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S. WARD
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Initiative 2013-2014 #80 Amended Text

Colorado Secretary of State

~~An Initiative Proposal to Increase K-12 Education Funding From New Revenues Generated by the Use of Video Lottery Terminals at Class B Colorado Horse Racetracks and at Licensed Limited Gaming Establishments.~~

Be it Enacted by the People of the State of Colorado:

~~AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF COLORADO, AMENDING ARTICLE XVIII, ADDING A NEW SECTION TO~~
READ: SECTION 1. In the constitution of the state of Colorado, add section 17 to article XVIII as follows:

Section 17. K-12 education fund. (1) ~~IN~~ IN ORDER TO IMPROVE THE EDUCATION OF CHILDREN IN COLORADO PUBLIC SCHOOLS BY PROVIDING ADDITIONAL REVENUE TO ADDRESS LOCAL NEEDS, INCLUDING, ~~BUT NOT LIMITED TO,~~ REDUCING CLASS SIZES, ACQUIRING TECHNOLOGY FOR TEACHERS AND STUDENTS, ENHANCING SCHOOL SAFETY AND SECURITY, AND IMPROVING SCHOOL FACILITIES, THERE IS HEREBY ESTABLISHED ~~A~~ THE K-12 EDUCATION FUND, AND NOTWITHSTANDING ANY PROVISIONS OF THIS CONSTITUTION OR OTHER LAW TO THE CONTRARY, THE COLORADO LOTTERY COMMISSION AND STATE LOTTERY DIVISION ARE DIRECTED TO IMPLEMENT THE USE OF VIDEO LOTTERY TERMINALS AT EXCLUSIVE LOCATIONS, AS SET FORTH IN THIS SECTION.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COMMISSION" MEANS THE COLORADO LOTTERY COMMISSION, OR SUCCESSOR AGENCY, AS ESTABLISHED IN SECTION 24-35-207, ~~C.R.S.~~ COLORADO REVISED STATUTES, OR SUCCESSOR STATUTE.

(b) "DIRECTOR" MEANS THE DIRECTOR OF THE STATE LOTTERY DIVISION, OR SUCCESSOR AGENCY, AS ESTABLISHED IN SECTION 24-35-204, ~~C.R.S.~~ COLORADO REVISED STATUTES, OR SUCCESSOR STATUTE.

(c) "DIVISION" MEANS THE STATE LOTTERY DIVISION, OR SUCCESSOR AGENCY, AS ESTABLISHED IN SECTION 24-35-202, ~~C.R.S.~~ COLORADO REVISED STATUTES, OR SUCCESSOR STATUTE.

(d) "EXCLUSIVE LOCATIONS" MEANS THE FOLLOWING LOCATIONS:

(I) ONE LICENSED CLASS B HORSE RACETRACK LOCATED IN EACH OF THE COLORADO COUNTIES OF ARAPAHOE, MESA, AND PUEBLO THAT HAS BEEN CONTINUOUSLY OPERATED AND HAS BEEN LICENSED BY THE COLORADO RACING COMMISSION, OR SUCCESSOR AGENCY, AS A CLASS B HORSE RACETRACK TO CONDUCT LIVE HORSE RACE MEETS AND TO CONDUCT PARI-MUTUEL WAGERING ON HORSE RACES FOR A PERIOD OF NOT LESS THAN FIVE YEARS AS OF JANUARY 1, 2014, OR FOR FIVE YEARS IMMEDIATELY PRECEDING THE CLASS B HORSE RACETRACK'S APPLICATION FOR A LICENSE TO OPERATE VIDEO LOTTERY TERMINALS; AND

(II) THE LICENSED LIMITED GAMING ESTABLISHMENTS IN THE ~~CITY~~ CITY OF ~~BLACKHAWK~~, CENTRAL, THE CITY OF BLACK HAWK, AND THE ~~CITY~~ CITY OF CRIPPLE CREEK QUALIFIED UNDER SECTION 9 OF THIS ARTICLE.

Initiative 2013-2014 #80 Amended Text

(e) "HOST COMMUNITY" MEANS THE SINGLE LOCAL JURISDICTION THAT ISSUES THE PERMITS AND APPROVALS NECESSARY FOR THE OPERATIONS OF AN EXCLUSIVE LOCATION ~~TO OPERATE~~ THAT OPERATES VIDEO LOTTERY TERMINALS.

