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THE  
CONSTITUTION  
of the  
State of Colorado

Revised to January 1, 1971



*Published by Authority of*  
BYRON A. ANDERSON, *Secretary of State*  
Denver, Colorado

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## ENABLING 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

# CONSTITUTION

OF THE

# STATE OF COLORADO

Publication Approved by Herbert R. Dunham, Controller

## ENABLING 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 proclamation 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 to 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 reg-



ulations as the legislature shall direct; **Provided**, That no salt springs 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**  
of the  
**STATE OF COLORADO**

Adopted in Convention, March 14, 1876.

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

**Sec. 4. Religious freedom.**—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.**—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.**—Courts of justice shall be open to every person, and a speedy remedy afforded for every injury to person, property or character; and right and justice should be administered without sale, denial or delay.

**Sec. 7. Security of person and property — Searches — Seizures — Warrants.**—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.**—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.**—Treason against the state can consist only in levying war against it or in adhering to its enemies, giving them aid and comfort; 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; no person can be attainted of treason or felony by the general assembly; no conviction can work corruption of blood or forfeiture of estate; 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.**—No law shall be passed impairing the freedom of speech; 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 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.**—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.**—No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of tort or where there is a strong presumption of fraud.

Sec. 13. **Right to bear arms.**—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.**—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.**—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.**—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.**—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 depo-

sition. 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 have 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.

**Sec. 18 Crimes—Evidence against one's self—Jeopardy.**—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.**—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.**—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**Sec. 21. Suspension of habeas corpus.**—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.**—The military shall always be in strict subordination to the civil power; 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 th 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 account of sex, and the General Assembly may provide by law for the exemption from jury service of persons or classes of persons.

Sec. 24. **Right to assemble and petition.**—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.**—No person shall be deprived of life, liberty or property, without due process of law.

Sec. 26. **Slavery prohibited.**—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.

Section 1. **Officers—Terms of office—Residence.**—The executive department shall include the governor, lieutenant governor, secretary 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 1967, and each fourth year thereafter. They shall perform such duties as are prescribed by this constitution or by law.

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 Governor and the Lieutenant Governor shall be chosen jointly by the casting by each voter of a single vote applicable to both offices. 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 joint candidates having the highest number of votes cast for Governor and Lieutenant Governor and the person having the highest number of votes for any other office shall be declared duly elected, but if two or more have an equal and the highest number of votes for the same office or offices, one of them, or any two for whom joint votes were cast for Governor and Lieutenant Governor respectively, 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. Qualifications of state officers.**—No person shall be eligible to the office of governor or lieutenant governor unless he shall have attained the age of thirty years, nor to the office of 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 in good standing, and 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.

**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 occurs 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 state treasurer, secretary of state, or attorney general 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.

**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 im-

peachment, 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.

**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 monies 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 specially 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 do 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 the 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.** The auditor of state elected at the general election in 1962 shall hold his office until the second Tuesday of January of 1967. In case of a vacancy in the office prior to said date, such vacancy shall be filled by the governor. The provisions of this amendment shall not affect the powers and duties of such auditor of state during his term of office, but thereafter such powers and duties as prescribed by this constitution and by statute law, and not by this amendment specifically transferred to other state officers, shall devolve upon such state officers as the general assembly may prescribe.

**Sec. 22. Principal departments** —All executive and administrative offices, agencies, and instrumentalities of the executive department of state government and their respective functions, powers, and duties, except for the office of governor and lieutenant governor, shall be allocated by law among and within not more than twenty departments by no later than June 30, 1968. Subsequently, all new powers or functions shall be assigned to departments, divisions, sections, or units in such manner as will tend to provide an orderly arrangement in the administrative organization of state government. Temporary commissions may be established by law and need not be allocated within a principal department. Nothing in this section shall supersede the provisions of section 13, article XII, of this constitution, EXCEPT THAT THE CLASSIFIED CIVIL SERVICE OF THE STATE SHALL NOT EXTEND TO HEADS OF PRINCIPAL DEPARTMENTS ESTABLISHED PURSUANT TO THIS SECTION.

