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Amending Article 60 of Title 12, Colorado Revised Statutes 1973, as Amended, Concerning Racing

Colorado General Assembly

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CHAPTER 172

PROFESSIONS AND OCCUPATIONS

RACING

SENATE BILL NO. 508. BY SENATORS Bishop, Anderson, Meiklejohn, and D. Sandoval; also REPRESENTATIVES Burford, Hinman, and Zakheim.

AN ACT

AMENDING ARTICLE 60 OF TITLE 12, COLORADO REVISED STATUTES 1973, AS AMENDED, CONCERNING RACING.

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

Section 1. Article 60 of title 12, Colorado Revised Statutes 1973, as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

12-60-100.2. Legislative declaration. The general assembly declares that the provisions of this article are enacted in the exercise of the police powers of this state for the protection of the health, peace, safety, and general welfare of the people of this state; for the purpose of promoting racing and the recreational, entertainment, and commercial benefits to be derived therefrom; to raise revenue for the general fund; to establish high standards of sport and fairplay; for the promotion of the health and safety of the animals involved in racing events; and to foster honesty and fair dealing in the racing industry. To these ends, this article shall be liberally construed.

Section 2. 12-60-101 (2), Colorado Revised Statutes 1973, is amended to read:

12-60-101. Definitions. (2) "Person" means any individual, PARTNERSHIP, firm, corporation, or association.

Section 3. 12-60-102, Colorado Revised Statutes 1973, is amended to read:

12-60-102. Commission created — appointment, qualifications, and terms. The Colorado racing commission is hereby created, and it shall be the head of the division of racing events within the department of regulatory agencies. The commission shall consist of three commissioners, each of whom shall be a qualified elector of the state of Colorado. ~~On or before December 31, 1948,~~ The governor shall appoint the three commissioners, ~~one to serve for~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

a term of two years to expire on the thirty-first day of December, 1950; one to serve for a term of four years to expire on the thirty-first day of December, 1952; and one to serve for a term of six years to expire on the thirty-first day of December, 1954. Upon the expiration of the term of any member, the governor shall appoint a successor for the full term of six years EACH TO SERVE FOR A SIX-YEAR TERM. APPOINTMENTS SHALL BE MADE SO THAT THE TERM OF ONE COMMISSIONER EXPIRES ON DECEMBER 31 OF EVERY EVEN-NUMBERED YEAR. Each member COMMISSIONER shall hold office until his successor is appointed and qualified. Vacancies in the office of any commissioner shall be filled by appointment to be made by the governor for the unexpired term. Any commissioner may be removed by the governor for cause after a public hearing.

Section 4. Article 60 of title 12, Colorado Revised Statutes 1973, as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

12-60-102.6. Commission members — staff. (1) Appointment to the commission is declared to be a position of public trust and therefore, in order to insure the confidence of the people of the state in the integrity of the commission, commission members shall be subject to the following provisions:

(a) While serving as a member of the Colorado racing commission, no person shall hold any pecuniary interest in any racetrack operating within the boundaries of the state of Colorado;

(b) While serving in an official capacity as a member of the Colorado racing commission or as executive head of the commission, no person shall wager money or any other chattel or value on the result of any race or race meet, or sweepstakes conducted within the boundaries of the state of Colorado.

(2) Failure to comply with the provisions of this section shall be grounds for removal from the commission or from employment with the commission.

Section 5. 12-60-103 (3), Colorado Revised Statutes 1973, is amended to read:

12-60-103. Organization and officers — duties. (3). The secretary of the commission shall furnish an official bond executed by a surety company authorized to do business in the state, approved by the governor and the attorney general, payable to the state of Colorado, in the penal sum of ten thousand dollars, conditioned upon the faithful performance of his duties and the correct accounting and payment of all sums received and coming into his control under this article. All money payable to AND COLLECTED BY the commission shall be deposited TRANSMITTED TO THE STATE TREASURER by the secretary in a bank selected by the commission; in an account to the credit of the commission; subject to withdrawal by check signed by the chairman of the commission and the secretary OR HIS DESIGNEE. THE STATE TREASURER SHALL CREDIT THE SAME TO THE GENERAL FUND, EXCEPT FOR THOSE MONEYS REQUIRED BY THIS ARTICLE TO BE DEPOSITED IN THE HORSE BREEDERS AWARD AND SUPPLEMENTAL PURSE FUND.

