

CHAPTER 466

REVENUE - ACTIVITIES REGULATION

HOUSE BILL 21-1292

BY REPRESENTATIVE(S) Baisley and Amabile, Bird, Sandridge;
also SENATOR(S) Story and Hisey, Bridges, Liston, Priola.

AN ACT**CONCERNING A REQUIREMENT FOR REPORTING REVENUES DERIVED FROM SPORTS BETTING ACTIVITY.**

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

SECTION 1. Legislative declaration. (1) The general assembly finds, determines, and declares that:

(a) Casino and sports betting revenues represent tangible elements of real property value; and

(b) Directing the division of gaming in the department of revenue to publish aggregated, city-by-city information on revenues derived from sports betting activity conducted through casinos in the cities of Cripple Creek, Central, and Black Hawk will enable Gilpin county and Teller county to properly value the real property located in each of those counties.

SECTION 2. In Colorado Revised Statutes, 44-30-1507, **amend** (3) as follows:

44-30-1507. Records - confidentiality - exceptions. (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 DIVISION'S 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~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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 LICENSES.

(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 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.

SECTION 3. Act subject to petition - effective date. This act takes effect January 1, 2022; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: July 6, 2021