

Referendum N Obsolete Constitutional Provisions Relating to Alcohol Beverages

1 **Referendum N proposes amending the Colorado Constitution to:**

- 2 ♦ remove provisions related to the regulation of alcohol beverages from two
3 sections of the constitution.

4 **Summary and Analysis**

5 The manufacture, distribution, and sale of alcohol beverages are regulated by both
6 the state and federal government. The federal government regulates the manufacture
7 and import of alcohol to ensure the content is safe and the labeling is accurate.
8 Colorado law regulates such things as standards of health, cleanliness, purity, quality,
9 storage, and transportation of alcohol that is manufactured, distributed, and sold in the
10 state. Referendum N repeals two sections of the state constitution relating to alcohol
11 beverages.

12 ***Impure or tainted alcohol beverages.*** Referendum N repeals language in the
13 state constitution that requires the state legislature to prohibit importing,
14 manufacturing, and selling impure alcohol. This language was part of the original
15 constitution that was adopted in 1876.

16 ***Regulation of alcohol beverages.*** Prior to national liquor prohibition in 1919,
17 Colorado adopted a constitutional amendment prohibiting the manufacture and import
18 of alcohol, beginning in 1916. In 1933, the 21st Amendment to the U.S. Constitution
19 repealed liquor prohibition. Around the same time, an amendment to the Colorado
20 Constitution required the state to regulate the manufacture, sale, and distribution of all
21 alcohol within Colorado, and it prohibited the state legislature from passing laws that
22 allow citizens to establish saloons. Saloons existed before 1916 and were strictly for
23 consuming alcohol beverages; current law requires licensed drinking establishments
24 to offer food or meals. Referendum N removes the constitutional provisions that
25 address the manufacture, sale, and distribution of alcohol within Colorado. It also
26 removes the constitutional prohibition on saloons, allowing the state legislature to
27 determine whether to permit the establishment of saloons in the future.

28 **Argument For**

29 1) The constitutional restrictions relating to alcohol beverages are outdated, no
30 longer necessary, and clutter the constitution. Removing these provisions does not
31 affect the legislature's authority to regulate alcohol within the state. Further, the
32 quality of alcohol has been regulated by the federal government since the early 1900s,
33 so the problem of impure alcohol beverages does not exist as it did when Colorado
34 became a state.

1 **Argument Against**

2 1) Referendum N repeals provisions of the constitution that have historical
3 significance and reflect an interesting period in Colorado's history. Removing them
4 may diminish the historical character of the constitution and make research of
5 repealed constitutional provisions and state laws more difficult.

6 **Estimate of Fiscal Impact**

7 Referendum N is not expected to affect state or local revenues or expenditures.

JEANNE McEVOY'S COMMENTS ON LAST DRAFT OF REFERENDUM N

Thank you for keeping CLBA in the loop regarding this issue. The only change we recommend is one of industry preference. Anytime we speak of our products we refer to them as beverage alcohol rather than alcoholic beverage. The term alcoholic has a negative connotation usually used in reference to an abuser of our products and we are dedicated educating and encouraging our consumers to responsibly use our products.

The efforts to encourage others to use the term beverage alcohol is a nationwide goal.

Thank you for your time regarding this correspondence.

Jeanne M. McEvoy
Executive Director
Colorado Licensed Beverage Association

REP. LAMBERT COMMENTS ON LAST DRAFT OF REFERENDUM N

As per my previous suggestion, I think the phase in the argument against that removing obsolete language somehow makes historical research "more difficult" is "spurious" in itself. If Constitutional language is obviously obsolete, it SHOULD be relegated to history books and removed from the Constitutional text.

Rep. Kent Lambert

REP. BRUCE COMMENTS ON LAST DRAFT OF REFERENDUM N

I agree with Rep. Lambert, the second sentence against is an argument against ever amending the constitution, in order to keep it a plaything for lazy historians. Should we have kept Prohibition, with all its problems, just to please historians? The argument is absurd on its face.

You should add the common argument "for" that the constitution is too long and has too much "clutter" in the form of language that does not belong there. It would be more vibrant, readable, and respected if every sentence in it belonged in it, and had meaning and importance.

It is also not the business of elected officials to dictate what lawful businesses may provide as products, and in what manner, nor what name the business may adopt, such as "saloon," a common business term in widespread current use.

There is no reason to maintain an entire constitutional article, containing one sentence only, to allow the legislature to do what it can do already.

Douglas Bruce
(719) 550-0010

Last Draft as Mailed to Interested Persons

Referendum N Obsolete Constitutional Provisions Relating to Alcoholic Beverages

1 **Referendum N proposes amending the Colorado Constitution to:**

- 2 ◆ remove provisions related to the regulation of alcoholic beverages from two
3 sections of the constitution.

4 **Summary and Analysis**

5 ***Current regulation of alcoholic beverages in Colorado.*** The manufacture,
6 distribution, and sale of alcoholic beverages are regulated by both the state and
7 federal government. The federal government regulates the manufacture and import of
8 alcoholic beverages to ensure the content is safe and the labeling is accurate.
9 Colorado law regulates such things as standards of health, cleanliness, purity, quality,
10 storage, and transportation of alcoholic beverages that are manufactured, distributed,
11 and sold in the state. Referendum N repeals two sections of the state constitution
12 relating to alcoholic beverages.

13 ***Impure or tainted alcoholic beverages.*** Referendum N repeals language in the
14 state constitution that requires the state legislature to prohibit importing,
15 manufacturing, and selling impure alcoholic beverages. This language was part of the
16 original constitution that was adopted in 1876.