Section 6. 12-60-105 (1) and (2), Colorado Revised Statutes 1973, are amended to read:

12-60-105. Rules and regulations. (1) The commission shall make reasonable rules and regulations for the control, supervision, FINGERPRINTING, identification, and direction of applicants and licensees, including regulations providing for the supervising, disciplining, suspending, fining, and barring from racing of all persons required to be licensed by this article and for the holding, conducting, and operating of all races, race meets, and racetracks conducted pursuant to this article. It shall announce the place, time, number of races per day, and duration of race meets, as provided in section 12-60-107, for which license fees shall be exacted.

(2) Every person holding a license under this article and every owner or trainer of any horse or other animal licensed to enter any racing contest under this article shall comply with all rules and regulations and all orders issued by the commission. It shall be unlawful for any person to work upon the premises of a racetrack without first obtaining from the commission a license for such activity. This licensing requirement does not apply to the members of the commission or its employees or to persons whose only participation is individually as spectator or bettor. **IT IS UNLAWFUL FOR ANY PERSON WHO OWNS OR LEASES A RACING ANIMAL TO ALLOW SUCH ANIMAL TO RACE IN THIS STATE WITHOUT FIRST OBTAINING AN OWNER'S LICENSE FROM THE COMMISSION, AS PRESCRIBED BY THE RULES OF THE COMMISSION.** The fees for such license shall be fixed by the commission and shall not exceed ~~ten~~ TWENTY dollars for any one year. **THE COMMISSION IN ITS DISCRETION MAY EXTEND THE VALIDITY OF ANY LICENSE ISSUED FOR A PERIOD NOT TO EXCEED THREE YEARS, AND THE FEE FOR SUCH LICENSE SHALL BE INCREASED PROPORTIONATELY.** It is unlawful for any person to hold any race meet with pari-mutuel wagering without obtaining a license therefor.

Section 7. Article 60 of title 12, Colorado Revised Statutes 1973, as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

12-60-105.5. Hearings — board of stewards or judges — review. (1) Except as otherwise provided in this section, all proceedings before the commission or a hearing officer with respect to the denial, suspension, or revocation of licenses or the imposition of fines shall be conducted pursuant to the provisions of sections 24-4-104 and 24-4-105, C.R.S. 1973.

(2) Such proceedings shall be held in the county where the commission has its office or in such other place as the commission may designate. The commission shall notify the applicant or licensee by mailing by first class mail a copy of the written notice required to the last address furnished by the applicant or licensee to the commission.

(3) The commission may delegate its authority to conduct hearings with respect to the denial or suspension of licenses or the imposition of a fine to its board of stewards or judges. Proceedings before the board of stewards or judges shall not be governed by the procedural or other requirements of sections 24-4-104 and 24-4-105, C.R.S. 1973, but rather shall be conducted in accordance with rules adopted by the commission.

(4) The board of stewards or judges shall be restricted in the scope of its authority as follows:

(a) The board of stewards or judges shall have the authority to punish violators of the rules by suspending a license for a period not to exceed the duration of the meet plus thirty days after the close of the meet, or by imposing a fine not to exceed five hundred dollars, or both, and may refer the case to the commission for review after the hearing if it believes a more severe penalty should be imposed.

(b) The board of stewards or judges may summarily suspend a license pending a hearing for a period not to exceed fourteen days where it has reasonable grounds to believe and finds that the licensee has been guilty of a deliberate or willful violation or that the public health, safety, or welfare imperatively requires emergency action, incorporates such findings in its order, and promptly institutes the disciplinary hearing proceedings.

(5) The board of stewards or judges shall have the authority to administer oaths and affirmations, sign and issue subpoenas and order the production of documents and other evidence; and regulate the course of the hearing, pursuant to rules adopted by the commission.

(6) Any person aggrieved by a final order or ruling issued by the board of stewards or judges shall have a right to appeal such order or ruling to the commission, pursuant to procedural rules which shall be adopted by the commission. The aggrieved party may petition the commission for a stay of execution pending appeal to the commission.

12-60-105.6. Investigation — denial, suspension, and revocation actions against licensees. (1) The commission or the board of stewards or judges of a race meet upon its own motion may, and upon verified complaint in writing of any person shall, investigate the activities of any licensee within the state or any person upon the premise of a track, and the commission or board of stewards or judges may fine a licensee, suspend a license, or deny an application for a license, and the commission may revoke a license, if such person has committed any of the following violations:

(a) Making any substantial or willful misrepresentation;

(b) Disregarding or violating any provisions of this article or violating any rule or regulation promulgated by the commission in the interests of the public and in conformance with the provisions of this article;

(c) Conviction of a felony under the laws of this or any other state or of the United States, subject to the provisions of section 24-5-101, C.R.S. 1973. A certified copy of the judgment of the court in which such conviction occurred shall be presumptive evidence of such conviction in any hearing under this article.

