

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

ENGROSSED

LLS NO. R06-0033.01 Esther van Mourik

SCR06-002

SENATE SPONSORSHIP

Owen,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

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.

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;

Deadlines to create the principal departments of state

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.

SENATE
2nd Reading Unamended
February 24, 2006

government and to implement the constitutional provisions on limited gaming and medical marijuana; References to outdated requirements related to the city and county of Denver single school district; References to dates and outdated statutory provisions regarding the old age pension fund; and The severability clause for provisions concerning nuclear detonations.

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
21 under an appointed limited gaming control commission, referred to in this

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

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

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

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

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

23 **Section 7. City and county of Denver single school district -**
24 **consolidations.** The city and county of Denver shall alone always
25 constitute one school district, to be known as District No. 1, but its
26 conduct, affairs and business shall be in the hands of a board of education
27 consisting of such numbers, elected in such manner as the general school
28 laws of the state shall provide. ~~and until the first election under said laws~~

1 of a full board of education which shall be had at the first election held
2 after the adoption of this amendment, all the directors of school district
3 No. 1, and the respective presidents of the school boards of school
4 districts Nos. 2, 7, 17 and 21, at the time this amendment takes effect,
5 shall act as such board of education, and all districts or special charters
6 now existing are hereby abolished.

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

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

20 Provided, however, that the indebtedness, both principal and
21 interest, which any school district may be under at the time when it
22 becomes a part, by this amendment or by annexation, of said "District No.
23 1", shall be paid by said school district so owing the same by a special tax
24 to be fixed and certified by the board of education to the council which
25 shall levy the same upon the property within the boundaries of such
26 district, respectively, as the same existed at the time such district becomes
27 a part of said "District No. 1", and in case of partially included districts
28 such tax shall be equitably apportioned upon the several parts thereof.

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

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

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

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

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

25 (e) ~~All inheritance taxes and incorporation fees appropriated under~~
26 ~~101-2-2 to 101-2-4, both inclusive, Colorado Revised Statutes 1953, for~~
27 ~~old age pensions.~~

28 Section 3 of article XXIV of the constitution of the state of

1 Colorado is amended to read:

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

17 Section 5 of article XXIV of the constitution of the state of
18 Colorado is amended to read:

19 **Section 5. Revenues for old age pension fund continued.** The
20 excise tax on sales at retail, together with all license fees levied by ~~the~~
21 ~~provisions of sections 138-6-1 to 138-6-42, both inclusive~~ ARTICLE 26 OF
22 TITLE 39, Colorado Revised Statutes, ~~1953,~~ and amendments thereto, are
23 hereby continued in full force and effect beyond the date on which said
24 taxes and license fees would otherwise expire, and shall continue until
25 repealed or amended; provided, however, that no law providing revenue
26 for the old age pension fund shall be repealed, nor shall any such law be
27 amended so as to reduce the revenue provided for the old age pension
28 fund, except in the event that at the time of such repeal or amendment,

1 revenue is provided for the old age pension fund in an amount at least
2 equal to that provided by the measure amended or repealed during the
3 calendar year immediately preceding the proposed amendment or repeal.

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

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

8 Section 5 of article XXVI of the constitution of the state of
9 Colorado is repealed as follows:

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

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

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