

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. R16-0470.02 Jery Payne x2157

HCR16-1003

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HOUSE SPONSORSHIP

Singer and Priola,

SENATE SPONSORSHIP

Scott and Todd,

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House Committees

State, Veterans, & Military Affairs

Senate Committees

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HOUSE CONCURRENT RESOLUTION 16-1003

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF  
102 COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION  
103 CONCERNING THE REGULATION OF NONPROFIT ENTITIES  
104 LICENSED TO OPERATE A RAFFLE AT A PROFESSIONAL SPORTING  
105 EVENT AT A SPORTS VENUE.

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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 Colorado constitution permits nonprofit membership associations, but not other types of nonprofit entities, to raise money

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.*

through raffles. The concurrent resolution authorizes any nonprofit entity to offer a raffle at a professional sports event at a venue that seats at least 5,000 people if:

- ! The entity holds a valid license issued by the secretary of state to conduct a raffle;
- ! The entity is a bona fide nonprofit entity that has been continuously in existence for the last 3 years when applying for a license and remains a bona fide nonprofit entity for as long as the entity is licensed;
- ! The entire net proceeds of a raffle are exclusively devoted to the lawful purposes of the nonprofit entity conducting the raffle;
- ! A member or volunteer of the nonprofit entity participates in the management of the raffle;
- ! The raffle does not use depictions of slot machines, poker, blackjack, craps, or roulette or any device that qualifies as or replicates limited gaming;
- ! The tickets are sold only in person using an authorized representative of the nonprofit entity conducting the raffle to attendees at a professional sporting event who receive a paper or other tangible raffle ticket when purchasing a chance to win the raffle; and
- ! The purchaser is at least 18 years of age.

The secretary of state will issue the license if the entity qualifies and pays the appropriate fee. The license expires at the end of each calendar year.

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1            *Be It Resolved by the House of Representatives of the Seventieth*  
2            *General Assembly of the State of Colorado, the Senate concurring herein:*

3            **SECTION 1.** At the election held on November 8, 2016, the  
4            secretary of state shall submit to the registered electors of the state the  
5            ballot title set forth in section 2 for the following amendment to the state  
6            constitution:

7            In the constitution of the state of Colorado, section 2 of article  
8            XVIII, **add** (8) as follows:

9            **Section 2. Lotteries prohibited - exceptions - definition.**  
10          (8) (a) IN ADDITION TO THE OTHER POWERS AND DUTIES CONFERRED BY

1 THIS SECTION, A NONPROFIT ENTITY MAY OFFER A RAFFLE AT A  
2 PROFESSIONAL SPORTING EVENT WHERE THE VENUE PROVIDES SEATING  
3 FOR AT LEAST FIVE THOUSAND PEOPLE. THE AUTHORITY TO OFFER A  
4 RAFFLE UNDER THIS SUBSECTION (8) IS SUBJECT TO THE FOLLOWING:

5 (I) THE ENTITY MUST HOLD A VALID LICENSE ISSUED BY THE  
6 SECRETARY OF STATE TO CONDUCT A RAFFLE;

7 (II) THE ENTITY MUST BE A BONA FIDE NONPROFIT ENTITY THAT  
8 HAS BEEN CONTINUOUSLY IN EXISTENCE FOR A PERIOD OF THREE YEARS  
9 IMMEDIATELY BEFORE APPLYING FOR A LICENSE UNDER THIS SUBSECTION  
10 (8), AND THE ENTITY MUST REMAIN A BONA FIDE NONPROFIT ENTITY FOR  
11 AS LONG AS THE ENTITY IS LICENSED TO OFFER RAFFLES UNDER THIS  
12 SUBSECTION (8);

13 (III) THE ENTIRE NET PROCEEDS OF A RAFFLE MUST BE  
14 EXCLUSIVELY DEVOTED TO THE LAWFUL PURPOSES OF THE NONPROFIT  
15 ENTITY CONDUCTING THE RAFFLE;