(d) Fraud, willful misrepresentation, or deceit in racing;

(e) Falsification, misrepresentation, or omission of required information in a license application to the commission;

(f) Failure to disclose to the commission complete ownership or beneficial interest in a racing animal entered to be raced;

(g) Misrepresentation or attempted misrepresentation in connection with the sale of a racing animal or other matter pertaining to racing or registration of racing animals;

(h) Failure to comply with any order or rulings of the commission, the stewards, the judges, or a racing official pertaining to a racing matter;

(i) Ownership of any interest in or participation by any manner in any bookmaking, pool-selling, touting, bet solicitation, or illegal enterprise;

(j) Unqualified by experience or competence to perform the activity permitted by the license possessed or being applied for;

(k) Employment or harboring of unlicensed persons on the premises of a racetrack;

(l) Discontinuance of or ineligibility for the activity for which the license was issued;

(m) Being currently under suspension or revocation of a racing license in another racing jurisdiction;

(n) Possession on the premises of a racetrack of:

(I) Firearms; or

(II) A battery, buzzer, electrical device, or other appliance other than a whip which could be used to alter the speed of a racing animal in a race or while working out or schooling;

(o) Possession, on the premises of a racetrack, by a person other than a licensed veterinarian of:

(I) A hypodermic needle, hypodermic syringe, or other similar device;

(II) Any substance, compound items, or combination thereof of any medicine, narcotic, stimulant, depressant, or anesthetic which could alter the normal performance of a racing animal unless specifically authorized by the commission veterinarian;

(p) Cruelty to or neglect of a racing animal;

(q) Offering, promising, giving, accepting, or soliciting a bribe in any form, directly or indirectly, to or by a person having any connection with the outcome of a race, or failure to report knowledge of such act immediately to the stewards, the judges, or the commission;

(r) Causing, attempting to cause, or participation in any way in any attempt to cause the prearrangement of a race result, or failure to report knowledge of such act immediately to the stewards, the judges, or the commission;

(s) Entering, or aiding and abetting the entry of, a race animal ineligible or unqualified for the race entered;

(t) Willfully or unjustifiably entering or racing of any animal in any race under any name or designation other than the name or designation assigned to such animal by and registered with the official recognized registry for that breed of animal, or willfully setting on foot, instigating, engaging in or in any way furthering any act by which any racing animal is entered or raced in any race under any name or designation other than the name or designation duly assigned by and registered with the official recognized registry for that breed of animal;

(u) Aiding or abetting any person in the violation of any rule of the commission;

(v) Racing at a racetrack without having a racing animal registered to race at that racetrack;

(w) Being on the premises of a racetrack for which the applicant or licensee is required to be licensed without being able to show proof of gainful employment at that racetrack.

Section 8. 12-60-106 (1), (3), (4), (5), (6), and (7), Colorado Revised Statutes 1973, are amended to read:

12-60-106. Meet licenses. (1) Every initial application for a license to hold race meets under this article shall be made under oath and shall be filed with the commission on or before a day fixed by the commission and shall set forth the time, the place, and the number of days such meet shall continue; the kind of racing proposed to be conducted; the full name and address of the applicant and if a corporation the names and addresses of all of its officers and directors and all of the holders of each class of its stock and the amount of stock of each class so owned by each stockholder; the location of the racetrack and whether the same is owned or leased; the names and residences of the owners of all property leased by such applicant; a statement of the assets and liabilities of such applicant; a description of the qualifications and experience of the applicant if an individual or of its officers and directors if a corporation; ~~in the conduct of racing establishments during the five years preceding the filing of such application;~~ **A FULL DISCLOSURE OF ALL HOLDING OR INTERMEDIARY COMPANIES ASSOCIATED WITH THE APPLICANT, AS WELL AS THEIR SHAREHOLDERS, ALL CONTRACTS THAT RELATE TO THE RACE MEETING, CERTIFIED BALANCE SHEETS OF CORPORATE APPLICANTS, AND THE TERMS AND CONDITIONS OF ALL CONTRACTS BY WHICH THE APPLICANT HAS RECEIVED CREDIT;** a description of the land uses within a radius of two miles of the establishment in which such race meet is proposed to be conducted; and such incidental information as the rules of the commission may require in aid of the foregoing requirements.

