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## MEMORANDUM

**TO:** Robin Jones and Pamela Jones

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

**DATE:** February 8, 2016

**SUBJECT:** Proposed initiative measure 2015-2016 #90, concerning definitions in the Bingo and Raffles law

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 directors of 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 purposes of the proposed amendment to the **Colorado Revised Statutes** appear to be:

1. To add the game of poker to the definition of "charitable gaming" and "game of chance."

## Substantive Comments and Questions

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

1. Article V, section 1 (8) of the Colorado constitution requires that the following enacting clause be the style for all laws adopted by the initiative: "Be it Enacted by the People of the State of Colorado". To comply with this constitutional requirement, this phrase should be added to the beginning of the proposed initiative.
2. Article V, section 1 (5) of the Colorado constitution and section 1-40-102 (4), Colorado Revised Statutes, require a proponent to submit for review and comment the full text of the measure being proposed, which, if passed, becomes the actual language of the statute. You have submitted an idea, rather than the actual language that would be added to the Colorado constitution or Colorado Revised Statutes. Please amend your proposal to include the actual text of your proposed constitutional or statutory change.
3. 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?
4. What will be the effective date of the proposed initiative?
5. As a statutory change, the proposed initiative may be amended by subsequent legislation enacted by the General Assembly. Is this your intention?
6. Article XVIII, section 9 (4) (b) of the Colorado constitution and article 47.1 of title 12 Colorado Revised Statutes, regulate limited gaming, which includes poker. Are you intending to also amend those sections?
7. Your proposal would allow limited gaming under the current bingo and raffle laws. The bingo and raffle laws allow participation by a person who is eighteen years of age or older. Under the "Limited Gaming Act of 1991," limited gaming is prohibited for a person who is under twenty-one years of age. Are you aware of this inconsistency?
8. You have included some examples of the games that would be included in the definition of "poker". Are you aware that "poker" is currently defined in section 12-47.1-103 (22) (a), C.R.S.?
9. Your proposal refers to "Texas Holdem, Omaha, 7 card stud or any other card games that are classified as a game of chance at this time." Do you mean card

games that exist in rules of the limited gaming control commission? If so, you should be aware that these games are not classified as games of chance, but are classified as “limited gaming” under section 12-47.1-103 (19), Colorado Revised Statutes, and section 9 (4) (b) of article XVIII of the Colorado constitution. Is it your intent to reclassify these games as games of chance instead of limited gaming? If so, it will be necessary to amend the Colorado constitution, not just the Colorado Revised Statutes.

## Technical Comments

The following comments address technical issues raised by the form of the proposed initiative. These comments will be read aloud at the public meeting only if the proponents so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as suggested below.

1. Each constitutional and statutory section being amended, repealed, or added is preceded by a separate amending clause explaining how the law is being changed. See comment 2 for an example of the amending clause you would use.
2. Before the amending clause, number each section, part, etc. that is being amended or added with a section number (e.g., SECTION 1., SECTION 2.). For example:

**SECTION 1.** In Colorado Revised Statutes, 12-9-102, **amend** (1.7) and (7) as follows:

3. Statutory sections should be shown in the same format in which they appear in the Colorado Revised Statutes, including:
  - a. The Colorado Revised Statutes section number and the headnote describing the contents of the section should be in **bold-faced** font;
  - b. Each numbered or lettered paragraph should be indented as a separate paragraph; except that the first paragraph or introductory portion should follow the headnote.

For example:

**12-9-102. Definitions.** As used in this article, unless the context otherwise requires:

(1.7) "Charitable gaming" means bingo, pull tab games, and raffles, as defined in subsections (1), (18.1), and (19.3) of this section.

(7) "Game of chance" means that specific kind of game of chance commonly known as bingo or lotto in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and that specific kind of game of chance commonly known as raffles that is conducted by drawing for prizes or the allotment of prizes by chance, by the selling of shares or tickets or rights to participate in such a game.

4. It is standard drafting practice to use SMALL CAPITAL LETTERS [rather than ALL CAPS] to show the language being added to and stricken type, ~~which appears as stricken type~~, to show language being removed from the Colorado constitution or the Colorado Revised Statutes.