former employee or officer of the state who obtained the confidential records or information during his or her employment and the person executed a written statement with the state agreeing to be held to the confidentiality standards expressed in this subsection (4).

**44-30-1508.****Sports betting tax - rules.**

- (1) There is hereby imposed a tax on sports betting activity, at the rate of ten percent of net sports betting proceeds. The commission shall establish by rule the form and manner in which the tax is collected.
- (2) All proceeds of the sports betting tax shall be forwarded to the state treasurer, who shall credit them to the sports betting fund created in section 44-30-1509.

**44-30-1509.****Sports betting fund - creation - rules - definitions.**

- (1)
  - (a) There is hereby created, in the state treasury, the sports betting fund, referred to in this section as the “fund”. The initial appropriation to the division for sports betting regulation and all subsequent revenues of the division derived from sports betting activity and the regulation of fantasy contest operators under part 16 of this article 30, including license fees, fines and penalties, and collection of the sports betting tax, shall be deposited into the fund. All expenses of the division related to sports betting and fantasy contest regulation, including the expenses of investigation and prosecution relating to sports betting and the regulation of fantasy contest operators, shall be paid from the fund.
  - (b) All money paid into the fund is continuously appropriated for the purposes of implementing this part 15 and part 16 of this article 30. Payment shall be made upon proper presentation of a voucher prepared by the commission in accordance with other statutes governing payments of liabilities incurred on behalf of the state and shall not be conditioned on any appropriation by the general assembly. Receipt of the payment constitutes spending authority by the division.
- (2) From the money in the sports betting fund, to the extent the unexpended and unencumbered balance in the fund so permits, the state treasurer shall:
  - (a) First, transfer an amount to the general fund to repay any appropriation made from the general fund for the commission’s and division’s startup costs, including initial licensing and rule-making, related to sports betting;
  - (b) Second, pay all ongoing expenses related to administering this part 15 incurred by the commission, the department, the division, and any other state agency from whom assistance related to the administration of this part 15 is requested by the commission or the director, as determined in accordance with rules of the com-



mission. When making distributions from the fund as described in this subsection (2), the state treasurer may withhold an amount reasonably anticipated to be sufficient to pay the expenses until the next annual distribution.

(c) Third, transfer an amount equal to six percent of the full fiscal year sports betting tax revenues to the wagering revenue recipients hold-harmless fund, referred to in this section as the “hold-harmless fund”, which is hereby created in the state treasury, from which the state treasurer shall make disbursements as directed by the commission as follows:

(I) The commission shall accept applications from the following persons and entities for annual, lump-sum payments to offset any loss of revenue that they can demonstrate, to the commission’s satisfaction, is attributable to sports betting:

(A) The state historical fund created by section 9 (5)(b)(II) of article XVIII of the state constitution;

(B) The colleges described in section 44-30-702 (4)(a);

(C) The cities of Central, Black Hawk, and Cripple Creek;

(D) The counties of Gilpin and Teller; and

(E) Any persons or entities who benefit from purse funds collected pursuant to section 44-32-702 (1)(c) or 44-32-705.

(II) The commission shall establish, by rule, an annual schedule for the acceptance of applications; the form and manner in which applications must be made; its criteria for verifying the amount of each applicant’s revenue loss attributable to sports betting; and the date on which distributions from the hold-harmless fund are to be made.

(III) If, on the annual date of distribution, there is not sufficient money in the hold-harmless fund to pay all verified losses, the commission shall direct the state treasurer to reduce the amount of all claims by a uniform percentage so that applicants receive a share of the money proportionate to their verified losses.

(d) Fourth, transfer one hundred thirty thousand dollars annually to the office of behavioral health in the department of human services, to be used as follows:

(I) Thirty thousand dollars for the operation of a crisis hotline for gamblers by Rocky Mountain Crisis Partners or its successor organization; and

(II) One hundred thousand dollars for prevention, education, treatment, and workforce development by, and including the payment of salaries of, counselors certified in the treatment of gambling disorders.

- (e) Fifth, transfer all remaining unexpended and unencumbered money in the fund to the water plan implementation cash fund created in section 37-60-123.3.
- (3) Nothing in this section permits compounding or accumulation of the annual adjustment.
- (4) Upon request, the state treasurer shall report to the director or the commission the amount of money available in the fund. The director shall certify all accounts and expenditures from the fund. The state treasurer shall pay upon warrants drawn by the controller. The controller is authorized as directed to draw warrants payable out of the fund upon vouchers properly certified.
- (5) The state treasurer shall invest the money in the fund so long as the money is timely available to pay the expenses of the division. Investments must be those otherwise permitted by state law, and interest or any other return on the investments shall be paid into the fund.
- (6) The division shall be operated so that, after the initial state appropriation, its administration of this part 15 and part 16 of this article 30 is financially self-sustaining.
- (7) No claim for the payment of any expense of the division relating to administering this part 15 or part 16 of this article 30 can be made unless it is against the fund. No other money of the state shall be used or obligated to pay the expenses of the division or commission related to sports betting or fantasy sports activity.

#### **44-30-1510.**

##### **Audits.**

The sports betting fund shall be audited at least once before May 1, 2022, and at least once every five years thereafter, by or under the direction of the state auditor, who, notwithstanding section 24-1-136 (11)(a)(I), shall submit a report of the audit to the legislative audit committee. The expenses of the audit shall be paid from the sports betting fund.

#### **44-30-1511.**

##### **Unlawful acts.**

- (1) In addition to the prohibitions in section 44-30-801, it is unlawful for any person:
  - (a) To charge, in connection with the placement or acceptance of a bet, a commission or fee greater than or less than that fixed by the commission;
  - (b) To accept a bet by any person under twenty-one years of age; or
  - (c) To accept a bet at any place or in any manner other than a place or manner authorized and specified in a sports betting license.

**44-30-1512.**

**Penalties.**

(1) In addition to any other penalties that may apply, a person violating section 44-30-1511 commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501.

(2) A person violating the acceptance of bets restrictions of section 44-30-1511 (1)(b) may also be prosecuted pursuant to section 18-6-701 for contributing to the delinquency of a minor.

(3) A person purporting to issue, suspend, revoke, or renew licenses pursuant to this part 15 or to procure or influence the issuance, suspension, revocation, or renewal of a license for any personal pecuniary gain or any thing of value, as defined in section 18-1-901 (3)(r), or a person violating section 44-30-1502 commits a class 3 felony and shall be punished as provided in section 18-1.3-401.

(4) A person violating any provision of this part 15 relating to disclosure by providing false or misleading information commits a class 6 felony and shall be punished as provided in section 18-1.3-401.

