

An Act

SENATE CONCURRENT RESOLUTION 00-005

BY SENATORS Owen, Dyer, Chlouber, Congrove, Hernandez, Martinez, Musgrave, Nichol, Powers, Thiebaut, and Weddig;
also REPRESENTATIVES Pfiffner, Dean, Fairbank, Gordon, Larson, Nunez, Scott, Spence, Spradley, Stengel, and Young.

CONCERNING THE SUBMISSION TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO OF AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE REPEAL OF OUTDATED PROVISIONS OF THE STATE CONSTITUTION RESULTING FROM OBSOLESCENCE AND APPLICABILITY TO PARTICULAR EVENTS OR CIRCUMSTANCES THAT HAVE ALREADY OCCURRED.

Be It Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein:

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

Section 4 of article V of the constitution of the state of Colorado is amended to read:

Section 4. Qualifications of members. No person shall be a representative or senator who shall not have attained the age of twenty-five years, who shall not be a citizen of the United States, AND who shall not for at least twelve months next preceding his election, have resided within the territory included in the limits of the ~~county~~ or district in which he shall be chosen. ~~provided, that any person who at the time of the adoption of this constitution, was a qualified elector under the territorial laws, shall be eligible to the first general assembly.~~

Section 25 of article V of the constitution of the state of Colorado is amended to read:

Section 25. Special legislation prohibited. The general assembly shall not pass local or special laws in any of the following enumerated cases, that is to say; for granting divorces; laying out, opening, altering or working roads or highways; vacating roads, town plats, streets, alleys and public grounds; locating or changing county seats; regulating county or township affairs; regulating the practice in courts of justice; regulating the jurisdiction and duties of ~~justices of the peace, police magistrates; and constables;~~ changing the rules of evidence in any trial or inquiry; providing for changes of venue in civil or criminal cases; declaring any person of age; for limitation of civil actions or giving effect to informal or invalid deeds; summoning or impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election, or designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; the protection of game or fish; chartering or licensing ferries or toll bridges; remitting fines, penalties or forfeitures; creating, increasing or decreasing fees, percentage or allowances of public officers; changing the law of descent; granting to any corporation, association or individual the right to lay down railroad tracks; granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever. In all other cases, where a general law can be made applicable no special law shall be enacted.

Section 6 of article XIV of the constitution of the state of Colorado is amended to read:

Section 6. County commissioners - election - term. In each county having a population of less than seventy thousand there shall be elected, for

a term of four years each, three county commissioners who shall hold sessions for the transaction of county business as provided by law; any two of whom shall constitute a quorum for the transaction of business. Two of said commissioners shall be elected at the general election in the year nineteen hundred and four, and at the general election every four years thereafter; and the other one of said commissioners shall be elected at the general election in the year nineteen hundred and six, and at the general election every four years thereafter; provided, that when the population of any county shall equal or exceed seventy thousand, the board of county commissioners may consist of five members, any three of whom shall constitute a quorum for the transaction of business. Three of said commissioners in said county shall be elected at the general election in the year nineteen hundred and four, and at the general election every four years thereafter; and the other two of said commissioners in such county shall be elected at the general election in the year nineteen hundred and six and every four years thereafter; and all of such commissioners shall be elected for the term of four years.

~~The term of office of the county commissioners in each county that expires in January, 1904, is hereby extended to the second Tuesday in January, A.D. 1905, and the term of office of the county commissioners that expires in January, 1906, is hereby extended to the second Tuesday in January, A.D. 1907; and in counties having a population of more than seventy thousand, the term of office of the commissioners that expires in 1904 shall be extended to the second Tuesday in January, 1905, and the term of office of the county commissioners that expires in 1906 is hereby extended to the second Tuesday in January, 1907. This section shall govern, except as hereafter otherwise expressly directed or permitted by constitutional enactment.~~

Section 8 of article XIV of the constitution of the state of Colorado is amended to read:

Section 8. County officers - election - term - salary. There shall be elected in each county, at the same time at which members of the general assembly are elected, commencing in the year nineteen hundred and fifty-four, and every four years thereafter, one county clerk, who shall be ex officio recorder of deeds and clerk of the board of county commissioners; one sheriff; one coroner; one treasurer who shall be collector of taxes; ~~one county superintendent of schools~~; one county surveyor; one county assessor; and one county attorney who may be elected

or appointed, as shall be provided by law; and such officers shall be paid such salary or compensation, either from the fees, perquisites and emoluments of their respective offices, or from the general county fund, as may be provided by law. The term of office of all such officials shall be four years, and they shall take office on the second Tuesday in January next following their election, or at such other time as may be provided by law. ~~The officers herein named elected at the general election in 1954 shall hold their respective offices until the second Tuesday of January, 1959.~~

