

CHAPTER 339

REVENUE - ACTIVITIES REGULATION

HOUSE BILL 23-1041

BY REPRESENTATIVE(S) Duran and Lynch, Armagost, Bacon, Bird, Boesenecker, Brown, deGruy Kennedy, Dickson, English, Epps, Frizzell, Froelich, Gonzales-Gutierrez, Hamrick, Jodeh, Kipp, Lindsay, Lindstedt, Mabrey, Martinez, McCormick, Michaelson Jenet, Parenti, Sirota, Soper, Valdez, Velasco, Weinberg, Willford, Young; also SENATOR(S) Ginal and Simpson, Bridges, Cutter, Moreno, Priola.

AN ACT

CONCERNING A PROHIBITION AGAINST WAGERING ON RACES OF GREYHOUNDS THAT ARE SIMULCAST FROM OUT-OF-STATE TRACKS AT WHICH THE RACES ARE CONDUCTED.

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

SECTION 1. In Colorado Revised Statutes, 44-32-102, **amend** (15), (18), and (22); and **repeal** (5) as follows:

44-32-102. Definitions - rules. As used in this article 32, unless the context otherwise requires:

(5) ~~"Cross simulcasting" means the receipt of a simulcast race of greyhounds at an out-of-state host track by a simulcast facility that is located on the premises of a track that is licensed to race horses.~~

(15) "Out-of-state host track" means a track, located within a state other than Colorado, that is licensed or otherwise properly authorized under the laws of the state to conduct live races of horses ~~or greyhounds~~ and to broadcast the races as simulcast races and that broadcasts the simulcast races to an in-state simulcast facility.

(18) "Pari-mutuel wagering" means a form of wagering on the outcome of horse ~~and greyhound~~ races in which those who wager purchase tickets of various denominations on one or more horses ~~or greyhounds~~ from one or more pools and all like wagers from each race are pooled and the winning ticket holders are paid prizes from the pool in amounts proportional to the total receipts in the pool minus deductions authorized by statute.

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.

(22) "Simulcast race" means a live, audio-visual broadcast THAT IS:

(a) Transmitted simultaneously with either:

(I) The performance of a live race of horses ~~or greyhounds~~ by an out-of-state host track; or

(II) The performance of a live race of horses by an in-state host track; AND

(b) ~~that is~~ Received by a simulcast facility.

SECTION 2. In Colorado Revised Statutes, 44-32-202, **amend** (4)(a)(I) as follows:

44-32-202. Director - qualifications - powers and duties - rules. (4) If so directed by the commission, the director may, on behalf of this state:

(a) Negotiate, enter into, and participate in one or more interstate compacts that enable party states to act jointly and cooperatively to create more uniform, effective, and efficient practices, programs, and rules relating to:

(I) Live horse ~~and greyhound~~ racing; and

SECTION 3. In Colorado Revised Statutes, **amend** 44-32-514 as follows:

44-32-514. Payments of winnings - intercept. Before making a payment of cash winnings from pari-mutuel wagering on horse ~~or greyhound~~ racing for which the licensee is required to file form W-2G, or a substantially equivalent form, with the United States internal revenue service, the licensee shall comply with the requirements of article 33 of this title 44.

SECTION 4. In Colorado Revised Statutes, 44-32-602, **amend** (1) and (5); and **repeal** (2) and (4)(a) as follows:

44-32-602. Simulcast facilities and simulcast races - unlawful act - repeal.

(1) It is unlawful for any person to accept or place wagers on any simulcast race within the state of Colorado except under the provisions of this article 32. It is lawful to conduct pari-mutuel wagering on simulcast races of horses ~~or greyhounds~~ that are received by an in-state simulcast facility authorized and operated pursuant to this article 32.

