

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. R12-0136.01 Esther van Mourik x4215

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SENATE CONCURRENT RESOLUTION 12-002

101 **SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF**
102 **COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION**
103 **CONCERNING ASSISTING VETERANS BY AUTHORIZING**
104 **STATE-SUPERVISED LOTTERY GAMES TO BENEFIT THE STATE**
105 **VETERANS ASSISTANCE GRANT PROGRAM IN ORDER TO PROVIDE**
106 **SERVICES TO UNITED STATES VETERANS IN COLORADO.**

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not reflect any amendments that may be subsequently adopted. If this resolution passes third reading in the house of introduction, a resolution summary that applies to the reengrossed version of this resolution will be available at <http://www.leg.state.co.us/billsummaries>.)

The concurrent resolution requires the Colorado department of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

military and veterans affairs to establish and administer the state veterans assistance grant program. The concurrent resolution authorizes state-supervised lottery games for state veterans assistance, which games may not include video lottery terminals, and requires the state lottery division in the department of revenue to operate, market, and advertise the state-supervised lottery games for state veterans assistance in a manner intended to clearly inform the public that the game tickets are available for purchase and that the proceeds are used to fund veterans programs in the state.

The state-supervised lottery games for state veterans assistance will not affect the dedication of existing lottery proceeds under the great outdoors Colorado program.

The state veterans assistance grant program will allow nonprofit veterans organizations and state and local governmental agencies to address a broad range of needs for all United States veterans in Colorado.

The concurrent resolution creates the state veterans assistance grant fund. All moneys deposited in the fund must remain in the fund to support the state veterans assistance grant program, and no part may be used or appropriated for any other purpose.

1 WHEREAS, The clauses appearing before Section 1 of this
2 measure express the intent of the general assembly in adopting the
3 measure and are intended to be included as part of the text of the measure
4 for purposes of publication pursuant to section 1-40-124, Colorado
5 Revised Statutes, and the ballot information booklet pursuant to section
6 1 (7.5) of article V of the state constitution and section 1-40-124.5,
7 Colorado Revised Statutes; and

8 WHEREAS, Colorado and the United States benefit significantly
9 from the presence and military service of more than 60,000 men and
10 women in our state who serve in the United States Army, Navy, Air
11 Force, Marine Corps, and Coast Guard; the Branch Reserves; and the
12 Colorado National Guard. In addition to active members of the Armed
13 Services, Colorado is the proud home of more than 425,000 military
14 veterans who have unselfishly served their country and who bring great

1 honor and distinction to the state; and

2 WHEREAS, We are fortunate that there are many veterans who
3 have transitioned into civilian life successfully and continue to live, work,
4 and prosper without any additional assistance. However, there are many
5 individuals unable to make the transition primarily as a result of wounds,
6 whether visible or invisible, suffered in war; and

7 WHEREAS, According to the Veterans Administration, the facts
8 are staggering: Due to the inescapable physical and mental impacts of
9 war, eighteen veterans a day in our nation commit suicide, and one active
10 duty service member takes his or her life every thirty-six hours; and

11 WHEREAS, Due to circumstances out of their control, many
12 service members returning home are unable to find a job or proper
13 medical treatment or have been abandoned by their families. Veterans
14 account for a disproportionate part of the homeless population in our
15 state, and they have an unemployment rate significantly higher than their
16 civilian counterparts; and

17 WHEREAS, Our federal and state budget deficits are so severe
18 that there are no sustainable revenues available to support essential
19 veterans services. A separate and independent veterans' lottery may offer
20 an effective, viable, long-term, and voluntary solution to the growing
21 needs of our World War II, Korean, Vietnam, Cold War, Gulf War, and
22 Global War on Terror veterans, and to the challenges of returning
23 wounded soldiers from the Iraq and Afghanistan conflicts; and

24 WHEREAS, Veterans' lotteries are common throughout the United
25 States and offer funding for services for many disabled and severely
26 wounded warriors. The proceeds from the state-supervised veterans'
27 lottery games will provide veterans access to services that include

1 treatment for post-traumatic stress disorders, traumatic brain injuries, and
2 physical and mental traumas, as well as housing, job training, and
3 employment counseling; and

4 WHEREAS, We all benefit from the unselfish and brave actions
5 of our wounded warriors; these heroes deserve funding for veterans
6 services in the near future and for generations to come; now, therefore,

