

# STATE OF COLORADO

## Colorado General Assembly

Mike Mauer, Director  
Legislative Council Staff

**Colorado Legislative Council**  
029 State Capitol Building  
Denver, Colorado 80203-1784  
Telephone (303) 866-3521  
Facsimile (303) 866-3855  
TDD (303) 866-3472  
E-Mail: lcs.ga@state.co.us



Dan L. Cartin, Director  
Office of Legislative Legal Services

**Office of Legislative Legal Services**  
091 State Capitol Building  
Denver, Colorado 80203-1782  
Telephone (303) 866-2045  
Facsimile (303) 866-4157  
E-Mail: ols.ga@state.co.us

### MEMORANDUM

March 27, 2014

**TO:** Richard Evans, Mark Grueskin, and Stephen Roark

**FROM:** Legislative Council Staff and Office of Legislative Legal Services

**SUBJECT:** Proposed initiative measures 2013-2014 #143, #144, and #145 concerning required distances from schools in certain casino gambling jurisdictions

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 initiatives.

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 to the Colorado Constitution appears to be to prohibit casino-style gambling within a specified distance of an elementary, middle, or high school.

## Technical Comments

1. Standard drafting practice is to render the "section number" portion of an amending clause in bold and all-caps. The proponents' amending clause should begin "**SECTION 1.**" rather than "**Section 1.**".
2. The proponents have drafted their language as a proposed new section 21 to article XVIII of the state constitution. Because the highest numbered existing section in article XVIII is section 16, the proponents should redraft their language as a new section 17 rather than a new section 21.
3. The proponents should capitalize the words that begin the paragraphs (a) and (b) under subsection (1) of their proposed language. (I.e., capitalize "ANY" and "THE".)
4. The proponents should precede their subsection (2) with the following language: "AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, . . .".
5. In the third line of the proponents' subsection (2), there appears to be an extra space following the word "THOSE".
6. In the third line of the proponents' subsection (3), it is not necessary to include a comma after the word "GAMBLING".
7. The state constitution uses the term "gaming" rather than "gambling"; the term "limited gaming" is defined at section 9 (4) (b) of article XVIII. The proponents may consider editing their language to reflect existing constitutional terminology.

## 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. Do the proponents intend to prohibit casino-style gambling within a mile of a *public or private* elementary school's, middle school's, *junior high school's*, or high school's property line? If so, the proponents may want to add the words "a public or private" and "junior high school's", accordingly.

3. Subsection (2) of the proponents' language defines "casino-style gambling" as "the use of slot machines, poker, blackjack, craps, roulette, or video lottery terminals . . . *as those terms are defined in article XVIII of the [state] constitution*" [emphasis added]. Although section 9 of article XVIII of the state constitution provides a definition of the term "slot machine", the terms "poker", "blackjack", "craps", and "roulette", are used but not defined in article XVIII. The term "video lottery terminal" does not appear at all in article XVIII. Therefore, the proponents should edit their language accordingly.