**44-30-1513.**

**Other laws inapplicable.**

Any other state or local law in conflict with this part 15 is inapplicable, but this section does not supersede or affect part 6 or article 21 of title 24.

**44-30-1514.**

**Approval by electors - repeal.**

(1) The secretary of state shall submit to the registered electors of the state for their approval or rejection at the statewide election held in November 2019 the following ballot issue: "Shall state taxes be increased by twenty-nine million dollars annually to fund state water projects and commitments and to pay for the regulation of sports betting through licensed casinos by authorizing a tax on sports betting of ten percent of net sports betting proceeds, and to impose the tax on persons licensed to conduct sports betting operations?"

(2) This section is repealed, effective September 1, 2020.

**44-30-1515.**

**Repeal of part.**

(1) This part 15 is repealed, effective May 1, 2020, if the voters at the November 2019 statewide election do not approve the question described in section 44-30-1514 and the governor issues an official declaration of the vote thereon.

(2) This section is repealed, effective May 1, 2020, if the voters at the November 2019 statewide election approve the question described in section 44-30-1514 and the governor issues an official declaration of the vote thereon.

## PART 16

### FANTASY CONTESTS

#### 44-30-1601.

**Short title.** The short title of this part 16 is the “Fantasy Contests Act”.

#### 44-30-1602.

##### **Applicability of common provisions.**

Parts 1 and 3 of this article 30 apply, according to their terms, to this part 16 unless the context otherwise requires.

#### 44-30-1603.

**Definitions.** As used in this part 16, unless the context otherwise requires:

(1) “Confidential information” means information related to the play of a fantasy contest by fantasy contest players obtained as a result of or by virtue of a person’s employment.

(2) “Director” means the director of the division of gaming or the director’s designee.

(3) “Entry fee” means cash or cash equivalents that are required to be paid by a fantasy contest player to a fantasy contest operator in order to participate in a fantasy contest.

(4) “Fantasy contest” means a fantasy or simulated game or contest in which:

(a) The value of all prizes and awards offered to winning participants is established and made known to the participants in advance of the contest;

(b) All winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of athletes in sporting events; and

(c) Winning outcomes are not based on randomized or historical events or on the score, point spread, or any performance of any single actual sports team or combination of the teams or solely on any single performance of an individual athlete in any single actual sporting event.

(5) “Fantasy contest operator” means a person or entity that offers fantasy contests with an entry fee for a cash prize to members of the public.

(6) “Fantasy contest player” means a person who participates in a fantasy contest with an entry fee offered by a fantasy contest operator.

(7) “Small fantasy contest operator” means a fantasy contest operator that has no more than seven thousand five hundred fantasy contest players in Colorado with active accounts who participate in fantasy contests with an entry fee.

#### 44-30-1604.

#### **Rules - procedures - continuity of provisions and enforcement actions - repeal.**

(1)

(a) The director of the division of gaming shall promulgate reasonable rules for the administration and enforcement of this part 16, including rules governing the identification, licensing, and fingerprinting of applicants for licensure.

(b)

(I) Any rules of the director of the division of professions and occupations in the department of regulatory agencies in effect on September 1, 2020, under article 125 of title 12 continue in effect thereafter as though they had been promulgated by the director of the division of gaming under this part 16. References in any such rule to the director of the division of professions and occupations are deemed to refer to the director of the division of gaming.

(II) This subsection (1)(b) will be repealed if the director of the division of gaming promulgates rules pursuant to subsection (1)(a) of this section and the rules take effect. The director of the division of gaming shall notify the revisor of statutes in writing of the date on which the condition specified in this subsection (1)(b)(II) has occurred by e-mailing the notice to [revisorofstatutes.gacommatt@state.co.us](mailto:revisorofstatutes.gacommatt@state.co.us). This subsection (1)(b) is repealed, effective upon the date identified in the notice that the rules take effect or, if the notice does not specify that date, upon the date of the notice to the revisor of statutes.

(2)

(a) Any hearing, investigation, accusation, or other matter initiated by or pending before the director of the division of professions and occupations as of September 1, 2020, under article 125 of title 12 continues thereafter as though initiated by or pending before the director of the division of gaming under this part 16. In any such

matter, references in pleadings or other documents to the director of the division of professions and occupations are deemed to refer to the director of the division of gaming.

(b) This subsection (2) will be repealed if the director of the division of gaming resolves all matters specified in subsection (2)(a) of this section and all applicable judicial review of the matters have been finalized. The director of the division of gaming shall notify the revisor of statutes in writing of the date on which the condition specified in this subsection (2)(b) has occurred by e-mailing the notice to [revisorofstatutes.gacommatt@state.co.us](mailto:revisorofstatutes.gacommatt@state.co.us). This subsection (2) is repealed, effective upon the date identified in the notice that the condition has occurred or, if the notice does not specify that date, upon the date of the notice to the revisor of statutes.

#### **44-30-1605.**

##### **Registration.**

(1) On and after September 1, 2020, an entity shall not operate as a small fantasy contest operator unless the entity is registered with the director. On and after September 1, 2020, an individual who is not operating through an entity shall not operate as a small fantasy contest operator unless the individual is registered with the director.

(2) A small fantasy contest operator is subject to all of the provisions of this part 16; except that:

(a) A small fantasy contest operator need only be registered, not licensed, in order to offer fantasy contests for a fee, and a small fantasy operator is subject to section 44-30-1606 (3); and

(b) The director shall:

(I) Establish a registration process for small fantasy contest operators; and

(II) Not initiate an investigation of a potential violation of this part 16 by a small fantasy contest operator except upon the filing of a complaint with the director that the director reasonably believes warrants investigation.

#### **44-30-1606.**

##### **Licensing - rules.**

(1)

(a) On and after September 1, 2020, an entity shall not operate as a fantasy contest operator unless the entity is licensed by the director. On and after September 1, 2020, an individual who is not operating through an entity shall not operate as a fantasy contest operator unless the individual is licensed as a fantasy contest operator by the director. Notwithstanding any provision of this part 16 to the

contrary, the director shall issue a license to operate as a fantasy contest operator to any entity or individual that, as of August 30, 2020, held a valid license issued by the department of regulatory agencies to operate as a fantasy contest operator.

(b) An applicant for licensure must pay license, renewal, and reinstatement fees established by the director consistent with section 44-30-203 and other authorities. The director may promulgate reasonable rules pertaining to the renewal, expiration, and reinstatement of licenses. The director shall transmit all fees collected to the state treasurer, who shall credit them to the sports betting fund created in section 44-30-1509.

