

**Senate Concurrent Resolution 06-002
Obsolete Constitutional Provisions**

1 **Referendum _ is a proposed amendment to the Colorado Constitution that:**

- 2 ◆ removes provisions, dates, and references to laws that are obsolete from three
3 sections of the constitution;
- 4 ◆ removes a requirement that certain money go to the Old Age Pension Fund; and
- 5 ◆ eliminates specific gender references in one section of the constitution.

6 **Summary and Analysis**

7 Referendum_ addresses three sections of the constitution: militia duty, the
8 consolidation of Denver school districts, and the Old Age Pension Fund.

9 ***Militia duty.*** A requirement that an individual with a moral objection to militia
10 duty pay a fee to be exempt from duty is being removed. Requiring payment for an
11 exemption from military service dates back to the colonial era and generally ended around
12 the time of the Civil War. Colorado's first constitution, which failed to pass, was written
13 during the Civil War when exemption fees were still the practice. The provision was left
14 in the constitution that passed in 1876, even though the practice was generally no longer
15 in use.

16 ***Denver school districts.*** A 1901 state constitutional amendment consolidated the
17 multiple school districts in the City and County of Denver into one district and created a
18 temporary school board for the district before a permanent one was elected. Referendum_
19 removes the provision that eliminated the multiple school districts and that outlined the
20 composition of the temporary board because these events have already occurred.

21 ***Old Age Pension Fund.*** The Old Age Pension Fund provides public assistance to
22 eligible elderly residents. Referendum_ eliminates references to specific genders and dates
23 that have passed. Referendum_ also removes references to laws that no longer exist, and
24 updates the constitution to reflect the current legal reference of existing laws. Finally,
25 Referendum_ removes a constitutional requirement that a portion of incorporation fees and
26 inheritances taxes go to the Old Age Pension Fund. This requirement remains current in
27 state law.

1 **Arguments For**

2 1) Referendum_ continues an effort to update the constitution by deleting language
3 that is outdated and not essential to the understanding of the constitution.

4 2) Removing the requirement that a portion of incorporation fees go to the Old
5 Age Pension Fund will not affect the amount of money the program receives or who is
6 eligible for the program. The basic requirements of the program will still be outlined in
7 the constitution.

8 **Arguments Against**

9 1) All provisions of the constitution have historical significance. Removing
10 provisions may diminish the historical character of the constitution and make research of
11 constitutional provisions and state laws more difficult.

12 2) Although state law still requires that a portion of incorporation fees be
13 deposited into the Old Age Pension Fund, removing the constitutional protection gives the
14 legislature the ability to change this requirement in the future.

15 **Estimate of Fiscal Impact**

16 The proposal does not affect state or local revenues or expenditures.