## 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 persons 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.

**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.

**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 des-

ignated by even number 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 should 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 (\$1,000) 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 1963.)

**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.

**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 to 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.

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 an 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.

**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.

**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.

**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 al-

lowances 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.

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.

Sec. 28. **Extra compensation to officers 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, furnishings, 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.

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.

Sec. 33. **Disbursement 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 investment 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.

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.

**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.

**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.

**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.

**Sec. 45. General assembly.**—The general assembly shall consist of not more than thirty-five members of the senate and of not more than sixty-five members of the house of representatives, one to be elected from each senatorial and each representative district, respectively.

**Sec. 46. Senatorial and representative districts.**—The state shall be divided into as many senatorial and representative districts as there are members of the senate and house of representatives respectively, each district in each house having a population as nearly equal as may be, as required by the Constitution of the United States.

**Sec. 47. Composition of Districts.**—Each district shall be as compact in area as possible and shall consist of contiguous whole general election precincts. Districts of the same house shall not overlap. Except when declared by the general assembly to be necessary to meet the equal population requirements of Section 46, no part of one county shall be added to all or part of another county in forming districts. When county boundaries are changed, adjustments, if any, in legislative districts, shall be as prescribed by law.

**Section 48. Revision and alteration of districts.**—(1) In the regular session of the general assembly in 1967, and at each such session next following official publication of each federal enumeration of the population of the state, the general assembly shall establish or revise and alter the boundaries of senatorial and representative districts according to the provisions of sections 46 and 47. After forty-five days from the beginning of each such regular session, no member of the general assembly shall be entitled to or earn any compensation for his services or receive any payment for salary or expenses, nor shall any member be eligible to succeed himself in office, unless and until such revision and alteration shall have been made.

(2) Each paragraph, sentence and clause of sections 45, 46, 47 and 48 shall be deemed to be severable from all other parts thereof and shall be interpreted to preserve, as the primary purpose thereof, the creation of single member districts. Nothing in said sections contained, nor any judgment or judicial declaration pertaining to sections hereby repealed, nor the failure of the State of Colorado to conduct a census in 1885 and subsequent years, shall affect the validity of laws at any time enacted by the general assembly or by the people on any subject not directly pertaining to legislative districting or apportionment.

**Sec. 49. Appointment of state auditor — Term — Qualifications — Duties.**—The general assembly, by a majority vote of the members elected to and serving in each house, shall appoint, without regard to political affiliation, a state auditor, who shall be a certified public accountant licensed to practice in this state, to serve for a term of five years and until his successor is appointed and qualified. He shall be ineligible for appointment as state auditor for more than two

consecutive terms, or for appointment or election to any other public office in this state from which compensation is derived while serving as state auditor and for two years following the termination of his services as such state auditor. He may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house. It shall be his duty to conduct post audits of all financial transactions and accounts kept by or for all departments, offices, agencies, and institutions of the state government, including educational institutions notwithstanding the provisions of section 14 of article IX of this constitution, and to perform similar or related duties with respect to such political subdivisions of the state as shall from time to time be required of him by law.

Not more than three members of the staff of the state auditor shall be exempt from the classified civil service.

## ARTICLE VI

### JUDICIAL DEPARTMENT

Section 1. **Vestment of judicial power.**—The judicial power of the state shall be vested in a supreme court, district courts, a probate court in the city and county of Denver, a juvenile court in the city and county of Denver, county courts, and such other courts or judicial officers with jurisdiction inferior to the supreme court, as the general assembly may, from time to time establish; provided, however, that nothing herein contained shall be construed to restrict or diminish the powers of home rule cities and towns granted under article XX, section 6 of this constitution to create municipal and police courts.

#### SUPREME COURT

Sec. 2. **Appellate jurisdiction.**—(1) The supreme court, except as otherwise provided in this constitution, shall have appellate jurisdiction only, which shall be coextensive 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.