(2) Applications for licensure as a fantasy contest operator must:

(a) Be verified by the oath or affirmation of the person or persons as the director may prescribe;

(b) Be made to the director on forms prepared and furnished by the director; and

(c) Set forth such information as the director may require to enable the director to determine whether an applicant meets the requirements for licensure under this part 16. The information must include:

(I) The name and address of the applicant;

(II) If a partnership, the names and addresses of all of the partners, and if a corporation, association, or other organization, the names and addresses of the president, vice president, secretary, and managing officer, together with all other information deemed necessary by the director; and

(III) A designation of the responsible party who is the agent for the licensee for all communications with the director.

(3)

(a) An applicant may not be eligible for licensure or registration as a fantasy contest operator or licensure renewal if the applicant or any of its officers, directors, or general partners has been convicted of or has entered a plea of nolo contendere or guilty to a felony.

(b) The director is governed by section 24-5-101 in considering the conviction or plea of nolo contendere to a felony for any individual subject to a criminal history record check pursuant to subsection (4) of this section.

(4) With the submission of an application for a license granted pursuant to this section, each applicant and its officers, directors, and general partners shall submit a complete set of his or her fingerprints to the Colorado bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of

investigation for the purpose of conducting fingerprint-based criminal history record checks. A person who has previously submitted fingerprints for state or local licensing purposes may request the use of the fingerprints on file. The director shall require a name-based criminal history record check, as defined in section 22-2-119.3 (6)(d), for a person who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable or when the results of a fingerprint-based criminal history record check of a person performed pursuant to this subsection (4) reveal a record of arrest without a disposition. The director shall use the information resulting from the fingerprint-based or name-based criminal history record check to investigate and determine whether an applicant is qualified to hold a license pursuant to this section. The director may verify the information an applicant is required to submit. The applicant shall pay the costs associated with the fingerprint-based criminal history record check to the Colorado bureau of investigation. The applicant is responsible for the costs associated with a name-based criminal history record check.

(5) A fantasy contest operator shall not conduct, operate, or offer a fantasy contest that:

(a) Utilizes:

(I) Video or mechanical reels or symbols or any other depictions of slot machines, poker, blackjack, craps, or roulette; or

(II) Any device that qualifies as or replicates games that constitute limited gaming under section 9 of article XVIII of the Colorado constitution; or

(b) Includes a high school or youth sporting event.

#### **44-30-1607.**

##### **Consumer protections.**

(1) A fantasy contest operator, including a small fantasy contest operator, shall implement commercially reasonable procedures for fantasy contests with an entry fee, which procedures are designed to:

(a) Prevent employees of the fantasy contest operator, including a small fantasy contest operator, and relatives living in the same household as the employees, from competing in any fantasy contests offered by any fantasy contest operator in which the operator offers a cash prize; except that any of such individuals may play in a private contest on a fantasy contest platform in which the individual's relevant affiliation to the fantasy contest operator is disclosed to all other players;



- (b) Prevent sharing of confidential information that could affect the fantasy contest play with third parties until the information is made publicly available;
  - (c) Verify that a fantasy contest player in such a fantasy contest is eighteen years of age or older;
  - (d) Ensure that individuals who participate or officiate in a game or contest that is the subject of such a fantasy contest will be restricted from entering such a fantasy contest that is determined, in whole or in part, on the accumulated statistical results of a team of individuals in the game or contest in which they are a player or official;
  - (e) Allow individuals to restrict themselves from entering such a fantasy contest upon request and provide reasonable steps to prevent the person from entering the fantasy contests offered by the fantasy contest operator, including a small fantasy contest operator;
  - (f) Disclose the number of entries that a fantasy contest player may submit to each such fantasy contest, provide reasonable steps to prevent players from submitting more than the allowable number, and, in any contest involving at least one hundred one entries, not allow a player to submit more than the lesser of three percent of all entries or one hundred fifty entries;
  - (g) Segregate fantasy contest player funds from operational funds and maintain a reserve in the form of cash, cash equivalents, an irrevocable letter of credit, a bond, or a combination thereof, in the amount of the deposits made to the accounts of fantasy contest players for the benefit and protection of the funds held in the accounts;
  - (h) Distinguish highly experienced players and beginner players and ensure that highly experienced players are conspicuously identified as such to all players;
  - (i) Prohibit the use of scripts in fantasy contests that give a player an unfair advantage over other players and make all authorized scripts readily available to all fantasy contest players;
  - (j) Clearly and conspicuously disclose all rules that govern its contests, including the material terms of each promotional offer at the time the offer is advertised; and
  - (k) Use technologically reasonable measures to limit each fantasy contest player to one active account with that operator.
- (2) A fantasy contest operator, including a small fantasy contest operator, offering fantasy contests in this state shall:
- (a) Contract with a third party to annually perform an independent audit, consistent with the standards established by the Public Company Accounting Oversight Board, to ensure compliance with this part 16; and
  - (b) Submit the results of the audit to the director.

**44-30-1608.**

**Duty to maintain records.** Each fantasy contest operator shall keep daily records of its operations and shall maintain the records for at least three years. The records must sufficiently detail all financial transactions to determine compliance with the requirements of this part 16 and must be available for audit and inspection by the director during the fantasy contest operator's regular business hours.

**44-30-1609.****Authorization to conduct fantasy contests**

(1) Fantasy contests are authorized and may be conducted by a fantasy contest operator at a licensed gaming establishment. A gaming retailer may conduct fantasy contests if the gaming retailer is licensed as a fantasy contest operator.

(2) Fantasy contests are authorized and may be conducted by a fantasy contest operator at a licensed facility at which pari-mutuel wagering, as defined in section 44-32-102 (18), may occur. An operator of a class B track, as defined in section 44-32-102 (3), may conduct fantasy contests if the operator is licensed as a fantasy contest operator.

(3) A fantasy contest conducted in compliance with this part 16 does not violate article 10 or 10.5 of title 18.

**44-30-1610.****Grounds for discipline**

(1) The director may suspend, revoke, or refuse to renew the license or registration of or impose an administrative fine against a licensee or registrant if the fantasy contest operator, including a small fantasy contest operator:

(a) Violates any order of the director, any provision of this part 16, or the rules established under this part 16;

(b) Fails to meet the requirements for licensure under this part 16; or

(c) Uses fraud, misrepresentation, or deceit in applying for or attempting to apply for licensure or registration or otherwise in operating or offering to operate a fantasy contest.

