

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 21-0849.01 Duane Gall x4335

HOUSE BILL 21-1292

HOUSE SPONSORSHIP

Baisley and Amabile,

SENATE SPONSORSHIP

Story and Hisey,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT FOR REPORTING REVENUES DERIVED**
102 **FROM SPORTS BETTING ACTIVITY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The division of gaming within the department of revenue currently publishes on its website monthly and annual public reports of revenues, expenses, and other information from limited gaming activity in Central City, Black Hawk, and Cripple Creek. The bill requires similar reporting for revenue associated with sports betting. To protect the privacy of owners of sports betting venues, when the number of licensees in any of

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

HOUSE
Amended 2nd Reading
May 18, 2021

the cities is less than 3, the bill requires aggregation of data from that city with data from another city.

If the use of aggregated data results in a property valuation that the casino owner or other taxpayer believes is inaccurate, the bill permits the taxpayer to submit additional information to the county assessor, subject to strict confidentiality requirements that continue throughout the property valuation process and any subsequent appeals or court proceedings.

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

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

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

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

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

14 **44-30-1507. Records - confidentiality - exceptions.** (3) (a) This
15 section does not make confidential the aggregate tax collections during
16 any reporting period, the names and businesses of licensees, or figures
17 showing the aggregate amount of money bet during any reporting period.

18 THE DIVISION SHALL PUBLICLY REPORT THIS INFORMATION ON A MONTHLY
19 BASIS IN STATEMENTS OF NET SPORTS BETTING PROCEEDS AND SPORTS
20 BETTING TAXES. PUBLIC REPORTING SHALL BE MADE ELECTRONICALLY
21 AND POSTED ON THE DIVISION'S WEBSITE.

22 (b) (I) THE DIVISION SHALL PUBLICLY REPORT MONTHLY AND

1 ANNUAL NET SPORTS BETTING PROCEEDS, AGGREGATED ON A
2 CITY-BY-CITY BASIS FOR THE CITY OF CRIPPLE CREEK, THE CITY OF
3 CENTRAL, AND THE CITY OF BLACK HAWK, BASED ON THE PHYSICAL
4 LOCATION OF MASTER LICENSEES' CASINOS. THE DATA MUST ALSO
5 CONTAIN SUBTOTALS FOR PROCEEDS DERIVED FROM ON-SITE AND
6 INTERNET SPORTS BETTING OPERATIONS, RESPECTIVELY. TO THE EXTENT
7 PARTIAL-YEAR DATA ARE AVAILABLE FOR ANY REPORTING PERIOD THAT
8 PRECEDED THE EFFECTIVE DATE OF THIS SUBSECTION (3)(b), THE DIVISION
9 SHALL REPORT ANY AVAILABLE MONTHLY FIGURES AND SHALL NOTE THAT
10 ANNUAL FIGURES DO NOT REFLECT ACTIVITY DURING THE ENTIRE
11 REPORTING PERIOD.

12 (II) IF THERE ARE FEWER THAN THREE HOLDERS OF ACTIVE AND
13 VALID SPORTS BETTING LICENSES IN ANY OF THE CITIES LISTED IN
14 SUBSECTION (3)(b)(I) OF THIS SECTION, THEN, TO PROTECT THE LICENSEES'
15 PRIVACY, THE DIVISION SHALL AGGREGATE THAT CITY'S SPORTS BETTING
16 PROCEEDS WITH THE SPORTS BETTING PROCEEDS OF THE CITY THAT HAS
17 THE NEXT LOWEST NUMBER OF ACTIVE AND VALID SPORTS BETTING
18 LICENSEES.