(3) In considering an application for a license under this section, the commission may give consideration to the number of licenses already granted, and to the location of tracks previously licensed, and to the sentiments and character of the community in which the proposed race meets are to be conducted, and to the ability, **CHARACTER**, and experience of each individual applicant or the officers and directors of each corporate applicant. The commission may require of every applicant for a license to hold a race meet, except a public nonprofit association, nonprofit corporation, or nonprofit fair, including the Colorado state fair and all county fairs, who has not, within five years prior to making an application for a license to hold a race meet, operated a race meet in the county, city, or city and county in which it is proposed to hold such race meet, a recommendation in writing of the board of county commissioners of said county in the event the race meet is to be held in unincorporated areas of said county or of the governing board of a city or city and county if the proposed race meet is to be held within a city or city and county. **BEGINNING JULY 1, 1977, THE COMMISSION MAY DENY A LICENSE TO OPERATE A NEW RACETRACK TO A PERSON WHO IS ALREADY LICENSED TO**

OPERATE A RACETRACK WITHIN THIS OR ANY OTHER STATE IF, IN THE OPINION OF THE COMMISSION, THE GRANTING OF SUCH LICENSE WOULD DISCOURAGE LEGITIMATE COMPETITION FROM OTHER QUALIFIED APPLICANTS.

(4) The commission may take such recommendation into consideration before granting or refusing such licenses. THE COMMISSION SHALL INVESTIGATE ANY APPLICANT AND SHALL REQUIRE the applicant shall TO pay an investigating fee of fifteen dollars to the recommending authority, if any THE ACTUAL COST OF INVESTIGATING THE APPLICATION BUT NOT TO EXCEED ONE THOUSAND DOLLARS.

(5) The commission may grant or refuse licenses to conduct race meets under this article as it determines, from such application, the character, FINANCIAL ability, and experience of each individual applicant or the officers and directors of each corporate applicant, the sentiments of the community and the character of the area wherein it is proposed to conduct such race meets, and the evidence presented at such hearing, to be for the best interests of the state, the racing industry, and the area in which it is proposed to conduct such race meets.

(6) No license shall be issued to any applicant who has, or any of whose directors, officers, or original stockholders have, been convicted of any crime involving moral turpitude, OR OF ANY FELONY UNDER THE LAWS OF THIS OR ANY OTHER STATE OR OF THE UNITED STATES, SUBJECT TO THE PROVISIONS OF SECTION 24-5-101, C.R.S. 1973, or who has been found guilty by the commission of violating any of the provisions of this article or any rules or regulations of the commission, or who has failed to pay any of the sums required under this article. A CERTIFIED COPY OF THE JUDGMENT OF THE COURT IN WHICH SUCH CONVICTION OCCURRED SHALL BE PRESUMPTIVE EVIDENCE OF CONVICTION IN ANY HEARING UNDER THIS ARTICLE.

(7) Every license issued under this article shall specify the number of days said licensed race meet shall continue and the number of races per day. No license shall be granted to any individual who is not a bona fide resident of Colorado nor to any foreign corporation. Every applicant shall agree that, if granted a license under this article, such applicant will not thereafter sell, mortgage, or otherwise pledge or dispose of any of the assets listed and described on the application for a license or a renewal license without ten THIRTY days' prior notice to the commission, WHICH MAY APPROVE OR DISAPPROVE THE DISPOSITION OF ASSETS UPON GOOD CAUSE SHOWN. BEGINNING JULY 1, 1977, the charter of all corporate applicants shall contain a provision that none WHEN A CUMULATIVE TEN PERCENT OR MORE of the voting stock of such corporation shall IS to be sold, mortgaged, or otherwise pledged or transferred, without ten THIRTY days' prior notice SHALL BE GIVEN to the commission. The commission has the power to ascertain if any capital stock of any corporate applicant OR LICENSEE is held WITH THE INTENT TO MISLEAD OR DECEIVE THE COMMISSION for an undisclosed principal. THE INVOLVEMENT OF AN UNDISCLOSED PRINCIPAL SHALL BE GROUNDS FOR THE DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE.

