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THE

CONSTITUTION

of the

State of Colorado

Revised to May 1, 1958



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THE
HISTORICAL
STATES OF
Colorado

CONSTITUTION
OF THE
STATE OF COLORADO

Publication Approved by James A. Noonan, Controller

Peerless Printing Co., Denver

ENABLING ACT

AN ACT

TO ENABLE THE PEOPLE OF COLORADO TO FORM A CONSTITUTION AND STATE GOVERNMENT, AND FOR THE ADMISSION OF THE SAID STATE INTO THE UNION ON AN EQUAL FOOTING WITH THE ORIGINAL STATES.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled:

Section 1. **AUTHORITY to form state.**—That the inhabitants of the territory of Colorado included in the boundaries hereinafter designated, be, and they are hereby authorized to form for themselves, out of said territory, a state government, with the name of the state of Colorado; which state, when formed, shall be admitted into the Union upon an equal footing with the original states in all respects whatsoever, as hereinafter provided.

Sec. 2. **Boundaries.**—That the said state of Colorado shall consist of all the territory included within the following boundaries, to-wit: commencing on the thirty-seventh parallel of north latitude where the twenty-fifth meridian of longitude west from Washington crosses the same; thence north on the same meridian, to the forty-first parallel of north latitude; thence along said parallel west to the thirty-second meridian of longitude west from Washington; thence south on said meridian, to the thirty-seventh parallel of north latitude; thence along said thirty-seventh parallel of north latitude to the place of beginning.

Sec. 3. **Convention—Election—Apportionment—Proclamation.**—That all persons qualified by law to vote for representatives to the general assembly of said territory, at the date of the passage of this act, shall be qualified to be elected, and they are hereby authorized to vote for and choose representatives to form a convention, under such rules and regulations as the governor of said territory, the chief justice, and the United States attorney thereof may prescribe; and also to vote upon the acceptance or rejection of such constitution as may be formed by said convention, under such rules and regulations as said convention may prescribe; and the aforesaid representatives to form the aforesaid convention shall be apportioned among the several counties in said territory in proportion to the vote polled in each of said counties at the last general election as near as may be; and said apportionment shall be made for said territory by the governor, United States district attorney, and chief justice thereof, or any two of them; and the governor of said territory shall, by proclamation, order an election of the representatives aforesaid, to be held throughout the territory at such time as shall be fixed by the governor, chief justice and United States attorney, or any two of them; which proclama-

tion shall be issued within ninety days next after the first day of September, eighteen hundred and seventy-five, and at least thirty days prior to the time of said election; and such election shall be conducted in the same manner as is prescribed by the laws of said territory regulating elections therein, for members of the house of representatives; and the number of members to said convention shall be the same as now constitutes both branches of the legislature of the aforesaid territory.

Sec. 4. Constitutional convention—Requirements of constitution.—That the members of the convention thus elected shall meet at the capital of said territory, on a day to be fixed by said governor, chief justice, and United States attorney, not more than sixty days subsequent to the day of election, which time of meeting shall be contained in the aforesaid proclamation mentioned in the third section of this act, and after organization, shall declare, on behalf of the people of said territory, that they adopt the constitution of the United States; whereupon the said convention shall be and is hereby authorized to form a constitution and state government for said territory; **Provided**, That the constitution shall be **republican in form**, and make no distinction in civil or political rights on account of race or color, except Indians not taxed, and not be repugnant to the constitution of the United States and the principles of the declaration of independence; **And, provided further**, That said convention shall provide by an ordinance irrevocable without the consent of the United States and the people of said state; **First**, That perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested in person or property, on account of his or her mode of religious worship; **Secondly**, That the people inhabiting said territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that the lands belonging to citizens of the United States residing without said state shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the state on lands or property therein belonging to, or which may hereafter be purchased by the United States.

Sec. 5. Adoption of constitution—President proclaim.—That in case the constitution and state government shall be formed for the people of said territory of Colorado, in compliance with the provisions of this act, said convention forming the same shall provide by ordinance for submitting said constitution to the people of said state for their ratification or rejection, at an election to be held at such time, in the month of July, eighteen hundred and seventy-six, and at such places and under such regulations as may be prescribed by said convention, at which election the lawful voters of said new state shall vote directly for or against the proposed constitution; and the returns of said election shall be made to the acting governor of the territory, who, with the chief justice and United States attorney of said territory, or any two of them, shall canvass the same; and if a majority of the legal votes shall be cast for said constitution

in said proposed state, the said acting governor shall certify the same to the president of the United States, together with a copy of said constitution and ordinances, whereupon it shall be the duty of the president of the United States to issue his proclamation declaring the state admitted into the Union on an equal footing with the original states, without any further action whatever on the part of Congress.

Sec. 6. One representative—Officers—Election.—That until the next general census said state shall be entitled to one representative in the house of representatives of the United States, which representative, together with the governor and state and other officers provided for in said constitution, shall be elected on a day subsequent to the adoption of the constitution, and to be fixed by said constitutional convention; and until said state officers are elected and qualified under the provisions of the constitution, the territorial officers shall continue to discharge the duties of their respective offices.

Sec. 7. School lands.—The sections numbered sixteen and thirty-six in every township, and where such sections have been sold or otherwise disposed of by any act of Congress, other lands equivalent thereto in legal subdivisions of not more than one quarter-section, and as contiguous as may be, are hereby granted to said state for the support of common schools.

Sec. 8. Land for public buildings.—That, provided the state of Colorado shall be admitted into the Union in accordance with the foregoing provisions of this act fifty entire sections of the unappropriated public lands within said state, to be selected and located by direction of the legislature thereof, and with the approval of the president, on or before the first day of January, eighteen hundred and seventy-eight, shall be and are hereby granted, in legal subdivisions of not less than one quarter-section, to said state for the purpose of erecting public buildings at the capital of said state, for legislative and judicial purposes; in such manner as the legislature shall prescribe.

Sec. 9. Land for penitentiary.—That fifty other entire sections of land, as aforesaid, to be selected, and located and with the approval as aforesaid, in legal subdivisions as aforesaid, shall be, and they are hereby granted to said state for the purpose of erecting a suitable building for a penitentiary or state prison in the manner aforesaid.

Sec. 10. Land for university.—That seventy-two other sections of land shall be set apart and reserved for the use and support of a state university, to be selected and approved in manner as aforesaid, and to be appropriated and applied as the legislature of said state may prescribe for the purpose named and for no other purpose.

Sec. 11. Salt springs.—That all salt springs within said state not exceeding twelve in number, with six sections of land adjoining, and as contiguous as may be to each, shall be granted to said state for its use, the said land to be selected by the governor of said state within two years

after the admission of the state, and when so selected to be used and disposed of on such terms, conditions and regulations as the legislature shall direct; **Provided**, That no salt spring or lands, the right whereof is now vested in any individual or individuals, or which hereafter shall be confirmed or adjudged to any individual or individuals, shall by this act be granted to said state.

Sec. 12. Sale of agricultural lands.—That five per centum of the proceeds of the sales of agricultural public lands lying within said state, which shall be sold by the United States subsequent to the admission of said state into the Union, after deducting all the expenses incident to the same, shall be paid to the said state for the purpose of making such internal improvements within said state as the legislature thereof may direct; **Provided**, That this section shall not apply to any lands disposed of under the homestead laws of the United States, or to any lands now or hereafter reserved for public or other uses.

Sec. 13. Unexpended balance of appropriations.—That any balance of the appropriations for the legislative expenses of said territory of Colorado remaining unexpended, shall be applied to and used for defraying the expenses of said convention, and for the payment of the members thereof, under the same rules and regulations and rates as are now provided by law for the payment of the territorial legislature.

Sec. 14. School lands—How sold.—That the two sections of land in each township herein granted for the support of common schools shall be disposed of only at public sale and at a price not less than two dollars and fifty cents per acre, the proceeds to constitute a permanent school fund, the interest of which to be expended in the support of common schools.

Sec. 15. Mineral lands excepted.—That all mineral lands shall be excepted from the operation and grants of this act.

Approved March 3, 1875.

(The constitution as submitted by the constitutional convention was adopted by the people March 14, 1876, and the state admitted to the Union by the proclamation of President Grant, dated August 1, 1876.)

CONSTITUTION ¹²
OF THE
STATE OF COLORADO ¹⁷

Adopted in Convention, March 14, 1876. ³⁷

PREAMBLE.

We, the people of Colorado, with profound reverence for the Supreme Ruler of the Universe, in order to form a more independent and perfect government; establish justice; insure tranquillity; provide for the common defense; promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the "State of Colorado."

ARTICLE I.

BOUNDARIES.

The boundaries of the state of Colorado shall be as follows: Commencing on the thirty-seventh parallel of north latitude, where the twenty-fifth meridian of longitude west from Washington crosses the same; thence north, on said meridian, to the forty-first parallel of north latitude; thence along said parallel, west, to the thirty-second meridian of longitude west from Washington; thence south, on said meridian, to the thirty-seventh parallel of north latitude; thence along said thirty-seventh parallel of north latitude to the place of beginning.

ARTICLE II.

BILL OF RIGHTS.

In order to assert our rights, acknowledge our duties, and proclaim the principles upon which our government is founded, we declare:

Section 1. Vestment of political power.—That all political power is vested in and derived from the people; that all government, of right, originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Sec. 2. People may alter or abolish form of government—Proviso.—That the people of this state have the sole and exclusive right of governing themselves, as a free, sovereign and independent state; and to alter and abolish their constitution and form of government whenever they may deem it necessary to their safety and happiness; Provided, Such change be not repugnant to the constitution of the United States.

Sec. 3. Inalienable rights.—That all persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.

Sec. 4. Religious freedom.—That the free exercise and enjoyment of religious profession and worship, without discrimination, shall forever hereafter be guaranteed; and no person shall be denied any civil or political right, privilege or capacity, on account of his opinions concerning religion; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness or justify practices inconsistent with the good order, peace or safety of the state. No person shall be required to attend or support any ministry or place of worship, religious sect or denomination against his consent. Nor shall any preference be given by law to any religious denomination or mode of worship.

Sec. 5. Freedom of elections.—That all elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Sec. 6. Equality of justice.—That courts of justice shall be open to every person, and a speedy remedy afforded for every injury to person, property or character; and that right and justice should be administered without sale, denial or delay.

Sec. 7. Security of person and property—Searches—Seizures—Warrants.—That the people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures; and no warrant to search any place or seize any person or thing shall issue without describing the place to be searched, or the person or thing to be seized, as near as may be, nor without probable cause, supported by oath or affirmation reduced to writing.

Sec. 8. Prosecutions—Indictment or information.—That, until otherwise provided by law, no person shall, for a felony, be proceeded against criminally otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger. In all other cases, offenses shall be prosecuted criminally by indictment or information.

Sec. 9. Treason—Estates of suicides.—That treason against the state can consist only in levying war against it or in adhering to its enemies, giving them aid and comfort; that no person can be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on his confession in open court; that no person can be attainted of treason or felony by the general assembly; that no conviction can work corruption of blood or forfeiture of estate; that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death.

Sec. 10. **Freedom of speech and press.**—That no law shall be passed impairing the freedom of speech; that every person shall be free to speak, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and that in all suits and prosecutions for libel the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact.

Sec. 11. **Ex post facto laws.**—That no ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any irrevocable grant of special privileges, franchises or immunities, shall be passed by the general assembly.

Sec. 12. **No imprisonment for debt.**—That no person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors in such manner as shall be prescribed by law, or in cases of tort or where there is a strong presumption of fraud.

Sec. 13. **Right to bear arms.**—That the right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.

Sec. 14. **Taking private property for private use.**—That private property shall not be taken for private use unless by consent of the owner, except for private ways of necessity, and except for reservoirs, drains, flumes or ditches on or across the lands of others, for agricultural, mining, milling, domestic or sanitary purposes.

Sec. 15. **Taking property for public use—Compensation, how ascertained.**—That private property shall not be taken or damaged, for public or private use, without just compensation. Such compensation shall be ascertained by a board of commissioners, of not less than three freeholders, or by a jury, when required by the owner of the property, in such manner as may be prescribed by law, and until the same shall be paid to the owner, or into court for the owner, the property shall not be needlessly disturbed, or the proprietary rights of the owner therein divested; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

Sec. 16. **Criminal prosecutions—Rights of defendant.**—That in criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Sec. 17. **Imprisonment of witnesses—Depositions—Form.**—That no person shall be imprisoned for the purpose of securing his testimony in

any case longer than may be necessary in order to take his deposition. If he can give security he shall be discharged; if he cannot give security his deposition shall be taken by some judge of the supreme, district or county court, at the earliest time he can attend, at some convenient place by him appointed for that purpose, of which time and place the accused and the attorney prosecuting for the people shall have reasonable notice. The accused shall have the right to appear in person and by counsel. If he has no counsel, the judge shall assign him one in that behalf only. On the completion of such examination the witness shall be discharged on his own recognizance, entered into before said judge, but such deposition shall not be used if in the opinion of the court the personal attendance of the witness might be procured by the prosecution, or is procured by the accused. No exception shall be taken to such deposition as to matters of form.

For statutes enacted hereunder, see 39-6-8 to 39-6-11, CRS 1953.

Sec. 18. Crimes—Evidence against one's self—Jeopardy.—That no person shall be compelled to testify against himself in a criminal case nor shall any person be twice put in jeopardy for the same offense. If the jury disagree, or if the judgment be arrested after the verdict, or if the judgment be reversed for error in law, the accused shall not be deemed to have been in jeopardy.

Sec. 19. Right to bail.—That all persons shall be bailable by sufficient sureties except for capital offenses, when the proof is evident or the presumption great.

Sec. 20. Excessive bail, fines or punishment.—That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Sec. 21. Suspension of habeas corpus.—That the privilege of the writ of habeas corpus shall never be suspended, unless when in case of rebellion or invasion, the public safety may require it.

Sec. 22. Military subject to civil power—Quartering of troops.—That the military shall always be in strict subordination to the civil power; that no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

Sec. 23. Trial by jury—Grand jury.—The right of trial by jury shall remain inviolate in criminal cases; but a jury in civil cases in all courts, or in criminal cases in courts not of record, may consist of less than twelve persons, as may be prescribed by law. Hereafter a grand jury shall consist of twelve persons, any nine of whom concurring may find an indictment; PROVIDED, The General Assembly may change, regulate or abolish the grand jury system; and PROVIDED, further, The right of any person to serve on any jury shall not be denied or abridged on ac-

count of sex, and the General Assembly may provide by law for the exemption from jury service of persons or classes of persons.

(As amended November 7, 1944 see L. 45, P. 424)

Sec. 24. **Right to assemble and petition.**—That the people have the right peaceably to assemble for the common good, and to apply to those invested with the powers of government for redress of grievances, by petition or remonstrance.

Sec. 25. **Due process of law.**—That no person shall be deprived of life, liberty or property, without due process of law.

Sec. 26. **Slavery prohibited.**—That there shall never be in this state either slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted.

Sec. 27. **Property rights of aliens.**—Aliens, who are or may hereafter become bona fide residents of this state, may acquire, inherit, possess, enjoy and dispose of property, real and personal, as native born citizens.

Sec. 28. **Rights reserved not disparaged.**—The enumeration in this constitution of certain rights shall not be construed to deny, impair or disparage others retained by the people.

ARTICLE III.

DISTRIBUTION OF POWERS.

The powers of the government of this state are divided into three distinct departments—the legislative, executive and judicial; and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any power properly belonging to either of the others, except as in this constitution expressly directed or permitted.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

Officers—Terms of office—Residence.

Section 1. The executive department shall consist of a governor, lieutenant-governor, secretary of state, auditor of state, state treasurer, and attorney-general, each of whom shall hold his office for the term of four years, commencing on the second Tuesday of January in the year 1959, and each fourth year thereafter. During their terms of office, the officers of the executive department, (except the lieutenant-governor), shall reside at the seat of government, where they shall keep the public records, books and papers. They shall perform such duties as are prescribed by this constitution or by law.

(As amended November 6, 1956 see L. 57, p. 792)

(Office of Superintendent of Public Instruction, see Sec. 1, Art. IX.)

Sec. 2. Governor supreme executive.—The supreme executive power of the state shall be vested in the governor, who shall take care that the laws be faithfully executed.

Sec. 3. State officers—Election—Returns.—The officers named in section one of this article shall be chosen on the day of the general election, by the qualified electors of the state. The returns of every election for said officers shall be sealed up and transmitted to the secretary of state, directed to the speaker of the house of representatives, who shall immediately, upon the organization of the house, and before proceeding to other business, open and publish the same in the presence of a majority of the members of both houses of the general assembly, who shall for that purpose assemble in the house of representatives. The person having the highest number of votes for either of said offices shall be declared duly elected, but if two or more have an equal and the highest number of votes for the same office, one of them shall be chosen thereto by the two houses, on joint ballot. Contested elections for the said offices shall be determined by the two houses, on joint ballot, in such manner as may be prescribed by law.

Sec. 4. Qualification of state officers.—No person shall be eligible to the office of governor, lieutenant-governor, or superintendent of public instruction unless he shall have attained the age of thirty years, nor to the office of auditor of state, secretary of state or state treasurer, unless he shall have attained the age of twenty-five years, nor to the office of attorney-general unless he shall have attained the age of twenty-five years, and be a licensed attorney of the supreme court of the state or of the territory of Colorado in good standing. At the first election under this constitution any person being a qualified elector at the time of the adoption of this constitution, and having the qualifications above herein prescribed for any one of said offices shall be eligible thereto; but thereafter no person shall be eligible to any one of said offices unless, in addition to the qualifications above prescribed therefor, he shall be a citizen of the United States, and have resided within the limits of the state two years next preceding his election.

(Office of Superintendent of Public Instruction, see Sec. 1, Art. IX.)

Sec. 5. Governor commander-in-chief of militia.—The governor shall be commander-in-chief of the military forces of the state, except when they shall be called into actual service of the United States. He shall have power to call out the militia to execute the laws, suppress insurrection or repel invasion.

Sec. 6. Appointment of officers—Vacancy.—The governor shall nominate, and by and with the consent of the senate, appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointment or election is not otherwise provided for, and may remove any such officer for incompetency, neglect of duty or malfeasance in office. If during the recess of the senate a vacancy oc-

cur in any such office, the governor shall appoint some fit person to discharge the duties thereof until the next meeting of the senate, when he shall nominate some person to fill such office. If the office of auditor of state, state treasurer, secretary of state, attorney-general or superintendent of public instruction shall be vacated by death, resignation or otherwise, it shall be the duty of the governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. The senate in deliberating upon executive nominations may sit with closed doors, but in acting upon nominations they shall sit with open doors, and the vote shall be taken by ayes and noes, which shall be entered upon the journal.

(Office of Superintendent of Public Instruction, see Sec. 1, Art. IX.)

Sec. 7. Governor may grant reprieves and pardons.—The governor shall have power to grant reprieves, commutations and pardons after conviction, for all offenses except treason, and except in case of impeachment, subject to such regulations as may be prescribed by law relative to the manner of applying for pardons, but he shall in every case where he may exercise this power, send to the general assembly at its first session thereafter, a transcript of the petition, all proceedings, and the reasons for his action.

Chap. 58, S. L. 1919, creating Board of Pardons, repealed by Chap. 170, S. L. 1923.

Sec. 8. Governor may require information from officers—Message.—The governor may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices, which information shall be given upon oath whenever so required; he may also require information in writing at any time, under oath, from all officers and managers of state institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions. The governor shall, at the commencement of each session, and from time to time, by message, give to the general assembly information of the condition of the state, and shall recommend such measures as he shall deem expedient. He shall also send to the general assembly a statement, with vouchers, of the expenditures of all moneys belonging to the state and paid out by him. He shall, also, at the commencement of each session, present estimates of the amount of money required to be raised by taxation for all purposes of the state.

Sec. 9. Governor may convene legislature or senate.—The governor may, on extraordinary occasions convene the general assembly, by proclamation, stating therein the purpose for which it is to assemble; but at such special session no business shall be transacted other than that specifically named in the proclamation. He may by proclamation, convene the senate in extraordinary session for the transaction of executive business.

Sec. 10. Governor may adjourn legislature.—The governor, in case of a disagreement between the two houses as to the time of adjournment,

may upon the same being certified to him by the house last moving adjournment, adjourn the general assembly to a day not later than the first day of the next regular session.

Sec. 11. **Bills presented to governor—Veto—Return.**—Every bill passed by the general assembly shall, before it becomes a law, be presented to the governor. If he approves he shall sign it, and thereupon it shall become a law, but if he does not approve, he shall return it, with his objections, to the house in which it originated, which house shall enter the objections at large upon its journal, and proceed to reconsider the bill. If then two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the governor. In all such cases the vote of each house shall be determined by ayes and noes, to be entered upon the journal. If any bill shall not be returned by the governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the general assembly shall by their adjournment prevent its return, in which case it shall be filed with his objections in the office of the secretary of state, within thirty days after such adjournment, or else become a law.

The right of veto does not extend to initiated or referred measures. See Art. 5, §1. As to veto of orders and resolutions, see Art. 5, §39.

Sec. 12. **Governor may veto items in appropriation bills—Reconsideration.**—The governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be law, and the item or items disapproved shall be void, unless enacted in manner following: If the general assembly be in session, he shall transmit to the house in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto.

Sec. 13. **Lieutenant-governor acts as governor—When.**—In case of the death, impeachment or conviction of felony or infamous misdemeanor, failure to qualify, resignation, absence from the state or other disability of the governor, the powers, duties and emoluments of the office, for the residue of the term, or until the disability be removed, shall devolve upon the lieutenant-governor.

Sec. 14. **Lieutenant-governor president of senate—President pro tem.**—The lieutenant-governor shall be president of the senate, and shall vote only when the senate is equally divided. In case of the absence, impeachment or disqualification from any cause of the lieutenant-governor, or when he shall hold the office of governor, then the president pro tempore of the senate shall perform the duties of the lieutenant-governor, until the vacancy is filled or the disability removed.

Sec. 15. **No lieutenant-governor—Who to act as governor.**—In case of the failure to qualify in his office, death, resignation, absence from the state, impeachment, conviction of felony or infamous misdemeanor, or disqualification from any cause, of both the governor and lieutenant-governor, the duties of the governor shall devolve on the president of the senate, pro tempore, until such disqualification of either the governor or lieutenant-governor be removed, or the vacancy be filled, and if the president of the senate, for any of the above-named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house.

Sec. 16. **Account and report of moneys.**—An account shall be kept by the officers of the executive department and of all public institutions of the state, of all moneys received by them severally from all sources, and for every service performed, and of all moneys disbursed by them severally, and a semi-annual report thereof shall be made to the governor, under oath.

Sec. 17. **Executive officers make report.**—The officers of the executive department and of all public institutions of the state, shall, at least twenty days preceding each regular session of the general assembly, make full and complete reports of their actions to the governor, who shall transmit the same to the general assembly.

Sec. 18. **State seal.**—There shall be a seal of the state, which shall be kept by the secretary of state, and shall be called the "Great Seal of the State of Colorado." The seal of the territory of Colorado, as now used, shall be the seal of the state, until otherwise provided by law.

Sec. 19. **Salaries of officers—Fees paid into treasury.**—The officers named in section one of this article shall receive for their services a salary to be established by law, which shall not be increased or diminished during their official terms. It shall be the duty of all such officers to collect in advance all fees prescribed by law for services rendered by them severally, and pay the same into the state treasury.

Sec. 20. **State librarian.**—The superintendent of public instruction shall be ex officio state librarian.

(Office of Superintendent of Public Instruction, see Sec. 1, Art. IX.)

Sec. 21. **Auditor and treasurer ineligible to re-election.**—Neither the state treasurer nor state auditor shall be eligible for re-election as his own immediate successor.

ARTICLE V.

LEGISLATIVE DEPARTMENT.

Section 1. **General assembly—Initiative and referendum.**—The legislative power of the state shall be vested in the general assembly consisting of a senate and house of representatives, both to be elected by the

people, but the people reserve to themselves the power to propose laws and amendments to the constitution and to enact or reject the same at the polls independent of the general assembly, and also reserve power at their own option to approve or reject at the polls any act, items, section or part of any act of the general assembly.

The first power hereby reserved by the people is the initiative, and at least eight per cent of the legal voters shall be required to propose any measure by petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions for state legislation and amendments to the constitution, shall be addressed to and filed with the secretary of state at least four months before the election at which they are to be voted upon.

The second power hereby reserved is the referendum, and it may be ordered, except as to laws necessary for the immediate preservation of the public peace, health or safety, and appropriations for the support and maintenance of the department of state and state institutions, against any act, section or part of any act of the general assembly, either by a petition signed by five per cent of the legal voters or by the general assembly. Referendum petitions shall be addressed to and filed with the secretary of state not more than ninety days after the final adjournment of the session of the general assembly, that passed the bill on which the referendum is demanded. The filing of a referendum petition against any item, section or part of any act, shall not delay the remainder of the act from becoming operative. (The veto power of the governor shall not extend to measures initiated by, or referred to the people.) All elections on measures referred to the people of the state shall be held at the biennial regular general election, and all such measures shall become the law or a part of the constitution, when approved by a majority of the votes cast thereon, and not otherwise, and shall take effect from and after the date of the official declaration of the vote thereon by proclamation of the governor, but not later than thirty days after the vote has been canvassed. This section shall not be construed to deprive the general assembly of the right to enact any measure. The whole number of votes cast for secretary of state at the regular general election last preceding the filing of any petition for the initiative or referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted.

The secretary of state shall submit all measures initiated by or referred to the people for adoption or rejection at the polls, in compliance herewith. The petition shall consist of sheets having such general form printed or written at the top thereof as shall be designated or prescribed by the secretary of state; such petition shall be signed by qualified electors in their own proper person only, to which shall be attached the residence address of such person and the date of signing the same. To each of such petitions, which may consist of one or more sheets, shall be attached an affidavit of some qualified elector, that each signature thereon is the signature of the person whose name it purports to be, and that to the best of the knowledge and belief of the affiant, each of the persons

signing said petition was at the time of signing, a qualified elector. Such petition so verified shall be prima facie evidence that the signatures thereon are genuine and true and that the persons signing the same are qualified electors. The text of all measures to be submitted shall be published as constitutional amendments are published, and in submitting the same and in all matters pertaining to the form of all petitions the secretary of state and all other officers shall be guided by the general laws, and the act submitting this amendment, until legislation shall be especially provided therefor.