(2) If it appears to the director, based upon credible evidence as presented in a written complaint, that a person is operating or offering to operate a fantasy contest without having obtained a registration or license, the director may issue an order to cease and desist the activity. The director shall set forth in the order the statutes and rules alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unauthorized practices immediately cease. Within ten days after service of the order to cease and desist pursuant

to this subsection (2), the person may request a hearing on the question of whether acts or practices in violation of this part 16 have occurred. The hearing shall be conducted pursuant to section 24-4-105.

**44-30-1611.**

**Civil fines.** In addition to any other remedy provided by law, a fantasy contest operator, or an employee or agent thereof, who violates this part 16 is subject to a civil fine of not more than one thousand dollars for each such violation, which the state treasurer shall credit to the sports betting fund created in section 44-30-1509. The director may file a civil action to collect the fine.

**44-30-1612.**

**Applicability.** This part 16 applies to conduct occurring on or after September 1, 2020.

## ARTICLE 31

### TRIBAL-STATE GAMING COMPACT

**44-31-101.**

**Tribal-state gaming compact.** In accordance with federal Indian gaming regulations in 25 U.S.C. sec. 2710 (d)(3)(C), any Indian tribe having jurisdiction over the Indian lands upon which class III gaming activity is being conducted or is to be conducted shall request the governor of Colorado on behalf of this state to enter into negotiations for the purpose of entering into a tribal-state compact governing the conduct of gaming activities. Upon receiving a request, the governor shall negotiate, after consultation with the Colorado limited gaming control commission created in section 44-30-301, with the Indian tribe in good faith to enter a compact.

**44-31-102.**

**Effective date of compact.** The tribal-state compact entered into between the governor and an Indian tribe governing gaming activities on the Indian lands of the Indian tribe shall take effect when notice of approval of the compact by the secretary of the federal department of the interior has been published by said secretary in the federal register.

**44-31-103.**

**Provisions of compact.**

(1) Any tribal-state compact entered into pursuant to section 44-31-101 may include, but shall not be limited to, the following provisions:

- (a) The application of the criminal and civil laws and regulations of the Indian tribe or of this state that are directly related to, and necessary for, the licensing and regulation of the activity;
  - (b) The allocation of criminal and civil jurisdiction between this state and the Indian tribe necessary for the enforcement of the laws and regulations;
  - (c) The assessment by this state of such activities in such amounts as are necessary to defray the costs of regulating such activity;
  - (d) Taxation by the Indian tribe of the activity in amounts comparable to amounts assessed by this state for comparable activities;
  - (e) Remedies for breach of contract;
  - (f) Standards for the operation of the activity and maintenance of the gaming facility, including licensing; and
  - (g) Any other subjects that are directly related to the operation of gaming activities.
- (2) It is the intent of the general assembly that the restrictions set forth in section 9 of article XVIII of the state constitution shall apply to limited gaming activities on tribal lands.

## ARTICLE 33

### GAMBLING PAYMENT INTERCEPT ACT

#### 44-33-101.

**Short title.** The short title of this article 33 is the “Gambling Payment Intercept Act”.

#### 44-33-102.

**Legislative declaration.**

- (1) The general assembly hereby finds and declares that:
- (a) Parents should provide financial support to their minor children who cannot care for themselves;
  - (b) The state should intervene when parents fail to meet their support obligations;
  - (c) Children are adversely affected when parents divert their financial support to limited gaming and pari-mutuel wagering;
  - (d) A parent’s winnings from money diverted from a child’s support should be applied to the parent’s outstanding support obligations;
  - (e) Section 44-30-102 (1)(c) of the “Limited Gaming Act of 1991” recognizes that the limited gaming industry must be assisted in protecting the general welfare of the people of the state;
  - (f) Victims of crime and all the people of the state are adversely affected when criminal offenders divert restitution to limited gaming and pari-mutuel wagering;

- (g) A criminal offender's winnings from money diverted from restitution should be applied to the offender's outstanding criminal court obligations;
- (h) An uncollected debt to the state should be deducted from a person's winnings.

#### 44-33-103.

**Definitions.** As used in this article 33, unless the context otherwise requires:

(1) "Licensee" means a licensee as defined in section 44-32-102 (14) or an operator or retail gaming licensee under section 44-30-501 (1)(b) or (1)(c).

(2)

(a) "Outstanding debt" means:

(I) Unpaid child support debt or child support costs to the state pursuant to section 14-14-104, and arrearages of child support requested as part of an enforcement action pursuant to article 5 of title 14, or arrearages of child support that are the subject of enforcement services provided pursuant to section 26-13-106;

(II) Restitution that a person has been ordered to pay pursuant to section 18-1.3-603 or 19-2-918, regardless of the date that the restitution was ordered; and

(III) Any unpaid debt due to the state that is referred pursuant to section 24-30-202.4 (2) to the state controller or the central collection services section of the division of finance and procurement, or any successor section, in the department of personnel, and including the collection fee and any allowable fees and costs pursuant to section 24-30-202.4 (8). "Outstanding debt" does not include any debt collected by the department of personnel for a political subdivision of the state.

(b) Notwithstanding any provision of subsection (2)(a) of this section, an outstanding debt shall not be less than three hundred dollars.

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

(4) "Registry" means the registry created and maintained by or for the department pursuant to section 44-33-104.

(5) "Registry operator" means the department or the private entity that maintains the registry under the direction and control of the department.

**44-33-104.****Registry - creation - information.**

- (1) The department shall create and maintain, or contract with a private entity pursuant to section 44-33-108 to create and maintain, the registry in accordance with this section.
- (2) On and after the date that the judicial department receives notice from the department pursuant to section 44-33-106 (2)(b)(I), the judicial department shall certify to the registry operator the information indicated in subsection (6) of this section regarding persons with an outstanding debt as specified in section 44-33-103 (2)(a)(II).
- (3) The department of human services shall certify to the registry operator the information indicated in subsection (6) of this section regarding each child support obligor with an outstanding debt as specified in section 44-33-103 (2)(a)(I).
- (4) On and after January 1, 2012, the department of personnel shall certify to the registry operator the information indicated in subsection (6) of this section regarding each person with an outstanding debt as specified in section 44-33-103 (2)(a)(III).
- (5) The registry operator shall enter in the registry the information certified to the registry operator by the judicial department, the department of human services, and the department of personnel pursuant to subsections (2), (3), and (4) of this section.
- (6) The registry shall contain the following information:
  - (a) The name of each person with an outstanding debt;
  - (b) The social security number of each person with an outstanding debt;
  - (c) The account or case identifier assigned to the outstanding debt by the department that certified the information to the registry operator;
  - (d) The name, telephone number, and address of the department that certified the information to the registry operator regarding each person with an outstanding debt; and
  - (e) The amount of the outstanding debt.
- (7) On and after the date that the judicial department receives notice from the department pursuant to section 44-33-106 (2)(b)(I), the registry operator shall add a fee of twenty-five dollars to each outstanding debt certified by a department pursuant to this section.