7 *Be It Resolved by the Senate of the Sixty-eighth General Assembly*
8 *of the State of Colorado, the House of Representatives concurring herein:*

9 **SECTION 1.** At the next election at which such question may be
10 submitted, there shall be submitted to the registered electors of the state
11 of Colorado, for their approval or rejection, the following amendments to
12 the constitution of the state of Colorado, to wit:

13 In the constitution of the state of Colorado, section 2 of article
14 XVIII, **amend** (7) as follows:

15 **Section 2. Lotteries prohibited - exceptions.** (7) Any provision
16 of this constitution to the contrary notwithstanding, the general assembly
17 may establish a state-supervised lottery. ~~Unless otherwise provided by~~
18 ~~statute,~~ All proceeds from the STATE-SUPERVISED lottery, after deduction
19 of prizes and expenses, shall be allocated ~~to the conservation trust fund~~
20 ~~of the state for distribution to municipalities and counties for park,~~
21 ~~recreation, and open space purposes~~ AS SPECIFIED IN ARTICLES XXVII
22 AND XXX OF THIS CONSTITUTION.

23 In the constitution of the state of Colorado, section 1 of article
24 XXVII, **amend** (1) introductory portion as follows:

25 **Section 1. Great Outdoors Colorado Program.** (1) The people
26 of the State of Colorado intend that, ON AND AFTER APRIL 1, 2013, the net
27 proceeds of every state-supervised lottery game operated under the

1 authority of Article XVIII, Section 2, EXCEPT THE PROCEEDS OF EVERY
2 STATE-SUPERVISED LOTTERY GAME DESCRIBED IN ARTICLE XXX, shall be
3 guaranteed and permanently dedicated to the preservation, protection,
4 enhancement and management of the state's wildlife, park, river, trail and
5 open space heritage, except as specifically provided in this article.
6 Accordingly, there shall be established the Great Outdoors Colorado
7 Program to preserve, protect, enhance and manage the state's wildlife,
8 park, river, trail and open space heritage. The Great Outdoors Colorado
9 Program shall include:

10 In the constitution of the state of Colorado, section 3 of article
11 XXVII, **amend** (1) introductory portion as follows:

12 **Section 3. Moneys allocated to Trust Fund.** (1) Beginning with
13 the proceeds from the fourth quarter of the State's Fiscal Year ~~1992-1993~~
14 2012-2013, all proceeds from all programs, including Lotto and every
15 other state-supervised lottery game operated under the authority of Article
16 XVIII, Section 2 of the Colorado Constitution, EXCEPT THE PROCEEDS OF
17 EVERY STATE-SUPERVISED LOTTERY GAME DESCRIBED IN ARTICLE XXX
18 OF THE COLORADO CONSTITUTION, whether by the Colorado Lottery
19 Commission or otherwise (such programs defined hereafter in this Article
20 as "Lottery Programs"), net of prizes and expenses of the state lottery
21 division and after a sufficient amount of money has been reserved, as of
22 the end of any fiscal quarter, to ensure the operation of the lottery for the
23 ensuing fiscal quarter (such netted proceeds defined hereafter in this
24 Article as "Net Proceeds") are set aside, allocated, allotted, and
25 continuously appropriated as follows, and the Treasurer shall distribute
26 such proceeds no less frequently than quarterly, as follows:

27 In the constitution of the state of Colorado, **amend** section 11 of

1 ARTICLE IN A MANNER INTENDED TO CLEARLY INFORM THE PUBLIC THAT
2 SUCH GAMES ARE AVAILABLE FOR PURCHASE AND THAT THE PROCEEDS
3 ARE USED TO FUND VETERANS PROGRAMS IN THIS STATE. THE STATE
4 LOTTERY DIVISION SHALL ENSURE THAT AT LEAST ONE STATE-SUPERVISED
5 LOTTERY GAME FOR STATE VETERANS ASSISTANCE IS AVAILABLE AT ALL
6 TIMES ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION. ANY
7 STATE-SUPERVISED LOTTERY GAME FOR STATE VETERANS ASSISTANCE
8 MUST CLEARLY STATE THAT THE NET PROCEEDS ARE USED TO BENEFIT
9 VETERANS IN THIS STATE.

10 (2) ALL NET PROCEEDS ARE GUARANTEED AND PERMANENTLY
11 DEDICATED TO THE STATE VETERANS ASSISTANCE GRANT FUND CREATED
12 IN SECTION 3 OF THIS ARTICLE.