The style of all laws adopted by the people through the initiative shall be, "Be it Enacted by the People of the State of Colorado."

The initiative and referendum powers reserved to the people by this section are hereby further reserved to the legal voters of every city, town and municipality as to all local, special and municipal legislation of every character in or for their respective municipalities. The manner of exercising said powers shall be prescribed by general laws, except that cities, towns and municipalities may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation. Not more than ten per cent of the legal voters may be required to order the referendum, nor more than fifteen per cent to propose any measure by the initiative in any city, town or municipality.

This section of the constitution shall be in all respects self-executing.

(As amended November 8, 1910 see L. 10, P. 11.)

Sec. 2. Election of members—Vacancies.—A general election for members of the General Assembly shall be held on the first Tuesday after the first Monday in November in each even numbered year, at such places in each county as now are or hereafter may be provided by law. Any vacancy occurring in either House by death, resignation, or otherwise, shall be filled in the manner prescribed by law. The person appointed to fill the vacancy shall be a member of the same political party, if any, as the person whose termination of membership in the General Assembly created the vacancy.

(As amended November 7, 1950, see L. 51, P. 533.)

Sec. 3. Terms of senators and representatives.—Senators shall be elected for the term of four years, except as hereinafter provided, and representatives for the term of two years.

Sec. 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, 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.

Sec. 5. Classification of senators.—The senators, at their first session, shall be divided into two classes. Those elected in districts designated by even numbers shall constitute one class; those elected in districts designated by odd numbers shall constitute the other class, except that senators elected in each of the districts having more than one senator shall be equally divided between the two classes. The senators of one class shall hold for two years; those of the other class shall hold for four years, to be decided by lot between the two classes, so that one-half of the senators, as near as practicable, may be biennially chosen forever thereafter.

Sec. 6. Compensation of members.—Each member of the general assembly, until otherwise provided by law, shall receive as compensation for his services the sum of one thousand (\$1000) dollars for each biennial period, payable at the rate of \$7.00 per day during both the regular and special sessions, the remainder, if any, payable on the first day of the last month of each biennial period; together with all actual and necessary traveling expenses to be paid after the same have been incurred and audited, and the said members of the general assembly shall receive no other compensation, perquisite or allowance whatever. No general assembly shall fix its own compensation.

(For Compensation see 63-2-7 CRS 1953 as amended.)

(As amended November 4, 1884; November 8, 1910; see L. 83, p. 21; L. 09, P. 314.)

Sec. 7. General assembly—Shall meet when—Terms of members—Committees.—The general assembly shall meet in regular session at 10 o'clock a. m. on the first Wednesday after the first Tuesday of January of each year, but at such regular sessions convening in even numbered years, the general assembly shall not enact any bills except those raising revenue, those making appropriations, and those pertaining to subjects designated in writing by the governor during the first 10 days of the session. The general assembly shall meet at other times when convened in special session by the governor. The term of service of the members of the general assembly shall begin on the convening of the first regular session of the general assembly next after their election. The committees of the general assembly, unless otherwise provided by the general assembly, shall expire on the convening of the first regular session after a general election.

(As amended November 7, 1950; see L. 51, P. 554.)

Sec. 8. Members precluded from holding office.—No senator or representative shall, during the time for which he shall have been elected be appointed to any civil office under this state; and no member of congress, or other person holding any office (except of attorney-at-law, notary public, or in the militia) under the United States or this state, shall be a member of either house during his continuance in office.

Sec. 9. Increase of salary—When forbidden.—No member of either house shall, during the term for which he may have been elected, receive any increase of salary or mileage, under any law passed during such term.

Sec. 10. Each house choose its officers.—At the beginning of the first regular session after a general election, and at such other times as may be necessary, the Senate shall elect one of its members president pro tempore, and the House of Representatives shall elect one of its members as speaker. The President pro tempore and Speaker shall serve as such until the election and installation of their respective successors. Each house shall choose its other officers and shall judge the election and qualification of its members.

(As amended November 7, 1950; see L. 51, P. 554.)

Sec. 11. Quorum.—A majority of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

Sec. 12. Each house makes and enforces rules.—Each house shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence; to enforce obedience to its process; to protect its members against violence, or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the legislature of a free state. A member, expelled for corruption, shall not thereafter be eligible to either house of the same general assembly, and punishment for contempt or disorderly behavior shall not bar in indictment for the same offense.

Sec. 13. Journal—Ayes and nays to be entered, when.—Each house shall keep a journal of its proceedings, and may, in its discretion, from time to time, publish the same, except such parts as require secrecy, and the ayes and noes on any question shall, at the desire of any two members, be entered on the journal.

Sec. 14. Open sessions.—The sessions of each house and of the committees of the whole, shall be open, unless when the business is such as ought to be kept secret.

Sec. 15. Adjournment for more than three days.—Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Sec. 16. Privileges of members.—The members of the general assembly shall, in all cases except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

Sec. 17. No law passed but by bill—Amendments.—No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

Sec. 18. Enacting clause.—The style of the laws of this state shall be: "Be it enacted by the General Assembly of the State of Colorado."

Sec. 19. When laws take effect—Introduction of bills.—An act of the general assembly shall take effect on the date stated in the act, or if no date is stated in the act, then on its passage. A bill may be introduced at any time during the session unless limited by action of the general assembly. No bill shall be introduced by title only.

(As amended November 7, 1950; see L. 51, P. 554.)

Sec. 20. Bills referred to committee—Printed.—No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members.

Sec. 21. Bill to contain but one subject—Expressed in title.—No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

Sec. 22. Reading and passage of bills.—Every bill shall be read by title when introduced, and at length on two different days in each house; **provided, however,** any reading at length may be dispensed with upon unanimous consent of the members present. All substantial amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law except by a vote of the majority of all members elected to each house taken on two separate days in each house, nor unless upon its final passage the vote be taken by ayes and noes and the names of those voting be entered on the Journal.

(As amended November 7, 1950; see L. 51, P. 555.)

Sec. 23. Vote on amendments and report of committee.—No amendment to any bill by one house shall be concurred in by the other nor shall the report of any committee of conference be adopted in either house except by a vote of a majority of the members elected thereto, taken by ayes and noes, and the names of those voting recorded upon the journal thereof.

Sec. 24. Revival, amendment or extension of laws.—No law shall be revived, or amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended or conferred, shall be re-enacted and published at length.

For construction of the above section see *People v. Friederich*, 67C, 69, 185 P. 657.

Sec. 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.

Sec. 25a. Eight-hour employment.—The general assembly shall provide by law, and shall prescribe suitable penalties for the violation thereof, for a period of employment not to exceed eight (8) hours within any twenty-four (24) hours (except in cases of emergency where life or property is in imminent danger), for persons employed in underground mines or other underground workings, blast furnaces, smelters; and any ore reduction works or other branch of industry or labor that the general assembly may consider injurious or dangerous to health, life or limb.

(As amended November 4, 1902; see L. 01, P. 108.)

For eight-hour days see §§80-7-1 to 80-7-17 CRS 1953.

Sec. 26. Signing of bills.—The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the general assembly, after their titles shall have been publicly read, immediately before signing; and the fact of signing shall be entered on the journal.

Sec. 27. Officers and employees—Compensation.—The general assembly shall prescribe by law the number, duties and compensation of the officers and employees of each house and of the two houses, and no payment shall be made from the state treasury, or be in any way authorized to any person except to an acting officer or employee elected or appointed in pursuance of law.

(As amended November 7, 1950; see L. 51, P. 555.)

Sec. 28. Extra compensation to officers, etc., forbidden.—No bill shall be passed giving any extra compensation to any public officer, servant or employee, agent or contractor, after services shall have been

rendered or contract made, nor providing for the payment of any claim made against the state without previous authority of law.

Sec. 29. Contracts for quarters, furnishing and supplies.—All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished; and the printing and binding and distributing of the laws, journals, department reports, and other printing and binding; and the repairing and furnishing the halls and rooms used for the meeting of the general assembly and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the governor and state treasurer.

Sec. 30. Extension of term and increase of salary of public officers.—The salaries of the Governor, the Governor's Secretary, and the Judges of the Supreme and District Courts of the State shall be fixed by legislative enactment; provided, that the salaries of said officers heretofore fixed by the Constitution shall continue in force until otherwise provided for by legislative enactment.

No law shall extend the term of any public officer, or increase or decrease his salary, after his election or appointment, as fixed by legislative enactment.

(As amended November 7, 1882; see L. 81, P. 63.)

(As amended November 6, 1928; see L. 27, P. 758.)

Sec. 31. Revenue bills.—All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in case of other bills.

Sec. 32. Appropriation bills.—The general appropriation bill shall embrace nothing but appropriations for the expense of the executive, legislative and judicial departments of the state, state institutions, interest on the public debt and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

(As amended November 7, 1950; see L. 51, P. 555.)

Sec. 33. Disbursements of public money.—No money shall be paid out of the treasury except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

Sec. 34. Appropriations to private institutions forbidden.—No appropriation shall be made for charitable, industrial, educational or benevolent purposes to any person, corporation or community not under the absolute control of the state, nor to any denominational or sectarian institution or association.

Sec. 35. Delegation of power.—The general assembly shall not delegate to any special commission, private corporation or association, any

power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

Sec. 36. Laws on investments of trust funds.—The general assembly shall, from time to time, enact laws prescribing types or classes of investments for the investment of funds held by executors, administrators, guardians, conservators and other trustees, whose power of investment is not set out in the instrument creating the trust.

(As amended November 7, 1950; see L. 51, P. 555.)

Sec. 37. Change of venue.—The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such a manner as shall be provided by law.

Sec. 38. No liability exchanged or released.—No obligation or liability of any person, association or corporation, held or owned by the state, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed, or in any way diminished by the general assembly, nor shall such liability or obligation be extinguished except by payment thereof into the proper treasury.

Sec. 39. Orders and resolutions presented to governor.—Every order, resolution or vote to which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of business of the two houses, shall be presented to the governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

Sec. 40. Bribery and influence in general assembly.—If any person elected to either house of the general assembly shall offer or promise to give his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the general assembly in consideration or upon condition that any other person elected to the same general assembly will give or will promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such general assembly, the person making such offer or promise, shall be deemed guilty of solicitation of bribery. If any member of the general assembly shall give his vote or influence for or against any measure or proposition pending in such general assembly, or offer, promise or assent so to do, upon condition that any other member will give or will promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such general assembly, or in consideration that any other member hath given his vote or influence for or against any other measure or proposition in such general assembly, he shall be deemed guilty of bribery; and any member of the general assembly, or person elected thereto, who shall be guilty of either of such offenses

shall be expelled, and shall not be thereafter eligible to the same general assembly; and on conviction thereof in the civil courts, shall be liable to such further penalty as may be prescribed by law.

See 40-7-5, CRS 1953.

Sec. 41. Offering, giving, promising money or other consideration.—Any person who shall directly or indirectly offer, give or promise any money or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer or member of the general assembly, to influence him in the performance of any of his public or official duties,—shall be deemed guilty of bribery, and be punished in such manner as shall be provided by law.

See 40-7-7, CRS 1953.

Sec. 42. Corrupt solicitation of members and officers.—The offense of corrupt solicitation of members of the general assembly or of public officers of the state or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action shall be defined by law, and shall be punished by fine and imprisonment.

See 40-7-6, CRS 1953.

Sec. 43. Member interested shall not vote.—A member who has a personal or private interest in any measure or bill proposed or pending before the general assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

Congressional and Legislative Apportionments

Sec. 44. Representatives in congress.—One representative in the congress of the United States shall be elected from the state at large at the first election under this constitution, and thereafter at such times and places and in such manner as may be prescribed by law. When a new apportionment shall be made by congress the general assembly shall divide the state into congressional districts accordingly.

For congressional apportionment, see 63-4-1, CRS 1953.

Sec. 45. Census.—The general assembly shall provide by law for an enumeration of the inhabitants of the state, in the year of our Lord 1885, and every tenth year thereafter; and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for senators and representatives, on the basis of such enumeration according to ratios to be fixed by law.

Sec. 46. Number of members of general assembly.—The Senate shall consist of not more than thirty-five and the House of not more than sixty-five members.

(As amended November 7, 1950; see L. 51, p. 555.)

Sec. 47. Senatorial and representative districts.—Senatorial and representative districts may be altered from time to time, as public convenience may require. When a senatorial or representative district shall be composed of two or more counties, they shall be contiguous, and the district as compact as may be. No county shall be divided in the formation of a senatorial or representative district.

Senatorial and representative districts. See Ch. 37, p. 120, S.L. 1953.

Sec. 48. Senatorial districts.—Repealed, L. '51, p. 555.

Sec. 49. Representative districts.—Repealed, L. '51, p. 555.

ARTICLE VI.

JUDICIAL DEPARTMENT.

Section. 1. Vestment of judicial power.—The judicial power of the state as to all matters of law and equity, except as in the constitution otherwise provided, shall be vested in the supreme court, district courts, county courts, and such other courts as may be provided by law. In counties and cities and counties having a population exceeding 100,000, exclusive original jurisdiction in cases involving minors and persons whose offenses concern minors may be vested in a separate court now or hereafter established by law.

(As amended November 2, 1886; see L. 85, p. 145; November 5, 1912; See L. 13, P. 678 Sec. 1.)

Supreme Court.

Sec. 2. Appellate jurisdiction.—The supreme court, except as otherwise provided in this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the state, and shall have a general superintending control over all inferior courts, under such regulations and limitations as may be prescribed by law.

Sec. 3. Original jurisdiction—Opinions.—It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction, and other original and remedial writs, with authority to hear and determine the same; and each judge of the supreme court shall have like power and authority as to writs of habeas corpus. The supreme court shall give its opinion upon important questions upon solemn occasions when required by the governor, the senate, or the house of representatives; and all such opinions shall be published in connection with the reported decisions of said court.

(As amended November 2, 1886; see L. 85, p. 145.)

Sec. 4. Terms—At least two terms of the supreme court shall be held each year, at the seat of government.

Sec. 5. Personnel of court—Departments.—The supreme court shall consist of seven judges, who may sit en banc or in two or more depart-

ments as the court may, from time to time, determine. In case said court shall sit in departments, each of said departments shall have the full power and authority of said court in the determination of causes, the issuing of writs and the exercise of all powers authorized by this constitution, or provided by law, subject to the general control of the court sitting en banc, and such rules and regulations as the court may make, but no decision of any department shall become the judgment of the court unless concurred in by at least three judges, and no case involving a construction of the constitution of this state or of the United States, shall be decided except by the court en banc.

(As amended November 8, 1904; see L. 03, p. 148.)

Sec. 6. Election of judges.—The judges of the supreme court, except as herein provided, shall be elected by the electors of the state at large.

(As amended November 8, 1904; see L. 03, p. 149.)

Sec. 7. Term of office.—The term of office of the judges of the supreme court, hereafter elected, except as in this article otherwise provided, shall be ten years.

(As amended November 8, 1904; see L. 03, p. 149.)

Sec. 8. Appointment and election of judges.—No successor of the judge of the court of appeals whose term expires in April, 1905, shall be appointed.

On the first Wednesday of April, 1905, the court of appeals shall cease to exist, and the judges of said court whose regular terms shall not then have expired shall become judges of the supreme court. All causes pending before this court of appeals shall then stand transferred to, and be pending in, the supreme court, and no bond or obligation given in any of said causes shall be affected by said transfer.

The term of office of that judge of the supreme court whose term expires on the second Tuesday in January, 1907, shall so expire; the term of office of that judge transferred from the court of appeals whose term shall expire in April, 1907, shall expire on the second Tuesday in January, 1907; and the term of office of that judge of the supreme court whose term expires in January, 1910, is hereby extended to the second Tuesday in January, 1911; and the term of office of the judge or judges transferred from the court of appeals whose term would expire in April, 1909, shall expire on the second Tuesday in January, 1909; and the term of office of the judges of the supreme court whose term expires on the second Tuesday in January, 1913, shall so expire.

At the general election in the year 1906, and every tenth year thereafter, there shall be elected two judges of the supreme court.

At the general election in the year 1908, there shall be elected three judges of the supreme court, one for the term of six years, and two for the term of ten years.

At the general election in the year 1910, and every tenth year thereafter, there shall be elected one judge of the supreme court.

At the general election in the year 1912, and every tenth year thereafter, there shall be elected one judge of the supreme court.

At the general election in the year 1914, and every tenth year thereafter, there shall be elected one judge of the supreme court.

At the general election in the year 1918, and every tenth year thereafter, there shall be elected two judges of the supreme court.

Provided, That if said court of appeals shall at the time of the going into effect of this amendment, by law consist of only three judges, the governor shall nominate and by and with the advice and consent of the senate appoint two judges of the supreme court whose term of office shall begin on the first Wednesday of April, 1905, and expire on the second Tuesday of January, 1909.

Provided, also, That nothing herein contained shall be construed to prevent the general assembly from changing the time of electing judges of the supreme court and from extending or abridging their terms of office as provided in Art. VI, section 15 of the constitution of this state.

The judge having the shortest time to serve, not holding his office by appointment or election to fill vacancy, shall be the chief justice.

Of the two judges whose terms of office expire upon the same day, the younger in years of the two judges shall be the chief justice during the next to the last year of his term of office and the elder of the two judges shall be chief justice during the last year of his term of office.

The chief justice shall preside at all sessions of the court en banc, and, in case of his absence, then the judge present who would next be entitled to become chief justice shall preside.

Until otherwise provided by law, the supreme court shall have power to review the judgments and proceedings of inferior courts, in such instances and in such manner as was provided by law previous to the act establishing the court of appeals.

(As amended November 8, 1904; see L. 03, p. 149.)

For writ of error from supreme court, see Rule 111, Rules of Civil Procedure.

Sec. 9 Clerk supreme court.—There shall be a clerk of the supreme court, who shall be appointed by the judges thereof, and shall hold his office during the pleasure of said judges, and whose duties and emoluments shall be as prescribed by law and by the rules of the supreme court.

For Clerk of supreme court, see 37-2-10, CRS 1953.

Sec. 10. Qualifications of judges.—No person shall be eligible to the office of judge of the supreme court unless he be learned in the law; be at least thirty years of age and a citizen of the United States, nor unless

he shall have resided in this state or territory at least two years next preceding his election.

District Courts.

Sec. 11. Jurisdiction.—The district courts shall have original jurisdiction of all causes both at law and in equity, and such appellate jurisdiction as may be conferred by law. They shall have original jurisdiction to determine all controversies upon relation of any person on behalf of the people, concerning the rights, duties and liabilities of railroad, telegraph or toll-road companies or corporations.

Sec. 12. Judicial districts—Term of judges.—The state shall be divide for the selection or election of a suitable person to preside in the the electors thereof, one or more judges of the district court therein, as may be provided by law, whose term of office shall be six years; the judges of the district courts may hold courts for each other, and shall do so when required by law, and the general assembly may by law provide for the selection or election of a suitable person to preside in the trial of causes in special cases.

(As amended November 2, 1886; see L. 85, p. 145.) See also 37-3-1, et seq., CRS 1953.

Sec. 13. Judicial districts.—Until otherwise provided by law, said districts shall be four in number, and constituted as follows, viz.:

First District—The counties of Boulder, Jefferson, Gilpin, Clear Creek, Summit and Grand.

Second District—The counties of Arapahoe, Douglas, Elbert, Weld and Larimer.

Third District—The counties of Park, El Paso, Fremont, Pueblo, Bent, Las Animas and Huerfano.

Fourth District—The counties of Costilla, Conejos, Rio Grande, San Juan, La Plata, Hinsdale, Saguache and Lake.

For present law on the subject of judicial districts, see article 3 of chapter 37, CRS 1953, as amended.

Sec. 14. Number of districts increased or diminished.—The general assembly may (whenever two-thirds of the members of each house concur therein), increase or diminish the number of judges for any district, or increase or diminish the number of judicial districts and the judges thereof. Such districts shall be formed of compact territory, and be bounded by county lines; but such increase, diminution, or change in the boundaries of a district shall not work the removal of any judge from his office during the time for which he shall have been elected or appointed.

(As amended November 2, 1886; see L. 85, p. 145.)

Sec. 15. Election of judges—Term.—The judges of the district court first elected shall be chosen at the first general election. The general assembly may provide that after the year eighteen hundred and seventy-

eight, the election of the judges of the supreme, district and county courts, and the district attorneys, or any of them, shall be on a different day from that on which an election is held for any other purpose, and for that purpose may extend or abridge the term of office of any such officers then holding, but not in any case more than six months. Until otherwise provided by law, such officers shall be elected at the time of holding the general elections. The terms of office of all judges of the district court, elected in the several districts throughout the state, shall expire on the same day; and the terms of office of the district attorneys elected in the several districts throughout the state shall, in like manner expire on the same day.

Sec. 16. Qualifications of district judges.—No person shall be eligible to the office of district judge unless he be learned in the law, be at least thirty years old, and a citizen of the United States, nor unless he shall have resided in the state or territory at least two years next preceding his election, nor unless he shall, at the time of his election, be an elector within the judicial district for which he is elected; Provided, That at the first election, any person of the requisite age and learning, and who is an elector of the territory of Colorado, under the laws thereof, at the time of the adoption of this constitution, shall be eligible to the office of judge of the district court of the judicial district within which he is an elector.

Sec. 17. Terms of court.—The time of holding courts within the said district, shall be as provided by law, but at least one term of the district court shall be held annually in each county, except in such counties as may be attached, for judicial purposes, to another county wherein such courts are so held. This shall not be construed to prevent the holding of special terms under such regulations as may be provided by law.

For terms of court, see 37-3-2, et seq., CRS 1953.

Sec. 18. Compensation and services of judges.—Judges of courts of record shall receive such compensation as may be provided by law, which may be increased or decreased during their terms of office, and shall also receive such pension or retirement benefits as may be provided by law. The Supreme Court shall be open except on Sundays and holidays during customary hours of court. No judge of the District Court or Supreme Court shall accept nomination for any public office other than judicial, the term of which shall begin more than 30 days before the end of his term of office, without first resigning from his judicial office, nor shall he engage in the practice of law, nor shall he hold office in a political party organization. When called upon so to act any county judge admitted to the practice of law in the State of Colorado may serve as district judge in any district with full authority therein as the judge of the district wherein he serves.

(As amended November 4, 1952; see L. 53, p. 228.)

Sec. 19. Clerk of district court.—There shall be a clerk of the district court in each county wherein a term is held, who shall be appointed

by the judge of the district, to hold his office during the pleasure of the judge. His duties and compensation shall be as provided by law, and regulated by the rules of the court.

For salaries of clerks of district court, see 56-3-1 et seq. Clerks of court may acknowledge conveyances, see 118-1-26, CRS 1953.

Bonds of clerks of district courts, see 99-1-1, CRS 1953; where filed, 99-1-3, CRS 1953; certified copy filed in office of county clerk, 99-1-5, CRS 1953.

Sec. 20. Judges may fix terms until, etc.—Until the general assembly shall provide by law for fixing the terms of the courts aforesaid, the judges of the supreme and district courts, respectively, shall fix the terms thereof.

District Attorney.

Sec. 21. Election—Term—Salary—Qualification.—There shall be elected by the qualified electors of each judicial district, at the general election in the year nineteen hundred and four, and every four years thereafter, a district attorney for such district, whose term of office shall be four years, and whose duties and salary or compensation, either from the fees or emoluments of his office or from the general county fund, as shall be provided by law.

No person shall be eligible to the office of district attorney who shall not, at the time of his election, be at least twenty-five years of age and possess all the qualifications of judges of the district courts, as provided in this article. The term of office of the district attorneys serving in the several districts, at the time of the adoption of this amendment is hereby extended to the second Tuesday of January, in the year A. D. 1905.

(As amended November 4, 1902; see L. 01, p. 110.) For salaries of district attorneys, see 45-2-1 et seq; 56-1-1.

County Court.

Sec. 22. Judge—Election—Term—Salary.—There shall be elected at the general election in each organized county in the year nineteen hundred and four, and every four years thereafter, a county judge, who shall be judge of the county court of said county, whose term of office shall be four years, and who shall be paid such salary or compensation, either from the fees and emoluments of his office or from the general county fund, as shall be provided by law.

The term of office of the county judges serving at the time of the adoption of this amendment is hereby extended to the second Tuesday of January, in the year A. D. 1905.

(As amended November 4, 1902; see L. 01, p. 110.) For salaries of county judges, see 56-2-3 to 56-2-8.

Sec. 23. Court of record—Jurisdiction.—County courts shall be courts of record and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, appointments of guardians, conservators and administrators, and settlement of their

accounts, and such other civil and criminal jurisdiction as may be conferred by law; Provided, Such courts shall not have jurisdiction in any case where the debt, damage, or claim or value of property involved shall exceed two thousand dollars, except in cases relating to the estates of deceased persons.

Appeals—Writs of error.—Appeals may be taken from county to district courts, or to the supreme court, in such cases and in such manner as may be prescribed by law. Writs of error shall lie from the supreme court to every final judgment of the county court. No appeal shall lie to the district court from any judgment given upon an appeal from a justice of the peace.

For jurisdiction of county courts in criminal cases, see 37-6-1, CRS 1953; in civil cases, see 37-6-1, CRS 1953. For writs of error from the supreme court, see Rule III, Rules of Civil Procedure. For appeals to district courts, see 37-6-10, CRS 1953.

Criminal Court.

Sec. 24. In what counties—Jurisdiction.—The general assembly shall have power to create and establish a criminal court in each county having a population exceeding fifteen thousand, which court may have concurrent jurisdiction with the district courts in all criminal cases not capital; the terms of such courts to be as provided by law.

Justices of the Peace.

Sec. 25. Jurisdiction.—Justices of the peace shall have such jurisdiction as may be conferred by law; but they shall not have jurisdiction of any case wherein the value of the property or the amount in controversy exceeds the sum of three hundred dollars, nor where the boundaries or title to real property shall be called in question.

For jurisdiction of justices of the peace, see 79-5-2, CRS 1953.

Police Magistrates.

Sec. 26. How created—Jurisdiction.—The general assembly shall have power to provide for creating such police magistrates for cities and towns as may be deemed from time to time necessary or expedient, who shall have jurisdiction of all cases arising under the ordinances of such cities and towns respectively.

