

First Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 01-0128.02 Jery Payne

SENATE BILL 01-004

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SENATE SPONSORSHIP

Anderson, Lamborn, Linkhart, and Windels

HOUSE SPONSORSHIP

Miller, and Young

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Senate committees

Business, Labor, and Finance

House Committees

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A BILL FOR AN ACT

101 CONCERNING STATE HISTORICAL SOCIETY PARTICIPATION IN  
102 PRESERVING THE HISTORICAL CHARACTERISTICS OF THE  
103 LIMITED GAMING CITIES.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Legislative Audit Committee.** Requires the state historical society to review any proposed construction, alteration, or renovation of a structure for gaming purposes in order to assess the compatibility of the proposed structure to structures that existed in and were typical of the community prior to world war I with regard to size, scale, mass, and height. Requires the state historical society to make written recommendations based on such review within 90 days if the society finds that the proposed gaming structure is not compatible with structures that

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

existed and were typical of the community prior to world war I with regard to size, scale, mass, and height. Requires the Colorado limited gaming control commission to promulgate rules creating procedures for obtaining such recommendation and to deny gaming license applications on the basis of failure to comply with such rules.

Requires the cities of Central, Black Hawk, and Cripple Creek to submit a detailed, written proposal of the contemplated use of historical moneys to the state historical society, comply with any requests for additional information within 30 days after receiving such request, and receive any comments or recommendations made by the state historical society before such expenditures are authorized. Deems a lack of response from the state historical society within 90 days to be a favorable comment by the state historical society.

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

2 **SECTION 1.** 12-47.1-302 (2), Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **12-47.1-302. Commission - powers and duties.** (2) Rules and  
5 regulations promulgated pursuant to subsection (1) of this section shall  
6 include, but shall not be limited to, the following:

7 (u) THE PROCEDURES NECESSARY FOR OBTAINING APPROVAL OF A  
8 PROPOSED GAMING STRUCTURE FROM THE RESPECTIVE MUNICIPAL  
9 GOVERNING BODY PURSUANT TO SECTION 9 (3) (b) OF ARTICLE XVIII OF  
10 THE COLORADO CONSTITUTION. SUCH PROCEDURES SHALL REQUIRE THE  
11 MUNICIPAL GOVERNING BODY TO OBTAIN A WRITTEN RECOMMENDATION  
12 FROM THE STATE HISTORICAL SOCIETY PRIOR TO APPROVING THE  
13 CONSTRUCTION, ALTERATION, OR RENOVATION OF ANY STRUCTURE FOR  
14 GAMING PURPOSES PURSUANT TO THIS ARTICLE.

15 **SECTION 2.** 12-47.1-510 (1), Colorado Revised Statutes, is  
16 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

17 **12-47.1-510. License - disqualification - criteria.** (1) The  
18 commission shall deny a license to any applicant who is disqualified for

1 licensure on the basis of any of the following criteria:

2 (h) FAILURE OF AN APPLICANT FOR AN OPERATOR LICENSE OR A  
3 RETAIL GAMING LICENSE TO COMPLY WITH ANY RULES PROMULGATED BY  
4 THE COMMISSION PURSUANT TO SECTION 12-47.1-302 (2) (u).

5 **SECTION 3.** Part 12 of article 47.1 of title 12, Colorado Revised  
6 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

7 **12-47.1-1203. Recommendations to municipal governing bodies.**

8 UPON RECEIPT OF A REQUEST BY A MUNICIPAL GOVERNING BODY FOR A  
9 RECOMMENDATION CONCERNING A PROPOSED GAMING SITE, THE STATE  
10 HISTORICAL SOCIETY SHALL REVIEW THE PROPOSED CONSTRUCTION,  
11 ALTERATION, OR RENOVATION OF A STRUCTURE FOR GAMING PURPOSES IN  
12 ORDER TO ASSESS THE COMPATIBILITY OF THE PROPOSED STRUCTURE WITH  
13 STRUCTURES THAT EXISTED IN AND WERE TYPICAL OF THE COMMUNITY  
14 PRIOR TO WORLD WAR I, WITH REGARD TO SIZE, SCALE, MASS, AND HEIGHT.  
15 IF THE STATE HISTORICAL SOCIETY CONCLUDES THAT THE SITE IS NOT  
16 COMPATIBLE WITH STRUCTURES THAT EXISTED IN AND WERE TYPICAL OF  
17 THE COMMUNITY PRIOR TO WORLD WAR I, WITH REGARD TO SIZE, SCALE,  
18 MASS, AND HEIGHT, THEN THE STATE HISTORICAL SOCIETY SHALL MAKE  
19 WRITTEN RECOMMENDATIONS OUTLINING THE GAMING SITE'S HISTORICAL  
20 DEFICIENCIES AND SHALL SEND SUCH RECOMMENDATIONS TO THE  
21 MUNICIPAL GOVERNING BODY. IF THE STATE HISTORICAL SOCIETY DOES  
22 NOT PROVIDE SUCH RECOMMENDATIONS OR REQUEST ADDITIONAL  
23 INFORMATION WITHIN NINETY DAYS AFTER RECEIVING SUCH REQUEST OR  
24 AFTER RECEIVING ADDITIONAL INFORMATION, THEN THE SOCIETY SHALL BE  
25 DEEMED TO HAVE FAVORABLY RECOMMENDED THE PROPOSED GAMING  
26 SITE.

27 **SECTION 4.** 12-47.1-1202, Colorado Revised Statutes, is

1 amended BY THE ADDITION OF A NEW SUBSECTION to read:

2           **12-47.1-1202. Expenditures from the state historical fund -**  
3 **legislative declaration.** (5) THE GOVERNING BODIES OF THE CITIES OF  
4 CENTRAL, BLACK HAWK, AND CRIPPLE CREEK SHALL NOT EXPEND  
5 MONEYS FROM THEIR TWENTY PERCENT PORTION OF THE STATE HISTORICAL  
6 FUND UNLESS THEY HAVE SUBMITTED A DETAILED, WRITTEN PROPOSAL OF  
7 THE CONTEMPLATED USE OF SUCH MONEYS TO THE STATE HISTORICAL  
8 SOCIETY, COMPLIED WITH ANY ADDITIONAL REQUESTS BY THE STATE  
9 HISTORICAL SOCIETY FOR INFORMATION CONCERNING SUCH PROPOSED  
10 EXPENDITURES WITHIN THIRTY DAYS AFTER RECEIVING SUCH REQUEST, AND  
11 RECEIVED ANY COMMENTS OR RECOMMENDATIONS MADE BY THE STATE  
12 HISTORICAL SOCIETY CONCERNING SUCH PROPOSED EXPENDITURES. IF THE  
13 STATE HISTORICAL SOCIETY DOES NOT PROVIDE SUCH COMMENT OR  
14 REQUEST ADDITIONAL INFORMATION WITHIN NINETY DAYS AFTER  
15 RECEIVING SUCH PROPOSAL OR AFTER RECEIVING ADDITIONAL  
16 INFORMATION, THEN THE SOCIETY SHALL BE DEEMED TO HAVE FAVORABLY  
17 COMMENTED ON THE PROPOSED EXPENDITURE.

18           **SECTION 5. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, and safety.