

Second Regular Session  
Sixty-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. R06-0033.01 Esther van Mourik

SCR06-002

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SENATE SPONSORSHIP

Owen,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Judiciary

House Committees

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SENATE CONCURRENT RESOLUTION 06-002

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF  
102 COLORADO AMENDMENTS TO ARTICLES XVII, XVIII, XX,  
103 XXIV, AND XXVI OF THE CONSTITUTION OF THE STATE OF  
104 COLORADO, CONCERNING THE ELIMINATION OF OBSOLETE  
105 PROVISIONS OF THE STATE CONSTITUTION.

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Resolution Summary

*(Note: This summary applies to this resolution as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Submits to voters of the state amendments eliminating obsolete provisions of the state constitution concerning:

The requirement that conscientious objectors pay for their exemption from militia duty;

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.*

Deadlines to create the principal departments of state government and to implement the constitutional provisions on limited gaming and medical marijuana;  
References to outdated requirements related to the city and county of Denver single school district;  
References to dates and outdated statutory provisions regarding the old age pension fund; and  
The severability clause for provisions concerning nuclear detonations.

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

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

7           Section 5 of article XVII of the constitution of the state of  
8 Colorado is amended to read:

9           **Section 5. Exemption in time of peace.** No person having  
10 conscientious scruples against bearing arms shall be compelled to do  
11 militia duty in time of peace. ~~provided, such person shall pay an~~  
12 ~~equivalent for such exemption.~~

13           Section 9 (1) and (2) of article XVIII of the constitution of the  
14 state of Colorado are amended to read:

15           **Section 9. Limited gaming permitted.** (1) Any provisions of  
16 section 2 of this article XVIII or any other provisions of this constitution  
17 to the contrary notwithstanding, limited gaming in the City of Central, the  
18 City of Black Hawk, and the City of Cripple Creek shall be lawful. ~~as of~~  
19 ~~October 1, 1991.~~

20           (2) The administration and regulation of this section 9 shall be

1 under an appointed limited gaming control commission, referred to in this  
2 section 9 as the commission; said commission to be created under such  
3 official or department of government of the state of Colorado as the  
4 general assembly shall provide. ~~by May 1, 1991.~~ Such official or the  
5 director of the department of government shall appoint the commission.  
6 ~~by July 1, 1991.~~ The commission shall promulgate all necessary rules and  
7 regulations relating to the licensing of limited gaming ~~by October 1, 1991,~~  
8 in the manner authorized by statute for the promulgation of administrative  
9 rules and regulations. Such rules and regulations shall include the  
10 necessary defining of terms that are not otherwise defined.

11 Section 14 (7) and the introductory portion to section 14 (8) of  
12 article XVIII of the constitution of the state of Colorado are amended to  
13 read:

14 **Section 14. Medical use of marijuana for persons suffering**  
15 **from debilitating medical conditions.** (7) ~~Not later than March 1,~~  
16 ~~1999,~~ The governor shall designate, by executive order, the state health  
17 agency as defined in ~~paragraph (1) (g)~~ PARAGRAPH (1) (h) of this section.

18 (8) ~~Not later than April 30, 1999,~~ The General Assembly shall  
19 define such terms and enact such legislation as may be necessary for  
20 implementation of this section, as well as determine and enact criminal  
21 penalties for:

22 Section 7 of article XX of the constitution of the state of Colorado  
23 is amended to read:

24 **Section 7. City and county of Denver single school district -**  
25 **consolidations.** The city and county of Denver shall alone always  
26 constitute one school district, to be known as District No. 1, but its  
27 conduct, affairs and business shall be in the hands of a board of education

1 consisting of such numbers, elected in such manner as the general school  
2 laws of the state shall provide. ~~and until the first election under said laws~~  
3 ~~of a full board of education which shall be had at the first election held~~  
4 ~~after the adoption of this amendment, all the directors of school district~~  
5 ~~No. 1, and the respective presidents of the school boards of school~~  
6 ~~districts Nos. 2, 7, 17 and 21, at the time this amendment takes effect,~~  
7 ~~shall act as such board of education, and all districts or special charters~~  
8 ~~now existing are hereby abolished.~~

9 The said board of education shall perform all the acts and duties  
10 required to be performed for said district by the general laws of the state.  
11 Except as inconsistent with this amendment, the general school laws of  
12 the state shall, unless the context evinces a contrary intent, be held to  
13 extend and apply to the said "District No. 1".

14 Upon the annexation of any contiguous municipality which shall  
15 include a school district or districts or any part of a district, said school  
16 district or districts or part shall be merged in said "District No. 1", which  
17 shall then own all the property thereof, real and personal, located within  
18 the boundaries of such annexed municipality, and shall assume and pay  
19 all the bonds, obligations and indebtedness of each of the said included  
20 school districts, and a proper proportion of those of partially included  
21 districts.

22 Provided, however, that the indebtedness, both principal and  
23 interest, which any school district may be under at the time when it  
24 becomes a part, by this amendment or by annexation, of said "District No.  
25 1", shall be paid by said school district so owing the same by a special tax  
26 to be fixed and certified by the board of education to the council which  
27 shall levy the same upon the property within the boundaries of such

1 district, respectively, as the same existed at the time such district becomes  
2 a part of said "District No. 1", and in case of partially included districts  
3 such tax shall be equitably apportioned upon the several parts thereof.