For police courts, see 139-84-1 et seq; 139-84-1 et seq; 139-85-1 et seq; 139-86-1 et seq.

Miscellaneous.

Sec. 27. Judges report defects in laws—Governor transmit.—The judges of courts of record inferior to the supreme court shall on or before the first day in July, in each year, report in writing to the judges of the supreme court such defects and omissions in the laws as their knowledge and experience may suggest, and the judges of the supreme court shall, on or before the first day of December of each year, report in writing to the governor, to be by him transmitted to the general assembly, together with his message, such defects and omissions in the constitution and laws

as they may find to exist, together with appropriate bills for curing the same.

Sec. 28. Laws relating to courts—Uniform.—All laws relating to courts shall be general and of uniform operation throughout the state; and the organization, jurisdiction, powers, proceedings and practice of all the courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgment and decrees of such courts severally shall be uniform.

Sec. 29. Where officers must reside—Vacancies.—All officers provided for in this article, excepting judges of the supreme court, shall respectively reside in the district, county, precinct, city or town for which they may be elected or appointed. Vacancies occurring in any of the offices provided for in this article shall be filled by appointment as follows: Of judges of the supreme and district courts, by the governor; of district attorneys, by the judge of the court of the district for which such attorney was elected; and of all other judicial officers, by the board of county commissioners of the county wherein the vacancy occurs. Judges of the supreme, district and county courts appointed under the provisions of this section shall hold office until next general election and until their successors elected thereat shall be duly qualified.

(As amended October 1, 1878, see G. L. 77, p. 132.)

Sec. 30. Process—Run in name of people.—All process shall run in the name of "The People of the State of Colorado"; all prosecutions shall be carried on in the name and by the authority of "The People of the State of Colorado," and conclude, "against the peace and dignity of the same."

Sec. 31. Retirement.—Any judge of any court now existing in the State of Colorado, or hereafter created, shall be retired from office if found permanently disabled, by reason of mental or physical infirmities, from performing the duties of his office. Issues concerning retirement for disability shall be initiated by motion of the Attorney General to the Supreme Court for investigation concerning the permanent disability of such judge, whereupon said court may appoint a referee who shall have authority to subpoena witnesses and make full investigation and submit his report thereon to the court. In the event the court shall determine such judge to be so permanently disabled, he shall be retired with such pension or retirement benefits as he would have received had he fully completed his then term of office. Upon such retirement his office shall be deemed vacant and be filled as provided by law.

(Adopted November 4, 1952; see L. 53, p. 229.)

ARTICLE VII.

SUFFRAGE AND ELECTIONS.

Section 1. Qualifications of elector.—Every person over the age of twenty-one years, possessing the following qualifications, shall be entitled

to vote at all elections: He or she shall be a citizen of the United States, and shall have resided in the state twelve months immediately preceding the election at which he offers to vote, and in the county, city, town, ward or precinct, such time as may be prescribed by law.

(As amended November 4, 1902, see L. 01, p. 107.)

For qualifications of electors, see 49-3-1, 49-3-2, CRS 1953.

Sec. 2. Suffrage to women.—The general assembly shall at the first session thereof, and may at any subsequent session enact laws to extend the right of suffrage to women of lawful age and otherwise qualified according to the provisions of this article. No such enactment shall be of effect until submitted to the vote of the qualified electors at a general election, nor unless the same be approved by a majority of those voting thereon. Adopted at general election in 1892.

For statute under the above provision, and its ratification see 49-3-2, CRS 1953. Adopted at general election November 7, 1893, effective by proclamation December 2, 1893. For right of women to vote, see nineteenth amendment to Const. U. S.

Sec. 3. Educational qualifications of elector.—The general assembly may prescribe, by law, an educational qualification for electors, but no such law shall take effect prior to the year of our Lord one thousand eight hundred and ninety (1890) and no qualified elector shall be thereby disqualified.

Sec. 4. When residence does not change.—For the purpose of voting and eligibility to office, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while in the civil or military service of the state, or of the United States, nor while a student at any institution of learning, nor while kept at public expense in any poorhouse or other asylum, nor while confined in public prison.

For statute under the above provision, see 49-3-4, CRS 1953.

Sec. 5. Privilege of voters.—Voters shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

Sec. 6. Electors only eligible to office.—No person except a qualified elector shall be elected or appointed to any civil or military office in the state.

Sec. 7. General election.—The general election shall be held on the first Tuesday of October, in the years of our Lord eighteen hundred and seventy-six, eighteen hundred and seventy-seven, and eighteen hundred and seventy-eight, and annually thereafter on such day as may be prescribed by law.

For general election law, see 49-1-1 et seq., CRS 1953.

Sec. 8. Elections by ballot or voting machine.—All elections by the people shall be by ballot, and in case paper ballots are required to be used, no ballot shall be marked in any way whereby the ballot can be

identified as the ballot of the person casting it. The election of officers shall be sworn or affirmed not to inquire or disclose how any elector shall have voted. In all cases of contested election in which paper ballots are required to be used, the ballots cast may be counted and compared with the list of voters, and examined under such safeguards and regulations as may be provided by law. Nothing in this section, however, shall be construed to prevent the use of any machine or mechanical contrivance for the purpose of receiving and registering the votes cast at any election, provided that secrecy in voting be preserved.

When the governing body of any county, city, city and county or town, including the city and county of Denver, and any city, city and county or town which may be governed by the provisions of special charter, shall adopt and purchase a voting machine, or voting machines, such governing body may provide for the payment therefor by the issuance of interest-bearing bonds, certificates of indebtedness or other obligations, which shall be a charge upon such city, city and county, or town; such bonds, certificates or other obligations may be made payable at such time or times, not exceeding ten years from date of issue, as may be determined, but shall not be issued or sold at less than par.

(As amended November 5, 1946; see L. 45, p. 764.) For contest elections see 49-14-1 et seq., 49-15-1 et seq., 49-16-1 et seq., CRS 1953.

Sec. 9. No privilege to witness in election trial.—In trials of contested elections, and for offenses arising under the election law no person shall be permitted to withhold his testimony on the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not be used against him in any judicial proceeding; except for perjury in giving such testimony.

Sec. 10. Disfranchisement during imprisonment.—No person while confined in any public prison shall be entitled to vote; but every such person who was a qualified elector prior to such imprisonment, and who is released therefrom by virtue of a pardon, or by virtue of having served out his full term of imprisonment, shall, without further action, be invested with all the rights of citizenship, except as otherwise provided in this constitution.

For statute hereunder, see 49-3-3, CRS 1953.

Sec. 11. Purity of elections.—The general assembly shall pass laws to secure the purity of elections, and guard against abuses of the elective franchise.

For offenses in connection with election, see 49-21-1 et seq., CRS 1953.

Sec. 12. Election contests—By whom tried.—The general assembly shall, by general law, designate the courts and judges by whom the several classes of election contests, not herein provided for, shall be tried and regulate the manner of trial, and all matters incident thereto, but no such law shall apply to any contest arising out of an election held before its passage.

For contests of election, see 49-14-1 et seq., 49-15-1 et seq., 49-16-1 et seq., CRS 1953.

ARTICLE VIII.

STATE INSTITUTIONS.

Section 1. Established and supported by state.—Educational, reformatory and penal institutions, and those for the benefit of the insane, blind, deaf and mute, and such other institutions as the public good may require, shall be established and supported by the state, in such manner as may be prescribed by law.

Sec. 2. Seat of government—How located.—The general assembly shall have no power to change or to locate the seat of government of the state, but shall at its first session subsequent to the year of our Lord one thousand eight hundred and eighty provide by law for submitting the question of the permanent location of the seat of government to the qualified electors of the state, at the general election then next ensuing, and a majority of all votes upon said question cast at said election shall be necessary to determine the location thereof. Said general assembly shall also provide that in case there shall be no choice of location at said election, the question of choice between the two places for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors of the state, at the next general election; Provided, That until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall remain at the city of Denver.

The vote was taken November 8, 1881, and Denver was permanently located as the seat of government.

Sec. 3. Seat of government—How changed.—When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed, except by a vote of two-thirds of all the qualified electors of the state voting on that question, at a general election, at which the question of location of the seat of government shall have been submitted by the general assembly.

Sec. 4. Appropriation for capitol building.—The general assembly shall make no appropriation or expenditure for capitol buildings or grounds, until the seat of government shall have been permanently located as herein provided.

Sec. 5. State institutions—Property—Medical school.—“The following educational institutions, to-wit: the University at Boulder, the Agricultural College at Fort Collins, the School of Mines at Golden, and the Institute for the Education of Mutes (which shall hereafter be known as Colorado School for Deaf and Blind), at Colorado Springs, are hereby declared to be institutions of the State of Colorado, and the management thereof subject to the control of the State, under the provisions of the constitution, and such laws and regulations as the general assembly may provide, and the location of said institutions, as well as all gifts, grants and appropriations of money and property, real and personal, heretofore made to said several institutions, are hereby confirmed to the use and

benefit of the same respectively; Provided, This section shall not apply to any institution, the property, real or personal, of which is now vested in the trustees thereof, until such property to be transferred by proper conveyance together with the control thereof, to the officers provided for the management of said institutions by this constitution or by law; And, provided further, that the Regents of the University may whenever in their judgment the needs of the institution demand such action, establish, maintain and conduct all or any part of the departments of medicine, dentistry, and pharmacy of the University, at Denver; And provided, further, that nothing in this section shall be construed to prevent state educational institutions from giving temporary lecture courses, commonly called 'University Extension Work' and 'Farmers' Institute and 'Short Courses,' in any part of the state, or conducting class excursions for the purpose of investigation and study."

For state educational institutions; election of regents of university; oath; see chapter 124, CRS 1953.

ARTICLE IX. EDUCATION.

Section 1. **Supervision of schools.**—The general supervision of the public schools of the state shall be vested in a Board of Education whose powers and duties shall be as now or hereafter prescribed by law. Said board shall consist of a member from each congressional district of the state and, if the total number of such congressional districts be an even number, one additional member, and said members shall be elected as hereinafter provided. The members of said board shall be elected by the qualified electors of the state, voting at general elections, in such manner and for such terms as may be by law prescribed; provided, that provisions may be made by law for election of a member from each congressional district of the state by the electors of such district; and provided, further, that each member from a congressional district of the state shall be a qualified elector of such district. If the total number of congressional districts of the state be an even number, the additional member of said board shall be elected from the state at large. The members of said board shall serve without compensation, but shall be reimbursed for any necessary expenses incurred by them in performing their duties as members of said board.

From and after the general election of 1948, the office of Superintendent of Public Instruction shall be known as the office of Commissioner of Education, and from and after the expiration of the two-year term of that office next following said general election, such commissioner shall be appointed by said Board of Education and shall not be included in the classified civil service of the state.

The qualifications, tenure, compensation, powers, and duties of said commissioner shall be as prescribed by law, subject to the supervision of said board."

(As amended November 2, 1948; see L. 49, P. 359.)

✓ Sec. 2. **Establishment and maintenance of public schools.**—The general assembly shall, as soon as practicable, provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the state, wherein all residents of the state, between the ages of six and twenty-one years, may be educated gratuitously. One or more public schools shall be maintained in each school district within the state, at least three months in each year; any school district failing to have such school shall not be entitled to receive any portion of the school fund for that year.

Sec. 3. **School fund inviolate.**—The public school fund of the state shall forever remain inviolate and intact; the interest thereon, only shall be expended in the maintenance of the schools of the state, and shall be distributed amongst the several counties and school districts of the state, in such manner as may be prescribed by law. No part of this fund, principal or interest, shall ever be transferred to any other fund, or used or appropriated, except as herein provided. The state treasurer shall be the custodian of this fund, and the same shall be securely and profitably invested as may be by law directed. The state shall supply all losses thereof that may in any manner occur.

Sec. 4. **County treasurer collect and disburse.**—Each county treasurer shall collect all school funds belonging to his county, and the several school districts therein, and disburse the same to the proper districts upon warrants drawn by the county superintendent, or by the proper district authorities, as may be provided by law.

Sec. 5. **Of what school fund consists.**—The public school fund of the state shall consist of the proceeds of such lands as have heretofore been, or may hereafter, be granted to the state by the general government for educational purposes; all estates that may escheat to the state; also all other grants, gifts or devises that may be made to this state for educational purposes.

✓ Sec. 6. **County Superintendent of schools.**—There shall be a county superintendent of schools in each county, whose term of office shall be two years, and whose duties, qualifications and compensation shall be prescribed by law. He shall be ex officio commissioner of lands within his county, and shall discharge the duties of said office under the direction of the state board of land commissioners, as directed by law.

For duties of county superintendents, see 123-2-2, CRS 1953.

✓ Sec. 7. **Aid to private schools, churches, etc., forbidden.**—Neither the general assembly, nor any county, city, town, township, school district or other public corporation, shall ever make any appropriation, or pay from any public fund or moneys whatever, anything in aid of any church or sectarian society, or for any sectarian purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church or sectarian denomination whatsoever; nor shall any grant or donation of land, money or other

personal property, ever be made by the state, or any such public corporation, to any church, or for any sectarian purpose.

✓ **Sec. 8. Religious test and race discrimination forbidden—Sectarian tenets.**—No religious test or qualification shall ever be required of any person as a condition of admission into any public educational institution of the state, either as a teacher or student; and no teacher or student of any such institution shall ever be required to attend or participate in any religious service whatever. No sectarian tenets or doctrines shall ever be taught in the public schools, nor shall any distinction or classification of pupils be made on account of race or color.

Sec. 9. State board of land commissioners.—The state board of land commissioners shall be composed of three (3) persons to be appointed by the governor, with the consent of the senate, who shall have the direction, control and disposition of the public lands of the state under such regulations as are and may be prescribed by law, one of which persons shall at the time of his appointment be designated as president of the board and whose office shall expire on the second Tuesday of January, 1917, one of which persons shall at the time of his appointment be designated as register of the board and whose term of office shall expire on the second Tuesday of January, 1915, and the third member of said board shall at the time of his appointment be designated as the engineer of the board and shall always be professionally a civil engineer, who for at least five (5) years, has been actively engaged in the practice of his profession and whose term of office shall expire on the second Tuesday of January, 1913; and the successor and successors of the first members of the board shall each be appointed for the terms of six (6) years.

On the adoption of this amendment by the electors of this state, it shall not go into full force and effect until the second Tuesday of January, 1911.

The members of the board shall each receive a salary of three thousand dollars (\$3,000) per annum until otherwise provided by law; but the salary of each member of this board is to be paid out of the income of the said state board of land commissioners.

(As amended November 8, 1910; see L. 09, P. 322.)

Sec. 10. Selection and control of public lands.—It shall be the duty of the state board of land commissioners to provide for the location, protection, sale or other disposition of all the lands heretofore, or which may hereafter be granted to the state by the general government, under such regulations as may be prescribed by law; and in such manner as will secure the maximum possible amount therefor. No law shall ever be passed by the general assembly granting any privileges to persons who may have settled upon any such public lands subsequent to the survey thereof by the general government, by which the amount to be derived by the sale, or other disposition of such lands, shall be diminished, directly or indirectly. The general assembly shall, at the earliest practicable

period, provide by law that the several grants of land made by congress to the state shall be judiciously located and carefully preserved and held in trust subject to disposal, for the use and benefit of the respective objects for which said grants of land were made, and the general assembly shall provide for the sale of said lands from time to time; and for the faithful application of the proceeds thereof in accordance with the terms of said grants.

✓ Sec. 11. **Compulsory education.**—The general assembly may require, by law, that every child of sufficient mental and physical ability, shall attend the public school during the period between the ages of six and eighteen years, for a time equivalent to three years, unless educated by other means.

For compulsory education acts, see 123-20-1 et seq; CRS 1953.

Sec. 12. **Regents of university.**—There shall be elected by the qualified electors of the state, at the first general election under this constitution, six regents of the university, who shall immediately after their election be so classified by lot, that two shall hold their office for the term of two years, two for four years and two for six years; and every two years after the first election there shall be elected two regents of the University, whose term of office shall be six years. The regents thus elected, and their successors, shall constitute a body corporate to be known by the name and style of "The Regents of the University of Colorado."

Sec. 13. **President of university.**—The regents of the university shall, at their first meeting, or as soon thereafter as practicable, elect a president of the university, who shall hold his office until removed by the board of regents for cause; he shall be ex officio a member of the board, with the privilege of speaking, but not of voting, except in cases of a tie; he shall preside at the meetings of the board, and be the principal executive officer of the university, and a member of the faculty thereof.

Sec. 14. **Control of university.**—The board of regents shall have the general supervision of the university, and the exclusive control and direction of all kinds of, and appropriations to, the university.

✓ Sec. 15. **School districts—Board of education.**—The general assembly shall, by law, provide for organization of school districts of convenient size, in each of which shall be established a board of education, to consist of three or more directors to be elected by the qualified electors of the district. Said directors shall have control of instruction in the public schools of their respective districts.

✓ Sec. 16. **Text books in public schools.**—Neither the general assembly nor the state board of education shall have power to prescribe text books to be used in the public schools.

ARTICLE X.

REVENUE.

Section 1. **Fiscal year.**—The fiscal year shall commence on the first day of October in each year, unless otherwise provided by law.

Sec. 2. **Tax provided for state expenses.**—The general assembly shall provide by law for an annual tax sufficient, with other resources, to defray the estimated expenses of the state government for each fiscal year.

Sec. 3. **Uniform taxation—Personal property, Exemption.**—All taxes shall be uniform upon each of the various classes of real and personal property located within the territorial limits of the authority levying the tax, and shall be levied, assessed, and collected under general laws, which shall prescribe such methods and regulations as shall secure just and equalized valuations for assessments of taxes upon all property, real and personal, located within the territorial limits of the authority levying the tax; provided, however, that the general assembly may, by law, exempt from taxation household furnishings and personal effects which are not used for the production of income at any time.

Ditches, canals and flumes owned and used by individuals or corporations for irrigating land owned by such individuals or corporations, or the individual members thereof, shall not be separately taxed so long as they shall be owned and used exclusively for such purposes.

(As amended November 8, 1904; November 6, 1956; see L. 03, p. 152; L. 57, p. 796.)

Sec. 4. **Public property exempt.**—The property, real and personal, of the state, counties, cities, towns and other municipal corporations and public libraries, shall be exempt from taxation.

Sec. 5. **Schools, churches, etc., exempt.**—Property, real and personal, that is used solely and exclusively for religious worship, for schools or for strictly charitable purposes, also cemeteries not used or held for private or corporate profit, shall be exempt from taxation, unless otherwise provided by general law.

(As amended November 3, 1936; see L. 37, p. 1033.) For exemptions under statute, see 137-12-3, 137-12-4, CRS 1953.

Sec. 6. **Other exemptions void—Motor vehicles.**—All laws exempting from taxation, property other than that hereinbefore mentioned, shall be void; Provided, However, That the general assembly shall enact laws classifying motor vehicles, trailers and semi-trailers and requiring the payment of a graduated annual specific ownership tax thereon, which said tax shall be in addition to, and payable to the proper county officer at the same time as state registration or license fees.

Said graduated annual specific ownership tax shall be in lieu of all ad valorem taxes upon such property, and shall be distributed, apportioned, credited and paid over to the state and its political subdivisions as provided by law with reference to ad valorem taxes; provided, Further,

That such laws shall not exempt from ad valorem taxation motor vehicles, trailers and semi-trailers in process of manufacture, or held in storage, or which constitute the stock of manufacturers, or distributors thereof or of dealers therein.

(As amended November 3, 1936; see L. 37, p. 326.)

Sec. 7. Municipal taxation.—The general assembly shall not impose taxes for the purposes of any county, city, town or other municipal corporation, but may by law, vest in the corporate authorities thereof respectively, the power to assess and collect taxes for all purposes of such corporation.

Sec. 8. No county, city, town be released.—No county, city, town or other municipal corporation, the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for state purposes.

Sec. 9. Relinquishment of power to tax corporations forbidden.—The power to tax corporations and corporate property, real and personal, shall never be relinquished or suspended.

Sec. 10. Corporations subject to tax.—All corporations in this state, or doing business therein, shall be subject to taxation for state, county, school, municipal and other purposes, on the real and personal property owned or used by them within the territorial limits of the authority levying the tax.

Sec. 11. Maximum rate of taxation.—The rate of taxation on property, for state purposes, shall never exceed four mills on each dollar of valuation; Provided, However, That in the discretion of the general assembly an additional levy of not to exceed one mill on each dollar of valuation may from time to time be authorized for the erection of additional buildings at, and for the use, benefit, maintenance, and support of the state educational institutions; Provided, Further, That the rate of taxation on property for all state purposes, including the additional levy herein provided for shall never exceed five mills on each dollar of valuation, unless otherwise provided in the constitution.

(As amended November 8, 1892; November 2, 1920; see L. 91, p. 89; L. 21, p. 179.)

Sec. 12. Report of state treasurer.—The treasurer shall keep a separate account of each fund in his hands; and shall, at the end of each quarter of the fiscal year, report to the governor in writing, under oath, the amount of all moneys in his hands to the credit of every such fund, and the place where the same are kept or deposited, and the number and amount of every warrant received, and the number and amount of every warrant paid therefrom during the quarter. Swearing falsely to any such report shall be deemed perjury. The governor shall cause every such report to be immediately published in at least one newspaper printed at the seat of government and otherwise as the general assembly may require. The general assembly may provide by law further regulations for

the safekeeping and management of the public funds in the hands of the treasurer, but, notwithstanding any such regulation, the treasurer and his sureties shall in all cases be held responsible therefor.

For state funds, see 130-4-1 et seq; CRS 1953.

Sec. 13. Making profit on public money—Felony.—The making of profit, directly or indirectly, out of state, county, city, town or school district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

See 40-19-5 and 40-19-6, CRS 1953.

Sec. 14. Private property not liable for public debt.—Private property shall not be taken or sold for the payment of the corporate debt of municipal corporations.

Sec. 15. Boards of equalization—Duties.—There shall be a board of equalization for the state, consisting of the governor, state auditor, state treasurer, secretary of state and attorney general. The duty of the said board of equalization shall be to adjust, equalize, raise or lower the valuation of real and personal property of the several counties of the state, and the valuation of any item or items of the various classes of such property.

There shall be in each county of this state a county board of equalization, consisting of the board of county commissioners of said county. The duty of the county board of equalization shall be to adjust, equalize, raise or lower the valuation of real and personal property within their respective counties, subject to revision, change and amendment by the state board of equalization. The state board of equalization and the county board of equalization shall equalize to the end that all taxable property in the state shall be assessed at its full cash value and also perform such other duties as may be prescribed by law; Provided, However, That the state board of equalization shall have no power of original assessment.

(As amended November 3, 1914; see L. 15, p. 163.) For state board of equalization, see 137-7-1, CRS 1953. For county board of equalization, see 137-8-1, CRS 1953. For classes of appropriations, see 130-1-1, CRS 1953.

Sec. 16. Appropriations not to exceed tax.—Exceptions.—No appropriation shall be made, nor any expenditure authorized by the general assembly, whereby the expenditure of the state, during any fiscal year, shall exceed the total tax then provided for by law and applicable for such appropriation or expenditure, unless the general assembly making such appropriation shall provide for levying a sufficient tax, not exceeding the rates allowed in section eleven of this article, to pay such appropriation or expenditure within such fiscal year. This provision shall not apply to appropriations or expenditures to suppress insurrection, defend the state, or assist in defending the United States in time of war.

Sec. 17. Income tax.—The general assembly may levy income taxes, either graduated or proportional, or both graduated and proportional, for the support of the state, or any political subdivision thereof, or for public schools, and may, in the administration of an income tax law, provide for special classified or limited taxation or the exemption of tangible and intangible personal property.

(Adopted November 3, 1936; see L. 37, p. 675.) Designated as section 17 although adopted after section 18.

Sec. 18. Motor vehicle registration license fees.—Excise taxes on motor fuels.—On and after July 1, 1935, the proceeds from the imposition of any license, registration fee or other charge with respect to the operation of any motor vehicle upon any public highway in this state and the proceeds from the imposition of any excise tax on gasoline or other liquid motor fuel shall, except costs of administration, be used exclusively for the construction, maintenance, and supervision of the public highways of this state.

(Adopted November 6, 1934; see L. 35, p. 328.)

ARTICLE XI.

PUBLIC INDEBTEDNESS.

Section 1. Pledging credit of state, county, etc., forbidden.—Neither the state, nor any county, city, town, township or school district shall lend or pledge the credit of faith thereof, directly or indirectly, in any manner to, or in aid of, any person, company or corporation public or private, for any amount, or for any purpose whatever; or become responsible for any debt, contract or liability of any person, company or corporation, public or private, in or out of the state.

Sec. 2. No aid to corporations—No joint ownership by state, county, etc.—Neither the state, nor any county, city, town, township, or school district shall make any donation or grant to, or in aid of, or become a subscriber to, or shareholder in any corporation or company, or a joint owner with any person, company or corporation, public or private, in or out of the state, except as to such ownership as may accrue to the state by escheat, or by forfeiture, by operation or provision of law; and except as to such ownership as may accrue to the state, or to any county, city, town, township or school district, or to either or any of them, jointly with any person, company or corporation, by forfeiture or sale of real estate for non-payment of taxes, or by donation or devise for public use, or by purchase by or on behalf of any or either of them, jointly with any or either of them, under execution in cases of fines, penalties or forfeiture of recognizance, breach of condition of official bond, or of bond to secure public moneys, or the performance of any contract in which they or any of them may be jointly or severally interested.

Sec. 3. Public debt—Limit—Refunding bonds—Highway bonds.—The state shall not contract any debt by loan in any form, except to provide

for casual deficiencies of revenue, erect public buildings for the use of the state, suppress insurrection, defend the state, or, in time of war, assist in defending the United States; and the amount of debt contracted in any one year to provide for deficiencies of revenue, shall not exceed one-fourth of a mill on each dollar of valuation of taxable property within the state, and the aggregate amount of such debt shall not any time exceed three-fourths of a mill on each dollar of said valuation, until the valuation shall equal one hundred millions of dollars, and thereafter such debt shall not exceed one hundred thousand dollars; and the debt incurred in any one year for erection of public buildings shall not exceed one-half mill on each dollar of said valuation; and the aggregate amount of such debt shall never at any time exceed the sum of fifty thousand dollars (except as provided in section five of this article), and in all cases the valuation in this section mentioned shall be that of the assessment last preceding the creation of said debt;

Provided, That in addition to the amount of debt that may be incurred as above, the state may contract a debt by loan for the purpose of paying the principal and accrued interest of all the outstanding warrants issued by this state during and for the years 1887, 1888, 1889, 1892, 1893, 1894 and 1897, said debt to be evidenced by registered coupon interest bearing funding bonds to an amount not exceeding \$2,115,000.00, or so much thereof as may be necessary to pay said warrants and interest thereon.