(2) Appellate review by the supreme court of every final judgment of the district courts, the probate court of the city and county of Denver, and the juvenile court of the city and county of Denver shall be allowed, and the supreme court shall have such other appellate review as may be provided by law. There shall be no appellate review by the district court of any final judgment of the probate court of the city and county of Denver or of the juvenile court of the city and county of Denver.

Sec. 3. **Original jurisdiction—Opinions.**—The supreme court shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction, and such other original and remedial writs as may be provided by rule of court 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 decision of said court.

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—Chief justice.**—(1) The supreme court shall consist of not less than seven justices, who may sit en banc or in departments. In case said court shall sit in departments, each of said departments shall have 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 judgment of the court unless concurred in by at least three justices, and no case involving construction of the constitution of this state or of the United States shall be decided except by the court en banc. Upon request of the supreme court, the number of justices may be increased to no more than nine members whenever two-thirds of the members of each house of the general assembly concur therein.

(2) The supreme court shall select a chief justice from its own membership to serve at the pleasure of a majority of the court, who shall be the executive head of the judicial system.

(3) The supreme court shall appoint a court administrator and such other personnel as the court may deem necessary to aid the administration of the courts. Whenever the chief justice deems assignment of a judge necessary to the prompt disposition of judicial business, he may: Assign any county judge, or retired county judge who consents, temporarily to perform judicial duties in any county court if otherwise qualified under Section 18 of this article, or assign, as hereafter may be authorized by law, said judge to any other court; or (b) assign any district, probate, or juvenile judge, or retired justice or district, probate, or juvenile judge who consents, temporarily to perform judicial duties in any court. For each day of such temporary service a retired justice or judge shall receive compensation in an amount equal to 1/20 of the monthly salary then currently applicable to the judicial position in which the temporary service is rendered.

(4) The chief justice shall appoint from the district judges of each judicial district a chief judge to serve at the pleasure of the chief justice. A chief judge shall receive no additional salary by reason of holding such position. Each chief judge shall have and exercise such administrative powers over all judges of all courts within his district as may be delegated to him by the chief justice.

Sec. 6 is hereby repealed.

Sec. 7. **Term of office.**—The full term of office of justices of the supreme court shall be ten years.

Sec. 8. **Qualifications of justices.**—No person shall be eligible to the office of justice of the supreme court unless he shall be a quali-

fied elector of the state of Colorado and shall have been licensed to practice law in this state for at least five years.

#### DISTRICT COURTS

**Sec. 9. District courts—Jurisdiction.**—(1) District courts shall be trial courts of record with general jurisdiction, and shall have original jurisdiction in all civil, probate, and criminal cases, except as otherwise provided herein, and shall have such appellate jurisdiction as may be prescribed by law.

(2) Effective the second Tuesday in January, 1965, all causes pending before the county court in each county, except those causes within the jurisdiction of the county court as provided by law, and except as provided in subsection (3), of this section, shall then be transferred to and pending in the district court of such county, and no bond or obligation given in any of said causes shall be affected by said transfer.

(3) In the city and county of Denver, exclusive original jurisdiction in all matters of probate, settlements of estates of deceased persons, appointment of guardians, conservators and administrators, and settlement of their accounts, the adjudication of the mentally ill, and such other jurisdiction as may be provided by law shall be vested in a probate court, created by section 1 of this article, and to which court all of such jurisdiction of the county court of the city and county of Denver shall be transferred, including all pending cases and matters, effective on the second Tuesday of January, 1965.

**Sec. 10. Judicial districts—District judges.**—(1) The state shall be divided into judicial districts. Such districts shall be formed of compact territory and be bounded by county lines. The judicial districts as provided by law on the effective date of this amendment shall constitute the judicial districts of the state until changed. The general assembly may by law, whenever two-thirds of the members of each house concur therein, change the boundaries of any district or increase or diminish the number of judicial districts.

(2) In each judicial district there shall be one or more judges of the district court. The full term of office of a district judge shall be six years.