Section 15 of article XIV of the constitution of the state of Colorado is amended to read:

Section 15. Compensation and fees of county officers. The general assembly shall fix the compensation of county officers in this state by law, and shall establish scales of fees to be charged and collected by such county officers. All such fees shall be paid into the county general fund.

When fixing the compensation of county officers, the general assembly shall give due consideration to county variations, including population; the number of persons residing in unincorporated areas; assessed valuation; motor vehicle registrations; building permits; military installations; and such other factors as may be necessary to prepare compensation schedules that reflect variations in the workloads and responsibilities of county officers and in the tax resources of the several counties.

The compensation of any county officer shall be increased or decreased only when the compensation of all county officers within the same county, or when the compensation for the same county officer within the several counties of the state, is increased or decreased.

~~Except for the schedule of increased compensation for county officers enacted by the general assembly to become effective on January 1, 1969, County officers shall not thereafter have their compensation increased or decreased during the terms of office to which they have been elected or appointed.~~

Section 17 (3) (a) of article XIV of the constitution of the state of Colorado is amended to read:

Section 17. Service authorities. (3) (a) The general assembly shall

designate by statute the functions, services, and facilities which may be provided by a service authority, and the manner in which the members of the governing body of any service authority shall be elected from compact districts of approximately equal population by the registered electors of the authority, including the terms and qualifications of such members. ~~but for the first five years after formation of any service authority, the members of the governing body shall be elected by the registered electors within the boundaries of the authority from among the mayors, councilmen, trustees, and county commissioners holding office at the time of their election in home rule and statutory cities, cities and counties, home rule and statutory towns, and home rule and statutory counties located within or partially within the authority. This restriction shall expire January 1, 1980.~~ The general assembly may provide that members of the governing body may be elected by a vote of each compact district or by an at-large vote or combination thereof. Notwithstanding any provision in this constitution or the charter of any home rule city and county, city, town, or county to the contrary, mayors, councilmen, trustees, and county commissioners may additionally hold elective office with a service authority and serve therein either with or without compensation, as provided by statute.

Repeal. Section 1 of article XV of the constitution of the state of Colorado is repealed as follows:

Section 1. Unused charters or grants of privilege. ~~All existing charters or grants of special or exclusive privileges, under which the incorporators or grantees shall not have organized and commenced business in good faith at the time of the adoption of this constitution, shall thereafter have no validity.~~

Repeal. Section 7 of article XV of the constitution of the state of Colorado is repealed as follows:

Section 7. Existing railroads to file acceptance of constitution. ~~No railroad or other transportation company in existence at the time of the adoption of this constitution shall have the benefit of any future legislation, without first filing in the office of the secretary of state an acceptance of the provisions of this constitution in binding form.~~

Section 2 of article XX of the constitution of the state of Colorado is amended to read:

Section 2. Officers. The officers of the city and county of Denver shall be such as by appointment or election may be provided for by the charter; and the jurisdiction, term of office, duties and qualifications of all such officers shall be such as in the charter may be provided; but the charter shall designate the officers who shall, respectively, perform the acts and duties required of county officers to be done by the constitution or by the general law, as far as applicable. If any officer of said city and county of Denver shall receive any compensation whatever, he or she shall receive the same as a stated salary, the amount of which shall be fixed by the charter, or, in the case of officers not in the classified civil service, by ordinance within limits fixed by the charter; and paid out of the treasury of the city and county of Denver in equal monthly payments; provided, however, no elected officer shall receive any increase or decrease in compensation under any ordinance passed during the term for which he was elected.