Said funding bonds shall be dated December 1, 1910, shall be payable at the option of the state of Colorado at any time after ten years from their date, shall be absolutely due and payable fifty (50) years after their date and shall be of the denomination of one hundred dollars (\$100.00) each, or any multiple thereof. The interest on said bonds shall be payable semi-annually at the rate of three per cent per annum at the office of the state treasurer, or at some place in the city of New York, U. S. A., and the principal of said bonds shall be payable at the office of the state treasurer.

No such bonds shall be issued except at par and accrued interest, and upon the contemporaneous surrender and cancellation of a like amount of principal and interest of said warrants.

Said bonds to an amount equalling the principal of said warrants now held by the public school fund shall be registered by the state auditor and state treasurer in the name and for the benefit of, and payable only to the said fund, and shall not be transferable.

And all such bonds to an amount equalling the interest on said warrants now held in the school fund shall be sold by the state treasurer at not less than par and accrued interest, and the proceeds thereof paid into the school fund and distributed to the several counties and school districts quired by law.

of the state for school purposes, in the proportions and in the manner re-

And, Provided, further, that, in addition to the amount of debt that may be incurred as above, the state may contract a debt by loan for the purpose of creating a fund to be expended as provided by law, by the state highway commission for the construction and improvement of public highways in the state of Colorado; said debt to be evidenced by registered coupon interest-bearing bonds to an amount not exceeding five million dollars.

Said bonds, to an extent not exceeding two million dollars, shall be dated June first, 1921; not exceeding three million dollars, dated June first, 1922; and said bonds shall be payable at the option of the state of Colorado at any time after ten years from their respective dates, and shall be of the denomination of fifty dollars (\$50.00) each or any multiple thereof. The interest on said bonds shall be payable semi-annually at the rate of five per cent (5%) per annum, at the office of the state treasurer, or at some place in the city of New York, U. S. A., and the principal of said bonds shall be payable at the office of the state treasurer.

No such bonds shall be issued except at par and accrued interest.

Fifty per centum of the proceeds from the sale of said bonds shall be divided among the various counties of the state according to the mileage of state routes and state highways within said counties, and the remaining fifty per centum of the proceeds from the sale of said bonds shall be used by the state highway commission only to meet and accept Federal aid awarded to the state of Colorado by United States congressional acts.

And provided further, that, in addition to the amount of debt that may be incurred as above, the state may contract a debt by loan for the purpose of creating a fund to be expended as provided by law, by the State Highway Department, for the construction and improvement of public highways in the state of Colorado; said debt to be evidenced by registered, coupon, interest-bearing bonds to an amount not exceeding six million dollars.

Said bonds to an extent not exceeding One Million Five Hundred Thousand Dollars, shall be dated June first, 1923; not exceeding One Million Five Hundred Thousand Dollars shall be dated June first, 1924; not exceeding One Million Five Hundred Thousand Dollars shall be dated June first, 1925; not exceeding One Million Five Hundred Thousand Dollars shall be dated June first, 1926; said bonds shall be issued payable serially. The last maturing series of each issue shall be absolutely due and payable not exceeding twenty (20) years from and after the date thereof, and shall be of the denomination of one hundred dollars (\$100.00) each, or any multiple thereof. The interest on said bonds shall be payable semi-annually, at the rate of five per cent (5%) per annum, at the office of the state treasurer, or at some place in the city of New York, U. S. A., and the principal of said bonds shall be payable at the office of the state treasurer.

No such bonds shall be issued except at par and accrued interest.

The moneys, or so much thereof as shall be necessary, payable to the credit and account of the state highway fund from the proceeds of motor vehicle registration license fees, under chapter one hundred sixty-one (161) of the Session Laws of Colorado of the year 1919, and all acts amendatory or in substitution thereof, shall be applied to the payment of interest and principal of the bonds of the six million dollars authorized issue herein, but the revenues provided by said chapter to be credited to the account of the state highway fund shall never be diminished, until all bonds issued by virtue of this amendment shall have been paid off and redeemed; nothing herein, however, shall be construed to prevent the enactment of laws whereby the amount of revenue derivable from motor vehicle registration license fees and payable into the said fund shall be increased.

The general assembly shall, as by law provided, enact all such laws as may be necessary with reference to said bonds and with reference to carrying out the projects and purposes herein specified.

(As amended November 8, 1910, November 2, 1920 and November 7, 1922; see L. 09, p. 317; L. 19, p. 764; L. 23, p. 324.) As to the history of the above amendment, see Post P. & P. Co. v. Shafroth, 53C.129, 124 p. 176.

Sec. 4. Law creating debt.—In no case shall any debt above mentioned in this article be created except by a law which shall be irrevocable, until the indebtedness therein provided for shall have been fully paid or discharged; such law shall specify the purpose to which the funds so raised shall be applied, and provide for the levy of a tax sufficient to pay the interest on and extinguish the principal of such debt within the time limited by such law for the payment thereof, which in the case of debts contracted for the erection of public buildings and supplying deficiencies of revenue shall not be less than ten nor more than fifteen years, and the funds arising from the collection of any such tax shall not be applied to any other purpose than that provided in the law levying the same, and when the debt thereby created shall be paid or discharged, such tax shall cease and the balance, if any, to the credit of the fund shall immediately be placed to the credit of the general fund of the state.

Sec. 5. Debt for public buildings—How created.—A debt for the purpose of erecting public buildings may be created by law as provided for in section four of this article, not exceeding in the aggregate three mills on each dollar of said valuation; Provided, That before going into effect, such law shall be ratified by the vote of a majority of such qualified electors of the state as shall vote thereon at a general election under such regulations as the general assembly may prescribe.

Sec. 6. County indebtedness—How created—Limit.—No county shall contract any debt by loan in any form except for the purpose of erecting necessary public buildings, making or repairing public roads and bridges; and such indebtedness contracted in any one year shall not exceed the rates upon the taxable property in such county following, to-wit: Counties in which the assessed valuation of taxable property shall exceed five mil-

lions of dollars, one dollar and fifty cents of each thousand dollars thereof; counties in which such valuation shall be less than five millions of dollars, three dollars on each thousand dollars thereof, and the aggregate amount of indebtedness of any county for all purposes, exclusive of debts contracted before the adoption of this constitution, shall not at any time exceed twice the amount above herein limited, unless when in manner provided by law, the question of incurring such debt shall, at a general election, be submitted to such of the qualified electors of such county as in the year last preceding such election shall have paid a tax upon property assessed to them in such county, and a majority of those voting thereon shall vote in favor of incurring the debt; but the bonds, if any be issued therefor, shall not run less than ten years, and the aggregate amount of debt so contracted shall not at any time exceed twice the rate upon the valuation last herein mentioned; Provided, That any county in this state which has an indebtedness outstanding, either in the form of warrants issued for purposes provided by law prior to December 31, A. D. 1886, or in the form of funding bonds issued prior to such date for such warrants previously outstanding, or in the form of public building, road or bridge bonds outstanding at such date may contract a debt by loan by the issuance of bonds for the purpose of liquidating such indebtedness, provided the question of issuing said bonds shall, at a general or special election called for that purpose, be submitted to the vote of such of the duly qualified electors of such county as in the year last preceding such election shall have paid a tax upon property assessed in such county, and the majority of those voting thereon shall vote in favor of issuing the bonds. Such election shall be held in the manner prescribed by the laws of this state for the issuance of road, bridge and public building bonds, and the bonds authorized at such election shall be issued and provision made for their redemption in the same manner as provided in said law.

(As amended November 6, 1888; see L. 87, p. 26.) For laws relating to issuance of road, bridge and public building bonds, see 36-6-1 to 36-6-5, CRS 1953.

Sec. 7. Debt for school buildings—How created.—No debt by loan in any form shall be contracted by any school district for the purpose of erecting and furnishing school buildings, or purchasing grounds, unless the proposition to create such debt shall first be submitted to such qualified electors of the district as shall have paid a school tax therein, in the year next preceding such election, and a majority of those voting thereon shall vote in favor of incurring such debt.

Sec. 8. City indebtedness created by ordinance.—No city or town shall contract any debt by loan in any form, except by means of an ordinance, which shall be irrevocable, until the indebtedness therein provided for shall have been fully paid or discharged, specifying the purposes to which the funds to be raised shall be applied, and providing for the levy of a tax, not exceeding twelve (12) mills on each dollar of valuation of taxable property within such city or town sufficient to pay the annual interest and extinguish the principal of such debt within fifteen, but not less than ten years from the creation thereof, and such tax when collected

shall be applied only to the purposes in such ordinance specified until the indebtedness shall be paid or discharged. But no such debt shall be created unless the question of incurring the same shall at a regular election for councilman, alderman, or officers of such city or town be submitted to a vote of such qualified electors thereof as shall in the year next preceding have paid a property tax therein, and a majority of those voting on the question by ballot deposited in a separate ballotbox, shall vote in favor of creating such debt; but the aggregate amount of debt so created, together with the debt existing at the time of such election, shall not at any time exceed three per cent of the valuation last aforesaid. Debts contracted for supplying water to such city or town are excepted from the operation of this section. The valuation in this section mentioned shall be in all cases that of the assessment next preceding the last assessment before the adoption of such ordinance.

Sec. 9. This article not affect prior obligations.—Nothing contained in this article shall be so construed as to either impair or add to the obligation of any debt heretofore contracted by any county, city, town or school district, in accordance with the laws of Colorado territory, or prevent the contracting of any debt, or the issuing of bonds therefor in accordance with said laws upon any proposition for that purpose which may have been, according to said laws, submitted to a vote of the qualified electors of any county, city, town or school district before the day on which this constitution takes effect.

ARTICLE XII.

OFFICERS.

Section 1. When office expires—Suspensions.—Every person holding any civil office under the state or any municipality therein, shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified; but this shall not apply to members of the general assembly, nor to members of any board or assembly, two or more of whom are elected at the same time. The general assembly may, by law, provide for suspending any officer in his functions pending impeachment or prosecution for misconduct in office.

Sec. 2. Personal attention required.—No person shall hold any office or employment of trust or profit, under the laws of the state or any ordinance of any municipality therein, without devoting his personal attention to the duties of the same.

Sec. 3. Defaulting collector disqualified from office.—No person who is now or hereafter may become a collector or receiver of public money, or the deputy or assistant of such collector or receiver, and who shall have become a defaulter in his office, shall be eligible to or assume the duties of any office of trust or profit in this state, under the laws thereof, or of any municipality therein, until he shall have accounted for and paid over all public moneys for which he may be accountable.

Sec. 4. Embezzlement disqualifies from office.—No person hereafter convicted of embezzlement of public moneys, bribery, perjury, solicitation of bribery, or subornation of perjury, shall be eligible to the general assembly, or capable of holding any office of trust or profit in this state.

Sec. 5. Investigation of state and county treasurers.—The district court of each county shall, at each term thereof, specially give in charge to the grand jury, if there be one, the laws regulating the accountability of the county treasurer, and shall appoint a committee of such grand jury, or of other reputable persons not exceeding five, to investigate the official accounts and affairs of the treasurer of such county, and report to the court the condition thereof. The judge of the district court may appoint a like committee in vacation at any time, but not oftener than once in every three months. The district court of the county wherein the seat of government may be shall have the like power to appoint committees to investigate the official accounts and affairs of the state treasurer and the auditor of state.

For duties and accountability of county treasurer, see 35-7-7 et seq., CRS 1953.

As to state treasurer and auditor, see 132-3-1 et seq.; 132-4-1 et seq., CRS 1953.

Sec. 6. Bribery of officers defined.—An civil officer or member of the general assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment or of personal advantage or promise thereof, for his vote, official influence or action, or for withholding the same, or with an understanding that his official influence or action shall be in any way influenced thereby, or who shall solicit or demand any such money or advantage, matter or thing aforesaid for another, as the consideration of his vote, official influence or action, or for withholding the same, or shall give or withhold his vote, official influence or action, in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery, or solicitation of bribery, as the case may be, within the meaning of this constitution, and shall incur the disabilities provided thereby for such offense and such additional punishment as is or shall be prescribed by law.

For bribery and solicitation of bribery, see 40-7-5 et seq., CRS 1953.

Sec. 7. Oath of members of general assembly.—Every member of the general assembly shall before he enters upon his official duties take an oath or affirmation to support the constitution of the United States and of the state of Colorado, and to faithfully perform the duties of his office according to the best of his ability. This oath or affirmation shall be administered in the hall of the house to which the member shall have been elected.

Sec. 8. Oath of civil officers.—Every civil officer, except members of the general assembly and such inferior officers as may be by law exempted, shall, before he enters upon the duties of his office, take and

subscribe an oath or affirmation to support the constitution of the United States and of the state of Colorado, and to faithfully perform the duties of the office upon which he shall be about to enter.

Sec. 9. Oaths—Where filed.—Officers of the executive department and judges of the supreme and district courts, and district attorneys, shall file their oaths of office with the secretary of state; every other officer shall file his oath of office with the county clerk of the county wherein he shall have been elected.

Sec. 10. Refusal to qualify—Vacancy.—If any person elected or appointed to any office shall refuse or neglect to qualify therein within the time prescribed by law, such office shall be deemed vacant.

Sec. 11. Vacancy—Term of officer elected to fill.—The term of office of any officer elected to fill a vacancy shall terminate at the expiration of the term during which the vacancy occurred.

Sec. 12. Duel—Disqualifies for office.—No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept or knowingly carry a challenge therefor, or agree to go out of the state to fight a duel, shall hold any office in the state.

Sec. 13. Civil service—Apply merit system.—Appointments and employments in and promotions to offices and places of trust and employment in the classified civil service of the state shall be made according to merit and fitness, to be ascertained by competitive tests of competence, the person ascertained to be the most fit and of the highest excellence to be first appointed. All appointees shall be qualified electors of the state of Colorado, except as to those offices or positions held by the civil service commission to require special training and technical qualifications, in which cases competitive tests need not be limited to qualified electors and may be held without the state.

The classified civil service of the state shall comprise all appointive public officers and employes and the places which they hold, except the following: Judges of courts of record and one stenographer of each judge, one clerk for each court of record, persons appointed to perform judicial functions, receivers, jurors, members of boards or commissions appointed by the governor and serving without pay, members of the state industrial commission, of the public utilities commission and of the state civil service commission, the governor's private secretary and three confidential employes of his office, appointees to fill vacancies in elective offices, one deputy of each elective officer, the position involving the duties incident at present to the position of that deputy of the secretary of state, known as deputy commissioner of labor and the incumbent thereof, officers and teachers in educational institutions not reformatory or charitable in character, all attorneys at law serving as such, and the officers and employes of the general assembly.

Persons in the classified service shall hold their respective positions during efficient service and shall be graded and compensated according

to standards of efficient service which shall be the same for all persons having like duties. They shall be removed or disciplined only upon written charges, which may be filed by the head of a department or by any citizen of the state, for failure to comply with such standards, or for the good of the service, to be finally and promptly determined by the commission upon inquiry and after an opportunity to be heard. No person shall be discharged for a political or a religious reason. In cases of emergency or for employment of an essentially temporary character, the commission may authorize temporary employment without a competitive test.

Laws shall be made to enforce the provisions of this section and to establish a state civil service commission to consist of three members who shall be appointed for overlapping terms by the governor alone and who shall be persons of known devotion to the merit system. The first three commissioners appointed hereunder shall hold for two, four and six years respectively. Thereafter the term of a commissioner shall be six years, except where an appointment is made to fill an unexpired term. A salary of not less than \$2,500 per annum shall be paid to each commissioner. The making and enforcement of rules to carry out the purposes of this amendment and of the laws enacted in pursuance hereof, the alteration and rescission of such rules, the conduct of all competitive tests, the determination of all removal or disciplinary cases, the standardization of all positions, the determination of standards of efficient service and the determination of the grades of all positions in the classified service shall be vested in the commission. No person in the classified service shall be paid until a certificate is furnished by the commission that the appointment has been made pursuant to law.

Adequate appropriations shall be made to carry out the purposes of this section and in the absence of such adequate appropriations the salaries and expenses of the commission shall be paid as are the salaries and expenses of the executive officers of the state government.

All persons holding positions in the classified service as herein defined when this section takes effect shall retain their positions until removed under the provisions of the laws enacted in pursuance hereof.

This section shall be self-executing.

(Adopted November 5, 1918; see L. 19, p. 341.) For civil service act, see 26-1-1 et seq., CRS 1953.

Sec. 14. Veterans preference.—In each and every examination held or conducted by the State Civil Service Commission, the State Merit Council, the civil service commission of any political subdivision of the State, including cities, towns and cities and counties chartered or to be chartered under the XXth amendment to the Constitution of the State of Colorado, or by the successors of any such commissions or council having all or a part of the duties thereof, or held or conducted by any other officer, agency, department of the State or employe thereof, for

appointment and employment in and promotions to offices and places of trust and employment in the classified civil service of the State, or in the civil service of any of its political subdivisions as aforesaid, the passing grade for each candidate shall be the same. Five points shall be added to the grades of candidates receiving a passing grade who served in the armed forces of the United States in times of war and who were honorably discharged therefrom, and also to the grades of candidates who are widows of those who so served and were so discharged or who died during their service. Ten points shall be added to the grades of candidates receiving a passing grade who incurred disability in the line of duty while so serving, and who were so discharged. Eligibility lists shall be kept and maintained for reasonable periods of all who have made passing grades in such examinations and the candidates placed thereon in the order of the grades received by them, including any points added as herein provided. The persons on said lists shall be deemed the most fit and of the highest excellence, and shall be appointed or promoted in accordance with their order thereon.

The times of war above referred to are the period of the Spanish-American War; the period of the Philippine Insurrection; the period from April 6, 1917, to November 11, 1918, both dates inclusive; the period from December 7, 1941, to the date proclaimed by the Congress or President of the United States as the end of the war declared by the United States on December 8, 1941, both dates inclusive; and the period of any war in which the United States may hereafter engage. The armed forces above referred to are the United States Army, the United States Navy, and the United States Marine Corps; and shall include those who served in the United States Coast Guard during the period commenced December 7, 1941, and ending as aforesaid, and in any future war in which said Guard shall be actively engaged.

The certificate of the War Department, the Navy Department or of the United States Veterans Administration, or of any of the successors thereof, shall be conclusive proof of service, of honorable discharge, or of disability incurred in line of duty during such service.

This section of the Constitution shall be in full force and effect from the date of its approval by the vote of the people, as provided in this Constitution; and it shall be in all respects self-enacting.

(Adopted November 7, 1944; see L. 45, p. 265.)

ARTICLE XIII.

IMPEACHMENTS.

Section 1. House impeach—Senate try—Conviction—When chief justice preside.—The house of representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be tried by the senate, and when sitting for that purpose, the senators shall be upon oath

or affirmation to do justice according to law and evidence. When the governor or lieutenant governor is on trial, the chief justice of the supreme court shall preside. No person shall be convicted without a concurrence of two-thirds of the senators elected.

Sec. 2. Who liable to impeachment—Judgment—No bar to prosecution.—The governor and other state and judicial officers, except county judges and justices of the peace, shall be liable to impeachment for high crimes or misdemeanors, or malfeasance in office, but judgment in such cases shall only extend to removal from office and disqualification to hold any office of honor, trust or profit in the state. The party, whether convicted or acquitted, shall nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

Sec. 3. Officers not subject to impeachment subject to removal.—All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office in such manner as may be provided by law.

ARTICLE XIV.

COUNTIES.

Section 1. Counties of state.—The several counties of the territory of Colorado as they now exist, are hereby declared to be counties of the state.

Sec. 2. Removal of county seats.—The general assembly shall have no power to remove the county seat of any county, but the removal of county seats shall be provided for by general law, and no county seat shall be removed unless a majority of the qualified electors of the county, voting on the proposition at a general election, vote therefor; and no such proposition shall be submitted oftener than once in four years, and no person shall vote on such proposition who shall not have resided in the county six months and in the election precinct ninety days next preceding such election.

For removal of county seats, see 34-3-7, CRS 1953.

Sec. 3. County—Striking off—Vote.—No part of the territory of any county shall be stricken off and added to an adjoining county, without first submitting the question to the qualified voters of the county from which the territory is proposed to be stricken off; nor unless a majority of all the qualified voters of said county voting on the question shall vote therefor.

Sec. 4. County—New shall pay proportion of debt.—In all cases of the establishment of any new county, the new county shall be held to pay its ratable proportion of all then existing liabilities, of the county or counties from which such new county shall be formed.

Sec. 5. County—Part stricken off shall pay proportion.—When any part of a county is stricken off and attached to another county, the part

stricken off shall be held to pay its ratable proportion of all then existing liabilities of the county from which it is taken.

County Officers.

Sec. 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 expire in 1904 shall be extended to the second Tuesday in January, 1905, and the term of office of the county commissioners that expire 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.

(As amended November 4, 1902; see L. 01, p. 112.)

For county commissioners, see 35-3-1 et seq., CRS 1953.

Sec. 7. Officers' compensation.—The compensation of all county and precinct officers shall be as provided by law.

Sec. 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 ap-

pointed, 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.

This section shall govern, except as hereafter otherwise expressly directed, or permitted by constitutional enactment.

Amended 1954 (As amended November 4, 1902, November 2, 1954, see L. 01, p. 112; L. 55, p. 247.)

Sec. 9. Vacancies—How filled.—In case of a vacancy occurring in the office of county commissioner, the governor shall fill the same by appointment; and in case of a vacancy in any other county office, or in any precinct office, the board of county commissioners shall fill the same by appointment; and the person appointed shall hold the office until the next general election, or until the vacancy be filled by election according to law.

Sec. 10. Elector only eligible to office.—No person shall be eligible to any county office unless he shall be a qualified elector; nor unless he shall have resided in the county one year preceding his election.

Sec. 11. Justices of the peace—Constables.—There shall be elected at the same time at which members of the general assembly are elected beginning with the year nineteen hundred and four, two justices of the peace and two constables in each precinct in each county, who shall hold their office for a term of two years; Provided, That in precincts containing fifty thousand (50,000) or more inhabitants, the number of justices and constables may be increased as provided by law. The term of offices of all justices of the peace that expires in January, 1904, is hereby extended to the second Tuesday in January, 1905. This section shall govern, except as hereafter otherwise expressly directed, or permitted by constitutional enactment.

(As amended November 4, 1902; see L. 01, p. 114.)
Justices and constables, see 79-1-1 et seq., CRS 1953.

Sec. 12. Other officers.—The general assembly shall provide for the election or appointment of such other county, township, precinct and municipal officers as public convenience may require; and their terms of office shall be as prescribed by law, not in any case to exceed two years.

Sec. 13. Classification of cities and towns.—The general assembly shall provide, by general laws, for the organization and classification of cities and towns. The number of such classes shall not exceed four; and the powers of each class shall be defined by general laws, so that all municipal corporations of the same class shall possess the same powers and be subject to the same restrictions.

For classification of cities and towns, see 139-2-2, CRS 1953.

Sec. 14. Incorporation of cities and towns.—The general assembly shall also make provision, by general law, whereby any city, town or village, incorporated by any special or local law, may elect to become subject to and be governed by the general law relating to such corporations.

See 139-8-1 et seq., CRS 1953.

Sec. 15. Classifying counties as to fees.—For the purpose of providing for and regulating the compensation of county and precinct officers, the general assembly shall, by law, classify the several counties of the state according to population, and shall grade and fix the compensation of the officers within the respective classes according to the population thereof. Such law shall establish scales of fees to be charged and collected by such of the county and precinct officers as may be designated therein, for services to be performed by them, respectively, and where salaries are provided, the same shall be payable only out of the fees actually collected in all cases where fees are prescribed. All fees, perquisites and emoluments above the amount of such salaries, shall be paid into the county treasury.

ARTICLE XV.

CORPORATIONS.

Section 1. Unused charters of no validity.—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.

Sec. 2. What charters may be granted.—No charter of incorporation shall be granted, extended, changed or amended by special law, except for such municipal, charitable, educational, penal or reformatory corporations as are or may be under the control of the state; but the general assembly shall provide by general laws for the organization of corporations hereafter to be created.

For general corporation laws chapter, see 31 as amended, CRS 1953.

Sec. 3. Power to revoke alter or annul charter.—The general assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of the state, in such manner, however, that no injustice shall be done to the incorporators.

Sec. 4. Railroads—Common carriers—Construction—Intersection.—All railroads shall be public highways, and all railroad companies shall be common carriers. Any association or corporation organized for the purpose, shall have the right to construct and operate a railroad between any designated points within this state, and to connect at the state line with

railroads of other states and territories. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad.

Sec. 5. Consolidation of parallel lines forbidden.—No railroad corporation, or the lessees or managers thereof, shall consolidate its stock, property or franchises with any other railroad corporation owning or having under its control a parallel or competing line.

Sec. 6. Equal rights of public to transportation.—All individuals, associations and corporations shall have equal rights to have persons and property transported over any railroad in this state, and no undue or unreasonable discrimination shall be made in charges or in facilities for transportation of freight or passengers within the state, and no railroad company, nor any lessee, manager or employe thereof, shall give any preference to individuals, associations or corporations in furnishing cars or motive power.

Discrimination in charges prohibited.

Sec. 7. Existing railroads 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.

Sec. 8. Eminent domain—Police power—Not to be abridged.—The right of eminent domain shall never be abridged nor so construed as to prevent the general assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the police power of the state shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the state.

Sec. 9. Fictitious stock, bonds—Increase of stock.—No corporation shall issue stocks or bonds, except for labor done, service performed, or money or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding a majority of the stock, first obtained at a meeting held after at least thirty days' notice given in pursuance of law.

Sec. 10. Foreign corporations—Place—Agent.—No foreign corporation shall do any business in this state without having one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served.