Section 9. 12-60-107 (1) and (2), Colorado Revised Statutes 1973, as

amended by House Bill No. 1115, enacted at the First Regular Session of the Fifty-first General Assembly and approved by the Governor on April 7, 1977, are amended to read:

12-60-107. Duration of meets. (1) It is unlawful to conduct any race meet at which wagering is permitted except under the provisions of this article. The duration of any horse race meet shall not exceed thirty race days. A race day is any period of twenty-four hours beginning at midnight and included in the period of a race meet and upon which day racing is to be held. Dark days within a race meet shall not be counted as race days. Subject to the provisions of this article, the number and kind of race meets to be held in any one county in any one year shall be determined by the commission; but no more than three **FOUR** licensed horse race meets shall be conducted on any one track in any one year. The commission, when determining the number and kind of race meets held, shall take into consideration the racing dates requested by all racetracks in Colorado. No more than two race meets for animals other than horses shall be licensed in any one county in any one year, and no such race meet for animals other than horses conducted by any licensee shall be conducted for a duration longer than thirty-five race days, excluding Sundays; except that, in order to facilitate the transition to thirty-five-day race meets, the commission may grant a license to any racetrack located in Arapahoe county and licensed for the racing of animals other than horses for a special partial race meet during the calendar year 1977 not to exceed twenty race days, excluding Sundays. Horse race meets conducted by any state, county, or other fair commission or **NONPROFIT** association shall be conducted on such dates and for such periods of time as may be set by the Colorado racing commission. Any licensed horse race meet conducted on any Sunday under the provisions of this article shall be conducted on such day only between the hours of 1:00 p.m. and 6:30 p.m.

(2) Any licensee who conducts two race meets in any one year may conduct one additional day of racing in such year for charity; if such licensee ~~contributes all of the gross amount of that portion of the gross receipts of all pari-mutuel wagers retained by it from such charity racing~~ **ELECTS TO CONDUCT SUCH A CHARITY DAY, THE NET RECEIPTS, AFTER ALL EXPENSES FOR THE CONDUCT OF THAT RACE DAY ARE DEDUCTED, SHALL BE USED WITHIN ONE CALENDAR YEAR AND DONATED** to a corporation, trust, fund, or foundation **WHICH IS** organized and operated exclusively for a charitable purpose, **AND** no part of the net earnings of which inures to the benefit of any private shareholder or individual. Full accounting of such extra day of racing, including the amounts **TO BE** donated and the recipients thereof, shall be made to the commission. ~~on such forms and in such manner as it may prescribe.~~

Section 10. 12-60-108 (3) and (4), Colorado Revised Statutes 1973, are amended to read:

12-60-108. Eligibility to operate race meet — renewal or revocation. (3) Applications for renewal of such license shall be filed with the commission on or before a day fixed by the commission and shall set forth the name of the applicant and if a corporation the names and addresses of its officers and directors with a list attached thereto of the names and addresses of all the holders of its stock, as of a date not more than thirty days prior to the filing of such application, and the amount of voting stock held by each stockholder. If any of its voting stock is known by any applicant to be registered

in the name of a person not the actual owner thereof, such list shall also show the name and address of such actual owner. The commission has the power to ascertain if any capital stock of any corporate applicant is held for an undisclosed principal.

(4) Said application shall set forth the proposed dates of race meets, the dates within such race meets on which the applicant intends to conduct racing at such meetings and the number of races intended to be run on such dates, and the address of the establishment where such meets are to be held and shall have attached thereto a THE MOST RECENT financial statement of the applicant as of a date not more than three TWELVE months prior to the date of the application for renewal of such license. Such application shall also contain such other information as the rules of the commission may provide to insure that such licensee is conducting race meets in accordance with the provisions of this article and the rules and regulations of the commission. To determine whether an application for renewal of such license to conduct race meets shall be granted, the commission shall have the right to examine the financial and other records of the licensee, to compel the production of records and documents, to conduct hearings, to summon witnesses, and to administer oaths.

Section 11. 12-60-110 (1) and (2), Colorado Revised Statutes 1973, are amended to read:

12-60-110. Payments to state — disposition. (1) Each licensee, for the racing of animals other than horses, licensed under this article shall withhold from the pari-mutuel wagers made and pay to the commission five percent of the gross receipts of all pari-mutuel wagers at each race meet. Each licensee, for the racing of horses, licensed under this article shall withhold from the pari-mutuel wagers made and pay to the commission a sum computed according to the schedule set forth in section 12-60-109 (2) from the gross receipts of all pari-mutuel wagers at each race meet. All such sums REFERRED TO IN SECTIONS 12-60-109 AND 12-60-119 shall be paid daily to the commission, including all sums collected for license fees AND FINES under the provisions of this article.