(3) The number of district judges provided by law for each district on the effective date of this amendment shall constitute the number of judges for the district until changed. The general assembly may by law, whenever two-thirds of the members of each house concur therein, increase or diminish the number of district judges, except that the office of a district judge may not be abolished until completion of the term for which he was elected or appointed, but he may be required to serve in a judicial district other than the one for which elected, as long as such district encompasses his county of residence.

(4) Separate divisions of district courts may be established in districts by law, or in the absence of any such law, by rule of court.

**Sec. 11. Qualifications of district judges.**—No person shall be eligible to the office of district judge unless he shall be a qualified elector of the judicial district at the time of his election or selection and shall have been licensed to practice law in this state for five years. Each judge of the district court shall be a resident of his district during his term of office.

**Sec. 12. Terms of court.**—The time of holding courts within the judicial districts shall be as provided by rule of court, but at least one term of the district court shall be held annually in each county.

#### DISTRICT ATTORNEYS

**Sec. 13. District attorneys — Election — Term — Salary — Qualifications.**—In each judicial district there shall be a district attorney elected by the electors thereof, whose term of office shall be four years. District attorneys shall receive such salaries and perform such duties as provided by law. No person shall be eligible to the office of district attorney who shall not, at the time of his election possess all the qualifications of district court judges as provided in this article. All district attorneys holding office on the effective date of this amendment shall continue in office for the remainder of the respective terms for which they were elected or appointed.

#### PROBATE AND JUVENILE COURTS

**Sec. 14. Probate court — Jurisdiction — Judges — Election — Term — Qualifications.**—The probate court of the city and county of Denver shall have such jurisdiction as provided by section 9, subsection (3) of this article. The judge of the probate court of the city and county of Denver shall have the same qualifications and term of office as provided in this article for district judges and shall be elected initially by the qualified electors of the city and county of Denver at the general election in the year 1964. Vacancies shall be filled as provided in section 20 of this article. The number of judges of the probate court of the city and county of Denver may be increased as provided by law.

**Sec. 15. Juvenile court — Jurisdiction — Judges — Election — Term — Qualifications.**—The juvenile court of the city and county of Denver shall have such jurisdiction as shall be provided by law. The judge of the juvenile court of the city and county of Denver shall have the same qualifications and term of office as provided in this article for district judges and shall be elected initially by the qualified electors of the city and county of Denver at the general election in the year 1964. Vacancies shall be filled as provided in section 20 of this article. The number of judges of the juvenile court of the city and county of Denver may be increased as provided by law.

#### COUNTY COURTS

**Sec. 16. County judges — Terms — Qualifications.**—In each county there shall be one or more judges of the county court as may be provided by law, whose full term of office shall be four years, and whose qualifications shall be prescribed by law. County judges shall

be qualified electors of their counties at the time of their election or appointment.

**Sec. 17. County courts—Jurisdiction—Appeals.** — County courts shall have such civil, criminal, and appellate jurisdiction as may be provided by law, provided such courts shall not have jurisdiction of felonies or in civil cases where the boundaries or title to real property shall be in question. Appellate review by the supreme court or the district courts of every final judgment of the county courts shall be as provided by law.

#### MISCELLANEOUS

**Section 18. Compensation and services.** — Justices and judges of courts of record shall receive such compensation as may be provided by law, which may be increased but may not be decreased during their term of office and shall receive such pension or retirement benefits as may be provided by law. No justice or judge of a court of record shall accept designation or nomination for any public office other than judicial without first resigning from his judicial office, nor shall he hold at any other time any other public office during his term of office, nor hold office in any political party organization, nor contribute to or campaign for any political party or candidate for political office. No supreme court justice, judge of any intermediate appellate court, district court judge, probate judge, or juvenile judge shall engage in the practice of law. Justices, district judges, probate judges, and juvenile judges, when called upon to do so, may serve in any state court with full authority as provided by law. Any county judge may serve in any other county court, or serve, as hereinafter may be authorized by law, in any other court, if possessing the qualifications prescribed by law for a judge of such county court, or other court, or as a municipal judge or police magistrate as provided by law, or in the case of home rule cities as provided by charter and ordinances.