(f) "NET VLT PROCEEDS" MEANS THE TOTAL AMOUNT OF CURRENCY AND CURRENCY EQUIVALENTS ~~(I.E., SUCH AS~~ SUCH AS ITEMS REDEEMABLE FOR CURRENCY), WAGERED IN VIDEO LOTTERY TERMINALS LESS THE TOTAL AMOUNT OF CURRENCY AND CURRENCY EQUIVALENTS WON BY PLAYERS.

(g) "VIDEO LOTTERY TERMINAL," ~~OR~~ "TERMINAL," OR "VLT" MEANS AN ELECTRONIC GAME MACHINE THAT:

(I) IS CONNECTED TO A CENTRAL MONITORING SYSTEM OPERATED, MONITORED, CONTROLLED, AND AUDITED BY THE DIVISION;

(II) UPON THE INSERTION OF CURRENCY OR ELECTRONIC CREDITS, ~~(VIA A VOUCHER, TICKET, OR OTHERWISE)~~, IS AVAILABLE TO PLAY A VIDEO GAME AUTHORIZED BY THE DIVISION IN WHICH THE OUTCOME IS DETERMINED PREDOMINANTLY BY CHANCE, INCLUDING VIRTUAL SLOT MACHINE GAMES AND VIRTUAL TABLE GAMES INCLUDING POKER, BLACKJACK, ROULETTE, AND CRAPS.

(III) USES MICROPROCESSORS TO AWARD TO WINNING PLAYERS FREE GAMES OR ELECTRONIC CREDITS REDEEMABLE FOR CURRENCY, WHICH ELECTRONIC CREDITS MAY BE CREDITED TO A CARD, PRINTED PAY VOUCHER, OR OTHER MEDIUM THAT STORES ELECTRONIC DATA; AND

(IV) SHOWS THE OUTCOME OF GAMES USING VIDEO DISPLAYS OR MECHANICAL SPINNING REELS, OR BOTH.

(3) (a) THE COMMISSION AND ~~DIVISION~~ DIRECTOR SHALL ~~APPROVE~~ ALLOW THE USE OF VIDEO LOTTERY TERMINALS TO COMMENCE NO LATER THAN NOVEMBER 1, 2015.

(b) THE COMMISSION SHALL PROMULGATE ALL NECESSARY RULES TO REGULATE THE USE OF VIDEO LOTTERY TERMINALS IN ACCORDANCE WITH THIS SECTION NO LATER THAN JULY 1, 2015.

(I) THE RULES OF THE COMMISSION SHALL MAXIMIZE THE NET VLT PROCEEDS AVAILABLE FOR DISTRIBUTION TO THE K-12 EDUCATION FUND.

(II) THE RULES OF THE COMMISSION SHALL BE CONSISTENT WITH THIS SECTION AND, TO THE EXTENT PRACTICABLE, THE ACCEPTED STANDARDS FOR REGULATION OF VIDEO LOTTERY TERMINALS AND RETAILERS IN OTHER STATES.

(III) THE RULES OF THE COMMISSION SHALL PROVIDE FOR LICENSING REQUIREMENTS FOR EXCLUSIVE LOCATIONS THAT ARE NO MORE RESTRICTIVE THAN THOSE APPLICABLE TO LICENSING OF VIDEO LOTTERY RETAILERS IN OTHER STATES, AND APPROVAL OF A LICENSE SHALL NOT BE UNREASONABLY WITHHELD.

Initiative 2013-2014 #80 Amended Text

(c) THE ~~DIVISION AND~~ DIRECTOR MAY TAKE ~~SUCH~~ REASONABLE MEASURES AS NECESSARY TO ESTABLISH, OPERATE, AND SUPERVISE THE USE OF VIDEO LOTTERY TERMINALS IN ACCORDANCE WITH THIS SECTION, AND THE RULES ADOPTED BY THE COMMISSION PURSUANT TO THIS SECTION.

(4) (a) UPON THE APPROVAL OF THE LICENSE APPLICATION BY THE DIRECTOR OF THE EXCLUSIVE LOCATION LISTED IN SUBPARAGRAPH (I) OF PARAGRAPH (d) OF SUBSECTION (2) ~~(D)(H)~~ OF THIS SECTION, THE ~~DIVISION~~ DIRECTOR SHALL APPROVE THE USE OF THE GREATER OF TWO THOUSAND FIVE HUNDRED VIDEO LOTTERY TERMINALS OR SUCH OTHER NUMBER AS REQUESTED BY THE OPERATOR OF A LICENSED EXCLUSIVE LOCATION AND AS DETERMINED BY THE ~~DIVISION~~ DIRECTOR TO MAXIMIZE REVENUE TO THE K-12 EDUCATION FUND.

