

STATE OF COLORADO

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MEMORANDUM

January 24, 2003

TO: Tracy Roach
Janice Fuerst

FROM: Legislative Council Staff and Office of Legislative Legal Services

SUBJECT: Proposed initiative measure 2003-2004 #16, concerning location of video lottery terminals

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

Purposes

The major purpose of the proposed amendment appears to be to prohibit the installation or operation of video lottery terminals in any facility that is licensed to offer parimutuel wagering in the state of Colorado.

Comments and Questions

The form and substance of the proposed initiative raise the following comments and questions:

Technical questions:

1. The amending clause refers to "the following new subsection 8, ... ". However, the text appears to consist of a subsection (1), containing several definitions designated by paragraph letters, and a subsection (2). Do the proponents wish to change the numbering, the organization of the text, or both?
2. It is customary in Colorado, when amending constitutional and statutory language, to indicate new material in small capital letters (EXAMPLE). Would the proponents be willing to show the text of the proposed amendment, apart from the section heading, in small capitals to indicate that it is all new language?
3. The introductory portion to subsection (1) contains the phrase "For purposes of this *section*". (Emphasis added.) Would "subsection" be more appropriate here?
4. To be consistent with other Colorado statutory and constitutional provisions, would the proponents consider replacing "For purposes of this [sub]section:" with the clause "As used in this [sub]section, unless the context otherwise requires:"?
5. Paragraph (a) refers to "the Colorado lottery commission". Is this the same Colorado lottery commission created in section 24-35-207, C.R.S.? Do you wish to so specify?
6. Paragraph (c) refers to "the Colorado racing commission". Is this the same Colorado racing commission created in section 12-60-301, C.R.S.? Do you wish to so specify?
7. Paragraph (b) refers to a "simulcasting facility". Is this the same as a "simulcast facility" as defined in section 12-60-102 (23), C.R.S.? Do you wish to so specify?
8. Is a "greyhound track" or "horse track", as used in paragraph (b), synonymous with "track" as defined in section 12-60-102 (26), C.R.S. Do you wish to so specify?

Substantive questions:

1. Section 1 of article V of the Colorado constitution requires that each initiative contain no more than one subject, which must be clearly expressed in its title. How would the proponents describe the single subject of the proposed amendment?
2. The second sentence of paragraph (c) contains a detailed distinction between a "video lottery terminal" and a "slot machine". That sentence concludes that "no 'slot machine,' ... approved for

use in limited gaming ... shall be considered to be a 'video lottery terminal.'" Do the proponents foresee a situation in which "slot machines" are installed or operated in facilities that are licensed to offer parimutuel wagering, while the installation and operation of "video lottery terminals" are specifically prohibited by this measure? If not, could the second sentence of paragraph (c) be omitted?

3. The racing commission is subject to sunset on July 1, 2008, and the state lottery division is subject to sunset on July 1, 2024. Who would regulate video lottery terminals if these entities were allowed to expire? Is it the proponents' intent to prohibit video lottery terminals in facilities that offer parimutuel wagering in the state, regardless of what person or regulatory entity purports to authorize such activity? If so, would it be an acceptable alternative to simply prohibit the installation or operation of video lottery terminals without specifically mentioning any regulatory entity?