Sec. 11. Street railroads—Consent of municipality.—No street railroad shall be constructed within any city, town or incorporated village without the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

See 116-5-1, CRS 1953.

Sec. 12. Retrospective laws not to be passed.—The general assembly shall pass no law for the benefit of a railroad or other corporation, or any individual or association of individuals, retrospective in its operation, or which imposes on the people of any county or municipal subdivision of the state, a new liability in respect to transactions or considerations already past.

Sec. 13. Telegraph lines—Consolidation.—Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this state, and to connect the same with other lines, and the general assembly shall, by general law, of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in, the stock or bonds of any other telegraph company owning or having the control of a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

For provision as to telegraph companies, see 31-4-1 et seq., CRS 1953.

Sec. 14. Railroad or telegraph companies—Consolidating with foreign companies.—If any railroad, telegraph, express or other corporation organized under any of the laws of this state, shall consolidate, by sale or otherwise, with any railroad, telegraph, express or other corporation organized under any laws of any other state or territory or of the United States, the same shall not thereby become a foreign corporation, but the courts of the state shall retain jurisdiction over that part of the corporate property within the limits of the state in all matters which may arise, as if said consolidation had not taken place.

See 116-3-6, CRS 1953.

Sec. 15. Contracts with employes releasing from liability—Void.—It shall be unlawful for any person, company or corporation, to require of its servants or employes, as a condition of their employment or otherwise, any contract or agreement, whereby such persons, company or corporation shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employes while in the service of such person, company or corporation, by reason of the negligence of such person, company or corporation, or the agents or employes thereof, and such contracts shall be absolutely null and void.

ARTICLE XVI.

MINING AND IRRIGATION.

Mining.

Section 1. Commissioner of mines.—There shall be established and maintained the office of commissioner of mines, the duties and salaries of which shall be prescribed by law. When said office shall be established, the governor shall, with the advice and consent of the senate, appoint

thereto a person known to be competent, whose term of office shall be four years.

See 92-32-3, CRS 1953.

Sec. 2. Ventilation—Employment of children.—The general assembly shall provide by law for the proper ventilation of mines, the construction of escapement shafts, and such other appliances as may be necessary to protect the health and secure the safety of the workmen therein; and shall prohibit the employment in the mines of children under twelve years of age.

For mine regulation, see 92-32-1 et seq., CRS 1953.

For child labor law, see 80-8-1 et seq., CRS 1953.

Sec. 3. Drainage.—The general assembly may make such regulations from time to time, as may be necessary for the proper and equitable drainage of mines.

Sec. 4. Mining, metallurgy, in public institutions.—The general assembly may provide that the science of mining and metallurgy be taught in one or more of the institutions of learning under the patronage of the state.

Irrigation.

Sec. 5. Water, public property.—The water of every natural stream, not heretofore appropriated, within the state of Colorado, is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the state, subject to appropriation as hereinafter provided.

Sec. 6. Diverting unappropriated water—Priority.—The right to divert the unappropriated waters of any natural stream to beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water for the same purpose; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes.

Sec. 7. Right of way for ditches, flumes.—All persons and corporations shall have the right of way across public, private and corporate lands for the construction of ditches, canals and flumes for the purpose of conveying water for domestic purposes, for the irrigation of agricultural lands, and for mining and manufacturing purposes, and for drainage, upon payment of just compensation.

For eminent domain act, see 50-1-1 et seq., CRS 1953.

Sec. 8. County commissioners fix rates for water.—The general assembly shall provide by law that the board of county commissioners in their respective counties, shall have power, when application is made to

them by either party interested, to establish reasonable maximum rates to be charged for the use of water, whether furnished by individuals or corporations.

For statutes on above subject, see 147-8-2, et seq., CRS 1953.

ARTICLE XVII.

MILITIA.

Section 1. Persons subject to service.—The militia of the state shall consist of all able-bodied male residents of the state between the ages of eighteen and forty-five years; except, such persons as may be exempted by the laws of the United States, or of the state.

For exemptions, see 94-9-2, CRS 1953.

Sec. 2. Organization — Equipment — Discipline. — The organization, equipment and discipline of the militia shall conform as nearly as practicable, to the regulations for the government of the armies of the United States.

For organization of militia, see 94-9-7 et seq., CRS 1953.

Sec. 3. Officers—How chosen.—The governor shall appoint all general, field and staff officers and commission them. Each company shall elect its own officers, who shall be commissioned by the governor; but if any company shall fail to elect such officers within the time prescribed by law, they may be appointed by the governor.

As to appointment of officers, see 94-9-12, CRS 1953.

Sec. 4. Armories.—The general assembly shall provide for the safe-keeping of the public arms, military records, relics and banners of the state.

Sec. 5. Exemption in time of peace.—No person having conscientious scruples against bearing arms, shall be compelled to do militia duty in time of peace; Provided, Such person shall pay an equivalent for such exemption.

ARTICLE XVIII.

MISCELLANEOUS.

Section 1. Homestead law.—The general assembly shall pass liberal homestead and exemption laws.

See 77-3-1 et seq.

Sec. 2. Lotteries prohibited.—The general assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this state.

For lotteries and gift enterprises, see 40-16-1 et seq., CRS 1953.

Sec. 3. Arbitration laws.—It shall be the duty of the general assembly to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by mutual agreement of the parties to any controversy who may choose that mode of adjustment. The powers and duties of such arbitrators shall be as prescribed by law.

For arbitration, see Rule 109, Rules of Civil Procedure.

Sec. 4. Felony defined.—The term felony, wherever it may occur in this constitution or the laws of the state, shall be construed to mean any criminal offense punishable by death or imprisonment in the penitentiary, and none other.

Sec. 5. Spurious and drugged liquors—Laws concerning.—The general assembly shall prohibit by law the importation into this state, for the purpose of sale, of any spurious, poisonous or drugged spirituous liquors, or spirituous liquors adulterated with any poisonous or deleterious substance, mixture, or compound; and shall prohibit the compounding or manufacture within this state, except for chemical or mechanical purposes, of any of said liquors, whether they be denominated spirituous, vinous, malt or otherwise; and shall also prohibit the sale of any such liquors to be used as a beverage, and any violation of either of said prohibitions shall be punished by fine and imprisonment. The general assembly shall provide by law for the condemnation and destruction of all spurious, poisonous or drugged liquors herein prohibited.

Sec. 6. Preservation of forests.—The general assembly shall enact laws in order to prevent the destruction of, and to keep in good preservation, the forests upon the lands of the state, or upon lands of the public domain, the control of which shall be conferred by congress upon the state.

For forestry, see 112-7-1 et seq., CRS 1953.

Sec. 7. Land exempt from increase tax.—The general assembly may provide that the increase in the value of private lands caused by the planting of hedges, orchards and forests thereon, shall not, for a limited time to be fixed by law, be taken into account in assessing such lands for taxation.

For timber planting exemption, see 137-12-5, CRS 1953.

Sec. 8. Publication of session laws.—The general assembly shall provide for the publication of the laws passed at each session thereof. And until the year 1900 they shall cause to be published in Spanish and German a sufficient number of copies of said laws, to supply that portion of the inhabitants of the state who speak those languages, and who may be unable to read and understand the English language.

ARTICLE XIX.

AMENDMENTS.

Section 1. Constitutional convention—How called.—The general assembly may at any time by a vote of two-thirds of the members elected to

each house, recommend to the electors of the state, to vote at the next general election for or against a convention to revise, alter and amend this constitution; and if a majority of those voting on the question shall declare in favor of such convention, the general assembly shall, at its next session, provide for the calling thereof. The number of members of the convention shall be twice that of the senate and they shall be elected in the same manner, at the same places, and in the same districts. The general assembly shall, in the act calling the convention, designate the day, hour and place of its meeting; fix the pay of its members and officers, and provide for the payment of the same, together with the necessary expenses of the convention. Before proceeding, the members shall take an oath to support the constitution of the United States, and of the state of Colorado, and to faithfully discharge their duties as members of the convention. The qualifications of members shall be the same as of members of the senate; and vacancies occurring shall be filled in the manner provided for filling vacancies in the general assembly. Said convention shall meet within three months after such election and prepare such revisions, alterations or amendments to the constitution as may be deemed necessary; which shall be submitted to the electors for their ratification or rejection at an election appointed by the convention for that purpose, not less than two nor more than six months after the adjournment thereof; and unless so submitted and approved by a majority of the electors voting at the election, no such revision, alteration or amendment shall take effect.

Sec. 2. Amendments to constitution—How adopted.—Any amendment or amendments to this constitution may be proposed in either house of the general assembly, and if the same shall be voted for by two-thirds of all the members elected to each house, such proposed amendment or amendments, together with the ayes and noes of each house thereon, shall be entered in full on their respective journals; the proposed amendment or amendments shall be published with the laws of that session of the general assembly (*and the secretary of state shall also cause the said amendment or amendments to be published in full in not more than one newspaper of general circulation in each county, for four successive weeks previous to the next general election for members of the general assembly); and at said election the said amendment or amendments shall be submitted to the qualified electors of the state for their approval or rejection, and such as are approved by a majority of those voting thereon shall become part of this constitution.

Provided, That if more than one amendment be submitted at any general election, each of said amendments shall be voted upon separately and votes thereon cast shall be separately counted the same as though but one amendment was submitted. But the general assembly shall have no power to propose amendments to more than six articles of this constitution at the same session. *(See Article XXIII for publication of proposed Constitutional Amendments.)

(As amended November 6, 1900; see L. 99, p. 155.)

ARTICLE XX.

CITY AND COUNTY OF DENVER AND OTHER
HOME RULE CITIES AND TOWNS.

Section 1. **Incorporated.**—The municipal corporation known as the city of Denver, and all municipal corporations and that part of the quasi-municipal corporation known as the county of Arapahoe, in the state of Colorado, included within the exterior boundaries of the said city of Denver as the same shall be bounded when this amendment takes effect, are hereby consolidated and are hereby declared to be a single body politic and corporate, by the name of the "City and County of Denver." By that name said corporation shall have perpetual succession, and shall own, possess and hold all property, real and personal, theretofore owned, possessed or held by the said city of Denver and by such included municipal corporations, and also all property, real and personal, therefore owned, possessed or held by said county of Arapahoe, and shall assume, manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities, and shall acquire all benefits, and shall assume and pay all bonds, obligations and indebtedness of said city of Denver and of said included municipal corporations and of the county of Arapahoe; by that name may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy, or sell and dispose of, real and personal property; may receive bequests, gifts, and donations of all kinds of property, in fee simple or in trust for public, charitable or other purposes; and do all things and acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust; shall have the power within or without its territorial limits, to construct, condemn and purchase, purchase, acquire, lease, add to, maintain, conduct and operate, water works, light plants, power plants, transportation systems, heating plants, and any other public utilities or works or ways local in use and extent, in whole or in part, and everything required therefor, for the use of said city and county and the inhabitants thereof, and any such systems, plants or works or ways, or any contracts in relation or connection with either, that may exist and which said city and county may desire to purchase, in whole or in part, the same or any part thereof may be purchased by said city and county, which may enforce such purchase by proceedings at law as in taking land for public use by right of eminent domain and shall have the power to issue bonds upon the vote of the taxpaying electors, at any special or general election, in any amount necessary to carry out any of said powers or purposes, as may by the charter be provided.

The general annexation and consolidation statutes of the state shall apply to the city and county of Denver to the same extent and in the same manner that they would apply to the city of Denver if it were not

merged, as in this amendment provided, into the city and county of Denver. Any contiguous town, city or territory hereafter annexed to or consolidated with the city and county of Denver, under any of the laws of this state, in whatsoever county the same may be at the time, shall be detached per se from such other county and become a municipal and territorial part of the city and county of Denver, together with all property thereunto belonging.

The city and county of Denver shall alone always constitute one judicial district of the state.

Sec. 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.

(As amended November 7, 1950; see L. 51, p. 232.)

Sec. 3. Transfer of government.—Immediately upon the canvass of the vote showing the adoption of this amendment, it shall be the duty of the governor of the state to issue his proclamation accordingly, and thereupon the city of Denver, and all municipal corporations and that part of the county of Arapahoe within the boundaries of said city, shall merge into the city and county of Denver, and the terms of office of all officers of the city of Denver and of all included municipalities and of the county of Arapahoe shall terminate; except, that the then mayor, auditor, engineer, council (which shall perform the duties of a board of county commissioners), police magistrate, chief of police and boards, of the city of Denver shall become, respectively, said officers of the city and county of Denver, and said engineer shall be ex officio surveyer and said chief of police shall be ex officio sheriff of the city and county of Denver; and the then clerk and ex officio recorder, treasurer, assessor and coroner of the county of Arapahoe, and the justices of the peace and constables holding office within the city of Denver, shall become, respectively, said officers of the city and county of Denver, and the district attorney shall also be ex officio attorney of the city and county of Denver. The foregoing officers shall hold the said offices as above specified only until their successors are duly elected and qualified as herein provided for; except that the then district judges, county judge and district attorney shall serve their

full terms, respectively, for which elected. The police and firemen of the city of Denver, except the chief of police as such, shall continue severally as the police and firemen of the city and county of Denver until they are severally discharged under such civil service regulations as shall be provided by the charter; and every charter shall provide that the department of fire and police and the department of public utilities and works shall be under such civil service regulations as in said charter shall be provided.

Sec. 4. First charter.—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.

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.

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.

No franchise relating to any street, alley or public place of the said city and county shall be granted except upon the vote of the qualified taxpaying electors, and the question of its being granted shall be submitted to such vote upon deposit with the treasurer of the expense (to be determined by said treasurer) of such submission by the applicant for said franchise. The council shall have power to fix the rate of taxation on property each year for city and county purposes.

Sec. 5. New charters, amendments or measures.—The citizens of the city and county of Denver shall have the exclusive power to amend their charter or to adopt a new charter, or to adopt any measure as herein provided;

It shall be competent for qualified electors in number not less than five per cent of the next preceding gubernatorial vote in said city and county to petition the council for any measure, or charter amendment, or for a charter convention. The council shall submit the same to a vote of the qualified electors at the next general election not held within thirty days after such petition is filed; whenever such petition is signed by qualified electors in number not less than ten per cent of the next preceding gubernatorial vote in said city and county, with a request for a special election, the council shall submit it at a special election to be held not less than thirty nor more than sixty days from the date of filing the petition; Provided, That any question so submitted at a special election shall not again be submitted at a special election within two years thereafter. In submitting any such charter, charter amendment or measure, any alternative article or proposition may be presented for the choice of voters, and may be voted on separately without prejudice to others. Whenever the question of a charter convention is carried by a majority of those voting thereon, a charter convention shall be called through a special election ordinance as provided in section four (4) hereof, and the same shall be constituted and held and the proposed charter submitted to a vote of the qualified electors, approved or rejected, and all expenses paid, as in said section provided.

The clerk of the city and county shall publish, with his official certification, for three times, a week apart, in the official newspaper, the first publication to be with his call for the election, general or special, the full text of any charter, charter amendment, measure, or proposal for a charter convention, or alternative article or proposition, which is to be submitted to the voters. Within ten days following the vote the said clerk shall publish once in said newspaper the full text of any charter, charter amendment, measure, or proposal for a charter convention, or alternative article or proposition, which shall have been approved by a majority of those voting thereon, and he shall file with the secretary of state two copies thereof (with the vote for and against) officially certified by him, and the same shall go into effect from the date of such filing. He shall also certify to the secretary of state, with the vote for and against, two copies of every defeated alternative article or proposition, charter, charter amendment, measure or proposal for a charter convention. Each charter shall also provide for a reference upon proper petition therefor, of measures passed by the council to a vote of the qualified electors, and for the initiative by the qualified electors of such ordinances as they may by petition request.

The signatures to petitions in this amendment mentioned need not all be on one paper. Nothing herein or elsewhere shall prevent the council, if it sees fit, from adopting automatic vote registers for use at elections and references.

No charter, charter amendment or measure adopted or defeated under the provisions of this amendment shall be amended, repealed or revived, except by petition and electoral vote. And no such charter, charter amendment or measure shall diminish the tax rate for state purposes fixed by act of the general assembly, or interfere in anywise with the collection of state taxes.

* The city council, or board of trustees, or other body in which the legislative powers of any home rule city or town may then be vested, on its own initiative, may submit any measure, charter amendment, or the question whether or not a charter convention shall be called, at any general or special state or municipal election held not less than 30 days after the effective date of the ordinance or resolution submitting such question to the voters.

*(As amended November 7, 1950; see L. 51, p. 233.)

Sec. 6. Home rule for cities and towns.—The people of each city or town of this state, having a population of two thousand inhabitants as determined by the last preceding census taken under the authority of the United States, the state of Colorado or said city or town, are hereby vested with, and they shall always have, power to make, amend, add to or replace the charter of said city or town, which shall be its organic law and extend to all its local and municipal matters.

Such charter and the ordinances made pursuant thereto in such matters shall supersede within the territorial limits and other jurisdiction of said city or town any law of the state in conflict therewith.

Proposals for charter conventions shall be submitted by the city council or board of trustees, or other body in which the legislative powers of the city or town shall then be vested, at special elections, or at general, state or municipal election, upon petition filed by qualified electors, all in reasonable conformity with section 5 of this article, and all proceedings thereon or thereafter shall be in reasonable conformity with sections 4 and 5 of this article.

From and after the certifying to and filing with the secretary of state of a charter framed and approved in reasonable conformity with the provisions of this article, such city or town, and the citizens thereof, shall have the powers set out in sections 1, 4 and 5 of this article, and all other powers necessary, requisite or proper for the government and administration of its local and municipal matters, including power to legislate upon, provide, regulate, conduct and control:

a. The creation and terms of municipal officers, agencies and employments; the definition, regulation and alteration of the powers, duties, qualifications and terms or tenure of all municipal officers, agents and employes;

b. The creation of police courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of police magistrates therefor;

c. The creation of municipal courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of the officers thereof;

d. All matters pertaining to municipal elections in such city or town, and to electoral votes therein on measures submitted under the charter or ordinances thereof, including the calling or notice and the date of such election or vote, the registration of voters, nominations, nomination and election systems, judges and clerks of election, the form of ballots, balloting, challenging, canvassing, certifying the result, securing the purity of elections, guarding against abuses of the elective franchise, and tending to make such elections or electoral votes non-partisan in character;

e. The issuance, refunding and liquidation of all kinds of municipal obligations, including bonds and other obligations of park, water and local improvement districts;

f. The consolidation and management of park or water districts in such cities or towns or within the jurisdiction thereof; but no such consolidation shall be effective until approved by the vote of a majority, in each district to be consolidated, of the qualified electors voting therein upon the question;

g. The assessment of property in such city or town for municipal taxation and the levy and collection of taxes thereon for municipal purposes and special assessments for local improvements; such assessments, levy and collection of taxes and special assessments to be made by municipal officials or by the county or state officials as may be provided by the charter;

h. The imposition, enforcement and collection of fines and penalties for the violation of any of the provisions of the charter, or of any ordinance adopted in pursuance of the charter.

It is the intention of this article to grant and confirm to the people of all municipalities coming within its provisions the full right to self-government in both local and municipal matters and the enumeration herein of certain powers shall not be construed to deny such cities and towns, and to the people thereof, any right or power essential or proper to the full exercise of such right.

The statutes of the state of Colorado, so far as applicable, shall continue to apply to such cities and towns, except in so far as superseded by the charters of such cities and towns or by ordinance passed pursuant to such charters.

All provisions of the charters of the city and county of Denver and the cities of Pueblo, Colorado Springs and Grand Junction, as heretofore certified to and filed with the secretary of state, and of the charter of any other city heretofore approved by a majority of those voting thereon and certified to and filed with the secretary of state, which provisions are not in conflict with this article, and all elections and electoral votes heretofore had under and pursuant thereto, are hereby ratified, affirmed and validated as of their date.

Any act in violation of the provisions of such charter or of any ordinance thereunder shall be criminal and punishable as such when so provided by any statute now or hereafter in force.

The provisions of this section 6 shall apply to the city and county of Denver.

This article shall be in all respects self-executing.

(As amended November 5, 1912; see L. 13, p. 669.)

Sec. 7. School districts consolidated.—The city and county of Denver shall alone always constitute one school district, to be known as District No. 1, but its conduct, affairs and business shall be in the hands of a board of education consisting of such members, elected in such manner as the general school laws of the state shall provide, and until the first election under said laws of a full board of education which shall be had at the first election held after the adoption of this amendment, all the directors of school district No. 1, and the respective presidents of the school boards of school districts Nos. 2, 7, 17 and 21, at the time this

amendment takes effect, shall act as such board of education, and all districts or special charters now existing are hereby abolished.

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

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

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

Sec. 8. Anything in the constitution of this state in conflict or inconsistent with the provisions of this amendment is hereby declared to be inapplicable to the matters and things by this amendment covered and provided for.

(As amended November 5, 1912.)

ARTICLE XXI

RECALL FROM OFFICE

Section 1. **State officers may be recalled.**—Every elective public officer of the state of Colorado may be recalled from office at any time by the electors entitled to vote for a successor of such incumbent through the procedure and in the manner herein provided for, which procedure shall be known as the recall, and shall be in addition to and without excluding any other method of removal provided by law.

The procedure hereunder to effect the recall of an elective public officer shall be as follows:

A petition signed by electors entitled to vote for a successor of the incumbent sought to be recalled equal in number to twenty-five per

centum of the entire vote cast at the last preceding election for all candidates for the position which the incumbent sought to be recalled occupies, demanding an election of the successor to the officer named in said petition, shall be filed in the office in which petitions for nominations to office held by the incumbent sought to be recalled are required to be filed; Provided, if more than one person is required by law to be elected to fill the office of which the person sought to be recalled is an incumbent, then the said petition shall be signed by electors entitled to vote for a successor to the incumbent sought to be recalled equal in number to twenty-five per centum of the entire vote cast at the last preceding general election for all candidates for the office, to which the incumbent sought to be recalled was elected as one of the officers thereof, said entire vote being divided by the number of all officers elected to such office, at the last preceding general election; and such petition shall contain a general statement, in not more than two hundred words, of the ground or grounds on which such recall is sought, which statement is intended for the information of the electors, and the electors shall be the sole and exclusive judges of the legality, reasonableness and sufficiency of such ground or grounds assigned for such recall, and said ground or grounds shall not be open to review.

Sec. 2. Form of recall petition.—Any recall petition may be circulated and signed in sections, provided each section shall contain a full and accurate copy of the title and text of the petition; and such recall petition shall be filed in the office in which petitions for nominations to office held by the incumbent sought to be recalled are required to be filed.

The signatures to such recall petition need not all be on one sheet of paper, but each signer must add to his signature the date of his signing said petition, and his place of residence, giving his street number, if any, should he reside in a town or city. The person circulating such sheet must make and subscribe an oath on said sheet that the signatures thereon are genuine, and a false oath, wilfully so made and subscribed by such person, shall be perjury and be punished as such. All petitions shall be deemed and held to be sufficient if they appear to be signed by the requisite number of signers, and such signers shall be deemed and held to be qualified electors, unless a protest in writing under oath shall be filed in the office in which such petition has been filed by some qualified elector, within fifteen days after such petition is filed, setting forth specifically the grounds of such protest, whereupon the officer with whom such petition is filed shall forthwith mail a copy of such protest to the person or persons named in such petition as representing the signers thereof, together with a notice fixing a time for hearing such protest not less than five nor more than ten days after such notice is mailed. All hearings shall be before the officer with whom such protest is filed, and all testimony shall be under oath. Such hearings shall be summary and not subject to delay, and must be concluded within thirty days after such petition is filed, and the result thereof shall be forthwith certified to the person or persons representing the signers of such petition. In case the

petition is not sufficient it may be withdrawn by the person or a majority of the persons representing the signers of such petition, and may, within fifteen days thereafter, be amended and refiled as an original petition. The finding as to the sufficiency of any petition may be reviewed by any state court of general jurisdiction in the county in which such petition is filed, upon application of the person or a majority of the persons representing the signers of such petition, but such review shall be had and determined forthwith. The sufficiency, or the determination of the sufficiency, of the petition referred to in this section shall not be held or construed to refer to the ground or grounds assigned in such petition for the recall of the incumbent sought to be recalled from office thereby.

When such petition is sufficient, the officer with whom such recall petition was filed shall forthwith submit said petition, together with a certificate of its sufficiency to the governor, who shall thereupon order and fix the date holding the election not less than thirty days nor more than sixty days from the date of submission of said petition: Provided, if a general election is to be held within ninety days after the date of submission of said petition, the recall election shall be held as part of said general election.

Sec. 3. Resignation—Filling vacancy.—If such officer shall offer his resignation, it shall be accepted, and the vacancy caused by such resignation, or from any other cause, shall be filled as provided by law; but the person appointed to fill such vacancy shall hold his office only until the person elected at the recall election shall qualify. If such officer shall not resign within five days after the sufficiency of the recall petition shall have been sustained, the governor shall make or cause to be made publication of notice for the holding of such election, and officers charged by law with duties concerning elections shall make all arrangements for such election, and the same shall be conducted, returned and the result thereof declared in all respects as in the case of general elections.

On the official ballot at such elections shall be printed in not more than 200 words, the reasons set forth in the petition for demanding his recall, and in not more than three hundred words there shall also be printed, if desired by him, the officer's justification of his course in office. If such officer shall resign at any time subsequent to the filing thereof, the recall election shall be called notwithstanding such resignation.

There shall be printed on the official ballot, as to every officer whose recall is to be voted on, the words, "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" Following such question shall be the words "Yes" and "No," on separate lines, with a blank space at the right of each, in which the voter shall indicate, by marking a cross (X), his vote for or against such recall.

On such ballots, under each question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person sought to be recalled; but no vote cast shall be counted

for any candidate for such office, unless the voter also voted for or against the recall of such person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office.

If a majority of those voting on said question of the recall of any incumbent from office shall vote "no," said incumbent shall continue in said office; if a majority shall vote "yes," such incumbent shall thereupon be deemed removed from such office upon the qualification of his successor.

If the vote had in such recall elections shall recall the officer then the candidate who has received the highest number of votes for the office thereby vacated shall be declared elected for the remainder of the term, and a certificate of election shall be forthwith issued to him by the canvassing board. In case the person who received the highest number of votes shall fail to qualify within fifteen days after the issuance of a certificate of election, the office shall be deemed vacant, and shall be filled according to law.