(b) UPON THE APPROVAL OF THE LICENSE APPLICATION BY THE DIRECTOR OF A LICENSED LIMITED GAMING ESTABLISHMENT LISTED IN SUBPARAGRAPH (II) OF PARAGRAPH (d) OF SUBSECTION (2) ~~(D)(H)~~ OF THIS SECTION, THE ~~DIVISION~~ DIRECTOR SHALL APPROVE THE USE OF VIDEO LOTTERY TERMINALS AT THE EXCLUSIVE LOCATION REFERENCED IN THE APPLICATION IN A NUMBER THAT THE ~~DIVISION~~ DIRECTOR DEEMS TO BE ECONOMICALLY FEASIBLE AS DETERMINED BY THE ~~DIVISION~~ DIRECTOR.

(c) ~~NO~~ ADDITIONAL TERMINALS ~~SHALL BE~~ ARE NOT PERMITTED AT ANY EXCLUSIVE LOCATION WITHOUT PRIOR APPROVAL BY THE ~~DIVISION~~ DIRECTOR.

(d) THE COMMISSION AND DIVISION ~~SHALL~~ MAY NOT AUTHORIZE THE OPERATION OF VIDEO LOTTERY TERMINALS EXCEPT AT EXCLUSIVE LOCATIONS.

(5) THE OPERATION OF VIDEO LOTTERY TERMINALS AT EXCLUSIVE LOCATIONS ~~SHALL BE~~ IS SUBJECT TO THE FOLLOWING:

(a) THE OPERATION OF VIDEO LOTTERY TERMINALS AT EACH EXCLUSIVE LOCATION ~~SHALL BE~~ IS PROHIBITED BETWEEN THE HOURS OF 2 A.M. AND 8 A.M., UNLESS THE HOURS ARE EXPANDED BY THE APPLICABLE HOST COMMUNITY OF ~~SUCH~~ THE EXCLUSIVE LOCATION. EACH HOST COMMUNITY IN WHICH VIDEO LOTTERY TERMINALS ARE OPERATED IS AUTHORIZED TO EXTEND THE HOURS OF OPERATION UP TO TWENTY-FOUR HOURS PER DAY, SEVEN DAYS PER WEEK.

(b) SUBJECT TO LICENSURE BY THE STATE AND LOCAL LIQUOR LICENSING AUTHORITIES, ALCOHOLIC BEVERAGES MAY BE SOLD AT EXCLUSIVE LOCATIONS THAT OPERATE VIDEO LOTTERY TERMINALS.

(c) ACCESS TO AND USE OF VIDEO LOTTERY TERMINALS ~~SHALL BE~~ IS RESTRICTED TO PERSONS TWENTY-ONE YEARS OF AGE OR OLDER.

(d) VIDEO LOTTERY TERMINALS ~~SHALL~~ MUST NOT ACCEPT A WAGER ~~UP TO A~~ MAXIMUM OF GREATER THAN ONE HUNDRED DOLLARS PER PLAY.

(e) ALL WAGERS ON GAMES MUST BE PLACED IN PERSON ON THE LICENSED PREMISES OF AN EXCLUSIVE LOCATION'S PHYSICAL PLACE OF BUSINESS.

Initiative 2013-2014 #80 Amended Text

(6) NOTWITHSTANDING SECTION 24-35-204.5(1)(a), ~~C.R.S. COLORADO REVISED STATUTES~~, SUCCESSOR STATUTE, OR OTHER LAW, THE OPERATOR OF AN EXCLUSIVE LOCATION MAY ACQUIRE VIDEO LOTTERY TERMINALS BY PURCHASE, LEASE, OR OTHER ASSIGNMENT FROM MANUFACTURERS OR SUPPLIERS APPROVED BY THE DIRECTOR.

(7) ~~FOR THE PRIVILEGE OF OPERATING~~IN ORDER TO OPERATE VIDEO LOTTERY TERMINALS, IN ADDITION TO ANY APPLICABLE LICENSE FEES, EACH LICENSED EXCLUSIVE LOCATION ~~SHALL~~MUST:

(a) ~~UPON~~UPON COMMENCEMENT OF OPERATIONS OF VIDEO LOTTERY TERMINALS, MAKE A ONE-TIME PAYMENT IN THE AMOUNT OF TEN MILLION DOLLARS AS A FEE TO THE HOST COMMUNITY OF ~~SUCH~~THE EXCLUSIVE LOCATION.