**Sec .19. Laws relating to courts—Uniform.**—All laws relating to state courts shall be general and of uniform operation throughout the state, and except as hereinafter in this section specified the organization, jurisdiction, powers, proceedings, and practice of all courts of the same class, and the force and effect of the proceedings, judgments and decrees of such courts severally shall be uniform. County courts may be classified or graded as may be provided by law, and the organization, jurisdiction, powers, proceedings, and practice of county courts within the same class or grade, and the force and effect of the proceedings, judgments and decrees of county courts in the same class or grade shall be uniform; provided, however, that the organization and administration of the county court of the city and county of Denver shall be as provided in the charter and ordinances of the city and county of Denver.

**Section 20. Vacancies.**—(1) A vacancy in any judicial office in any court of record shall be filled by appointment of the governor, from a list of three nominees for the supreme court and any intermediate appellate court, and from a list of two or three nominees for all other courts of record, such list to be certified to him by the su-



preme court nominating commission for a vacancy in the supreme court or a vacancy in any intermediate appellate court, and by the judicial district nominating commission for a vacancy in any other court in that district. In case of more than one vacancy in any such court, the list shall contain not less than two more nominees than there are vacancies to be filled. The list shall be submitted by the nominating commission not later than thirty days after the death, retirement, tender of resignation, removal under Section 23, failure of an incumbent to file a declaration under Section 25, or certification of a negative majority vote on the question of retention in office under Section 25 hereof. If the governor shall fail to make the **appointment** (or all of the appointments in case of multiple vacancies) from such list within fifteen days from the day it is submitted to him, the appointment (or the remaining appointments in case of multiple vacancies) shall be made by the chief justice of the supreme court from the same list within the next fifteen days. A justice or judge appointed under the provisions of this section shall hold office for a provisional term of two years and then until the second Tuesday in January following the next general election. A nominee shall be under the age of seventy-two years at the time his name is submitted to the governor.

(2) All justices and judges of courts of record holding office on the effective date of this constitutional amendment shall continue in office for the remainder of the respective terms for which they were elected or appointed. Retention in office thereafter shall be by election as prescribed in Section 25.

(3) Other vacancies occurring in judicial offices shall be filled as now or hereafter provided by law.

(4) Vacancies occurring in the office of district attorney shall be filled by appointment of the governor. District attorneys appointed under the provisions of this section shall hold office until the next general election and until their successors elected thereat shall be duly qualified. Such successors shall be elected for the remainder of the unexpired term in which the vacancy was created.

**Sec. 21. Rule making power.**—The supreme court shall make and promulgate rules governing the administration of all courts and shall make and promulgate rules governing practice and procedure in civil and criminal cases, except that the general assembly shall have the power to provide simplified procedures in county courts for claims not exceeding five hundred dollars and for the trial of misdemeanors.

**Sec. 22. Process—Prosecution—In name of people.**—In all prosecutions for violations of the laws of Colorado, 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. 23. Retirement and removal of justices and judges.**—(1) On attaining the age of seventy-two a justice or judge of a court of record shall retire and his judicial office shall be vacant, except as otherwise provided in Section 20 (2).

(2) Whenever a justice or judge of any court of this state has been convicted in any court of this state or of the United States or of any state, of a felony or other offense involving moral turpitude, the supreme court shall, of its own motion or upon petition filed by any person, and upon finding that such a conviction was had, enter its order suspending said justice or judge from office until such time as said judgment of conviction becomes final, and the payment of salary of said justice or judge shall also be suspended from the date of such order. If said judgment of conviction becomes final, the supreme court shall enter its order removing said justice or judge from office and declaring his office vacant and his right to salary shall cease from the date of the order of suspension. If said judgment of conviction is reversed with directions to enter a judgment of acquittal or if reversed for a new trial which subsequently results in a judgment of dismissal or acquittal, the supreme court shall enter its order terminating the suspension of said justice or judge and said justice or judge shall be entitled to his salary for the period of suspension. A plea of guilty or nolo contendere to such a charge shall be equivalent to a final conviction for the purpose of this section.