19 (III) IF THE GILPIN COUNTY ASSESSOR OR TELLER COUNTY
20 ASSESSOR USES INFORMATION AGGREGATED PURSUANT TO SUBSECTION
21 (3)(b)(II) OF THIS SECTION TO ESTABLISH THE ACTUAL VALUE OF A CASINO,
22 WHETHER SPORTS BETTING IS OFFERED ON THE PREMISES OF THE CASINO
23 OR ONLINE BY THE CASINO OR BY A CONTRACTOR, AND THE USE OF THE
24 AGGREGATED INFORMATION RESULTS IN AN INCREASE IN THE ACTUAL
25 VALUE OF THE CASINO'S REAL PROPERTY, THE COUNTY ASSESSOR OR AN
26 AUTHORIZED AGENT OF THE ASSESSOR SHALL:

27 (A) PRESENT THE COUNTY ASSESSOR'S ESTIMATE OF THE INCREASE

1 IN THE CASINO'S VALUATION, BASED ON THE AGGREGATED DATA, TO THE
2 TAXPAYER ON OR BEFORE MARCH 1 OF EACH REVALUATION YEAR;

3 (B) CONSIDER ANY INFORMATION THAT THE TAXPAYER, IN ITS
4 DISCRETION, CHOOSES TO DISCLOSE AND PROVIDES TO THE COUNTY
5 ASSESSOR OR AUTHORIZED AGENT OF THE ASSESSOR ON OR BEFORE
6 MARCH 15 OF THE REVALUATION YEAR TENDING TO SHOW THAT THE
7 VALUE ATTRIBUTED TO THE CASINO BASED ON THE AGGREGATED DATA IS
8 INCORRECT; ■

9 (C) TREAT ANY SUCH DISCLOSURE BY THE TAXPAYER AS THE
10 PROPRIETARY AND CONFIDENTIAL INFORMATION OF THE TAXPAYER AND
11 SHALL NOT REVEAL THE INFORMATION TO ANY OTHER PERSON,
12 NOTWITHSTANDING ANY PROVISION OF THE "COLORADO OPEN RECORDS
13 ACT", PART 2 OF ARTICLE 72 OF TITLE 24, OR ANY OTHER LAW. THE
14 CONFIDENTIALITY CREATED BY THIS SUBSECTION (3)(b)(III)(C) APPLIES AT
15 ALL TIMES DURING THE REAL PROPERTY ASSESSMENT PROCESS, BEGINNING
16 WHEN THE INFORMATION IS FIRST PROVIDED TO THE COUNTY ASSESSOR OR
17 AUTHORIZED AGENT OF THE ASSESSOR AND CONTINUING THROUGH
18 COUNTY BOARD OF EQUALIZATION PROCEEDINGS, ANY PROTEST PROCESS,
19 ANY BOARD OF ASSESSMENT APPEAL PROCEEDINGS, AND ANY COURT
20 PROCEEDINGS. TO THE EXTENT THIS INFORMATION IS THE SUBJECT OF
21 ADMINISTRATIVE OR COURT PROCEEDINGS, THE DISCUSSION OF THE
22 INFORMATION SHALL NOT BE PUBLIC AND SHALL BE RESTRICTED TO IN
23 CAMERA PROCEEDINGS UNDER SEAL.

24 (D) ONLY USE SUCH AGGREGATED INFORMATION OR INFORMATION
25 PROVIDED BY THE TAXPAYER THAT ESTABLISHES INCOME ACTUALLY
26 RECEIVED BY THE CASINO BECAUSE THE CASINO CONDUCTS SPORTS
27 BETTING ON ITS LICENSED PREMISES, EITHER DIRECTLY OR BY

1 CONTRACTING WITH A LICENSED SPORTS BETTING OPERATOR; OR
2 CONTRACTS WITH A THIRD PARTY SO THAT THE THIRD PARTY MAY
3 CONDUCT A LICENSED ONLINE SPORTS BETTING OPERATION IN
4 CONJUNCTION WITH THE CASINO'S MASTER LICENSE.

5 (IV) NOTHING IN THIS SUBSECTION (3)(b) AUTHORIZES THE
6 DIVISION TO PRODUCE ANY DOCUMENT OR INFORMATION THAT DIRECTLY
7 DISCLOSES, OR WOULD INDIRECTLY RESULT IN THE DISCLOSURE OF,
8 TAXPAYER INFORMATION THAT IS CONFIDENTIAL UNDER THIS ARTICLE 30
9 OR ANY OTHER PROVISION OF LAW.

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