Candidates for the office may be nominated by petition, as now provided by law, which petition shall be filed in the office in which petitions for nomination to office are required by law to be filed not less than fifteen days before such recall election.

Sec. 4. Recall after six months—Members of legislature.—No recall petition shall be circulated or filed against any officer until he has actually held his office for at least six months, save and except it may be filed against any member of the state legislature at any time after five days from the convening and organizing of the legislature after his election.

After one recall petition and election, no further petition shall be filed against the same officer during the term for which he was elected, unless the petitioners signing said petition shall equal fifty per centum of the votes cast at the last preceding general election for all of the candidates for the office held by such officer as herein above defined.

If at any recall election the incumbent whose recall is sought is not recalled, he shall be repaid from the state treasury any money authorized by law and actually expended by him as expenses of such election; and the legislature shall provide appropriations for such purpose.

If the governor is sought to be recalled under the provisions of this article, the duties herein imposed upon him shall be performed by the lieutenant governor; and if the secretary of state is sought to be recalled, the duties herein imposed upon him, shall be performed by the state auditor.

The recall may also be exercised by the electors of each county, city and county, city and town of the state, with reference to the elective officers thereof, under such procedure as shall be provided by law.

Until otherwise provided by law, the legislative body of any such county, city and county, city and town may provide for the manner of exercising such recall powers in such counties, cities and counties, cities and towns, but shall not require any such recall to be signed by electors more in number than twenty-five per centum of the entire vote cast at the last preceding election, as in section 1 hereof more particularly set forth, for all the candidates for office which the incumbent sought to be recalled occupies, as herein above defined.

Every person having authority to exercise or exercising any public or governmental duty, power or function, shall be an elective officer, or one appointed, drawn or designated in accordance with law by an elective officer or officers, or by some board, commission, person or persons legally appointed by an elective officer or officers, each of which said elective officers shall be subject to the recall provision of this constitution; Provided, That, subject to regulation by law, any person may, without compensation therefor, file petitions, or complaints in courts concerning crimes, or do police duty only in cases of immediate danger to person or property.

Nothing herein contained shall be construed as affecting or limiting the present or future powers of cities and counties or cities having charters adopted under the authority given by the constitution, except as in the last three preceding paragraphs expressed.

In the submission to the electors of any petition proposed under this article, all officers shall be guided by the general laws of the state, except as otherwise herein provided.

This article is self-executing, but legislation may be enacted to facilitate its operations, but in no way limiting or restricting the provisions of this article, or the powers herein reserved.

(Adopted November 5, 1912; see L. 13, p. 672.)

ARTICLE XXII.

INTOXICATING LIQUORS

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.

(Adopted November 8, 1932; see L. 33, p. 390.)

ARTICLE XXIII.

PUBLICATION OF LEGAL ADVERTISING

Section 1. **Publication of proposed constitutional amendments and initiated and referred bills.**—Proposed constitutional amendments and proposed initiated and referred bills shall be published in two issues of two newspapers of opposite political faith in each county in the state. This publication shall be made at least one week apart and not less than three nor more than five weeks before the election at which the said amendments or initiated or referred bills are to be voted upon.

(Adopted November 5, 1918; see L. 17, p. 147.)

ARTICLE XXIV.

OLD AGE PENSION

Section 1. **Fund created.**—A fund to be known as the Old Age Pension Fund is hereby created and established in the Treasury of the State of Colorado.

Sec. 2. **Moneys Allocated to Fund.**—There is hereby set aside, allocated and allotted to the Old Age Pension Fund sums and money as follows:

(a) Beginning January 1, 1957, eighty-five per cent of all net revenue accrued or accruing, received or receivable from any and all excise taxes now or hereafter levied upon sales at retail, or any other purchase transaction; together with eighty-five per cent of the net revenue derived from any excise taxes now or hereafter levied upon the storage, use, or consumption of any commodity or product; together with eighty-five per cent of all license fees imposed by the provisions of Sections 138-6-1 to 138-6-42, both inclusive, of Colorado Revised Statutes, 1953, and amendments thereto; provided, however, that no part of the revenue derived from excise taxes now or hereafter levied, for highway purposes, upon gasoline or other motor fuel, shall be made a part of said Old Age Pension Fund.

(b) Beginning January 1, 1957, eighty-five per cent of all net revenue accrued or accruing, received or receivable from taxes of whatever kind upon all malt, vinous, or spirituous liquor, both intoxicating and non-intoxicating, and license fees connected therewith.

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

(d) All grants in aid from the Federal Government for old age assistance.

(e) All inheritance taxes and incorporation fees appropriated under 101-2-2 to 101-2-4, both inclusive, Colorado Revised Statutes, 1953, for Old Age Pensions.

(f) Such other money as may be allocated to said fund by the General Assembly.

Sec. 3. Persons entitled to receive pensions.—From and after January 1, 1957, every citizen of the United States who has been a resident of the State of Colorado for such period as the General Assembly may determine, who has attained the age of sixty years or more, and who qualifies under the laws of Colorado to receive a pension, shall be entitled to receive the same; provided, however, that no person otherwise qualified shall be denied a pension by reason of the fact that he is the owner of real estate occupied by him as a residence; nor for the reason that relatives may be financially able to contribute to his support and maintenance; nor shall any person be denied a pension for the reason that he owns personal property which by law is exempt from execution or attachment; nor shall any person be required, in order to receive a pension, to repay, or promise to repay, the State of Colorado any money paid to him as an old age pension.

Sec. 4. The State Board of Public Welfare to Administer Fund.—The State Board of Public Welfare, or such other agency as may be authorized by law to administer old age pensions, shall cause all moneys deposited in the Old Age Pension Fund to be paid out as directed by this Article and as required by statutory provisions not inconsistent with the provisions hereof, after defraying the expense of administering the said fund.

Sec. 5. Revenues for Old Age Pension Fund Continued.—The excise taxes on sales at retail, together with all license fees levied by the provisions of Sections 138-6-1 to 138-6-42, both inclusive, Colorado Revised Statutes, 1953, and amendments thereto, are hereby continued in full force and effect beyond the date on which said taxes and license fees would otherwise expire, and shall continue until repealed or amended; provided, however, that no law providing revenue for the Old Age Pension Fund shall be repealed, nor shall any such law be amended so as to reduce the revenue provided for the Old Age Pension Fund, except in the event that at the time of such repeal or amendment, revenue is provided for the Old Age Pension Fund in an amount at least equal to that provided by the measure amended or repealed during the calendar year immediately preceding the proposed amendment or repeal.

Sec. 6. Basic Minimum Award.—(a) Beginning on the effective date of this Article, every person entitled to and receiving an old age pension from the State of Colorado under any former law or constitutional provision shall be entitled to receive the basic minimum award hereinafter provided for, without being required to make a new application therefor, and such basic minimum award shall be paid each month thereafter, so long as he remains qualified, to each person receiving an

old age pension at the time of the adoption of this Article, and such basic minimum award shall likewise be paid to each person who hereafter becomes qualified to receive an old age pension; subject, however, to the provisions of this Article relating to net income from other sources.

(b) From and after the effective date of this Article, the basic minimum award payable to those persons qualified to receive an old age pension shall be One Hundred Dollars (\$100) monthly, provided, however, that the amount of net income, from whatever source, that any person qualified to receive a pension may have shall be deducted from the amount of the pension award unless otherwise provided by law.

(c) The State Board of Public Welfare, or such other agency as may be authorized by law to administer old age pensions, shall have the power to adjust the basic minimum award above One Hundred Dollars (\$100) per month if, in its discretion, living costs have changed sufficiently to justify that action.

Sec. 7. Stabilization Fund and Health and Medical Care Fund.—(a) All the moneys deposited in the Old Age Pension Fund shall be first available for payment of basic minimum awards to qualified recipients, and no part of said fund shall be transferred to any other fund until such basic minimum awards shall have been paid.

(b) Any moneys remaining in the Old Age Pension Fund after full payment of such basic minimum awards shall be transferred to a fund to be known as the Stabilization Fund, which fund shall be maintained at the amount of five million dollars, and restored to that amount after any disbursements therefrom. The State Board of Public Welfare, or such other agency as may be authorized by law to administer old age pensions, shall use the moneys in such fund only to stabilize payments of basic minimum awards.

(c) Any moneys remaining in the Old Age Pension Fund, after full payment of basic minimum awards and after establishment and maintenance of the Stabilization Fund in the amount of five million dollars, shall be transferred to a Health and Medical Care Fund. The State Board of Public Welfare, or such other agency as may be authorized by law to administer old age pensions, shall establish and promulgate rules and regulations for administration of a program to provide health and medical care to persons who qualify to receive old age pensions and who are not patients in an institution for tuberculosis or mental disease; the costs of such program, not to exceed ten million dollars in any fiscal year, shall be defrayed from such Health and Medical Care Fund; provided, however, all moneys available, accrued or accruing, received or receivable, in said Health and Medical Care Fund, in excess of ten million dollars in any fiscal year shall be transferred to the general fund of the state to be used pursuant to law.

Sec. 8. **Fund to Remain Inviolable.**—All moneys deposited in the Old Age Pension Fund shall remain inviolate for the purpose for which created, and no part thereof shall be transferred to any other fund, or used or appropriated for any other purpose, except as provided for in this Article.

Sec. 9. This Article shall be in force and effect from and after January 1, 1957.”

(Adopted November 6, 1956; see L. 57, p. 554.)

ARTICLE XXV.

PUBLIC UTILITIES

In addition to the powers now vested in the General Assembly of the State of Colorado, all power to regulate the facilities, service and rates and charges therefor, including facilities and service and rates and charges therefor within home rule cities and home rule towns, of every corporation, individual, or association of individuals, wheresoever situate or operating within the State of Colorado, whether within or without a home rule city or home rule town, as a public utility, as presently or as may hereafter be defined as a public utility by the laws of the State of Colorado, is hereby vested in such agency of the State of Colorado as the General Assembly shall by law designate.

Until such time as the General Assembly may otherwise designate, said authority shall be vested in the Public Utilities Commission of the State of Colorado; provided, however, nothing herein shall affect the power of municipalities to exercise reasonable police and licensing powers, nor their power to grant franchises; and provided, further, that nothing herein shall be construed to apply to municipally owned utilities.

(Adopted November 2, 1954; see L. 55, p. 693.)

SCHEDULE

That no inconvenience may arise by reason of the change in the form of government, it is hereby ordained and declared:

Section 1. **All laws remain till repealed.**—That all laws in force at the adoption of this constitution shall, so far as not inconsistent therewith, remain of the same force as if this constitution had not been adopted, until they expire by their own limitation or are altered or repealed by the general assembly; and all rights, actions, prosecutions, claims and contracts of the territory of Colorado, counties, individuals or bodies corporate (not inconsistent therewith) shall continue as if the form of government had not been changed and this constitution adopted.

Sec. 2. **Contracts—Recognizances—Indictments.**—That all recognizances, obligations and all other instruments entered into or executed before the admission of the state, to the territory of Colorado, or to any county, school district or other municipality therein, or any officer thereof,

and all fines, taxes, penalties and forfeitures due or owing to the territory of Colorado, or any such county, school district or municipality, or officer; and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the change of the form of government. All indictments which shall have been found, or may hereafter be found, and all informations which shall have been filed, or may hereafter be filed, for any crime or offense committed before this constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in the constitution.

Sec. 3. Territorial property vests in state.—That all property, real and personal, and all moneys, credits, claims and choses in action, belonging to the territory of Colorado at the adoption of this constitution, shall be vested in and become the property of the state of Colorado.

Sec. 4. Duty of general assembly.—The general assembly shall pass all laws necessary to carry into effect the provisions of this constitution.

Sec. 5. Supreme and district courts—Transition.—Whenever any two of the judges of the supreme court of the state elected or appointed under the provisions of this constitution shall have qualified in their office, the causes theretofore pending in the supreme court of the territory, and the papers, records and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the state; and until so superseded the supreme court of the territory and the judges thereof shall continue with like powers and jurisdiction as if this constitution had not been adopted. Whenever the judge of the district court of any district elected or appointed under the provisions of this constitution, shall have qualified in his office, the several causes theretofore pending in the district court of the territory, within any county in such district, and the records, papers and proceedings of said district court, and the seal and other property pertaining thereto shall pass into the jurisdiction and possession of the district court of the state, for such county, and until the district courts of the territory shall be superseded in manner aforesaid, the said district courts and the judges thereof shall continue with the same jurisdiction and powers to be exercised in the same judicial districts respectively as heretofore constituted under the laws of the territory.

Sec. 6. Judges—District attorneys—Term commence on filing oath.—The terms of office of the several judges of the supreme and district courts and the district attorneys of the several judicial districts first elected under this constitution, shall commence from the day of filing their respective oaths of office in the office of the secretary of state.

Sec. 7. Seals of supreme and district courts.—Until otherwise provided by law, the seals now in use in the supreme and district courts of this territory are hereby declared to be the seals of the supreme and district courts respectively of the state.

Sec. 8. Probate court—County court.—Whenever this constitution shall go into effect, the books, records, papers and proceedings of the probate court in each county, and all causes and matters of administration pending therein, shall pass into the jurisdiction and possession of the county court of the same county, and the said county court shall proceed to final decree of judgment, order or other determination, in the said several matters and causes, as the said probate court might have done if this constitution had not been adopted. And until the election of the county judges provided for in this constitution, the probate judges shall act as judges of the county courts within their respective counties, and the seal of the probate court in each county shall be the seal of the county court therein until the said court shall have procured a proper seal.

Sec. 9. Terms probate court, probate judge, apply to county court, county judge.—The terms "Probate Court" or "Probate Judge," whenever occurring in the statutes of Colorado territory, shall, after the adoption of this constitution, be held to apply to the county court or county judge, and all laws specially applicable to the probate court in any county, shall be construed to apply to and be in force as to the county court in the same county, until repealed.

Sec. 10. County and precinct officers.—All county and precinct officers, who may be in office at the time of the adoption of this constitution, shall hold their respective offices for the full time for which they may have been elected, and until such time as their successors may be elected and qualified in accordance with the provisions of this constitution, and the official bonds of all such officers shall continue in full force and effect as though this constitution had not been adopted.

Sec. 11. Vacancies in county offices.—All county offices that may become vacant during the year eighteen hundred and seventy-six by the expiration of the term of the persons elected to said offices, shall be filled at the general election on the first Tuesday in October in the year eighteen hundred and seventy-six, and, except county commissioners, the persons so elected shall hold their respective offices for the term of one year.

Sec. 12. Constitution takes effect on president's proclamation.—The provisions of this constitution shall be in force from the day on which the president of the United States shall issue his proclamation declaring the state of Colorado admitted into the Union; and the governor, secretary, treasurer, auditor and superintendent of public instruction of the territory of Colorado shall continue to discharge the duties of their respective offices after the admission of the state into the Union, until the qualification of the officers elected or appointed under the state government; and said officers, for the time they may serve, shall receive the same compensation as the state officers shall by law be paid for like services.

Sec. 13. **First election, contest.**—In case of a contest of election between candidates, at the first general election under this constitution, for judges of the supreme, district or county courts, or district attorneys, the evidence shall be taken in the manner prescribed by territorial law; and the testimony so taken shall be certified to the secretary of state, and said officer, together with the governor and attorney-general, shall review the testimony and determine who is entitled to the certificate of election.

Sec. 14. **First election—Canvass.**—The votes at the first general election under this constitution for the several officers provided for in this constitution who are to be elected at the first election shall be canvassed in the manner prescribed by the territorial law for canvassing votes for like officers. The votes cast for the judges of the supreme and district courts and district attorneys shall be canvassed by the county canvassing board in the manner prescribed by the territorial law for canvassing the votes for members of the general assembly; and the county clerk shall transmit the abstracts of votes to the secretary of the territory acting as secretary of state, under the same regulations as are prescribed by law for sending the abstracts of votes for territorial officers; and the aforesaid acting secretary of state, auditor, treasurer, or any two of them, in the presence of the governor, shall proceed to canvass the votes, under the regulations of sections thirty-five and thirty-six of chapter twenty-eight of the Revised Statutes of Colorado Territory.

Sec. 15. **Senators—Representatives—Districts.**—Senators and members of the house of representatives shall be chosen by the qualified electors of the several senatorial and representative districts as established in this constitution until such districts shall be changed by law; and thereafter by the qualified electors of the several districts as the same shall be established by law.

Sec. 16. **Congressional election—Canvass.**—The votes cast for representatives in congress at the first election held under this constitution shall be canvassed and the result determined in the manner provided by the laws of the territory for the canvass of votes for delegate in congress.

Sec. 17. **General assembly, first session—Restrictions removed.**—The provision of the constitution that no bill, except the general appropriation bill introduced in either house after the first twenty-five days of the session shall become a law, shall not apply to the first session of the general assembly; but no bill introduced in either house at the first session of the general assembly after the first fifty days thereof shall become a law.

Sec. 18. **First general election—Canvass.**—A copy of the abstracts of the votes cast at the first general election held under this constitution shall by the county clerks of the several counties be returned to the secretary of the territory immediately after the canvass of said votes in their several counties; and the secretary, auditor and treasurer of the territory, or any two of them, shall on the twenty-fifth day after the

election, meet at the seat of the government and proceed to canvass the votes cast for members of the general assembly and determine the result thereof.

Sec. 19. **Presidential electors, 1876.**—The general assembly shall, at their first session, immediately after the organization of the two houses and after the canvass of the votes for officers of the executive department, and before proceeding to other business, provide by act or joint resolution for the appointment by said general assembly of electors in the electoral college, and such joint resolution or the bill for such enactment may be passed without being printed or referred to any committee, or read on more than one day in either house, and shall take effect immediately after the concurrence of the two houses therein, and the approval of the governor thereto shall not be necessary.

Sec. 20. **Presidential electors after 1876.**—The general assembly shall provide that after the year eighteen hundred and seventy-six the electors of the electoral college shall be chosen by direct vote of the people.

Sec. 21. **Expenses of convention.**—The general assembly shall have power at their first session to provide for the payment of the expenses of this convention if any there be then remaining unpaid.

Sec. 22. **Recognizances, bonds, payable to people continue.**—All recognizances, bail bonds, official bonds and other obligations or undertakings, which have been, or at any time before the admission of the state shall be made or entered into, and expressed to be payable to the people of the territory of Colorado, shall continue in full force notwithstanding the change in the form of government, and any breach thereof, whenever occurring, may after the admission of the state be prosecuted, in the name of the people of the state.

Done in convention at the City of Denver, Colorado, this fourteenth day of March in the year of our Lord one thousand eight hundred and seventy-six, and of the Independence of the United States the one hundredth.

In Witness Whereof, We have hereunto subscribed our names.

J. C. WILSON, President.

H. P. H. BROMWELL,
CASIMIRO BARELA,
GEORGE BOYLES,
W. E. BECK,
BYRON L. CARR,
WM. H. CUSHMAN,
WILLIAM M. CLARK,
A. D. COOPER,
HENRY R. CROSBY,

WM. R. KENNEDY,
WM. LEE,
ALVIN MARSH,
WM. H. MEYER,
S. J. PLUMB,
GEO. E. PEASE,
ROBERT A. QUILLIAN,
LEWIS C. ROCKWELL,
WILBUR F. STONE,

ROBERT DOUGLAS,
 LEWIS C. ELLSWORTH,
 CLARENCE P. ELDER,
 F. J. EBERT,
 WILLARD B. FELTON,
 JESUS MAGARCIA,
 DANIEL HURD,
 JOHN S. HOUGH,
 LAFAYETTE HEAD,
 WM. H. JAMES,

WILLIAM C. STOVER,
 HENRY C. THATCHER,
 AGAPITO VIGIL,
 W. W. WEBSTER,
 GEORGE G. WHITE,
 EBENEZER T. WELLS,
 P. P. WILCOX,
 JOHN S. WHEELER,
 J. W. WIDDERFIELD,
 ABRAM KNOX YOUNT.

Attest:

W. W. COULSON, Secretary.
 HERBERT STANLEY, 1st Assistant Secretary.
 H. A. TERPENNING, 2nd Assistant Secretary.

INDEX TO CONSTITUTION OF

INDEX

A.		Art. Sec.	
Accounts			
kept by executive officers.....	4	16	
by state institutions.....	4	16	
Accused,			
compulsory testimony a g a i n s t			
self	2	18	
not to be twice in jeopardy.....	2	18	
rights, bail.....	2	19	
counsel	2	17	
criminal cases	2	16	
trial by jury.....	2	23	
upon trial	2	16	
Acts,			
of legislature take effect in 90			
days, except.....	5	19	
Adjournment,			
general assembly, action of gov-			
ernor	4	10	
neither house more than 3 days	5	15	
Administrators,			
county court may appoint.....	6	23	
Affidavit,			
signatures on initiative and			
referred petitions	5	1	
Agent,			
foreign corporations, for service			
of process.....	15	10	
Agricultural College,			
controlled by state.....	8	5	
where located.....	8	5	
Agriculture,			
priority of right to water for....	16	6	
Aliens,			
property rights.....	2	27	
Amendments,			
bills, ayes and nays.....	5	23	
not change original purpose....	5	17	
printed if substantial	5	22	
charter of Denver, how made.....	20	5	
constitution, how adopted.....	19	2	
laws, not by title reference only..	5	23	
Appeals,			
can be taken when.....	6	23	
Apportionment,			
congressional	5	44	
representative districts, original..	5	49	
senatorial districts, original.....	5	48	
senators and representatives, ad-			
justed to census.....	5	45	
Appropriation,			
all money drawn on.....	5	33	
bills, general and special, con-			
tents	5	32	
capitol building.....	8	4	
necessity for.....	5	33	
no claim paid without.....	5	28	
none to sectarian institutions.....	9	7	
not exceed tax, exceptions.....	10	16	
referendum upon.....	5	1	
Appropriation—Continued			
to carry out civil service pro-			
visions	12	13	
to private institutions forbidden..	5	34	
waters, subject to.....	16	5	
Appropriation Bills,			
contain but one subject.....	5	32	
general, shall embrace what.....	5	32	
veto, reconsideration of separate			
items	4	12	
Arbitration,			
law, to be passed.....	18	3	
Armories,			
establishment of.....	17	4	
Arms,			
right to bear.....	2	13	
Arrest,			
members legislature, exemptions..	5	16	
voter's privilege.....	7	5	
Assembly and Petition,			
right of.....	2	24	
Assessment,			
original, state equalization board			
not make	10	15	
special powers of home rule cities	20	6	
Assessor,			
see County Assessor.			
Attorney at Law,			
judges not act as.....	6	18	
not under civil service.....	12	13	
Attorney General,			
chosen by the people.....	4	3	
state board of equalization.....	10	15	
qualifications	4	4	
term of office.....	4	1	
time of election.....	4	3	
Auditor of State,			
chosen by the people.....	4	3	
duties on recall of secretary of			
state	21	4	
investigation of office.....	12	5	
member state board of equaliza-			
tion	10	15	
not succeed himself.....	4	21	
qualifications of.....	4	4	
term of office.....	4	1	
vacaney, how filled.....	4	6	
Ayes and Noes,			
bill, amendments.....	5	23	
final passage of bill.....	5	22	
entry in journal.....	5	22	
general assembly, proposing con-			
stitutional amendments.....	19	2	
passage of bills over veto.....	4	11	
senate, executive nominations....	4	6	
when entered on journal.....	5	13	
B.			
Bail,			
excessive prohibited.....	2	20	
right of accused.....	2	19	

THE STATE OF COLORADO

Ballot,	Art.	Sec.	Bribery,	Art.	Sec.
may be examined in contests.....	7	8	civil officers	12	6
recall of officers.....	21	3	disqualifies from office	12	4
use of at elections.....	7	8	executive, judicial or legislative officer	5	41
Bill,			members of general assembly	12	6
amendments, ayes and nays.....	5	23	solicitation of members legisla- ture	5	40
not change original purpose.....	5	17			
printed if substantial.....	5	22	C.		
appropriation, contain but one subject	5	32	Canals,		
general, contents.....	5	32	not separately taxed	10	3
general or special	5	32	Canvass,		
governor may veto items.....	4	12	of votes for state officers.....	4	3
reconsideration of items after veto	4	12	Capital Offenses		
contain but one subject.....	5	21	right to bail	2	19
emergency clause	5	19	Capitol Buildings,		
enacting clause	5	18	appropriation	8	4
final passage, ayes and noes.....	5	22	Cemeteries,		
general appropriation, contents.....	5	32	tax exempt	10	5
time of introduction	5	19	Census,		
governor may veto	4	11	state, authorization	5	45
held by governor 10 days	4	11	Certificate,		
initiated and referred laws, pub- lication of	23	1	of appointee under civil service.....	12	13
introduction, time of	5	19	Certiorari,		
passage after veto	4	11	writ of, supreme court issue.....	6	3
presented to governor for signa- ture	4	11	Charter,		
printed for use of members	5	20	city and county of Denver, what contain	20	2
reading and passage	5	22	corporate, unused expire	15	1
referred to committee	5	20	irrevocable, can not be granted	2	11
required to originate laws.....	5	17	may be granted when	15	2
revenue, originate in house	5	31	railroad companies file, when.....	15	7
signed by presiding officers	5	26	revocation of	15	3
title of	5	21	special, cities may adopt.....	20	6
veto, proceedings on	4	11	not to be granted	15	2
Bill of Rights,			Chief Justice,		
in general	2		preside at trial of impeachment of governor	13	1
Board of Education,			who shall be	6	8
county control of county schools	9	15	Children,		
election of	9	15	compulsory education	9	11
state, control of schools	9	1	under 12, not work in mines.....	16	2
members	9	1	Churches,		
not to prescribe text books.....	9	16	institutions, public aid forbidden to	9	7
school districts	9	15	property, tax exempt	10	5
Board of Equalization,			Cities and Towns,		
county, members and duty	10	15	classification, legislature provide for	14	13
state, members and duty	10	15	home rule for cities.....	20	6
not make original assessment	10	15	charter convention	20	6
Board of Land Commissioners,			powers granted	20	6
see State Board of Land Com- missioners.			incorporation, provisions for.....	14	14
Board of Regents,			levy own tax	10	7
see university.			may hold charter conventions.....	20	6
Boards,			not released from state taxes	10	8
members, when not under civil service	12	13	officers, recall of	21	4
Body Corporate,			police courts in	6	26
regents university	9	12	property, tax exempt	10	4
Bonds,			Citizenship,		
see Funding Bonds, cities and towns.....	11	8	loss of, during imprisonment.....	7	10
corporate, issued for what.....	15	9			
county, to pay indebtedness	11	6			
fictitious issue by corporations, void	15	9			
Boundaries,					
state	1				

