

## RESOLUTION CONCERNING ADOPTION OF EMERGENCY REGULATION 30-313.5

WHEREAS, Section 9(2) of Article XVIII of the Colorado Constitution requires the Colorado Limited Gaming Control Commission ("Commission") to promulgate all necessary rules and regulations relating to the licensing of limited gaming; and

WHEREAS, the Colorado legislature has declared in § 44-30-102(1)(c), C.R.S. that all establishments where limited gaming is conducted must be licensed, controlled and assisted to protect the public health, safety, good order, and the general welfare of the inhabitants of the state of Colorado; and

WHEREAS, the Commission and the Division of Gaming are committed to minimizing COVID-19 exposure risks for all people accessing limited gaming establishments in this state by following the recommended practice of social distancing, or maintaining a physical distance of six (6) feet or more from other people, as a way to slow the spread of COVID-19; and

WHEREAS, on August 24, 2020, the Governor issued, and has repeatedly extended Executive Order D 2020-173 which temporarily suspends the portion of C.R.S. § 44-30-508(3) that prevents a casino operator from dividing its lawful gaming space into more than two noncontiguous spaces. Executive Order D 2020-173 authorizes the Commission to adopt emergency rules allowing the Division Director to approve additional noncontiguous gaming areas, while maintaining constitutional, statutory, and regulatory requirements; and

WHEREAS, the purpose of the adoption of Emergency Regulation 30-313.5 is to create a safer environment for gaming patrons by allowing the 35% of the total square footage of gaming space to be spread over more noncontiguous spaces, thus allowing for greater ability to socially distance gaming patrons and machines to ensure licensed gaming operations are conducted to maintain the public health, safety, and welfare of gaming licensees, the gaming public and Division employees; and

WHEREAS, Emergency Regulation 30-313.5 will continue to allow the implementation of Executive Order D 2020-173 and its extensions, most recently Executive Order D 2021 086; and

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Colorado Limited Gaming Control Commission, based on the facts recited above, that the adoption of Regulation 30-313.5, as an emergency rule, effective April 15, 2021, is imperatively necessary for the preservation of the public health, safety and welfare to immediately minimize COVID-19 exposure risks for all people accessing limited gaming establishments in this state by allowing increased social distancing, and the delay resulting from strict compliance with the requirements of section 24-4-103, C.R.S., would be contrary to the public interest.

Resolved this 15<sup>th</sup> day of April, 2021.

  
Kristen Blessman, Chairman  
Colorado Limited Gaming Control Commission  
Richard Nathan