(2) ~~Cross simulcasting between an in-state host track or an out-of-state host track and an in-state simulcast facility, or between an in-state host track and an out-of-state simulcast facility, is permissible.~~

(4) (a) (f) ~~An in-state simulcast facility may, subject to the commission's approval, receive the broadcast signal of greyhounds from an out-of-state host track and conduct pari-mutuel wagering on the signal through an in-state simulcast facility located on the premises of a class B track that has conducted, or is scheduled~~

to conduct during the next twelve months, a live race meet of horses of at least the duration required for a class B track.

~~(H) The specified portions of the gross receipts from pari-mutuel wagers placed at an in-state simulcast facility on simulcast greyhound races being held on out-of-state host tracks from signals received through a class B track shall be distributed in accordance with section 44-32-701 (2).~~

(5) An in-state simulcast facility having a written simulcast racing agreement with an in-state or out-of-state host track pursuant to section 44-32-503 (2) may receive simulcast races, as specified in ~~subsections (2) to (4)~~ SUBSECTION (4)(b) of this section, on any day, including a day not within the race meet of the in-state simulcast facility that is also a track and a day on which no live race is conducted within the race meet of the in-state simulcast facility that is also a track.

SECTION 5. In Colorado Revised Statutes, **amend** 44-32-604 as follows:

44-32-604. Greyhound racing prohibited. (1) No live greyhound racing involving the betting or wagering on the speed or ability of the greyhounds racing shall be conducted in Colorado. The commission shall not accept or approve an application or request for race dates for live greyhound racing in Colorado.

(2) NOTWITHSTANDING THE PROVISIONS OF THIS ARTICLE 32 OR ANY OTHER GENERAL OR SPECIFIC LAW TO THE CONTRARY, IT IS UNLAWFUL IN COLORADO TO WAGER ON ANY RACE OF GREYHOUNDS THAT IS CONDUCTED AT, AND SIMULCAST FROM, A TRACK THAT IS OUTSIDE OF COLORADO.

SECTION 6. In Colorado Revised Statutes, 44-32-701, **amend** (2)(a), (2)(b), and (2)(c)(I); and **repeal** (1) as follows:

44-32-701. License fees and Colorado-bred horse race requirement - rules - repeal. (1) ~~Subject to section 44-32-702 (1), for the privilege of conducting racing under a license issued under and of operating an in-state simulcast facility pursuant to this article 32, a licensee for the racing of greyhounds and an operator of an in-state simulcast facility that receives simulcast races of greyhounds shall pay to the department through the division four and one-half percent of the gross receipts derived from pari-mutuel wagering during any such race meet or placed on the simulcast races that are received through a live greyhound track.~~

(2)(a)(I) For the privilege of conducting racing under a license issued under, and of operating an in-state simulcast facility pursuant to, this article 32, a licensee for the racing of horses and an operator of an in-state simulcast facility that receives simulcast races of horses ~~or greyhounds~~ pursuant to section ~~44-32-602 (4)(a)(I)~~ 44-32-602 (4)(b) shall pay to the department through the division three-fourths of one percent of the gross receipts of the pari-mutuel wagering at any race meet or placed on the simulcast races; except that a licensee for the racing of horses at a class B track race meet shall pay to the department through the division three-fourths of one percent of the gross receipts of the pari-mutuel wagering at any such race meet.

(1.5) (A) NOTWITHSTANDING SECTION 44-32-706 (2), ON JANUARY 1, 2025, OF

THE MONEY THAT IS PAID TO THE DEPARTMENT BY LICENSEES PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION, THE DEPARTMENT SHALL TRANSFER TWENTY-FIVE THOUSAND DOLLARS TO THE FUND CREATED IN SUBSECTION (2)(a)(I.5)(B) OF THIS SECTION, AND ON JANUARY 1, 2026, THE DEPARTMENT SHALL TRANSFER FIFTY THOUSAND DOLLARS TO THE FUND, IN ACCORDANCE WITH RULES PROMULGATED BY THE COMMISSION.