13 (3) FOR PURPOSES OF THIS ARTICLE, UNLESS THE CONTEXT
14 OTHERWISE REQUIRES:

15 (a) "NET PROCEEDS" MEANS THE PROCEEDS FROM THE
16 STATE-SUPERVISED LOTTERY GAMES FOR STATE VETERANS ASSISTANCE
17 AUTHORIZED PURSUANT TO THIS ARTICLE MINUS PRIZES AND EXPENSES OF
18 THE EXISTING STATE LOTTERY DIVISION ATTRIBUTABLE TO THE
19 STATE-SUPERVISED LOTTERY GAMES FOR STATE VETERANS ASSISTANCE
20 AND THE EXPENSES OF THE DEPARTMENT OF MILITARY AND VETERANS
21 AFFAIRS ATTRIBUTABLE TO THE STATE VETERANS ASSISTANCE GRANT
22 PROGRAM AND MINUS A SUFFICIENT AMOUNT OF MONEY RESERVED TO
23 ENSURE THE ADMINISTRATION OF STATE-SUPERVISED LOTTERY GAMES FOR
24 STATE VETERANS ASSISTANCE FOR THE ENSUING FISCAL QUARTER.

25 (b) "STATE-SUPERVISED LOTTERY GAME FOR STATE VETERANS
26 ASSISTANCE" MEANS:

27 (I) A PAPER TICKET THAT, PRIOR TO THE DRAWING THAT

1 DETERMINES PRIZE WINNERS, MEMORIALIZED A PLAYER'S DESIGNATED
2 NUMBERS IN EITHER THE GAME COMMONLY KNOWN AS LOTTO IN WHICH
3 PRIZES ARE AWARDED ON THE BASIS OF NUMBERS SELECTED AT RANDOM;

4 OR

5 (II) A TANGIBLE CARD THAT:

6 (A) DEPICTS A NONMECHANICAL SCRATCH GAME;

7 (B) IS THE SOLE MEANS BY WHICH A TICKET HOLDER PLAYS THE
8 LOTTERY GAME; AND

9 (C) SETS FORTH THE OUTCOME OF THE SCRATCH GAME AFTER THE
10 CARD HAS BEEN PLAYED, THE WINNINGS ATTRIBUTABLE TO THE OUTCOME
11 REFLECTED ON THE SCRATCH GAME CARD, OR BOTH.

12 **Section 2. State veterans assistance grant program.** (1) THE
13 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS SHALL:

14 (a) CREATE A STATE VETERANS ASSISTANCE GRANT PROGRAM AND
15 ADMINISTER IT IN SUCH A WAY THAT NONPROFIT AND NOT-FOR-PROFIT
16 ORGANIZATIONS THAT PROVIDE DIRECT SERVICES TO VETERANS AND
17 STATE AND LOCAL GOVERNMENTAL AGENCIES CAN ADDRESS A BROAD
18 RANGE OF NEEDS FOR ALL UNITED STATES VETERANS IN COLORADO,
19 INCLUDING, IN NO ORDER OF PRIORITY, BUT NOT LIMITED TO:

20 (I) PROVIDING EMPLOYMENT COUNSELING, TRAINING, AND
21 ASSISTANCE;

22 (II) PROVIDING HOUSING ASSISTANCE FOR VETERANS IN NEED;

23 (III) COUNSELING VETERANS WHO ARE SUFFERING FROM
24 POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURIES AS A
25 RESULT OF THEIR SERVICE; AND

26 (IV) PROVIDING SUICIDE PREVENTION ASSISTANCE.

27 (b) DIRECT THE STATE TREASURER TO DISBURSE MONEYS FROM

1 THE STATE VETERANS ASSISTANCE GRANT FUND CREATED IN SECTION 3 OF
2 THIS ARTICLE AS THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
3 MAY DETERMINE BY RESOLUTION;

4 (c) ADMINISTER THE STATE VETERANS ASSISTANCE GRANT FUND;

5 (d) PUBLISH AND DISTRIBUTE TO THE GENERAL ASSEMBLY AND THE
6 GOVERNOR, AND POST ON THE OFFICIAL WEB SITES OF THE STATE OF
7 COLORADO AND THE OFFICE OF THE GOVERNOR, AN ANNUAL REPORT THAT
8 INCLUDES, BUT IS NOT LIMITED TO:

9 (I) ANY FINANCIAL INFORMATION OF THE DEPARTMENT OF
10 MILITARY AND VETERANS AFFAIRS RELATED TO THE STATE VETERANS
11 ASSISTANCE GRANT PROGRAM;

12 (II) ANY INFORMATION RELATED TO THE ADMINISTRATION OF THE
13 MONEY IN THE STATE VETERANS ASSISTANCE GRANT FUND; AND

14 (III) THE OBJECTIVES AND BUDGET OF THE DEPARTMENT OF
15 MILITARY AND VETERANS AFFAIRS FOR THE UPCOMING YEAR RELATED TO
16 THE STATE VETERANS ASSISTANCE GRANT PROGRAM.