Section 4 of article XX of the constitution of the state of Colorado is amended to read:

Section 4. First charter. (1) ~~The charter and ordinances of the city of Denver as the same shall exist when this amendment takes effect, shall, for the time being only, and as far as applicable, be the charter and ordinances of the city and county of Denver; but the people of the city and county of Denver are hereby vested with and they shall always have the exclusive power in the making, altering, revising or amending their charter. and, within ten days after the proclamation of the governor announcing the adoption of this amendment the council of the city and county of Denver shall, by ordinance, call a special election, to be conducted as provided by law, of the qualified electors in said city and county of Denver, for the election of twenty-one taxpayers who shall have been qualified electors within the limits thereof for at least five years, who shall constitute a charter convention to frame a charter for said city and county in harmony with this amendment. Immediately upon completion, the charter so framed, with a prefatory synopsis, shall be signed by the officers and members of the convention and delivered to the clerk of said city and county who shall publish the same in full, with his official certification, in the official newspaper of said city and county, three times, and a week apart, the first publication being with the call for a special election, at which the qualified electors of said city and county shall by vote express their approval or rejection of the said charter. If the said charter shall be approved by a majority of those voting thereon, then two copies thereof (together with the vote for and against) duly certified by the said clerk, shall, within ten days~~

~~after such vote is taken, be filed with the secretary of state, and shall thereupon become and be the charter of the city and county of Denver. But if the said charter be rejected, then, within thirty days thereafter, twenty-one members of a new charter convention shall be elected at a special election to be called as above in said city and county, and they shall proceed as above to frame a charter, which shall in like manner and to the like end be published and submitted to a vote of said voters for their approval or rejection. If again rejected, the procedure herein designated shall be repeated (each special election for members of a new charter convention being within thirty days after each rejection) until a charter is finally approved by a majority of those voting thereon, and certified (together with the vote for and against) to the secretary of state as aforesaid, whereupon it shall become the charter of the said city and county of Denver and shall become the organic law thereof, and supersede any existing charters and amendments thereof. The members of each of said charter conventions shall be elected at large, and they shall complete their labors within sixty days after their respective election.~~

~~(2) Every ordinance for a special election of charter convention members shall fix the time and place where the convention shall be held, and shall specify the compensation, if any, to be paid the officers and members thereof, allowing no compensation in case of non-attendance or tardy attendance, and shall fix the time when the vote shall be taken on the proposed charter, to be not less than thirty days nor more than sixty days after its delivery to the clerk. The charter shall make proper provision for continuing, amending or repealing the ordinances of the city and county of Denver.~~

~~(3) All expenses of charter conventions shall be paid out of the treasury upon the order of the president and secretary thereof. The expenses of elections for charter conventions and of charter votes shall be paid out of the treasury upon the order of the council.~~

~~(4) Any franchise relating to any street, alley, or public place of the said city and county shall be subject to the initiative and referendum powers reserved to the people under section 1 of article V of this constitution. Such referendum power shall be guaranteed notwithstanding a recital in an ordinance granting such franchise that such ordinance is necessary for the immediate preservation of the public peace, health, and safety. Not more than five percent of the registered electors of a home rule city shall be required to order such referendum. Nothing in this section shall preclude~~

a home rule charter provision which requires a lesser number of registered electors to order such referendum or which requires a franchise to be voted on by the registered electors. If such a referendum is ordered to be submitted to the registered electors, the grantee of such franchise shall deposit with the treasurer the expense (to be determined by said treasurer) of such submission. The council shall have power to fix the rate of taxation on property each year for city and county purposes.

Section 1 of article XXII of the constitution of the state of Colorado is amended to read:

Section 1. Repeal of intoxicating liquor laws. ~~On the thirtieth day of June, 1933, all statutory laws of the state of Colorado heretofore enacted concerning or relating to intoxicating liquors shall become void and of no effect; and from and after July 1st, 1933,~~ The manufacture, sale and distribution of all intoxicating liquors, wholly within the state of Colorado, shall, subject to the constitution and laws of the United States, be performed exclusively by or through such agencies and under such regulations as may hereafter be provided by statutory laws of the state of Colorado; but no such laws shall ever authorize the establishment or maintenance of any saloon.

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either "Yes" or "No" on the proposition: "AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING THE REPEAL OF OUTDATED PROVISIONS OF THE STATE CONSTITUTION RESULTING FROM OBSOLESCENCE AND APPLICABILITY TO PARTICULAR EVENTS OR CIRCUMSTANCES THAT HAVE ALREADY OCCURRED."

SECTION 3. The votes cast for the adoption or rejection of said

amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.

Ray Powers
PRESIDENT OF
THE SENATE

Russell George
SPEAKER OF THE HOUSE
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Patricia K. Dicks
SECRETARY OF
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