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BASIS AND PURPOSE FOR RULE 18

The purpose for Rule 18 is to establish criteria specifying minimum levels of cooperation and conditions for payment on contracts or formal agreements between the Colorado Limited Gaming Control Commission and any other governmental agency. The statutory basis for Rule 18 can be found in section 44-30-302, and 44-30-830, C.R.S. *Amended 10/14/14*

RULE 18 CONTRACTS AND FORMAL AGREEMENTS BETWEEN THE COMMISSION AND OTHER STATE AGENCIES

30-1801 Criteria for contracts or formal agreements between the Colorado Limited Gaming Control Commission and other state agencies.

The Commission shall require from any state or governmental agency with which it is entering into a contract or formal agreement the following:

- (1) Specific duties or services to be completed, including a specific time frame where applicable.
- (2) Total cost of contract and/or agreement, including a detailed report listing number of FTE and associated costs; cost of capital equipment and other costs incurred in completing the contract or agreement.
- (3) Annual written reports submitted to the Commission detailing activities for the most recent year, unless the contract or formal agreement requires more frequent reports. At the discretion of the Commission, such reports may include specific performance measure data applicable to the execution of the contract or agreement. In addition, the Commission may require periodic reports be made at scheduled Commission meetings. *Amended 10/14/14*
- (4) Quarterly financial reports detailing the fiscal status of the contract or agreement, including FTE status.
- (5) Access to all records applicable to the contract or agreement. Such access shall be allowed following a request from the Commission. Only those records or reports previously agreed to be confidential shall be exempt from this requirement.

30-1802 Conditions of payment.

Payment by the Commission for any contract or agreement shall be made on a monthly basis following the receipt of a detailed statement from the applicable state agency or governmental entity, unless the contract or formal agreement specifies a different payment schedule. Payment may be conditioned upon the receipt of further detail or data concerning the statement. *Amended 10/14/14*

30-1803 Budget preparation.

- (1) In conjunction with the annual tax setting hearings, the Commission shall schedule presentations from all state or governmental agencies with which it has a contract or agreement for the purposes of establishing the upcoming fiscal year budget and any revisions to the current year budget. At that time, the Commission shall require participation from said agencies in providing funding requests and applicable support data. *Eff 04/30/2007*

- (2) To ensure a coordinated approach in the state's budgetary process and between the Office of State Planning and Budgeting, the Joint Budget Committee, and the Commission, the Commission requires the following from all agencies seeking funding from the limited gaming fund: *Eff 04/30/2007*
- (a) Each such agency will be required to include its request for funding from the limited gaming fund in its departmental budget submission to the Office of State Planning and Budgeting and the Joint Budget Committee in the preceding fall, including any decision item requests for funding other than a continuation level. *Eff 04/30/2007, Amended 10/14/14*
 - (b) If the agency is requesting funding other than a continuation level, the budget request shall also be transmitted to the Commission by November 1. The agency shall make an informative presentation to the Commission in November, with the formal presentation made during the budget hearings pursuant to 30-1803 (1). *Eff 04/30/2007, Amended 10/14/14*

30-1804 Billing for services rendered.

State agencies performing services for the Commission must submit a detailed billing for services rendered on a monthly basis, unless the contract or formal agreement specifies a different billing schedule. *Amended 10/14/14*

30-1805 Pre-conditions for seeking funding from the Commission.

- (1) The Commission will entertain requests for funding directly from the limited gaming fund from any person, as that term is used in the Limited Gaming Act of 1991, only under the following conditions:
- (a) The person must perform a gaming related service, either at the request of the Commission or as provided in the Limited Gaming Act of 1991, pursuant to a contract or other written agreement, as provided in this Rule 18. Any person performing a service or responsibility as specifically provided in the Limited Gaming Act of 1991 must nonetheless enter into a funding agreement with the Commission, as provided in 30-1801. *Amended 10/14/14*
 - (b) In determining whether to fund any service or responsibility, the Commission shall consider the person's ability to secure funding for the purposes contemplated from other sources, including, but not limited to, the following criteria:
 - (i) Whether that person has the ability to request funds for such purposes from any other source, including the Colorado General Assembly or a Tribal Government; or
 - (ii) Whether that person is able to impose a tax or a fee; or
 - (iii) Whether that person is eligible to receive or receives funding for such purposes from other sources, such as the Colorado General Assembly, the Limited Gaming Act of 1991, a Tribal Government, or other statutory provisions.
 - (c) In determining whether to deny funding for any service or responsibility, the Commission, at its sole discretion, will also consider whether and the extent to which the purpose contemplated is of local interest or character.
- (2) The Commission will not entertain requests for direct funding of gaming related impacts from the limited gaming fund. Gaming related impacts include, but are not limited to, those impacts

identified in the Limited Gaming Act of 1991, sections 44-30-601 and 1301, C.R.S. (amended perm. 09/30/00) *Amended 10/14/14*

- (3) Notwithstanding the above provisions, the Commission reserves the discretion to consider testimony of any gaming-related financial impacts for any lawful purpose, including tax setting hearings. (30-1805 perm. 6/30/96)