17 (2) THE STATE VETERANS ASSISTANCE GRANT PROGRAM IS
18 SUBJECT TO AUDIT BY THE OFFICE OF THE STATE AUDITOR.

19 **Section 3. State veterans assistance grant fund created.** THE
20 STATE VETERANS ASSISTANCE GRANT FUND IS HEREBY CREATED IN THE
21 STATE TREASURY. ALL MONEYS DEPOSITED IN THE FUND SHALL REMAIN IN
22 THE FUND FOR THE PURPOSES SET FORTH IN THIS ARTICLE, AND NO PART
23 THEREOF SHALL BE USED OR APPROPRIATED FOR ANY OTHER PURPOSE NOR
24 MADE SUBJECT TO ANY OTHER RESTRICTION.

25 **Section 4. Moneys allocated to the state veterans assistance**
26 **grant fund.** BEGINNING WITH THE FOURTH QUARTER OF THE 2012-13
27 STATE FISCAL YEAR, ALL NET PROCEEDS ARE CREDITED TO THE STATE

1 VETERANS ASSISTANCE GRANT FUND. THE STATE TREASURER SHALL
2 DISTRIBUTE THE NET PROCEEDS NO LESS FREQUENTLY THAN QUARTERLY.

3 **Section 5. State veterans assistance grant fund expenditures.**

4 EXPENDITURES FROM THE STATE VETERANS ASSISTANCE GRANT FUND
5 SHALL BE MADE IN FURTHERANCE OF THE STATE VETERANS ASSISTANCE
6 GRANT PROGRAM DESCRIBED IN SECTION 2 OF THIS ARTICLE AND SHALL
7 COMMENCE IN STATE FISCAL YEAR 2013-14. ALL MONEYS PROVIDED FROM
8 THE FUND ARE CUSTODIAL IN NATURE, AND THE EXPENDITURE OF THOSE
9 MONEYS IS NOT SUBJECT TO LEGISLATIVE APPROPRIATION OR RESTRICTION.

10 **Section 6. No substitution allowed.** THE ALLOCATION OF MONEYS
11 REQUIRED BY THIS ARTICLE IS IN ADDITION TO AND NOT A SUBSTITUTE FOR
12 MONEYS OTHERWISE APPROPRIATED BY THE GENERAL ASSEMBLY TO THE
13 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS.

14 **Section 7. Conflicting provisions - legislation to facilitate**
15 **article.** (1) ANY PROVISIONS OF THE COLORADO REVISED STATUTES IN
16 CONFLICT OR INCONSISTENT WITH THIS ARTICLE ARE PREEMPTED BY THIS
17 ARTICLE AND INAPPLICABLE TO THE MATTERS COVERED BY AND PROVIDED
18 FOR IN THIS ARTICLE.

19 (2) LEGISLATION SHALL BE ENACTED TO FACILITATE THE
20 OPERATION OF THIS ARTICLE, BUT SUCH LEGISLATION SHALL NOT IN ANY
21 WAY LIMIT OR RESTRICT THE PROVISIONS OF THIS ARTICLE.

22 **SECTION 2.** Each elector voting at said election and desirous of
23 voting for or against said amendment shall cast a vote as provided by law
24 either "Yes" or "No" on the proposition: "Shall there be an amendment to
25 the Colorado constitution concerning assisting veterans by authorizing
26 state-supervised lottery games to benefit the state veterans assistance
27 grant program in order to provide services to United States veterans in

1 Colorado?"

2 **SECTION 3.** The votes cast for the adoption or rejection of said
3 amendment shall be canvassed and the result determined in the manner
4 provided by law for the canvassing of votes for representatives in
5 Congress, and if a majority of the electors voting on the question shall
6 have voted "Yes", the said amendment shall become a part of the state
7 constitution.