**44-33-105.****Payments - limited gaming and pari-mutuel wagering licensees - procedures.**

- (1) On and after July 1, 2008:

(a) A licensee shall have the means to communicate with the registry operator.

(b) Before making a payment to a winner, the licensee shall obtain the name, address, and social security number of the winner from form W-2G, or a substantially equivalent form, to be filed with the United States internal revenue service and submit the required information to the registry operator. The registry operator shall inform the licensee whether the winner is listed in the registry. The licensee shall comply with subsection (2) of this section.

(2)

(a) If the registry operator replies that the winner is not listed in the registry or if the licensee is unable to receive information from the registry operator after attempting in good faith to do so, the licensee may make the payment to the winner.

(b) If the registry operator replies that the winner is listed in the registry:

(I) The reply from the registry operator to the licensee shall indicate the name, telephone number, and address of the department that certified the information to the registry and the amount of the winner's outstanding debt.

(II) The licensee shall withhold from the amount of the payment an amount equal to the amount certified pursuant to section 44-33-104. If the amount of the payment is less than or equal to the amount certified, the licensee shall withhold the entire amount of the payment. The licensee shall refer the winner to the department that reported the outstanding debt to the registry.

(III) Within twenty-four hours after withholding a payment pursuant to subsection (2)(b)(II) of this section, the licensee shall send the amount withheld to the registry operator and report to the registry operator the full name, address, and social security number of the winner, the account or case identifier assigned by the department that reported the outstanding debt to the registry, the date and amount of the payment, and the name and location of the licensee.

(IV) The registry operator shall send to the certifying department the money and information received from a licensee pursuant to subsection (2)(b)(III) of this section. If more than one department certified a winner, the registry operator shall send the information to each certifying department and distribute the money among the departments as follows:

(A) The registry operator shall send to the department of human services any amount certified by the department of human services.

(B) Of any money remaining after the distribution, if any, to the department of human services pursuant to subsection (2)(b)(IV)(A) of this section, the registry operator shall send to the judicial department any amount certified by the judicial department.

(C) Of any money remaining after the distribution, if any, to the judicial department pursuant to subsection (2)(b)(IV)(B) of this section, the registry operator shall send to the department of personnel any amount certified by the department of personnel.

(V) The department of human services shall process money received from the registry operator pursuant to subsection (2)(b)(IV) of this section in accordance with section 26-13-118.7. The judicial department shall process money received from the registry operator pursuant to subsection (2)(b)(IV) of this section in accordance with the rules of the department. The department of personnel shall process money received from the registry operator pursuant to subsection (2)(b)(IV) of this section in accordance with the rules of the department of personnel, with the understanding that any state agency or state-supported institution of higher education debt will be paid before any debt for a political subdivision of the state assigned to central collection services.

(3) The registry operator shall deduct an amount equal to the fee added to the outstanding debt pursuant to section 44-33-104 (7) from each payment received from a licensee and forward the amount to the state treasurer for deposit in the gambling payment intercept cash fund created in section 44-33-106.

#### **44-33-106.**

#### **Gambling payment intercept cash fund - creation - gifts, grants, donations - intercepts for restitution.**

(1) There is hereby created in the state treasury the gambling payment intercept cash fund, referred to in this section as the “fund”. The fund shall consist of any money deposited in the fund pursuant to section 44-33-105 (3), any allocations made to the fund pursuant to section 24-33.5-506 (1)(c.5)(I), any other money appropriated to the fund by the general assembly, and any gifts, grants, or donations from private or public sources, that the department is hereby authorized to seek and accept for the purposes set forth in this section. All private and public



funds received through gifts, grants, or donations shall be transmitted to the state treasurer, who shall credit the same to the fund. The state treasurer shall also credit to the fund any money that is allocated thereto pursuant to section 24-33.5-506 (1)(c.5)(I).

(2)

(a) The money in the fund shall be continuously appropriated to the department for the purpose of expanding the program established by this article 33 to include intercepts of restitution that a person has been ordered to pay pursuant to section 18-1.3-603 or 19-2-918, as certified by the judicial department. As soon as there is sufficient money in the fund, the department shall expand the program for that purpose.

(b) Once the intercept program has been expanded as described in subsection (2)(a) of this section:

(I) The department shall notify the judicial department and the registry operator that the judicial department may begin certifying outstanding debt pursuant to section 44-33-104 (2); and

(II) Money in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs associated with the administration of this article 33.

(c) Any money in the fund not expended for the purposes set forth in subsections (2)(a) and (2)(b) of this section may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of money in the fund shall be credited to the fund. Any unexpended and unencumbered money remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred or revert to the general fund or any other fund.

#### **44-33-107.**

##### **Liability - immunity.**

(1) A licensee that fails to comply with the provisions of section 44-33-105 shall be subject to sanctions by its licensing authority pursuant to sections 44-30-524 (1) and 44-32-507 (1).

(2) A licensee that makes a payment to a winner in violation of section 44-33-105 shall not be liable to the person to whom the winner owes an outstanding debt.

(3) Except as provided in this section, a licensee shall be immune from civil and criminal liability for acting in compliance with the provisions of this article 33.

**44-33-108.****Contracting authority - memoranda of understanding - rules.**

(1) The executive director may enter into a contract with a private entity, in accordance with the "Procurement Code", articles 101 to 112 of title 24, to create and maintain the registry.

(2) The department may enter into memoranda of understanding with the judicial department, the department of human services, and the department of personnel to implement this article 33. If the registry is operated by a private entity pursuant to this section, the registry operator may enter into memoranda of understanding with the judicial department, the department of human services, and the department of personnel to implement this article 33.

(3) The executive director shall promulgate rules in accordance with article 4 of title 24 to implement this article 33. The rules shall include, but need not be limited to, rules regarding:

(a) The removal from the registry of information regarding persons who satisfy their outstanding debts;

(b) The manner in which a licensee shall communicate with the registry, including the information a licensee shall submit to the registry and the procedures to be followed if the registry is inaccessible due to technical or other problems;

(c) The protection of the confidentiality of information in the registry; and

(d) The circumstances and means by which an outstanding debt may be collected from a licensee pursuant to section 44-33-105 (2)

(b)(IV).

(4) The executive director shall promulgate a rule in accordance with article 4 of title 24 allowing a licensee to retain at least thirty dollars of each payment withheld pursuant to this article 33 to cover the licensee's costs of compliance with this article 33, which amount shall be added to the debtor's outstanding debt.