4 Section 2 (a), (b), (c), and (e) of article XXIV of the constitution  
5 of the state of Colorado are amended to read:

6 **Section 2. Moneys allocated to fund.** There is hereby set aside,  
7 allocated and allotted to the old age pension fund sums and money as  
8 follows:

9 (a) ~~Beginning January 1, 1957,~~ Eighty-five percent of all net  
10 revenue accrued or accruing, received or receivable from any and all  
11 excise taxes now or hereafter levied upon sales at retail, or any other  
12 purchase transaction; together with eighty-five percent of the net revenue  
13 derived from any excise taxes now or hereafter levied upon the storage,  
14 use, or consumption of any commodity or product; together with  
15 eighty-five percent of all license fees imposed by ~~the provisions of~~  
16 ~~sections 138-6-1 to 138-6-42, both inclusive,~~ of ARTICLE 26 OF TITLE 39,  
17 Colorado Revised Statutes, ~~1953,~~ and amendments thereto; provided,  
18 however, that no part of the revenue derived from excise taxes now or  
19 hereafter levied, for highway purposes, upon gasoline or other motor fuel,  
20 shall be made a part of said old age pension fund.

21 (b) ~~Beginning January 1, 1957,~~ Eighty-five percent of all net  
22 revenue accrued or accruing, received or receivable from taxes of  
23 whatever kind upon all malt, vinous, or spirituous liquor, both  
24 intoxicating and non-intoxicating, and license fees connected therewith.

25 (c) ~~All unexpended money in any fund of the state of Colorado,~~  
26 ~~or political subdivision thereof, as of January 1, 1957, which prior to said~~  
27 ~~date has been allocated to the payment of an old age pension.~~

1 (e) ~~All inheritance taxes and incorporation fees appropriated under~~  
2 ~~101-2-2 to 101-2-4, both inclusive, Colorado Revised Statutes 1953, for~~  
3 ~~old age pensions.~~

4 Section 3 of article XXIV of the constitution of the state of  
5 Colorado is amended to read:

6 **Section 3. Persons entitled to receive pensions.** ~~From and after~~  
7 ~~January 1, 1957,~~ Every citizen of the United States who has been a  
8 resident of the state of Colorado for such period as the general assembly  
9 may determine, who has attained the age of sixty years or more, and who  
10 qualifies under the laws of Colorado to receive a pension, shall be entitled  
11 to receive the same; provided, however, that no person otherwise  
12 qualified shall be denied a pension by reason of the fact that ~~he~~ THE  
13 PERSON is the owner of real estate occupied by ~~him~~ THE PERSON as a  
14 residence; nor for the reason that relatives may be financially able to  
15 contribute to ~~his~~ THE PERSON'S support and maintenance; nor shall any  
16 person be denied a pension for the reason that ~~he~~ THE PERSON owns  
17 personal property which by law is exempt from execution or attachment;  
18 nor shall any person be required, in order to receive a pension, to repay,  
19 or promise to repay, the state of Colorado any money paid to ~~him~~ THE  
20 PERSON as an old age pension.

21 Section 5 of article XXIV of the constitution of the state of  
22 Colorado is amended to read:

23 **Section 5. Revenues for old age pension fund continued.** The  
24 excise tax on sales at retail, together with all license fees levied by ~~the~~  
25 ~~provisions of sections 138-6-1 to 138-6-42, both inclusive~~ ARTICLE 26 OF  
26 TITLE 39, Colorado Revised Statutes, ~~1953,~~ and amendments thereto, are  
27 hereby continued in full force and effect beyond the date on which said

1 taxes and license fees would otherwise expire, and shall continue until  
2 repealed or amended; provided, however, that no law providing revenue  
3 for the old age pension fund shall be repealed, nor shall any such law be  
4 amended so as to reduce the revenue provided for the old age pension  
5 fund, except in the event that at the time of such repeal or amendment,  
6 revenue is provided for the old age pension fund in an amount at least  
7 equal to that provided by the measure amended or repealed during the  
8 calendar year immediately preceding the proposed amendment or repeal.

9 Section 9 of article XXIV of the constitution of the state of  
10 Colorado is repealed as follows:

11 **Section 9. Effective date.** ~~This article shall be in force and effect~~  
12 ~~from and after January 1, 1957.~~

13 Section 5 of article XXVI of the constitution of the state of  
14 Colorado is repealed as follows:

15 **Section 5. Severability.** ~~If any provision of this article, or its~~  
16 ~~application in any particular case, is held invalid, the remainder of the~~  
17 ~~article and its application in all other cases shall remain unimpaired.~~

18 **SECTION 2.** Each elector voting at said election and desirous of  
19 voting for or against said amendment shall cast a vote as provided by law  
20 either "Yes" or "No" on the proposition: "AMENDMENTS TO ARTICLES  
21 XVII, XVIII, XX, XXIV, AND XXVI OF THE CONSTITUTION OF THE STATE  
22 OF COLORADO, CONCERNING THE ELIMINATION OF OBSOLETE PROVISIONS  
23 OF THE STATE CONSTITUTION."

24 **SECTION 3.** The votes cast for the adoption or rejection of said  
25 amendment shall be canvassed and the result determined in the manner  
26 provided by law for the canvassing of votes for representatives in  
27 Congress, and if a majority of the electors voting on the question shall

1 have voted "Yes", the said amendment shall become a part of the state  
2 constitution.