

STATE OF COLORADO

Colorado General Assembly

Kirk Mlinek, 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



Charles W. Pike, 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: olls.ga@state.co.us

MEMORANDUM

May 6, 2008

TO: Shawn Michael Olsen and Richard Evans

FROM: Legislative Council Staff and Office of Legislative Legal Services

SUBJECT: Proposed initiative measure 2007-2008 #122, concerning limited gaming

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.

Note: A companion version of this initiative, proposal 2007-2008 #121, is the subject of a memorandum dated May 6, 2008, and is scheduled to be discussed at a hearing on May 9, 2008, in the same location with the same proponents. Because these measures are nearly identical, the comments and questions raised in this memorandum will be limited so as not to duplicate comments and questions that were raised in the memorandum concerning #121. However, the comments and questions raised in the memorandum concerning #121 continue to be relevant and are hereby incorporated by reference in this memorandum.

Purposes

The major purposes of the proposed amendment appear to be identical to those of proposal 2007-2008 #121.

Comments and Questions

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

Technical questions:

Each of the technical questions set forth in the review and comment memorandum on proposed initiative 2007-2008 #121 is applicable to proposed initiative 2007-2008 #122 and, as such, will not be repeated.

Substantive questions:

Each of the substantive questions set forth in the review and comment memorandum on proposed initiative 2007-2008 #121 is applicable to proposed initiative 2007-2008 #122 and, as such, will not be repeated, with the following exception:

1. This proposal sets forth a formula for distribution of certain limited gaming tax revenues to institutions "that were operating on and after January 1, 2008, ... " The formula appears identical to the formula set forth in proposal 2007-2008 #121, except that the specified date of operation is January 1, 2008, rather than July 1, 2008. (See page 3, line 32 of the proposal.) Why was this date chosen? What is the intended effect of using January 1 rather than July 1?