(B) THE GREYHOUND WELFARE AND ADOPTION FUND, REFERRED TO IN THIS SUBSECTION (2)(a)(I.5) AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO SUBSECTION (2)(a)(I.5)(A) OF THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT MAY MAKE DISTRIBUTIONS OF MONEY FROM THE FUND TO GREYHOUND WELFARE AND ADOPTION ORGANIZATIONS IN ACCORDANCE WITH RULES OF THE COMMISSION. THE COMMISSION SHALL NOT CONDITION DISTRIBUTIONS FROM THE ACCOUNT ON WHETHER A GREYHOUND WELFARE AND ADOPTION ORGANIZATION SUPPORTS OR OPPOSES GREYHOUND RACING. THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND ON JULY 31, 2026, TO THE GENERAL FUND.

(C) THIS SUBSECTION (2)(a)(I.5) IS REPEALED, EFFECTIVE AUGUST 1, 2026.

~~(II) (A) Except as otherwise provided in subsection (2)(a)(II)(B) of this section,~~ In addition to the amount paid to the department through the division in subsection (2)(a)(I) of this section, a licensee for the racing of horses and an operator of an in-state simulcast facility that receives simulcast races of horses ~~or greyhounds~~ pursuant to section ~~44-32-602 (4)(a)(I)~~ 44-32-602 (4)(b) shall pay to Colorado state university for allocation to its school of veterinary medicine one-fourth of one percent of the gross receipts of all pari-mutuel wagering, except on win, place, or show, at the horse race meet or placed on the simulcast races, to be used for racing-related equine research. To receive research funding under this subsection (2)(a)(II), an institution or individual must describe and report to the commission on all projects upon completion.

~~(B) In the case of pari-mutuel wagers on greyhound simulcast signals received by a class B track, in lieu of the amounts otherwise payable to Colorado state university pursuant to subsection (2)(a)(II)(A) of this section, the licensee shall instead pay an equivalent amount into a trust account for distribution in accordance with rules of the commission under section 44-32-702 (1)(c)(I).~~

(b) In addition to any money to be paid pursuant to subsection (2)(a) of this section, a licensee for the racing of horses and an operator of an in-state simulcast facility that receives simulcast races of horses ~~or greyhounds~~ pursuant to section ~~44-32-602 (4)(a)(I)~~ 44-32-602 (4)(b) shall pay to a trust account one-half of one percent of the gross receipts of pari-mutuel wagering on win, place, and show and one and one-half percent of the gross receipts from all other pari-mutuel wagering

at any such race meet or placed on the simulcast races for the horse breeders' and owners' awards and supplemental purse fund established in section 44-32-705.

(c) (I) The operator of a simulcast facility that receives simulcast races of horses ~~or greyhounds~~ pursuant to section ~~44-32-602 (4)(a)(I)~~ 44-32-602 (4)(b) shall retain five percent of the gross receipts of pari-mutuel wagering placed on the simulcast races at that facility, to be used to cover the particular expenses incurred in operating a simulcast facility.

SECTION 7. In Colorado Revised Statutes, 44-32-702, **amend** (1)(b)(I), (1)(e)(I), (1)(h)(III), and (4) introductory portion; and **repeal** (1)(h)(II) and (1)(i) as follows:

44-32-702. Unlawful to wager - exception - excess - taxes - special provisions for simulcast races - rules. (1) (b) (I) Except as otherwise provided in subsection (4) of this section, it is unlawful for a racing or simulcast facility licensee for the racing of ~~greyhounds~~ or horses to take more than the percentage of the gross receipts authorized by the commission pursuant to subsection (1)(b)(II) of this section of any pari-mutuel wagering on the races or simulcast races.