(3) (a) There shall be a commission on judicial qualifications. It shall consist of: (i) Three judges of district courts and two judges of county courts, each selected by the supreme court for a four-year term; (ii) Two citizens admitted to practice law in the courts of this state, none of whom shall be a justice or judge, who shall have practiced in this state for at least 10 years, and who shall be appointed by majority action of the governor, the attorney general, and the chief justice for a four-year term; and (iii) Two citizens, none of whom shall be a justice or judge, active or retired, nor admitted to practice law in the courts of this state, who shall be appointed by the governor for a four-year term. Whenever a member selected under subdivision (i) ceases to be a member of the commission or judge of the court from which he was selected, his membership shall forthwith terminate and the supreme court shall select a successor for a four-year term; and whenever a member appointed under subdivision (ii) ceases to be a member of the commission or ceases to be an attorney admitted to practice law in the courts of this state or becomes a justice or judge of any court of record his membership shall forthwith terminate and the governor, attorney general, and chief justice, by majority action, shall appoint a successor for a four-year term; and whenever a member appointed under subdivision (iii) ceases to be a member of the commission or becomes a justice or judge of any court of record or an attorney admitted to practice law in the courts of this state, his membership shall forthwith terminate and the governor shall appoint a successor for a four-year term. No member of the commission shall receive any compensation for his services as such, but shall be allowed his necessary expenses for travel, board and lodging, and any other expenses incurred in the performance of his duties as such, to be paid by the supreme court from its budget to be appropriated by the general assembly.

(b) A justice or judge of any court of record of this state, in accordance with the procedure set forth below may be removed for

willful misconduct in office or willful or persistent failure to perform his duties or intemperance, or he may be retired for disability interfering with the performance of his duties, which is, or is likely to become, of a permanent character. The commission on judicial qualifications may, after such investigation as the commission deems necessary, order a hearing to be held before it concerning the removal or retirement of a justice or a judge, or the commission may in its discretion request the supreme court to appoint three special masters, who shall be justices or judges of courts of record, to hear and take evidence in any such matter and to report thereon to the commission. If, after hearing, or after considering the record and report of the masters, the commission finds good cause therefor, it shall recommend to the supreme court the removal or retirement, as the case may be, of the justice or judge.

(c) The supreme court shall review the record of the proceedings on the law and facts and in its discretion may permit the introduction of additional evidence and shall order removal or retirement as it finds just and proper, or wholly reject the recommendation. Upon an order for retirement, the justice or judge shall thereby be retired with the same rights and privileges as if he retired pursuant to statute. Upon an order for removal, the justice or judge shall thereby be removed from office and his salary shall cease from the date of such order. On the entry of an order for retirement or for removal, his office shall be deemed vacant.

(d) All papers filed with and proceedings before the commission on judicial qualifications or masters appointed by the supreme court, pursuant to this section, shall be confidential, and the filing of papers with and the giving of testimony before the commission or the masters shall be privileged; but no other publication of such papers or proceedings shall be privileged in any action for defamation except that (i) The record filed by the commission in the supreme court continues privileged and upon such filing loses its confidential character and (ii) A writing which was privileged prior to its filing with the commission or the masters does not lose such privilege by such filing. The supreme court shall by rule provide for procedure under this section before the commission on judicial qualifications, the masters, and the supreme court. A justice or judge who is a member of the commission or supreme court shall not participate in any proceedings involving his own removal or retirement.

(e) Nothing herein contained shall be construed to have any effect on Article XIII of this constitution.

**Sec. 24. Judicial nominating commissions.**—(1) There shall be one judicial nominating commission for the supreme court and any intermediate appellate court to be called the supreme court nominating commission and one judicial nominating commission for each judicial district in the state.

(2) The supreme court nominating commission shall consist of the chief justice or acting chief justice of the supreme court, ex officio, who shall act as chairman and shall have no vote, one citizen admitted to practice law before the courts of this state and one other

citizen not admitted to practice law in the courts of this state residing in each congressional district in the state, and one additional citizen not admitted to practice law in the courts of this state. No more than one-half of the commission members plus one, exclusive of the chief justice, shall be members of the same political party. Three voting members shall serve until December 31, 1967, three until December 31, 1969, and three until December 31, 1971. Thereafter each voting member appointed shall serve until the 31st of December of the sixth year following the date of his appointment.