(b) ~~UPON~~UPON THE COMMENCEMENT OF OPERATIONS OF VIDEO LOTTERY TERMINALS, MAKE A ONE-TIME PAYMENT IN THE AMOUNT OF TWENTY-FIVE MILLION DOLLARS TO THE STATE TREASURER FOR DEPOSIT IN THE K-12 EDUCATION FUND.

(8) (a) BEGINNING WITH THE FIRST STATE FISCAL YEAR IN WHICH VIDEO LOTTERY TERMINALS GENERATE NET VLT PROCEEDS, EACH EXCLUSIVE LOCATION OPERATING VIDEO LOTTERY TERMINALS SHALL PAY TO THE STATE TREASURER:

(I) ~~THIRTY~~THIRTY-SEVEN PERCENT OF NET VLT PROCEEDS GENERATED PER YEAR FOR DEPOSIT INTO THE K-12 EDUCATION FUND; AND

(II) TWO PERCENT OF NET VLT PROCEEDS GENERATED PER YEAR FOR DISTRIBUTION TO THE HOST COMMUNITY.

(b) EACH EXCLUSIVE LOCATION SHALL RETAIN THE BALANCE OF NET VLT PROCEEDS NOT PAID TO THE STATE TREASURER PURSUANT TO THIS SUBSECTION 8.

(c) NET VLT PROCEEDS SHALL BE SET ASIDE, ALLOCATED, ALLOTTED, AND CONTINUOUSLY APPROPRIATED FOR DISTRIBUTION IN ACCORDANCE WITH THIS SECTION, NOTWITHSTANDING THE PROVISIONS OF SECTION 2 OF THIS ARTICLE XVIII, ~~SECTION 2 OF THE STATE CONSTITUTION, ARTICLE, ARTICLE XXVII OF THE STATE~~THIS CONSTITUTION, SECTIONS 22-43.7-104(2)(b)(III) AND 24-35-203, ~~C.R.S. COLORADO REVISED STATUTES~~, SUCCESSOR STATUTES, OR OTHER LAW.

(9) (a) THE K-12 EDUCATION FUND ~~SHALL CONSIST~~CONSISTS OF ~~SUCH~~THE MONEYS AS PROVIDED IN ~~SUBSECTIONS 7~~PARAGRAPH (b) OF SUBSECTION (7) AND (8)(A) SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (8) OF THIS SECTION. THE STATE TREASURER SHALL INVEST ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE K-12 EDUCATION FUND, AND ANY INTEREST EARNED ON SUCH INVESTMENTS SHALL BE ~~DEPOSITED IN~~CREDITED TO THE K-12 EDUCATION FUND.

(b) THE STATE TREASURER SHALL PAY FROM THE MONEYS IN THE K-12 EDUCATION FUND ALL NECESSARY EXPENSES OF THE COMMISSION AND THE DIVISION RELATED TO THE ADMINISTRATION OF THE USE OF VIDEO LOTTERY TERMINALS. ~~SUCH PAYMENT SHALL BE MADE BY THE~~THE STATE TREASURER SHALL MAKE THE PAYMENT

Initiative 2013-2014 #80 Amended Text

UPON PROPER PRESENTATION OF A VOUCHER PREPARED IN ACCORDANCE WITH STATUTES GOVERNING PAYMENTS OF LIABILITIES INCURRED ON BEHALF OF THE STATE. ~~SUCH~~THE PAYMENTS ~~SHALL~~WILL NOT BE CONDITIONED ON ANY APPROPRIATION BY THE GENERAL ASSEMBLY.

(c) THE STATE TREASURER SHALL ANNUALLY DISTRIBUTE TO EACH SCHOOL DISTRICT AND THE STATE CHARTER SCHOOL INSTITUTE, OR SUCCESSOR AGENCY, ON A PER PUPIL BASIS, A SHARE OF THE TOTAL BALANCE REMAINING IN THE K-12 EDUCATION FUND. THE PER PUPIL AMOUNT ~~SHALL BE~~IS DETERMINED BY DIVIDING THE TOTAL AMOUNT TO BE DISTRIBUTED BY THE STATEWIDE PUBLIC SCHOOL ENROLLMENT. THE AMOUNT DISTRIBUTED TO EACH SCHOOL DISTRICT ~~AND THE STATE CHARTER SCHOOL INSTITUTE SHALL BE~~IS THE PER PUPIL AMOUNT MULTIPLIED BY ~~EACH DISTRICTS' OR THE INSTITUTE'S PUPIL ENROLLMENT~~THE SCHOOLS DISTRICT'S PUPIL ENROLLMENT, AND THE AMOUNT DISTRIBUTED TO THE STATE CHARTER SCHOOL INSTITUTE, OR SUCCESSOR AGENCY, IS THE PER PUPIL AMOUNT MULTIPLIED BY THE NUMBER OF PUPILS ENROLLED AT INSTITUTE CHARTER SCHOOLS.