INDEX TO CONSTITUTION OF

<p>City and County of Denver and other Home Rule Cities and Towns, Art. Sec.</p> <p>adoption of 20th amendment, transfer of government..... 20 3</p> <p>capitol at 8 2</p> <p>charter, amendments, how made 20 5</p> <p> new, how made 20 5</p> <p> not impair state taxation 20 5</p> <p> provide for civil service..... 20 3</p> <p> what contain 20 2</p> <p>clerk, public call for charter convention 20 5</p> <p>constitutes one judicial district... 20 1</p> <p>first charter, convention, how called 20 4</p> <p>franchise, how granted 20 4</p> <p>incorporation, rights and liabilities 20 1</p> <p>officers 20 2</p> <p> salaries, how paid 20 2</p> <p>powers 20 1</p> <p>school districts, consolidation of. 20 7</p> <p>Civil Authority,</p> <p> supremacy of 2 22</p> <p>Civil Service,</p> <p> application of merit system..... 12 13</p> <p> appointees, must be electors 12 13</p> <p> classified service, officers and employees constituting 12 13</p> <p> commission, members, number terms 12 13</p> <p> powers vested in 12 13</p> <p> examinations, necessity 12 13</p> <p> veterans' preference 12 14</p> <p>Civil Service Commission,</p> <p> members, not under civil service.. 12 13</p> <p> number 12 13</p> <p> terms of office 12 13</p> <p> powers vested in 12 13</p> <p>Classification,</p> <p> cities and towns, legislature provide for 14 13</p> <p> counties, as to fees and salaries.. 14 15</p> <p> senators 5 5</p> <p>Color,</p> <p> no discrimination in public educational institutions 9 8</p> <p>Commissioner of Labor, See Industrial Commission</p> <p>Commissioner of Lands,</p> <p> superintendent of schools ex officio 9 6</p> <p>Commissioner of Mines,</p> <p> establishment of office 16 1</p> <p> governor appoint 16 1</p> <p>Commissioners,</p> <p> eminent domain, duties 2 15</p> <p>Commissions,</p> <p> members, when not under civil service 12 13</p> <p>Committee,</p> <p> bills referred to 5 20</p> <p>Common Carriers,</p> <p> railroads are 15 4</p>	<p>Compensation, Art. Sec.</p> <p> county judges 6 22</p> <p> county officers 14 7</p> <p> district attorney 6 21</p> <p> judges supreme and district courts 6 18</p> <p> legislative officers and employees 5 27</p> <p> members general assembly 5 6</p> <p> officers, extra forbidden 5 28</p> <p> property taken for public use... 2 15</p> <p>Concealed Weapons,</p> <p> right to carry forbidden 2 13</p> <p>Confession,</p> <p> convict of treason 2 9</p> <p>Congress,</p> <p> apportionment of representatives 5 44</p> <p>Congressional Districts,</p> <p> how determined 5 44</p> <p>Conscientious Scruples,</p> <p> exemption from militia duty..... 17 5</p> <p>Conservators,</p> <p> county court may appoint 6 23</p> <p>Consolidation,</p> <p> parallel lines of railroad..... 15 5</p> <p> telegraph lines 15 13</p> <p>Constables,</p> <p> election 14 11</p> <p> number in each precinct 14 11</p> <p> term 14 11</p> <p>Constitution,</p> <p> amendments, adoption of 19 2</p> <p> initiated, majority vote 5 1</p> <p> petitions, where filed 5 1</p> <p> number proposed at one session 19 2</p> <p> proposed, publication of 23 1</p> <p> voted on separately 19 2</p> <p> convention to alter, how called... 19 1</p> <p> Decision involving construction, decided by court en banc 6 5</p> <p> judges report defects in 6 27</p> <p> not affect prior indebtedness 11 9</p> <p> people may abolish or amend 2 2</p> <p> United States, not to be abridged 2 2</p> <p>Constitutional Convention,</p> <p> How called 19 1</p> <p> members, appointment and vacancies 19 1</p> <p> proceedings 19 1</p> <p> question submitted at election of 1922 19 1</p> <p>Contempt,</p> <p> of general assembly, punishment 5 12</p> <p>Contested Elections,</p> <p> ballots may be examined in..... 7 8</p> <p> for executive office, tried by legislature 4 3</p> <p> trial of 7 12</p> <p> witness at, must give testimony 7 9</p> <p>Contract,</p> <p> exempting employer from liability 15 15</p> <p> necessity of to warrant compensation 5 28</p> <p> no law impairing obligation of... 2 11</p> <p> officers not interested in 5 29</p> <p> supplies for departments 5 29</p>
--	---

THE STATE OF COLORADO

Conviction,	Art. Sec.	County Commissioners—Continued	Art. Sec.
treason, requisites	2 9	oath of	12 8
Coroner,		qualifications	14 10
election of	14 8	term	14 6
Corporations,		vacancies, how filled	14 9
bonds, issued for what	15 9	County Court,	
charter, alterations, etc., by		see Courts.	
legislature	15 3	County Seat,	
invalid if unused	15 1	removal	14 2
no special laws for, except.....	15 2	County Superintendent of Schools,	
consolidated, jurisdiction of courts		duties	9 6
over	15 14	election of	14 8
fictitious issue of stock void.....	15 9	term, qualifications	9 6
foreign, prerequisites to doing		County Treasurer,	
business	15 10	collect school fund	9 4
increase of stock	15 9	election of	14 8
no public aid to	11 2	investigation by grand jury.....	12 5
not released from taxation.....	10 9	qualifications	14 10
property, subject to eminent do-		term of office	14 8
main	15 8	vacancies	14 9
stock, fictitious forbidden	15 9	Court of Appeals,	
increase of	15 9	existence ceases	6 8
issued for what	15 9	Courts,	
subject to tax	10 10	clerk not under civil service	12 13
Corrupt Solicitation,		county, appeal from	6 23
officers	5 42	court of record	6 23
Counties,		judge, election of	6 22
classification, as to fees and sal-		not subject to impeachment.....	13 2
aries	14 15	qualifications	14 10
composing legislative districts.....	5 47	subject to removal	13 3
credit not pledged for private		vacancies	14 9
debt	11 1	jurisdiction of	6 23
indebtedness, creation of	11 6	criminal creation of	6 24
liability of new county	14 4	jurisdiction	6 24
of territory stricken off.....	14 5	district, appoint committee to in-	
limit of	11 6	vestigate treasurer and audi-	
prior obligations not affected.....	11 9	tor	12 5
separation of territory	14 4	clerk	6 19
levy own tax	10 7	formation of judicial districts.....	6 13
new, liability for	14 4	judges, election	6 15
not aird corporations	11 2	hold court for each other.....	6 12
sectarian institutions	9 7	number increased or dimin-	
not released from state taxes	10 8	ished	6 14
officers	14, 8, 12	qualifications	6 16
compensation	14 7	salaries	6 18
eligibility	14 10	term	6 12
recall of	21 4	jurisdiction	6 11
original, established	14 1	provision for special judges.....	6 12
property, tax exempt	10 4	terms	6 17, 20
striking off or adding to.....	14 3	laws relating to, uniform.....	6 28
County Assessor,		open to all	2 6
election of	14 8	power to change venue	6 37
qualifications	14 10	retirement of judges	6 31
term of office	14 8	supreme, appellate jurisdiction of	
County Attorney,		chief justice of	6 2
election or appointment	14 8	clerk of	6 9
County Board of Equalization,		departments of	6 5
duty of	10 15	give opinions when	6 3
County Clerk,		hold two terms annually	6 4
clerk board of commissioners.....	14 8	inform governor of defects in	
election of	14 8	law	6 27
County Commissioners,		justices, election of	6 6
clerk, county clerk is	14 8	qualifications of	6 10
constitute county equalization		salaries	6 18
board	10 15	original jurisdiction of	6 3
election	14 6	personnel of	6 5
fill vacancy county officers.....	14 9	power of review	6 8
judicial officers	6 29	when sits en banc	6 5
fix rates for water	16 8	terms, judge fix until	6 20
		vestment of judicial power in....	6 1
		Courts of Record,	
		county court	6 23

INDEX TO CONSTITUTION OF

<p>Credit, public, not pledged for private debt 11 1</p> <p>Crimes, felony defined 18 4 perjury, false treasurers report.. 10 12</p> <p>Criminal Courts, see Courts.</p> <p>Criminal Prosecution, accused, compulsory testimony.... 2 18 indictment for felonies 2 8 information permissible, when..... 2 8 process in, how run 6 30 rights of accused 2 16 witnesses, imprisonment of, dep- ositions 2 17</p> <p style="text-align: center;">D.</p> <p>Debt, county, how created 11 6 limit of 11 6 imprisonment for, limitations on law creating irrevocable 11 4 municipal, how created 11 8 private property not subject to municipal 10 14 public, prior obligations not af- fected 11 9 public building, creation 11 5 public credit not pledged for pri- vate 11 1 school district, how created 11 7 state, law creating irrevocable.. 11 4 purpose for which contracted.... 11 3 tax to pay 11 4 time limited for payment..... 11 4</p> <p>Decisions, supreme court, number of judges concurring 6 5</p> <p>Defalcation, disqualifies from office 12 3</p> <p>Defendant, see Accused.</p> <p>Denver, see City and County of Denver.. 20 1</p> <p>Departments, supreme court 6 5</p> <p>Depositions, witnesses in criminal cases 2 17</p> <p>Descent, estate of suicides 2 9</p> <p>Discrimination, by railroads 15 6</p> <p>Disfranchisement, during imprisonment 7 10</p> <p>Disqualification, public office, defalcation 12 3 embezzlement 12 4</p> <p>District Attorney election, qualifications 6 21</p>	<p>District Attorney—Continued Art. Sec. reside in district 6 29 salary 6 21 term 6 21 of all, expire on same day 6 15 vacancies, how filled 6 29</p> <p>District Court, see Courts.</p> <p>Districts, representative 5 49 senatorial 5 48 senatorial and representative..... 5 47</p> <p>Ditches, not separately taxed 10 3 private use, property taken for.... 2 14 right of way for 16 7</p> <p>Drainage, mines, provision for 16 3 right of way for 16 7</p> <p>Drains, private use, property taken for... 2 14</p> <p>Due Process of Law, right to 2 25</p> <p>Duel, disqualifies from office 12 12</p> <p style="text-align: center;">E.</p> <p>Education, board of education 9 1 commissioner of education..... 9 1 compulsory regulations 9 11</p> <p>Educational Institutions, state, names and location 8 5 officers and teachers, when not under civil service 12 13</p> <p>Eight-Hour Day, duty of legislature 5 25a</p> <p>Elections, by ballot 7 8 voting machine 7 8 constables 14 11 constitutional convention 19 1 contests, ballot may be examined in 7 8 by whom tried 7 12 for executive office, how tried witnesses' privileges 4 3 7 9 county for bonds to pay indebt- edness 11 6 county officers 14 8 cutting off or adding to county.. 14 3 Denver charter convention 20 4 new or amendments 20 5 free and open assured 2 5 freedom of 2 5 general, when held 7 7 general assembly, members of 5 2 initiated and referred measures.. 5 judges district court 6 15 judges supreme court 6 8 by people 6 6 municipal, powers of home rule cities 20 6 to create debt 11 8 purity of, legislature provide for recall of officers 7 11 21 2</p>
--	---

THE STATE OF COLORADO

Elections—Continued	Art. Sec.	Executive Department,	Art. Sec.
removal county seat	14 2	appropriations for, unaffected by referendum	5 1
returns, executive officers, publication of	4 3	encroachment of	3 1
school districts, for incurring debt	11 7	how composed	4 1
state officers	5 3	not infringe on other departments	3 1
to ratify acts of constitutional convention	19 1	officers	4 1
vote on city indebtedness	11 8	election, returns, opened and published	4 3
county indebtedness	11 6	how and when chosen	4 3
school indebtedness	11 7	keep accounts	4 16
qualifications of electors at	11 7	make reports	4 16, 17
vacancies, general assembly	5 2	pay fees into treasury	4 19
voting machines, use of	7 8	qualifications	4 4
Elective Officers,		residence	4 1
who are	21 4	salaries, establishment of	4 19
Electoral,		term of office	4 1
appointees under civil service must be	12 13	transmit information to governor	4 8
educational qualifications	7 3	reports	4 16, 17
eligibility to county office	14 10	Executive Officers,	
imprisonment, disfranchises	7 10	bribery of	5 41
number, ordering municipal initiative and referendum	5 1	Exemption,	
to propose initiative measures..	5 1	law, legislature pass	18 1
only persons qualified to hold office	7 6	militia service	17 1, 5
privilege from arrest	7 5	taxes, churches, etc.	10 5
qualifications	7 1	taxes, personal	10 3
to vote on municipal indebtedness	11 8	public property	10 4
school indebtedness	11 7	when void	10 6
removal county seat	14 2	Expenditures,	
residence, how determined	7 4	necessity for authorizing appropriation	5 33
Embezzlement,		Ex Post Facto Laws,	
disqualifies from office	12 4	not to be passed	2 11
Eminent Domain,		Expulsion,	
compensation, how ascertained...	2 15	members of legislature	5 12
private exercise of	2 14		
property and franchise of corporation	15 8	F.	
Employees,		Fees,	
injuries, not contract to release employer	15 15	counties classified as to	14 15
legislature, mode of compensation	5 27	executive officers, collect and pay over	4 19
Enacting Clause,		Felony,	
bills, style of	5 18	refined	18 4
Engineer,		legislature can not attain for....	2 9
state board land commissioners...	9 9	making profit, on public funds..	10 13
Equalization,		prosecution by indictment	2 8
see Board of Equalization		Female Suffrage,	
Escapement Shafts,		general assembly provide for	7 2
provision for	16 2	Fines,	
Escheats,		excessive not imposed.....	2 20
go to school fund	9 5	powers of home rule cities	20 6
Estates,		Firemen,	
county court have jurisdiction over	6 23	Denver, under civil service.....	20 3
suicides, descent	2 9	Fiscal Year,	
Evidence,		commence when	10 1
prima facie, initiative and referred petitions verified	5 1	Foreign Corporations,	
Examinations,		see Corporations.	
civil service, necessity.....	12 13	Forests,	
		to be preserved	18 6

INDEX TO CONSTITUTION OF

Franchise,	Art. Sec.	General Assembly—Continued	Art. Sec.
city and county of Denver, how granted	20 4	qualifications of	5 4
irrevocable grants forbidden	2 11	salary of	5 6
Fraud,		increase	5 9
imprisonment for, when	2 12	solicitation of bribery	5 40
Freedom of Speech,		term	5 7
members legislature in debate....	5 16	neither house adjourn for more than 3 days	5 15
Funding Bonds,		not to aid railroads, etc.	15 12
to pay outstanding state war-rants	11 3	sectarian institutions	9 7
G.		appropriate more than tax income, except	10 16
General Appropriation Bill,		change seat of government	8 2
contents	5 32	give financial privilege state lands	9 10
General Assembly,		levy county or municipal tax ..	10 7
acts, approval or rejection by people	5 1	make appropriation for capitol until	8 4
when take effect	5 19	pass special laws	5 25
adjournment, by governor, when not over 3 days	4 10	permit lotteries and gift enterprises	18 2
bill required to originate law....	5 17	prescribe text books	9 16
bribery of members	5 40	release, etc., liabilities to state ..	5 38
punishment	5 41	remove county seat	14 2
can not change seat of government	8 2	officers, how chosen	5 10
grant irrevocable franchise	2 11	organize school districts	5 15
pass ex post facto law	2 11	orders, resolutions, presented to governor	5 39
classify counties for fees	14 15	pass adulterated liquor laws	18 5
compensation of members	5 6	arbitration laws	18 3
consists of senate and house....	5 1	eight-hour law	5 25a
contempt, punishment	5 12	homestead and exemption laws ..	18 1
delegation of powers	5 35	prescribe duties and pay of officers and employees	5 27
designate tribunal election contests	7 12	proceedings to pass bills over veto	4 11
determine tie for executive office ..	4 3	provide for additional county officers	14 12
each house, choose its own officers	5 10	annual tax	10 2
keep journal	5 13	armories	17 4
election of members	5 2	census	5 45
establish congressional districts....	5 44	classification of cities and towns	14 13
county officers	14 12	conservation of state lands and fund	9 10
fees in counties	14 15	female suffrage	7 2
public schools	9 2	mining regulations	16 2
extraordinary sessions	4 9	organization of corporations	15 2
governor transmit pardon proceedings	4 7	preservation of forests	18 6
legislate concerning trust funds....	5 36	publication of session laws	18 8
legislative power	5 1	purity of elections	7 11
local or special laws, limitation..	5 25	provide for calling constitutional convention	19 1
make laws for state institutions ..	8 5	compulsory education	9 11
may abolish grand jury	2 23	educational qualifications for electors	7 3
alter, etc., corporation charter	15 3	exempting forest improvement from taxation	18 7
change time of elections and terms of supreme court judges	6 8	police magistrates	6 26
create criminal courts	6 24	special judges	6 12
establish office of police magistrate	6 26	suspensions of public officers....	12 1
increase or diminish number of judicial districts or judges....	6 14	teaching mining and metallurgy	16 4
pass eight-hour law	5 25a	provide instructions in mining....	16 4
propose amendments to constitution	19 2	laws for cities	14 13
referendum	5 1	receive election returns executive officers	4 3
measure, time of taking effect....	5 19	recommend constitutional convention	19 1
members, bribery of	12 6	regulate drainage of mines	16 3
election	5 2	election contests	7 12
liability for words spoken	5 16	telegraph companies	15 13
not hold other office	5 8	revoke charters	15 3
not vote if interested	5 43	sessions, open or secret	5 14
number of	5 46	shall not delegate power	5 35
oath	12 7	solicitation of members	5 42
privileged from arrest	5 16	tax, amount, determined by	10 2
punishment or expulsion	5 12	term of members	5 3
		times of meeting	5 7
		vacancies, how filled	5 2
		vestment of legislative power in ..	5 1

THE STATE OF COLORADO

Gift Enterprises,	Art. Sec.	H.	Art. Sec.
to be prohibited	18 2	Habeas Corpus,	
Government,		writ of, not to be suspended, except	2 21
form of, right to change	2 2	supreme court, issue	6 3
power of, where vested	3 1	Highways,	
Governor,		bonds	11 3
appoint commissioner of mines....	16 1	public, railroads are	15 4
land commissioners	9 9	Homestead Law,	
officers	4 6	legislature pass	18 1
of militia	17 3	House of Representatives,	
approve contracts	5 29	adjournment, from day to day....	5 11
bills presented to for signature ..	4 11	not over 3 days	5 15
call election for recall of officers ..	21 2	has sole power of impeachment....	13 1
chosen by people	4 3	journal, keeping and publishing..	5 13
commander in chief	4 5	may compel attendance of mem-	
estimate expenses of state.....	4 8	bers	5 11
expenditures, statement to assem-		require opinions of supreme	
sembly	4 8	court	6 3
fill vacancy county commissioner ..	14 9	members, number of	5 46
judges of district and supreme		punishment or expulsion	5 12
courts	6 29	qualifications	5 4
officers	4 6	terms	5 3
grant reprieves and pardons	4 7	officers, chosen by house	5 10
impeachment, chief justice pre-		quorum	5 11
side	13 1	revenue bills originate in	5 31
liability to	13 2	rules, making and enforcement ..	5 12
issue writs of election, vacancies ..	5 2	sessions, open or secret	5 14
may adjourn legislature, when....	4 10	sole power of impeachment.....	13 1
call out militia	4 5	speaker, act as governor, when....	4 15
convene assembly or senate,		how chosen	5 10
extraordinary session	4 9	sign bills	5 26
grant pardons	4 7	Household Goods,	
require opinions of supreme		\$200 exemption from tax	10 3
court	6 3		
reports from officers	4 8	I.	
veto items appropriation bill....	4 12	Impeachment,	
member state board of equaliza-		governor, chief justice preside....	13 1
tion	10 15	judgment on	13 2
message to assembly	4 8	no bar to prosecution	13 2
nominate and appoint officers....	4 6	sole power in house of represen-	
orders and resolutions presented		tatives	13 1
to	5 39	trial by senate	13 1
president pro tem of senate act		who liable to	13 2
as when	4 15	not liable to	13 3
private secretary, not under civil		Imprisonment,	
service	12 13	debt, limitation on	2 12
salary	5 30	disfranchisement during	7 10
proclamation, adoption of refer-		witness in criminal cases	2 17
red measures	5 1	Incorporation,	
showing adoption 20th amend-		cities and towns, provision for....	14 14
ment	20 3	Indebtedness,	
public treasurer's report of funds ..	10 12	see Debt.	
qualifications	4 4	powers of home rule cities.....	20 6
recall of, duties of lieutenant		Indictment,	
governor	21 4	felonies, prosecution by	2 8
require information from officers ..	4 8	nine jurors may find	2 23
salary	5 30	Influence,	
send message to legislature	4 8	legislators not promise	5 40
sign or veto bills	4 11	Information,	
supreme executive	4 2	officers transmit to governor	4 8
term of office	4 1	prosecution by, when	2 8
time of election	4 3	Injunction,	
transmit defects in laws	6 27	writ of, supreme court may issue ..	6 3
vacancy, succession	4 15		
veto power	4 11		
not extend to initiated or refer-			
red measure	5 1		
Grand Jury,			
assembly may change, etc.	2 23		
investigate treasurer's office....	12 5		
number of jurors	2 23		
Guardians,			
county court may appoint	6 23		

INDEX TO CONSTITUTION OF

<p>Initiative,</p> <p>measures, publication of 5 1</p> <p>style of 5 1</p> <p>veto power not affect 5 1</p> <p>municipalities subject to 5 1</p> <p>petition, affidavit of signature 5 1</p> <p>filed with secretary of state 5 1</p> <p>form and requisites 5 1</p> <p>signatures 5 1</p> <p>time of filing 5 1</p> <p>Intoxicating Liquors,</p> <p>sale of 22 1</p> <p>Investigation,</p> <p>state and county treasurers 12 5</p> <p>Irrigation,</p> <p>appropriation of water for 16 6</p> <p>ditch, right to cross land with... 16 7</p> <p>right to take private property in aid of 2 14</p> <p>water dedicated to public 16 6</p> <p>water rates, commissioners fix... 16 8</p> <p style="text-align: center;">J.</p> <p>Jeopardy</p> <p>not to be twice in 2 18</p> <p>what is not 2 18</p> <p>Journal,</p> <p>entries, ayes and nays on amendments 5 23</p> <p>on passage of bill 5 22</p> <p>signing of bills 5 26</p> <p>houses general assembly keep and publish 5 13</p> <p>Judges,</p> <p>county, compensation 6 22</p> <p>election 6 22</p> <p>must reside in county 6 29</p> <p>not liable to impeachment 13 2</p> <p>report defects in laws 6 27</p> <p>salary 6 22</p> <p>term of office 6 22</p> <p>vacancy filled by county commissioners 6 29</p> <p>district, charge accountability of treasurer 12 5</p> <p>compensation 6 18</p> <p>election of 6 15</p> <p>fill vacancy district attorney... 6 29</p> <p>may hold court for each other... 6 12</p> <p>must reside in district 6 29</p> <p>not act as attorney 6 18</p> <p>number of, how increased 6 14</p> <p>oath, where filed 12 9</p> <p>qualifications 6 16</p> <p>report defects in laws 6 27</p> <p>salary 5 30</p> <p>how determined 6 18</p> <p>term of all, expiration 6 15</p> <p>vacancies, how filled 6 29</p> <p>not act as attorney at law 6 18</p> <p>not under civil service 12 13</p> <p>report defects in laws 6 27</p> <p>residence 6 29</p> <p>supreme court, compensation 6 18</p> <p>election 6 6, 8</p> <p>oath, where filed 12 9</p> <p>report defects in laws 6 27</p> <p>salary 5 30</p> <p>term of office 6 7</p> <p>vacancies, how filled 6 29</p> <p>vacancies 6 29</p>	<p>Judgement,</p> <p>in impeachment 13 2</p> <p>Judicial Department,</p> <p>encroachment of 3 1</p> <p>Judicial Districts,</p> <p>city and county of Denver constitute one 20 1</p> <p>legislature increase or diminish number 6 14</p> <p>new, formation 6 14</p> <p>number of judges in, how increased 6 14</p> <p>original classification 6 13</p> <p>state divided into 6 12</p> <p>Judicial Officers,</p> <p>bribery of 5 41</p> <p>Judicial Power,</p> <p>vestment of 6 1</p> <p>Jurisdiction,</p> <p>county court 6 23</p> <p>district court 6 11</p> <p>justices of the peace 6 25</p> <p>over railroad or telegraph companies consolidating with foreign lines 15 14</p> <p>supreme court, appellate 6 2</p> <p>original and remedial writs 6 3</p> <p>Jurors,</p> <p>not under civil service 12 13</p> <p>number in all cases 2 23</p> <p>Jury,</p> <p>civil cases, number 2 23</p> <p>criminal cases, number 2 23</p> <p>rights of accused to 2 16, 23</p> <p>Justice,</p> <p>administered without delay 2 6</p> <p>equality of, insured 2 6</p> <p>Justices of the Peace,</p> <p>election 14 11</p> <p>jurisdiction 6 25</p> <p>not liable to impeachment 13 2</p> <p>number in each precinct 14 11</p> <p>removal of 13 3</p> <p>residence 6 29</p> <p>term 14 11</p> <p>Juvenile Courts,</p> <p>authorized in cities over 100,000.. 6 1</p> <p style="text-align: center;">L.</p> <p>Labor,</p> <p>eight-hour day, duty of legislature 5 25a</p> <p>Land,</p> <p>tax exemption for forest improvement 18 7</p> <p>Law,</p> <p>amendment, published at length 5 23</p> <p>bill required to originate 5 17</p> <p>defects in, reported in legislature due process of, right to 2 25</p> <p>eight-hour 5 25a</p> <p>initiative, style of 5 1</p> <p>parts, subject to referendum 5 1</p>
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THE STATE OF COLORADO