## **CONSTITUTIONAL AMENDMENT**

### **ARTICLE XVIII**

**Section 9.****Limited gaming permitted.**

(1) Any provisions of section 2 of this article XVIII or any other provisions of this constitution to the contrary notwithstanding, limited gaming in the City of Central, the City of Black Hawk, and the City of Cripple Creek shall be lawful as of October 1, 1991.

## Section 9

(2) The administration and regulation of this section 9 shall be under an appointed limited gaming control commission, referred to in this section 9 as the commission; said commission to be created under such official or department of government of the state of Colorado as the general assembly shall provide by May 1, 1991. Such official or the director of the department of government shall appoint the commission by July 1, 1991. The commission shall promulgate all necessary rules and regulations relating to the licensing of limited gaming by October 1, 1991, in the manner authorized by statute for the promulgation of administrative rules and regulations. Such rules and regulations shall include the necessary defining of terms that are not otherwise defined.

(3) Limited gaming shall be subject to the following:

(a) Limited gaming shall take place only in the existing Colorado cities of: the City of Central, county of Gilpin, the City of Black Hawk, county of Gilpin, and the City of Cripple Creek, county of Teller. Such limited gaming shall be further confined to the commercial districts of said cities as said districts are respectively defined in the city ordinances adopted by: the City of Central on October 7, 1981, the City of Black Hawk on May 4, 1978, and the City of Cripple Creek on December 3, 1973.

(b) Limited gaming shall only be conducted in structures which conform, as determined by the respective municipal governing bodies, to the architectural styles and designs that were common to the areas prior to World War I and which conform to the requirements of applicable respective city ordinances, regardless of the age of said structures.

(c) No more than thirty-five percent of the square footage of any building and no more than fifty percent of any one floor of such building, may be used for limited gaming.

(d) Limited gaming operations shall be prohibited between the hours of 2:00 o'clock a.m. and 8:00 o'clock a.m.

(e) Limited gaming may occur in establishments licensed to sell alcoholic beverages.

(4) As certain terms are used in regards to limited gaming:

(a) "Adjusted gross proceeds" means the total amount of all wagers made by players on limited gaming less all payments to players; said payments to players being deemed to include all payments of cash premiums, merchandise, tokens, redeemable game credits, or any other thing of value.

(b) "Limited gaming" means the use of slot machines and the card games of blackjack and poker, each game having a maximum single bet of five dollars.

## Section 9

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

(5)

(a) Up to a maximum of forty percent of the adjusted gross proceeds of limited gaming shall be paid by each licensee, in addition to any applicable license fees, for the privilege of conducting limited gaming. Such percentage shall be established annually by the commission according to the criteria established by the general assembly in the implementing legislation to be enacted pursuant to paragraph (c) of this subsection (5). Such payments shall be made into a limited gaming fund that is hereby created in the state treasury.

(b)

(I) From the moneys in the limited gaming fund, the state treasurer is hereby authorized to pay all ongoing expenses of the commission and any other state agency, related to the administration of this section 9. Such payment shall be made upon proper presentation of a voucher prepared by the commission in accordance with statutes governing payments of liabilities incurred on behalf of the state. Such payment shall not be conditioned on any appropriation by the general assembly.

(II) At the end of each state fiscal year, the state treasurer shall distribute the balance remaining in the limited gaming fund, except for an amount equal to all expenses of the administration of this section 9 for the preceding two-month period, according to the following guidelines: fifty percent shall be transferred to the state general fund or such other fund as the general assembly shall provide; twenty-eight percent shall be transferred to the state historical fund, which fund is hereby created in the state treasury; twelve percent shall be distributed to the governing bodies of Gilpin county and Teller county in proportion to the gaming revenues generated in each county; the remaining ten percent shall be distributed to the governing bodies of the cities of: the City of Central, the City of Black Hawk, and the City of Cripple Creek in proportion to the gaming revenues generated in each respective city.

## Section 9

(III) Of the moneys in the state historical fund, from which the state treasurer shall also make annual distributions, twenty percent shall be used for the preservation and restoration of the cities of: the City of Central, the City of Black Hawk, and the City of Cripple Creek, and such moneys shall be distributed, to the governing bodies of the respective cities, according to the proportion of the gaming revenues generated in each respective city. The remaining eighty percent in the state historical fund shall be used for the historic preservation and restoration of historical sites and municipalities throughout the state in a manner to be determined by the general assembly.

(c) and (d) Repealed.

(e) The general assembly shall enact provisions for the special licensing of qualifying nonprofit charitable organizations desiring to periodically host charitable gaming activities in licensed gaming establishments.

(f) If any provision of this section 9 is held invalid, the remainder of this section 9 shall remain unimpaired.

(6) Local vote on legality of limited gaming - election required.

(a) Except as provided in paragraph (e) of this subsection (6), limited gaming shall not be lawful within any city, town, or unincorporated portion of a county which has been granted constitutional authority for limited gaming within its boundaries unless first approved by an affirmative vote of a majority of the electors of such city, town, or county voting thereon. The question shall first be submitted to the electors at a general, regular, or special election held within thirteen months after the effective date of the amendment which first adds such city, county, or town to those authorized for limited gaming pursuant to this constitution; and said election shall be conducted pursuant to applicable state or local government election laws.

(b) If approval of limited gaming is not obtained when the question is first submitted to the electors, the question may be submitted at subsequent elections held in accordance with paragraph (d) of this subsection (6); except that, once approval is obtained, limited gaming shall thereafter be lawful within the said city, town, or unincorporated portion of a county so long as the city, town, or county remains among those with constitutional authority for limited gaming within their boundaries.

(c) Nothing contained in this subsection (6) shall be construed to limit the ability of a city, town, or county to regulate the conduct of limited gaming as otherwise authorized by statute or by this constitution.

## Section 9

(d)

(I) The question submitted to the electors at any election held pursuant to this subsection (6) shall be phrased in substantially the following form: “Shall limited gaming be lawful within?”

(II) The failure to acquire approval of limited gaming in the unincorporated portion of a county shall not prevent lawful limited gaming within a city or town located in such county where such approval is acquired in a city or town election, and failure to acquire such approval in a city or town election shall not prevent lawful limited gaming within the unincorporated area of the county in which such city or town is located where such approval is acquired in an election in the unincorporated area of a county.

(III) If approval of limited gaming is not acquired when the question is first submitted in accordance with this subsection (6), the question may be submitted at subsequent elections so long as at least four years have elapsed since any previous election at which the question was submitted.