(e) (I) Each operator of an in-state simulcast facility that receives simulcast races of horses from either an in-state host track or an out-of-state host track ~~or of greyhounds from an out-of-state host track~~, shall pay to purse funds for the racing of horses and to the in-state or out-of-state tracks and simulcast facilities described in the simulcast agreement filed with the commission, the percentages of the gross pari-mutuel wagering on the simulcast races, after deduction of a signal fee required by an out-of-state host track or an in-state host track, paid during the current year or a previous year, and the applicable amounts specified in subsection (2)(b) of this section and in sections ~~44-32-701 (1) and (2)~~ 44-32-701 (2) and 44-32-705 (2), as specified in the simulcast agreement. ~~In the case of pari-mutuel wagers on greyhound simulcast signals received by a class B track from an out-of-state host track, the operator shall deposit the amounts payable pursuant to section 44-32-701 (2)(a)(II)(B) into a trust account for distribution, in accordance with rules of the commission, to greyhound welfare and adoption organizations.~~

(h) (II) ~~The breakage at any greyhound race meet shall be retained by the licensee under whose license the greyhound race meet was held.~~

(III) Except as otherwise provided in subsection (1)(h)(IV) or (4) of this section, the breakage on any simulcast race of horses ~~or greyhounds~~ received by an in-state simulcast facility shall be retained by the operator of the in-state simulcast facility.

(i) ~~An operator of an in-state simulcast facility shall retain the proceeds derived from all unclaimed pari-mutuel tickets for each simulcast race of greyhounds received for a race held at an out-of-state host track and, after a period of one year following the simulcast race, the proceeds revert and belong to the operator.~~

(4) Pursuant to a valid simulcasting agreement, an operator of an in-state simulcast facility that receives simulcast signals of horse ~~or greyhound~~ races held in another state may:

SECTION 8. In Colorado Revised Statutes, 44-32-704, **amend** (1) and (2)(a) as follows:

44-32-704. Limitations on pari-mutuel wagering. (1) Wagers on pari-mutuel horse ~~or greyhound~~ races conducted in or out of this state may ~~only~~ be placed ~~ONLY~~ upon the premises of a racetrack or an in-state simulcast facility licensed by the commission or the out-of-state racetrack or simulcast facility as authorized by the commission. No wagering or betting on the results of any of the races licensed under this article 32 shall be conducted outside a licensed or approved racetrack or simulcast facility.

(2) (a) No person or agent or employee of any person shall place, receive, offer, or agree to place or receive a wager on a pari-mutuel horse ~~or greyhound~~ race, conducted in or broadcast in this state, by messenger, telephone, telegraph, facsimile machine, or other electronic device; except that this subsection (2) shall not apply to associations or simulcast facilities licensed by the commission. Nothing in this section shall be construed to prohibit gambling as provided in section 18-10-102 (2)(d).

SECTION 9. In Colorado Revised Statutes, 26-13-118.7, **amend as it will become effective July 1, 2023**, (2) as follows:

26-13-118.7. Gambling winnings - interception - rules. (2) Upon receipt from the registry operator of a payment and accompanying information pursuant to section 44-33-105 (2)(b), the state department, through the casino, sports betting operator, internet sports betting operator, racetrack, or off-track betting facility, shall notify the obligated parent in writing that the state intends to offset the parent's child support debt, child support arrearages, or child support costs against the parent's winnings from limited gaming, from sports betting, or from pari-mutuel wagering on horse ~~or greyhound~~ racing. The notice must include information concerning the parent's right to object to the offset and to request an administrative review pursuant to the rules of the state board.

SECTION 10. In Colorado Revised Statutes, 44-33-103, **amend as it will become effective July 1, 2023**, (3) as follows:

44-33-103. Definitions. As used in this article 33, unless the context otherwise requires:

(3) "Payment" means cash winnings from limited gaming, from sports betting, or from pari-mutuel wagering on horse ~~or greyhound~~ racing payable by a licensee for which the licensee is required to file form W-2G, or a substantially equivalent form, with the United States internal revenue service.

SECTION 11. Act subject to petition - effective date - applicability. (1) This act takes effect October 1, 2024; 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 2024 and, in

such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

Approved: June 2, 2023