Law—Continued	Art. Sec.			
proposed by initiative petition	5	1		
publication of	18	8		
re-enactment of, how	5	24		
relating to courts, uniform	6	28		
required to pay claims	5	28		
retrospective, not to be passed	15	12		
revival or amendment	5	24		
shall not extend term of office	5	30		
special legislation	5	25		
style of	5	18		
time of taking effect	5	19		
Legal Advertising,				
publication of	23	1		
Legislative Department,				
encroachment of	3	1		
general assembly, initiative and referendum	5	1		
Legislature,				
see General Assembly.				
Liability,				
release from not to be required	15	15		
to state, not to be released	5	38		
Libel,				
truth a defense	2	10		
Liberty,				
right to	2	3		
unlawful deprivation of	2	25		
Librarian,				
state, who act as	4	20		
Lieutenant Governor,				
act as governor, when	4	13		
chosen by people	4	3		
duties on recall of governor	21	4		
duties performed by president pro tem., when	4	14		
impeachment, chief justice preside	13	1		
president of senate	4	14		
votes when	4	14		
qualifications	4	4		
term of office	4	1		
time of election	4	3		
Life,				
inalienable right to	2	3		
not taken without due process of law	2	25		
Liquors,				
adulterated, prohibited	18	5		
sale of	22	1		
Local Laws,				
when forbidden	5	25		
Logrolling,				
prohibited	5	40		
Lotteries,				
to be prohibited	18	2		
M.				
Majority,				
carries initiated and referred measures	5	1		
quorum of house and senate	5	11		
Majority vote,			Art. Sec.	
carries referred measures	5	1		
Mandamus,				
writ of, supreme court issue	6	3		
Manufacturing,				
appropriation of water for	16	6		
Message,				
governor transmit to assembly	4	8		
Metallurgy,				
shall be taught, where	16	4		
Mileage,				
members legislature, increase or decrease	5	9		
Military,				
subject to civil power	2	22		
Militia,				
discipline	17	2		
exemptions from service	17	5		
governor commander in chief	4	5		
may call out	4	5		
officers, how chosen	17	3		
organization and equipment	17	2		
to consist of	17	1		
troops not to be quartered on people	2	22		
who subject to duty	17	1, 5		
Mines,				
children not to be employed in	16	2		
commissioner of	16	1		
drainage, provision for	16	3		
eight-hour day, legislature pass law	5	25a		
escapement shafts	16	2		
ventilation of	16	2		
Mining,				
private property taken for	2	14		
right to cross land with flumes	16	7		
right to water for	16	6		
shall be taught, where	16	4		
Municipal Corporations,				
classification of	14	13		
consent of street railroad	15	11		
incorporation, provision for	14	14		
indebtedness, how created	11	8		
supplying water excepted	11	8		
private property not sold for	10	14		
prior obligations not affected	11	9		
legislature not delegate powers of	5	35		
levy own tax	10	7		
liabilities to, not released, etc.	5	38		
not aid corporations	11	2		
not released from state taxes	10	8		
officers, recall of	21	4		
property, tax exempt	10	4		
Municipal Courts,				
power of home rule cities	20	6		
Mutes, Institute for				
controlled by state	8	5		
may be organized	8	1		
where located	8	5		
N.				
Newspapers,				
publication of proposed constitutional amendments and initiated and referred bills	23	1		

INDEX TO CONSTITUTION OF

O.				
Oath,	Art.	Sec.		
civil officers	12	8		
members constitutional convention	19	1		
general assembly	12	7		
officers giving reports	4	8		
person circulating recall petition	21	2		
senators, impeachment cases	13	1		
where filed	12	9		
 Office,				
county, electors only eligible	14	10		
public, can only be held by electors	7	6		
defaulters disqualified from	12	3		
duelists disqualified from	12	12		
embezzlement disqualifies from	12	4		
recall from	21	1		
 Officers,				
bribery of, defined	12	6		
city and county of Denver	20	2		
transfer to new government	20	3		
classified civil service	12	13		
retain present position	12	13		
compensation, extra forbidden	5	28		
not increased or diminished	5	30		
county, compensation	14	7		
eligibility	14	10		
enumeration of	14	8		
legislature provide for additional	14	12		
salaries	14	8		
vacancies how filled	14	9		
disqualification by defalcation	12	3		
by dueling	12	12		
by embezzlement	12	4		
executive department, residence	4	1		
general assembly, how chosen	5	10		
impeachment of	13	2		
liability to	13	2		
judicial residence	6	29		
legislative, mode of compensation	5	27		
militia, how chosen	17	3		
must give personal attention to duties	12	2		
not interested in contracts	5	29		
oath of	12	8		
where filed	12	9		
power of home rule cities	20	6		
public, personal attention to duties	12	2		
suspensions	12	1		
when office expires	12	1		
recall of, procedure	21	1		
refusal to qualify	12	10		
removal if not subject to impeachment	13	3		
salaries of, how determined	4	19		
not to receive extra	5	28		
term, extent of	12	1		
law not extend	5	30		
vacancy, appointees not under civil service	12	13		
 Old Age Pension,				
administration of funds, health and medical care fund	24	7		
old age pension fund	24	4		
stabilization fund	24	7		
health and medical care fund,				
 Old Age Pension—Continued	Art.	Sec.		
creation, limitation of amount, use	24	7		
old age pension fund created	24	1		
disbursement of	24	6, 7		
money allocated to	24	8		
not transferrable	24	8		
 pensions,				
minimum payments	24	6		
persons eligible for	24	3		
stabilization fund, creation, limitation of amount, use	24	7		
 Orders,				
legislative, presentation to governor	5	39		
 Ordinance,				
creating municipal debt	11	8		
P.				
 Pardons,				
governor grant	4	7		
 Parks,				
powers of home rule cities	20	6		
 People,				
choose executive officers	4	3		
ensured due process of law	2	25		
inalienable rights	2	3		
open elections	2	5		
religious freedom	2	4		
may alter or abolish constitution	2	2		
process run in name of	6	30		
retain rights not expressly given	2	28		
rights reserved to assemble and petition	2	24		
bear arms	2	13		
govern themselves	2	1		
prosecution by indictment, except	2	8		
secured against search and seizure	2	7		
troops not to be quartered on	2	22		
 Perjury,				
false report of treasurer	10	12		
 Personal Injuries,				
employe, contract to release employer	15	15		
 Petition,				
initiative, number of electors required to propose	5	1		
recall of officers	21	1		
referendum, requisites	5	1		
right of, reserved to people	2	24		
 Police,				
Denver, under civil service	20	3		
 Police Courts,				
power of home rule cities	20	6		
 Police Magistrate,				
jurisdiction	6	26		
 Police Power,				
abridgement of construction of	15	8		
applies to corporations	15	8		
 Political Power,				
derived from people	2	1		
vestment of	2	1		

THE STATE OF COLORADO

Power,	Art. Sec.	Public Officers,	Art. Sec.
delegation by legislature	5 35	bribery of	5 41
distribution of	3 1	corrupt solicitation of	5 42
Precincts,		making profits on public funds, felony	10 13
number of justices and constables in	14 11	Public Property,	
President, pro tempore,		exemption from taxation	10 4
acts as lieutenant governor, when becomes governor, when	4 14	Public Schools,	
senate elects	5 10	see Schools; School Fund.	
Press,		control over, where vested	9 1
freedom of	2 10	legislature establish	9 2
Printing,		one in each district	9 2
contracts to be let for	5 29	Public Use,	
Private Institutions,		property taken for	2 15
public money not appropriated for	5 34	what is a judicial question	2 15
Private Property,		Public Utilities Commission,	
not taken for public debt	10 14	members, not under civil service	12 13
Privilege,		powers, vested in	25
witnesses, election contests	7 9	home rule cities	25
Probate,		utilities regulated by	25
jurisdiction over	6 23	Publication,	
Process,		initiated and referred measures	5 1
agent of foreign corporation to be served with	15 10	proposed constitutional amendments	23 1
conclude how	6 30	constitutional amendments and initiated and referred bills	23 1
run in name of people	6 30	first charter for city and county of Denver	20 4
Proclamation,		new or amended	20 5
adoption 20th amendment	20 3	session laws, legislature provide for	18 8
governor, adoption of referred measurers	5 1	treasurer's report	10 12
convene extraordinary session of assembly	4 9	Punishment,	
Prohibition,		cruel and unusual	2 20
intoxicating liquors	22 1	Q.	
Property,		Qualifications,	
aliens may hold	2 27	district attorney	6 21
assessed at full cash value	10 15	district judges	6 16
deprivation, due process of law, not to be taken for corporate debts	10 14	electors	7 1
private use, except	2 14	educational	7 3
private, not sold for municipal debt	10 14	to vote on municipal debt	11 8
public use, taking	2 15	judges supreme court	6 10
rights of persons	2 3	senators and representatives	5 4
Public Buildings,		state officers	4 4
debt, how created	11 5	Quo Warranto,	
maximum	11 5	district courts, jurisdiction over railroad, toll road and telegraph companies	6 11
Public Funds,		writ of, supreme court issue	6 3
making profits on, felony	10 13	Quorum,	
not to be appropriated for private use	5 34	county commissioners	14 6
to be paid out of appropriations only	5 33	houses of general assembly	5 11
Public Lands,		R.	
selection and control	9 10	Race,	
Public Libraries,		no discrimination in public educational institutions	9 8
property, exempt	10 4	Railroads,	
		companies, common carriers	15 4
		consolidating with foreign companies	15 14
		right to construct and operate lines	15 4
		consolidation of parallel or com-	

INDEX TO CONSTITUTION OF

<p>Railroads—Continued</p> <ul style="list-style-type: none"> peting lines 15 5 discrimination by 15 6 existing, file acceptance of constitution 15 7 intersection with other lines 15 4 jurisdiction over 15 14 legislature cannot aid 15 12 may connect with foreign lines 15 4 not require employe's release <ul style="list-style-type: none"> from liability 15 15 parallel lines not consolidate 15 5 public highways 15 4 right of public to ride on 15 6 rights, etc., jurisdiction in quo warranto 6 11 shall file charter 15 7 street, consent of municipality 15 11 <p>Rates,</p> <ul style="list-style-type: none"> water, county commissioners fix 16 8 <p>Recall of Officers,</p> <ul style="list-style-type: none"> elective officers, who are 21 4 governor, duties of lieutenant governor 21 4 incumbents, election expenses 21 4 not exclude other methods of removal 21 1 persons subject to act 21 4 petition for 21 1 form 21 2 repeated when 21 4 when circulated 21 4 procedure 21 1 <p>Receivers,</p> <ul style="list-style-type: none"> not under civil service 12 13 <p>Referendum,</p> <ul style="list-style-type: none"> affidavit of signatures 5 1 applies to part of acts 5 7 appropriations unaffected, kind 5 1 measures, publication of 5 1 veto power not affect 5 1 municipal legislation subject to petition, filed with secretary of state 5 1 form and requisites 5 1 number of signatures 5 1 proposed by people or legislature 5 1 when ordered, exceptions 5 1 <p>Regents,</p> <ul style="list-style-type: none"> see University. <p>Religion,</p> <ul style="list-style-type: none"> freedom of 2 4 public educational institutions, tests forbidden 9 8 <p>Removal,</p> <ul style="list-style-type: none"> of officers not subject to impeachment 13 3 <p>Reports,</p> <ul style="list-style-type: none"> executive officers 4 16, 17 governor may require 4 8 state institutions 4 16, 17 officers 4 8 treasurer 10 12 <p>Representative Districts,</p> <ul style="list-style-type: none"> counties comprising 5 47 reapportionment 5 47 <p>Representatives,</p> <ul style="list-style-type: none"> cannot hold other office 5 8 	<p>Representatives—Continued</p> <ul style="list-style-type: none"> not vote if interested in measure 5 43 number of 5 46 privileges of 5 16 punishment of, if expelled 5 12 qualifications of 5 4 residence 5 4 salary 5 6 term 5 3 <p>Reprieves,</p> <ul style="list-style-type: none"> governor grant 4 7 <p>Reservoirs,</p> <ul style="list-style-type: none"> private use, property taken for.. 2 14 <p>Residence,</p> <ul style="list-style-type: none"> candidate for county office 14 10 electors, how determined 7 4 judicial officers 6 29 representatives 5 4 state officers 4 4 <p>Resolutions,</p> <ul style="list-style-type: none"> legislative, presentation to governor 5 39 <p>Retrospective Laws,</p> <ul style="list-style-type: none"> not to be passed 2 11 same 15 12 <p>Revenue,</p> <ul style="list-style-type: none"> see Taxes. bills for raising, originate in house 5 31 fiscal year commences 10 1 <p>Revival,</p> <ul style="list-style-type: none"> law, re-enacted and republished.. 5 24 <p>Right of Way,</p> <ul style="list-style-type: none"> ditches, flumes 16 7 <p>Rights, Bill of</p> <ul style="list-style-type: none"> reservations to people 2 1-28 <p>Rights of People,</p> <ul style="list-style-type: none"> see People. assembly and petition 2 24 due process of law 2 25 freedom of speech and press 2 10 initiative and referendum 5 1 keep and bear arms 2 13 proposed laws and amendments to constitution 5 1 reserved rights 2 28 <p>Rules,</p> <ul style="list-style-type: none"> house and senate, how made and enforced 5 12 <p style="text-align: center;">S.</p> <p>Salary,</p> <ul style="list-style-type: none"> county officers, counties to be classified 14 15 executive officers 4 19 governor 5 30 judges district court 5 30 supreme court 5 30 members legislature, increase or decrease 5 9 state board land commissioners 9 9 not to be increased during term 4 19 officers Denver, how paid 20 2
--	---

THE STATE OF COLORADO

School Districts,	Art. Sec.	Secretary of State—Continued	Art. Sec.
board of education	9 15	stitution	15 7
School for Deaf and Blind,		recall of, duties of auditor	21 4
controlled by state	8 5	referendum petition filed with..	5 1
where located	8 5	returns transmitted to	4 3
School Fund,		submit initiated and referred	
county disbursement	9 4	measures	5 1
treasurer collect	9 4	term of office	4 1
state, consists of what	9 5	time of election	4 3
interest used to maintain		vacancy, how filled	4 6
schools	9 3	Sectarian Institutions,	
kept inviolate	9 3	no public money for	5 34
losses reimbursed by state	9 3	public aid to	9 7
proceeds of funding bonds paid		Sectarianism,	
into	11 3	public educational institutions	
treasurer custodian of	9 3	free from	9 8
use and transfer	9 3	Seizures,	
what districts not entitled to...	9 2	people secured against unreason-	
School Lands.		able	2 7
consist of what	9 5	warrant for, to describe property	2 7
state land board control	9 9	Self Incrimination,	
School of Mines,		rights of accused	2 18
controlled by state	8 5	Senate,	
where located	8 5	adjournment, not over 3 days....	5 15
Schools,		approve appointments	4 6
aid to private forbidden	9 7	classification of senators	5 5
building, debt for, how created...	11 7	confirm appointment land com-	
compulsory attendance may be		missioners	9 9
required	9 11	consent to executive nominations	4 6
districts	9 15	extraordinary session convened...	4 9
city and county of Denver,		journals, keeping and publishing	5 13
consolidation	20 7	may adjourn from day to day....	5 11
debt, how created	11 7	compel attendance of members	5 11
directors	9 15	require opinions of supreme	
not aid corporations	11 2	court	6 3
prior debt not affected	11 9	members, punishment or expul-	
school at least 3 months	9 2	sion	5 14
what not entitled to fund....	9 2	qualifications	5 4
exempt from taxes	10 5	terms	5 3
legislature not prescribe text		officers, chosen by senate	5 10
books for	9 16	president, lieutenant governor is	
private, no public aid to	9 16	pro tem	4 14
property, tax exempt	10 5	act as governor, when	4 15
race discrimination forbidden....	9 8	how chosen	5 10
religious test forbidden	9 8	sign bill	5 26
sectarian tenets not taught in...	9 8	quorum	5 11
Seal,		rules, making and enforcement...	5 12
state, kept by secretary of state..	4 18	sessions, open or secret	5 14
Search,		try impeachments	13 1
people secured against unreason-		oath	13 1
able	2 7	Senatorial Districts,	
warrant for, to describe place...	2 7	counties composing	5 47
Seat of Government,		original apportionment	5 48
how changed	8 3	reapportionment	5 47
how located	8 2	Senators,	
not to be changed by legislature	8 2	apportionment of	5 48
Secretary of State,		cannot hold other office	5 8
chosen by people	4 3	classification	5 5
duties, initiated and referred pe-		compensation	5 6
titions	5 1	not to vote if interested in bill...	5 43
filed with, copies of Denver char-		number	5 46
ter	20 5	privileges of	5 16
initiative petitions	5 1	punishment, if expelled	5 12
keep state seal	4 18	qualifications	5 4
board of equalization	10 15	residence	5 4
publish proposed constitutional		term	5 3
amendment	19 2	Servant,	
qualifications	4 4	not required to release employ-	
railroads file acceptance of con-		er's liability	15 15

INDEX TO CONSTITUTION OF

<p>Session Laws, proposed constitutional amend- ment in 19 2 publication of 18 8</p> <p>Sessions, general assembly, open or secret 5 14</p> <p>Sheriff, election of 14 8</p> <p>Signatures, initiative petition 5 1</p> <p>Slavery, prohibited 2 26</p> <p>Smelters, 8-hour day, duty of legislature... 5 25a</p> <p>Solicitation, of member of legislature forbid- den 5 42</p> <p>Speaker of House of Representatives, acts as governor, when 4 15 house elects 5 10 open and publish election returns 4 3 sign bills 5 26</p> <p>Special Laws, charters of corporations, forbid- den 15 2 when forbidden 5 25</p> <p>Special Privileges, irrevocable grants forbidden..... 2 11</p> <p>Speech, freedom of 2 10</p> <p>State, boundaries 1 capital of 8 2 how changed 8 3 credit not pledged for private debt 11 1 debt, amount 11 3 purposes for which contracted 11 3 tax to pay 11 4 expenses, annual tax 10 2 liabilities to, not released, etc.... 11 2 not aid corporations 11 2 become joint owners 11 2 pledge credit 11 1 officers, recall of 21 4 property exempt from taxation.. 10 4</p> <p>State Auditor, see Auditor of State. qualifications 4 4 time of election 4 3</p> <p>State Board of Education, see Board of Education. not prescribe text books 9 16</p> <p>State Board of Equalization, see Board of Equalization.</p> <p>State Board of Land Commissioners, control state lands 9 9 direct county commissioner of lands 9 6 members 9 9 qualifications 9 9</p>	<p>State Board of Land Commissioners—Continued Art. Sec. salaries 9 9 term 9 9 select and control state lands.... 9 10</p> <p>State Educational Institutions, may establish university exten- sion work 8 5 no discrimination as to race or color 9 8 what constitute 8 5</p> <p>State Funds, treasurer's report 10 12</p> <p>State Industrial Commission, members, not under civil service.. 12 13</p> <p>State Institutions, appropriations for, unaffected by referendum 5 1 establish and supported 8 1 legislature make laws for..... 8 5 territorial institutions become... 8 5 reports 4 16, 17 on request of governor 4 8 under control of state..... 8 5</p> <p>State Lands, conservation of 9 10 selection and control 9 10</p> <p>State Librarian, See 9-I, superintendent public instruction act 4 20</p> <p>State Officers, appointment 4 6</p> <p>State Seal, kept by secretary of state 4 18</p> <p>State Treasurer, accountability, laws, relating to given to grand jury 12 5 approve contracts 5 29 chosen by people 4 3 investigation of affairs of office 12 5 keep accounts 10 12 make reports 10 12 member of board of equalization 10 15 not succeed himself 4 21 qualifications 4 4 report funds and moneys 10 12 sell funding bonds 11 3 term of office 4 1 time of election 4 3 vacancy, how filled 4 6</p> <p>Stenographer, court of record, not under civil service 12 13</p> <p>Stock, see corporations, corporate increase of 15 9 fictitious issue of corporations, void 15 9</p> <p>Streams, water of, public property 16 5 right to divert 16 6</p> <p>Street Railroad, consent of municipality neces- sary 15 11</p>
--	--

THE STATE OF COLORADO

Suffrage,	Art. Sec.	Telegraph Companies,	Art. Sec.
see Elector.		consolidation with foreign com-	
unrestricted rights	2 5	panies	15 14
who entitled to	7 1	jurisdiction over	15 13
women	7 2	not require release of liability	15 15
		rights, etc., jurisdiction in quo	
Suicides,		warranto	6 11
estates, descent	2 9	Telegraph Lines,	
Supplies,		consolidation	15 13
contracts for	5 29	Terms of Court,	
Supreme Court,		district court	6 17
appellate jurisdiction	6 2	supreme court	6 4
chief justice of	6 8	Terms of Office,	
clerk	6 9	not to be extended	5 30
decisions, number of judges con-		of county commissioners	14 6
curring	6 5	county judges	6 22
departments	6 5	county officers	14 8
jurisdiction	6 3	c o u n t y s u p e r i n t e n d e n t o f	
original and remedial writs	6 3	s c h o o l s	9 6
justices, each may issue habeas		district attorney	6 21
corpus writ	6 3	expiration	6 15
election by people	6 6	district judges, expiration of	
qualifications	6 10	all	6 15
salary	5 30	executive department	4 1
term	6 8	judges supreme court	6 7
opinions issued on important oc-		legislature may change	6 8
casions	6 3	justices and constables	14 11
personnel	6 5	members general assembly	5 7
presiding judge	6 8	officer elected to fill vacancy	12 11
retirement of judges	6 31	senators and representatives	5 3
sitting en banc	6 5	state board of land commis-	
terms	6 4	sioners	9 9
		state senators	5 5
		Territorial Institutions,	
T.		became state institutions	8 5
Taxes,		Territory,	
appropriations not exceed except	10 11	debts under, not affected	11 9
assessment, full cash value	10 15	Tie,	
churches, etc., exempt from	10 5	executive office, how determined	4 3
cities and counties levy own	10 7	Time,	
must pay their share	10 8	adjournment of each house	5 15
corporations not released from	10 9	general assembly convening	5 7
subject to	10 10	introduction of bills	5 19
county and municipality levy		limit for payment of state debt	11 4
own	10 7	of filing initiative and referen-	
not released	10 8	dum petitions	5 1
equalization, state and county		referred measures effective	5 1
boards	10 15	taking effect of laws	5 19
exemption, for forest improve-		Title,	
ments	18 7	land, justice has no jurisdiction	6 25
personal	10 3	Title of Bill,	
public property	10 4	contain but one subject	5 21
schools, churches, etc.	10 5	first reading	5 22
when void	10 6	read before signing	5 26
improvements exempt from in-		Toll Road Companies,	
crease, when	18 7	rights, etc., jurisdiction in quo	
income tax	10 17	warranto	6 11
legislature determine amount of		Tort,	
maximum rate of	10 11	imprisonment for, when	2 12
motor fuel	10 18	Towns and Cities,	
excise tax on	10 18	see Cities and Town.	
use of	10 18	functions not delegated to com-	
motor vehicles	10 18	missions, etc.	5 35
registration license fees, use of		initiative measures applicable to	5 1
taxation of, basis, exception ..	10 6	ordinances, subject to initiative	
municipal, powers of home rule		and referendum	5 1
cities	20 6	referendum on legislation	5 1
public property exempt from	10 4		
state, Denver charter not impair			
state expenses, levied annually ..	10 2		
state purposes, maximum rate ..	10 11		
to pay state debt	11 4		
uniformity of	10 3		
what exemptions void	10 6		
Tax Paying Electors,			
municipal indebtedness election ..	11 8		

INDEX TO CONSTITUTION

Treason,	Art. Sec.	Venue,	Art. Sec.
conviction of	2 9	change, power vested in courts..	5 37
defined	2 9	how regulated	5 37
legislature can not attain for..	2 9		
Trial,		Veto,	
criminal, speedy	2 16	appropriation bill, separate items	4 12
jury, right of accused	2 23	power of governor to exercise...	4 11
Trial by Jury,		Voter,	
rights of accused	2 23	see Elector.	
Trust Funds,		Voting Machines,	
investment of	5 36	use of	7 8
Two-Thirds Vote,			
change of seat of government.....	8 3	W.	
general assembly, proposing con-		Warrants,	
stitutional amendments	19 2	money must be drawn on.....	5 33
constitutional convention	19 1	on county school fund	9 4
impeachments	13 1	requisites of	2 7
passage of resolution and orders		state, funding bonds for.....	11 3
over veto	5 39		
		Water,	
U.		dedicated to public use	16 5
Uniformity,		diversion, rights of public.....	16 6
practice, etc., of courts.....	6 28	priority of right	16 6
taxation	10 3	public property	16 5
University,		rates for, county commissioners	
controlled by state	8 5	fix	16 8
dental department, courses where		right of way for	16 7
taken	8 5	Water Districts,	
medical department, courses		power of home rule cities.....	20 6
where taken	8 5	Ways of Necessity,	
pharmacy department, courses		taking for private use,	2 14
where taken	8 5	Weapons,	
president, election, duties.....	9 13	concealed, right not granted....	2 13
regents, body, corporate.....	9 12	Witnesses,	
control funds	9 13	confrontation, right of accused..	2 16
election and term.....	9 12	depositions of, in criminal cases..	2 17
may establish medical, dental and		election contests, no privilege....	7 9
pharmacy courses at Denver....	8 5	imprisonment of	2 17
where located	8 5	in case of treason	2 9
University Extension Work,		not imprisoned, except	2 17
authorization	8 5	incriminate himself	2 18
		Women,	
V.		legislature may grant right to	
Vacancy,		vote	7 2
constitutional convention	19 1	Writ of Error,	
county commissioners, how filled		in what cases	6 23
judge	6 29	Writs,	
officers, how filled	14 9	election, legislative vacancies.....	5 2
district attorney	6 29	habeas corpus, suspension	2 21
district judge	6 29	habeas corpus, etc., supreme	
general assembly, how filled	5 2	court issue	6 3
governor	4 13		
judicial officers	6 29	Y.	
lieutenant governor	4 14	Yeas and Nays.	
officers refusing to qualify	12 10	see Ayes and Nays.	
state officers, how filled	4 6		
supreme justices	6 29		
term of officer elected to fill.....	12 11		
Ventilation,			
mines	16 2		

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