(e) Nothing contained in this subsection (6) shall be construed to affect the authority granted upon the initial adoption of this section at the 1990 general election, or the conduct and regulation of gaming on Indian reservations pursuant to federal law.

(f) For purposes of this subsection (6), a “city, town, or county” includes all land and buildings located within, or owned and controlled by, such city, town, or county or any political subdivision thereof. “City, town, or county” also includes the city and county of Denver.

(7) Local elections to revise limits applicable to gaming - statewide elections to increase gaming taxes.

(a) Through local elections, the voters of the cities of Central, Black Hawk, and Cripple Creek are authorized to revise limits on gaming that apply to licensees operating in their city’s gaming district to extend:

(I) Hours of limited gaming operation;

(II) Approved games to include roulette or craps, or both; and

(III) Single bets up to one hundred dollars.

(b) Limited gaming tax revenues attributable to the operation of this subsection (7) shall be deposited in the limited gaming fund. The commission shall annually determine the amount of such revenues generated in each city.

(c) From gaming tax revenues attributable to the operation of this subsection (7), the treasurer shall pay:

(I) Those ongoing expenses of the commission and other state agencies that are related to the administration of this subsection (7);

## Section 9

(II) Annual adjustments, in connection with distributions to limited gaming fund recipients listed in subsection (5)(b)(II) of this section, to reflect the lesser of six percent of, or the actual percentage of, annual growth in gaming tax revenues attributable to this subsection (7); and

(III) Of the remaining gaming tax revenues, distributions in the following proportions:

(A) Seventy-eight percent to the state's public community colleges, junior colleges, and local district colleges to supplement existing state funding for student financial aid programs and classroom instruction programs; provided that such revenue shall be distributed to institutions that were operating on and after January 1, 2008, in proportion to their respective full-time equivalent student enrollments in the previous fiscal year;

(B) Ten percent to the governing bodies of the cities of Central, Black Hawk, and Cripple Creek to address local gaming impacts; provided that such revenue shall be distributed based on the proportion of gaming tax revenues, attributable to the operation of this subsection (7), that are paid by licensees operating in each city; and

(C) Twelve percent to the governing bodies of Gilpin and Teller Counties to address local gaming impacts; provided that such revenue shall be distributed based on the proportion of gaming tax revenues, attributable to the operation of this subsection (7), that are paid by licensees operating in each county.

(d) After July 1, 2009, the commission shall implement revisions to limits on gaming as approved by voters in the cities of Central, Black Hawk, or Cripple Creek. The general assembly is also authorized to enact, as necessary, legislation that will facilitate the operation of this subsection (7).

(e) If local voters in one or more cities revise any limits on gaming as provided in paragraph (a) of this subsection (7), any commission action pursuant to subsection (5) of this section that increases gaming taxes from the levels imposed as of July 1, 2008, shall be effective only if approved by voters at a statewide election held under section 20(4)(a) of article X of this constitution.

(f) Gaming tax revenues attributable to the operation of this subsection (7) shall be collected and spent as a voter-approved revenue change without regard to any limitation contained in section 20 of article X of this constitution or any other law.

## Section 9

*Enacted by the people November 6, 1990.*

*For: 574,620 Against: 428,096*

*Effective upon proclamation of the Governor, January 3, 1991.*

*Paragraph 6 enacted by the people November 3, 1992.*

*Effective upon proclamation of the Governor, January 14, 1993.*

*Paragraph 7 enacted by the people November 4, 2008*

*For: 1,330,566 Against: 936,254*

*Effective upon proclamation of the Governor, January 8, 2009.*



# Index

## A

---

- Adjusted Gross Proceeds, Definition **12**
- Age of Participants **61**
- Annual Reports **56**
- Appeal of Final Action of Commission **40**
- Applicant, Definition **12**
- Applicants **36**
- Application **37**
  - Authorization for Background Investigations **37**
- Application Fee **36**
- Article 1, Common Provisions **9**
- Article 30, Colorado Limited Gaming Act **10**
  - Part 1, General Provisions **10**
  - Part 2, Division of Gaming **17**
  - Part 3, Colorado Limited Gaming Control Commission **22**
  - Part 4, Conflict of Interest **28**
  - Part 5, Licensing **30**
  - Part 6, Gaming Tax **44**
  - Part 7, Limited Gaming Fund **48**
  - Part 8, Unlawful Acts **57**
  - Part 9, Charitable Gaming **72**
  - Part 10, Excluded Persons **74**
  - Part 11, Gaming Devices **76**
  - Part 12, State Historical Society **77**
  - Part 13, Local Government Limited Gaming Impact Fund **86**
  - Part 14, Independent Restoration and Preservation Commission **93**
  - Part 15, Sports Betting **95**
  - Part 16, Fantasy Contests **114**
- Article 31, Tribal-State Gaming Compact **121**
- Article 33, Gambling Payment Intercept Act **122**
- Article XVIII, Constitutional Amendment **128**

Associated Equipment, Definition **12**  
Associated Equipment Supplier, Definition **12**  
Attorney General  
    Duties **56**  
Audits **56**

## **B**

---

Bet  
    Maximum Amount **63**  
Bet, Definition **12**  
Blackjack, Definition **12**

## **C**

---

Casino, Definition **95**  
Certified Local Government, Definition **12**  
Cheating, Definition **64**  
Cheating Game **67**  
Chips  
    Use of Counterfeit or Unapproved **66**  
City, Definition, Part 14 **93**  
Collegiate Sports Event, Definition **95**  
Colorado Limited Gaming Control Commission **22**  
    Creation **22**  
    Duties **24**  
    Powers **24**  
Commission, Definition **13**  
Commission, Definition, Part 14 **93**  
Commission Hearings **42**  
Communications **41**  
Conditional Licenses **33**  
Confidential Information, Definition **114**  
Conflict of Interest **28, 72**  
Considerations for Licensure **33**  
Contracting Authority **128**  
Crane Game, Definition **13**

Craps, Definition **13**

Criteria **57**

## **D**

---

Definitions, Article 30, Part 1 **12**

Definitions, Article 33 **123**

Definitions, Title 44, Article 1 **10**

Delegation of Authority **33**

Department, Definition **10**

Department of Public Safety

    Authority **69**

Department of Revenue

    Authority **69**

    Duties **69**

    Powers **69**

Detention **68**

Director **18**

    Duties **18**

    Powers **18**

    Qualification **18**

Director, Definition **13, 114**

Division, Definition **13**

Division of Gaming **17**

    Access to Records **21**

    Creation **17**

    Function of Division **18**

## **E**

---

Emergency Listing

    Excluded Persons **75**

Employee

    Good Moral Character **62**

    Twenty-One Years or Older **61**

Enforcement **56**

Entry Fee **114**  
Events Sponsored by Charitable Organizations **72**  
Exceptions, Article 30, Part 1 **17**  
Excluded Persons **74**  
Executive Director, Definition **10**  
Executive or Closed Meetings **40**  
Exemption from Federal Law. **76**