(2) All said moneys collected by the commission shall, on the next business day following the receipt thereof, be paid to the state treasurer and by him placed in the general fund of the state OR IN THE HORSE BREEDERS AWARD AND SUPPLEMENTAL PURSE FUND, AS PROVIDED IN SECTION 12-60-119.

Section 12. 12-60-113, Colorado Revised Statutes 1973, is amended to read:

12-60-113. Cancellation of license. (1) In case of a willful violation of this article by a person holding a license, the commission, upon conviction of the offender, may cancel his license, and such cancellation shall operate as a forfeiture of all rights and privileges granted by the commission and of all sums of money paid to the commission by the offender, and the action of the commission in this respect shall be final. The commission has the power to exclude from any and all licensed racecourses any person whom the commission deems detrimental to the best interests of racing and any person who is known or reputed to be a bookmaker or a loiterer within the meaning of the statutes of this state or a fugitive from justice, or whose conduct at a racecourse in Colorado or elsewhere is or has been unlawful,

or who has been convicted at any time of a crime involving moral turpitude. No such person shall enter or remain upon premises owned by any licensee conducting a race meeting under the jurisdiction of the commission, and all such persons, upon discovery or recognition, shall be forthwith excluded or ejected from such premises. Any person so ejected or excluded from the premises of any licensee shall be denied admission to its premises and the premises of all other licensees of the commission until permission for entering has thereafter been obtained from the commission. The commission may also exclude any person from such race meets who willfully violates any of the provisions of this article or any rule or regulation issued by the commission or who willfully violates any law of the United States or of this state. The rules of the commission shall not be altered or amended so as to permit wagering at any licensed racecourse by any person under the age of twenty-one years.

(2) It is a violation of this law for any person under the age of twenty-one EIGHTEEN years to wager or offer to wager at any licensed racecourse.

Section 13. Article 60 of title 12, Colorado Revised Statutes 1973, as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

12-60-113.5. Exclusion from racetracks by the commission. The commission may exclude from any and all licensed racecourses any person who has been convicted of a felony under the laws of this or any other state or of the United States, subject to the provisions of section 24-5-101, C.R.S. 1973. Any person so excluded by the commission has a right to a hearing before the commission as to the basis of such exclusion, subject to the provisions of section 24-4-104, C.R.S. 1973. No such person shall enter or remain upon premises owned by any licensee conducting a race meet under the jurisdiction of the commission, and all such persons, upon discovery or recognition, shall be forthwith excluded or ejected from such premises. Any person so ejected or excluded from the premises of any licensee shall be denied admission to its premises and the premises of all other licensees of the commission until permission for entering has thereafter been obtained from the commission. The commission may also exclude any person from such race meets who willfully violates any of the provisions of this article or any rule or regulation issued by the commission. The rules of the commission shall not be altered or amended so as to permit wagering at any licensed racecourse by any person under the age of eighteen years.

Section 14. 12-60-119 (2) (a) and (3), Colorado Revised Statutes 1973, as amended, are amended to read:

12-60-119. Creation of horse breeders award and supplemental purse fund — awards — advisory committee. (2) (a) Those funds in excess of four-percent which are derived pursuant to section 12-60-109 (2) (b) and also those funds derived pursuant to section 12-60-109 (2) (a) from a public nonprofit association, nonprofit corporation, or nonprofit fair, including the Colorado state fair and industrial exposition and all county fairs, shall be paid daily to the commission for the horse breeders award and supplemental purse fund. In addition, the proceeds derived from all unclaimed pari-mutuel tickets for each HORSE race meet shall be paid to the commission for the horse breeders award and supplemental purse fund after a period of one year following the end of such race meet.

(3) There is hereby created an advisory committee of seven persons to

advise the commission relative to the breeder and stallion awards and supplemental purses. The committee shall be composed of members of the Colorado racing breeder associations, the Colorado fair circuit associations, one member of the betting public, and other Colorado licensed horse race tracks. Committee members shall serve without compensation. APPOINTMENTS SHALL BE MADE BY THE COMMISSION, AND terms of office shall be for three years, with the initial appointments to be made so that three members shall serve for three years, two members shall serve for two years, and two members shall serve for one year. Vacancies, when occurring, shall be filled by the commission for the remainder of the term of any said vacancy.

Section 15. **Repeal.** 12-60-105 (3), Colorado Revised Statutes 1973, as amended, is repealed.

Section 16. **Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: July 1, 1977