17 ***Regulation of alcoholic beverages.*** Prior to national liquor prohibition in 1919,
18 Colorado adopted a constitutional amendment prohibiting the manufacture and import
19 of alcoholic beverages, beginning in 1916. In 1933, the 21st Amendment to the
20 U.S. Constitution repealed liquor prohibition. Around the same time, an amendment to
21 the Colorado Constitution required the state to regulate the manufacture, sale, and
22 distribution of all alcoholic beverages within Colorado, and it prohibited the state
23 legislature from passing laws that allow citizens to establish saloons. Saloons existed
24 before 1916 and were strictly for consuming alcoholic beverages; current law requires
25 licensed drinking establishments to offer food or meals. Referendum N removes the
26 constitutional provisions that address the manufacture, sale, and distribution of
27 alcoholic beverages within Colorado. It also removes the constitutional prohibition on
28 saloons, allowing the state legislature to determine whether to permit the
29 establishment of saloons in the future.

30 **Argument For**

31 1) The constitutional restrictions relating to alcoholic beverages are outdated and
32 no longer necessary. Removing these provisions does not affect the legislature's
33 authority to regulate alcoholic beverages within the state. Further, the quality of
34 alcoholic beverages has been regulated by the federal government since the early
35 1900s, so the problem of impure alcoholic beverages does not exist as it did when
36 Colorado became a state.

REFERENDUM N
CONTACT LIST

Bonnie Miller
Coors
bonnie.miller@coors.com

Senator David Schultheis
senatorschultheis@gmail.com

Doug Caskey
Wind Industry Development Board
doug.caskey@ag.state.co.us

Representative Douglas Bruce
P.O. Box 26018
Colorado Springs, CO 80936
taxcutter@msn.com

Jeanne McEvoy
Colorado Licensed Beverage Association
j.m.mcevoy@msn.com

Jerry Kopel
jerrykopel@aol.com

Julie Geller
Colorado Forum
511 16th Street, Suite 210
Denver, CO 80202
juliegeller@coloradoforum.com

Representative Kent Lambert
990 Point of the Pines Drive
Colorado Springs, CO 80919
rep.kent.lambert@comcast.net

Representative Kevin Lundberg
PO Box 378
Berthoud, CO 80513
replundberg@gmail.com

Laura Harris
Department of Revenue
1375 Sherman St., Room 504
Denver, CO 80261
lharris@spike.dor.state.co.us

Matt Cook
Department of Revenue
1375 Sherman St., Room 504
Denver, CO 80261
mcook@spike.dor.state.co.us

Ruben Valdez
11236 W. Ford Drive
Lakewood, CO 80226
303-995-3602

REFERENDUM N
CONTACT LIST

Shayne Madsen
1099 18th Street, Suite 2150
Denver, CO 80202
smadsen@jacksonkelly.com

Steve Durham
Distilled Spirits Council of the United
States
225 E. 16th Avenue, Suite 260
Denver, CO 80203
sdurham@tde.com

Steve Findley
Colorado Beer Distributors
1580 Lincoln, Suite 1125
Denver, CO 80203
beerdist@ix.netcom.com

Professor Tom Noel
tom.noel@cudenver.edu

Referendum N
Obsolete Constitutional Provisions Relating to Alcohol Beverages

1 **Ballot Title:** Shall there be a repeal of section 5 of article XVIII and article XXII of the
2 state constitution, concerning the elimination of outdated obsolete provisions of the state
3 constitution?

4 **Text of Proposal:**

5 *Be It Resolved by the House of Representatives of the Sixty-sixth General Assembly of*
6 *the State of Colorado, the Senate concurring herein:*

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

11 Section 5 of article XVIII of the constitution of the state of Colorado is repealed
12 as follows:

13 ~~**Section 5. Spurious and drugged liquors -- laws concerning.** The general~~
14 ~~assembly shall prohibit by law the importation into this state, for the purpose of sale, of~~
15 ~~any spurious, poisonous or drugged spirituous liquors, or spirituous liquors adulterated~~
16 ~~with any poisonous or deleterious substance, mixture, or compound; and shall prohibit~~
17 ~~the compounding or manufacture within this state, except for chemical or mechanical~~
18 ~~purposes, of any of said liquors, whether they be denominated spirituous, vinous, malt~~
19 ~~or otherwise, and shall also prohibit the sale of any such liquors to be used as a~~
20 ~~beverage, and any violation of either of said prohibitions shall be punished by fine and~~
21 ~~imprisonment. The general assembly shall provide by law for the condemnation and~~
22 ~~destruction of all spurious, poisonous or drugged liquors herein prohibited.~~

23 Article XXII of the constitution of the state of Colorado is repealed as follows:

24 ~~**ARTICLE XXII**~~
25 ~~**Intoxicating Liquors**~~

26 ~~**Section 1. Repeal of intoxicating liquor laws.** The manufacture, sale and~~
27 ~~distribution of all intoxicating liquors, wholly within the state of Colorado, shall, subject~~
28 ~~to the constitution and laws of the United States, be performed exclusively by or through~~
29 ~~such agencies and under such regulations as may hereafter be provided by statutory laws~~
30 ~~of the state of Colorado; but no such laws shall ever authorize the establishment or~~
31 ~~maintenance of any saloon.~~

1 **SECTION 2.** Each elector voting at said election and desirous of voting for or
2 against said amendment shall cast a vote as provided by law either "Yes" or "No" on the
3 proposition: "SHALL THERE BE A REPEAL OF SECTION 5 OF ARTICLE XVIII AND ARTICLE
4 XXII OF THE STATE CONSTITUTION, CONCERNING THE ELIMINATION OF OUTDATED
5 OBSOLETE PROVISIONS OF THE STATE CONSTITUTION?"

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