## **F**

---

Failure to Display Operator and Premises Licenses **69**  
Failure to File **47**  
Failure to Pay Winners **63**  
False Statement on Application **58**  
Fantasy Contest, Definition **114**  
Fantasy Contest Operator, Definition **115**  
Fantasy Contest Player **115**  
Fantasy Contest Player, Definition **115**  
Fantasy Sports Activity, Definition **95**  
Financial Interest Restrictions **71**  
Fraudulent Acts **64**

## **G**

---

Gambling Payment Intercept Cash Fund **126**  
Gaming Device, Definition **13**  
Gaming Employee, Definition **13**  
Gaming Equipment  
    Not Subject to Exclusive Agreements **60**  
    Security and Audit Specifications **60**  
Gaming License, Definition **14**  
Gaming Tax **44**

## **I**

---

Immediate Family, Definition **14**  
Independent Restoration and Preservation Commission **93**  
    Bylaws **94**

Final Agency Action **95**  
Funding **94**  
Meetings **95**  
Officers **94**  
Quorum **95**  
Internet Sports Betting Operation, Definition **95**  
Internet Sports Betting Operator, Definition **95**  
Investigator **20**

## **K**

---

Key Employee **32, 62**  
    Determination of Status **32**  
    Support License **62**  
Key Employee License **31**

## **L**

---

Legislative Declaration, Article 30, Part 1 **10**  
Legislative Declaration, Article 33 **122**  
Legislative Declaration, Title 44, Article 1 **9**  
Licensed Gaming Establishment, Definition **14**  
Licensed Premises **33**  
    Accessible to Persons with Disabilities. **39**  
    Safety Conditions **38**  
    Fire and Electrical **38**  
Licensed Premises, Definition **14**  
Licensee **123**  
Licensee, Definition **14**  
Licensees **36**  
    Duty to Maintain Records **44**  
    Expiration **71**  
Licenses **30**  
    Denial of Application **40**  
    Disqualification **34**  
    Criteria **34**

Grounds for Approval **38**  
Grounds for Denial **38**  
Nontransferable **32**  
Renewal **39**  
Revocable **32**  
Revocation **71**  
Revocation of License **41**  
Rules **30**  
Suspension of License **41**  
Types **30**  
Licensing Authority, Definition **14**  
Limited Card Games and Slot Machines, Definition **14**  
Limited Gaming **16**  
    Authorization **16**  
    Cities **17**  
    Commercial Districts **17**  
    Regulation **16**  
Limited Gaming Fund **48**  
    Created **48**  
Limited Gaming Permitted **128**  
Local Government Limited Gaming Impact Advisory Committee **90**  
Local Government Limited Gaming Impact Fund **86**  
Local Jurisdiction **48**

## **M**

---

Master License, Definition **96**  
Minimum Payback **62**

## **N**

---

Net Sports Betting Proceeds, Definition **96**  
Notice of Sponsorship **73**

## **O**

---

Operator, Definition **14**

Operator License **30**  
Outstanding Debt **123**  
Ownership, Slot Machines **76**

## **P**

---

Payment, Definition **123**  
Payments **124**  
Payments of Winnings **44**  
Peace Officers **20**  
Person, Definition **14**  
Persons Prohibited from Interest in Limited Gaming **59**  
Poker, Definition **15**  
Prohibited Sports Event, Definition **96**

## **Q**

---

Qualifications for Licensure **32**  
Questioning **68**

## **R**

---

Records **42**  
Registry **124**  
Registry, Definition **123**  
Registry Operator, Definition **123**  
Remittance **46**  
Repeal of Division **21**  
Repeating Gambling Offender, Definition **15**  
Responsibilities of Operator **60**  
Retailer, Definition **15**  
Retail Floor Plan **33**  
    Definition **33**  
Retail Gaming License **30**  
Retail Space, Definition **15**  
Return **46**  
Roulette, Definition **15**

# S

---

- Shipments of Devices and Machines **76**
- Short Title, Article 30, Part 1 **10**
- Short Title, Article 33 **122**
- Short Title, Tittle 44, Article 1 **9**
- Slot Machine, Definition **15, 16**
- Slot Machine Distributor, Definition **16**
- Slot Machine Manufacturer, Definition **16**
- Slot Machine Manufacturer or Distributor License **30**
- Slot Machines
  - Shipping Notices **58**
- Small Fantasy Contest Operator, Definition **115**
- Sports Betting
  - Approval By Electors – Repeal **113**
  - Audits **112**
  - Conflict of interest **97**
  - Criminal History Record Check **99**
  - Disclosure of Information by Corporate Applicants **99**
  - Eligibility to Place Bets **104**
  - Investigation **99**
  - License Classifications **101**
  - License Required **99**
  - Licenses – rules. **98**
  - Operations **104**
  - Other Laws Inapplicable **113**
  - Penalties **113**
  - Record-Keeping **104**
  - Records - Confidentiality **107**
  - Repeal of Part **113**
  - Sports Betting Fund **110**
  - Sports Betting Tax – Rules **110**
  - Unlawful Acts **112**
- Sports Betting, Definition **16**
- Sports Betting License, Definition **96**



Sports Betting Operation, Definition **96**  
Sports Betting Operator, Definition **96**  
Sports Event, Definition **96**  
Sports Governing Body, Definition **96**  
State Historical Fund **77**  
    Expenditures From **84**  
Suitability, Definition **16**  
Summary Suspension **41**  
Supplier of Licensee **37**  
Support License **31**

## **T**

---

Temporary Licenses **33**  
Terms of Sponsorship **73**  
Tokens  
    Use of Counterfeit or Unapproved **66**  
Tribal-state Gaming Compact **121**  
    Effective Date **121**  
    Provisions **121**

## **U**

---

Unlawful Entry **68**  
Unsuitability or Unsuitable, Definition **16**  
Use of Device for Calculating Probabilities **66**

## **V**

---

Violation of Article 30 as Misdemeanor **71**  
Violations of Rules or Provisions of Article as Felony **58**  
Violations of Taxation Provisions **46**

## **W**

---

Waiver From Liability **39**  
Waiver of Confidentiality **36**  
Within the Cities of Central, Black Hawk, or Cripple Creek,  
Definition **16**







**COLORADO**  
**Department of Revenue**  
Specialized Business Group