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MEMORANDUM

April 2, 2014

TO: Richard Evans, Stephen Roark, and Mark Grueskin

FROM: Legislative Council Staff and Office of Legislative Legal Services

SUBJECT: Proposed initiative measure 2013-2014 #140, concerning Local Voter Approval for Casino-style Gambling

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.

This initiative was submitted with a series of initiatives including proposed initiatives 2013-2014 #138, 139, 141, and 142. The comments and questions raised in this memorandum will not include comments and questions that were addressed in the memoranda for proposed initiatives 2013-2014 #138, 139, 141, and 142, except as necessary to fully understand the issues raised by the revised proposed initiative. Comments and questions addressed in those other memoranda may also be relevant, and those questions and comments are hereby incorporated by reference in this memorandum. Only new comments and questions are included in this memorandum.

Purposes

The major purposes of the proposed amendment to the **Colorado constitution** appear to be:

1. To prohibit statewide elections to legalize any type of gambling from taking effect without an additional local vote;
2. To define casino-style gambling to include slot machines, poker, blackjack, craps, roulette, or video lottery terminals; and
3. To apply the prohibition to any new authorization for gambling approved on or after the November 4, 2014, election.

Technical Comments

There are no new technical comments, but the comments in the memoranda for proposed initiatives 2013-2014 #138 and 139 apply.

Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. If a single host community wishes to allow “casino-style gambling,” the initiative appears to require that voters in the entire county vote to authorize casino-style gambling in their county.
 - a. Is it the intent of the proponents that this vote authorize casino-style gambling throughout the county, or only in the host community?
 - b. Could the county-wide vote authorize any type of “casino-style gambling,” regardless of the specific type or types of gambling that the host community proposes?
 - c. Could the county-wide vote authorize casino-style gambling in one or more host communities in that county simultaneously?

3. Is “video lottery terminal” defined anywhere? It is not currently mentioned in article XVIII of the Colorado constitution. Do you wish to include a definition of “video lottery terminal”?
4. Currently, all but one of the games listed in the definition of “casino-style gambling” in the proposed initiative (slot machines, poker, blackjack, craps, and roulette) are operated by wholly private entities licensed by the limited gaming control commission. However, the state lottery—of which “video lottery terminals” presumably are or would be a subset—is operated by the Colorado department of revenue, and is currently authorized everywhere in the state. (*See* article XVIII, section 2 (7) of the Colorado constitution.) Does this make any difference, or should it, in the application of the local vote requirements?