16 (IV) A MEMBER, DIRECTOR, OFFICER, OR VOLUNTEER OF THE  
17 NONPROFIT ENTITY MUST PARTICIPATE IN THE MANAGEMENT OF THE  
18 RAFFLE;

19 (V) A PERSON, INCLUDING A NONPROFIT ENTITY, MUST NOT  
20 CONDUCT, OPERATE, OR OFFER A RAFFLE THAT UTILIZES:

21 (A) DEPICTIONS OF SLOT MACHINES, POKER, BLACKJACK, CRAPS,  
22 OR ROULETTE; OR

23 (B) ANY DEVICE THAT QUALIFIES AS OR REPLICATES GAMES THAT  
24 CONSTITUTE LIMITED GAMING UNDER SECTION 9 OF ARTICLE XVIII OF THE  
25 COLORADO CONSTITUTION;

26 (VI) RAFFLE TICKETS OR ENTRIES MUST BE SOLD ONLY IN PERSON,  
27 BY OR THROUGH AN AUTHORIZED REPRESENTATIVE OF THE NONPROFIT

1 ENTITY CONDUCTING THE RAFFLE, TO ATTENDEES AT A PROFESSIONAL  
2 SPORTING EVENT;

3 (VII) THE PURCHASER RECEIVES A PAPER OR OTHER TANGIBLE  
4 RAFFLE TICKET WHEN PURCHASING A CHANCE TO WIN THE RAFFLE; AND

5 (VIII) A PERSON MUST BE EIGHTEEN YEARS OF AGE OR OLDER TO  
6 PURCHASE A RAFFLE TICKET.

7 (b) THE SECRETARY OF STATE SHALL, UPON APPLICATION FOR A  
8 LICENSE IN A FORM AND MANNER PRESCRIBED BY THE SECRETARY OF  
9 STATE AND UPON THE PAYMENT OF AN ANNUAL FEE, AS DETERMINED BY  
10 THE GENERAL ASSEMBLY, ISSUE A LICENSE TO CONDUCT GAMES OF  
11 CHANCE TO ANY BONA FIDE NONPROFIT ENTITY THAT MEETS THE  
12 QUALIFICATIONS SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (8). A  
13 LICENSE ISSUED UNDER THIS SUBSECTION (8) EXPIRES AT THE END OF THE  
14 CALENDAR YEAR WHEN IT WAS ISSUED.

15 (c) FOR THE PURPOSES OF THIS SUBSECTION (8), "PROFESSIONAL  
16 SPORTS" MEANS AN ATHLETIC COMPETITION IN WHICH THE PARTICIPANTS  
17 ARE PAID TO COMPETE AGAINST EACH OTHER. THE TERM DOES NOT  
18 INCLUDE:

19 (I) ANOTHER EVENT HELD AT THE SAME VENUE IN WHICH NO  
20 PROFESSIONAL ATHLETE PARTICIPATES IN EXCHANGE FOR COMPENSATION;  
21 AND

22 (II) UNIVERSITY, COLLEGE, HIGH SCHOOL, AND YOUTH SPORTING  
23 EVENTS.

24 (d) THIS SUBSECTION (8) IS SELF-EXECUTING, BUT LAWS MAY BE  
25 ENACTED SUPPLEMENTARY BUT NOT CONTRARY TO THIS SUBSECTION (8).

26 **SECTION 2.** Each elector voting at the election may cast a vote  
27 either "Yes/For" or "No/Against" on the following ballot title: "Shall

1     there be an amendment to the Colorado constitution concerning the  
2     regulation of nonprofit entities licensed to operate a raffle at a  
3     professional sporting event at a sports venue?"

4             **SECTION 3.** Except as otherwise provided in section 1-40-123,  
5     Colorado Revised Statutes, if a majority of the electors voting on the  
6     ballot title vote "Yes/For", then the amendment will become part of the  
7     state constitution.