(d) MONEYS DISTRIBUTED TO THE SCHOOL DISTRICTS AND THE STATE CHARTER SCHOOL INSTITUTE, OR SUCCESSOR AGENCY, UNDER THIS SUBSECTION (9) ~~SHALL BE~~ARE IN ADDITION TO ANY OTHER MONEYS APPROPRIATED FOR DISTRIBUTION TO SCHOOL DISTRICTS OR THE CHARTER SCHOOL INSTITUTE OR OTHERWISE ALLOCATED TO SCHOOL DISTRICTS OR THE CHARTER SCHOOL INSTITUTE. NO SCHOOL DISTRICT OR INSTITUTE CHARTER SCHOOL ~~SHALL BE~~IS REQUIRED TO USE MONEY DISTRIBUTED UNDER THIS SUBSECTION (9) AS A CONTRIBUTION TO ANY FUNDING FORMULA CONTAINED IN LAW, ~~NOR SHALL ANY SCHOOL DISTRICT BE REQUIRED TO OFFSET DISTRIBUTIONS FROM THE FUND WITH LOCAL PROPERTY TAX REVENUE.~~

(e) EACH SCHOOL DISTRICT AND EACH INSTITUTE CHARTER SCHOOL ~~SHALL HAVE~~HAS THE DISCRETION TO USE THE MONEYS RECEIVED FROM THE K-12 EDUCATION FUND TO ADDRESS LOCAL NEEDS TO IMPROVE THE EDUCATION OF CHILDREN IN COLORADO ~~PUBLIC~~PUBLIC SCHOOLS, INCLUDING, ~~BUT NOT LIMITED TO,~~ REDUCING CLASS SIZE, ACQUIRING TECHNOLOGY FOR TEACHERS AND STUDENTS, ENHANCING SCHOOL SAFETY AND SECURITY, AND IMPROVING SCHOOL FACILITIES.

(f) THE STATE AUDITOR SHALL AUDIT OR DIRECT AN AUDIT OF THE K-12 EDUCATION FUND ~~SHALL BE AUDITED~~ AT LEAST ANNUALLY ~~BY OR UNDER THE DIRECTION OF THE STATE AUDITOR, WHO~~AND SHALL SUBMIT A REPORT OF THE AUDIT TO THE LEGISLATIVE AUDIT COMMITTEE. EACH LICENSED EXCLUSIVE LOCATION SHALL KEEP A COMPLETE AND ACCURATE SET OF BOOKS AND RECORDS, AND COMPLY WITH ALL INSPECTION, EXAMINATION, AND AUDITING REQUIREMENTS AS REQUIRED BY RULE.

(10) ~~ALL~~THE STATE AND LOCAL GOVERNMENTS SHALL COLLECT, DISTRIBUTE, AND SPEND ALL TAX AND FEE REVENUES ~~ATTRIBUTABLE TO THE OPERATION OF VIDEO LOTTERY TERMINALS UNDER THIS SECTION 17 SHALL BE COLLECTED, DISTRIBUTED, AND SPENT BY STATE AND LOCAL GOVERNMENTS~~DERIVED FROM NET VLT PROCEEDS AND THE INITIAL ONE-TIME PAYMENT COLLECTED BY THE STATE TREASURER UNDER PARAGRAPH (b) OF SUBSECTION (7) OF THIS SECTION AS VOTER-APPROVED REVENUE CHANGES WITHOUT

Initiative 2013-2014 #80 Amended Text

REGARD TO ANY LIMITATION CONTAINED IN ~~ARTICLE X~~, SECTION 20 OF ARTICLE X OF THIS CONSTITUTION OR ANY OTHER LAW.

(11) IF ANY PROVISION OF THIS SECTION (~~17~~) IS HELD INVALID, THE REMAINDER OF THIS ~~SECTION (17) SHALL REMAIN~~SECTION REMAINS UNIMPAIRED.

Vickie L. Armstrong
678 W. 11th Street
Akron, CO 80720
[6717406 2.DOCX](#)

Bob Hagedorn
1278 Sable Blvd.
Aurora, CO 80011