(3) Each judicial district nominating commission shall consist of a justice of the supreme court designated by the chief justice, to serve at the will of the chief justice, who shall act as chairman, ex officio, and shall have no vote, and seven citizens residing in that judicial district, no more than four of whom shall be members of the same political party and there shall be at least one voting member from each county in the district. In all judicial districts having a population of more than 35,000 inhabitants as determined by the last preceding census taken under the authority of the United States, the voting members shall consist of three persons admitted to practice law in the courts of this state and four persons not admitted to practice law in the courts of this state. In judicial districts having a population of 35,000 inhabitants or less as determined above, at least four voting members shall be persons not admitted to practice law in the courts of this state; and it shall be determined by majority vote of the governor, the attorney general and the chief justice, how many, if any, of the remaining three members shall be persons admitted to practice law in the courts of this state. Two voting members shall serve until December 31, 1967, two until December 31, 1969, and three until December 31, 1971. Thereafter each voting member appointed shall serve until the 31st of December of the sixth year following the date of his appointment.

(4) Members of each judicial nominating commission selected by reason of their being citizens admitted to practice law in the courts of this state shall be appointed by majority action of the governor, the attorney general and the chief justice. All other members shall be appointed by the governor. No voting member of a judicial nominating commission shall hold any elective and salaried United States or state public office or any elective political party office, and he shall not be eligible for reappointment to succeed himself on a commission. No voting member of the supreme court nominating commission shall be eligible for appointment as a justice of the supreme court or any intermediate appellate court so long as he is a member of that commission and for a period of three years thereafter; and no voting member of a judicial district nominating commission shall be eligible for appointment to judicial office in that district while a member of that commission and for a period of one year thereafter.

#### Section 25. Election of justices and judges —

A justice of the supreme court or a judge of any other court of record, who shall desire to retain his judicial office for another term after the expiration of his then term of office shall file with the secretary of state, not more than six months nor less than three

months prior to the general election next prior to the expiration of his then term of office, a declaration of his intent to run for another term. Failure to file such a declaration within the time specified shall create a vacancy in that office at the end of his then term of office. Upon the filing of such a declaration, a question shall be placed on the appropriate ballot at such general election as follows:

"Shall Justice (Judge)..... of the Supreme (or other) Court be retained in office? YES/...../NO/...../"  
If a majority of those voting on the question vote "Yes", the justice or judge is thereupon elected to a succeeding full term. If a majority of those voting on the question vote "No," this will cause a vacancy to exist in that office at the end of his then present term of office.

In the case of a justice of the supreme court or any intermediate appellate court, the electors of the state at large; in the case of a judge of a district court, the electors of that judicial district; and in the case of a judge of the county court or other court of record, the electors of that county; shall vote on the question of retention in office of the justice or judge.

**Section 26. Denver county judges. —**

The provisions of Sections 16, 20, 23, 24 and 25 hereof shall not be applicable to judges of the county court of the City and County of Denver. The number, manner of selection, qualifications, term of office, tenure, and removal of such judges shall be as provided in the charter and ordinances of the City and County of Denver.

**ARTICLE VII.**

**SUFFRAGE AND ELECTIONS.**

**Section 1. Qualifications of elector.**—Every citizen of the United States who shall have attained the age of twenty-one years, shall have resided in this state not less than one year next 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, and who shall have been duly registered as a voter if required by law, shall be qualified to vote at all elections; provided, that the general assembly may by law extend to citizens of the United States who have resided in this state less than one year, the right to vote for presidential and vice-presidential electors.

**Sec. 1a. Qualifications of elector — resident on federal land.**—Any other provision of this constitution with regard to "qualifications of electors" notwithstanding, every citizen of the United States who shall be otherwise qualified and shall have resided in this state not less than three months next preceding the election at which he offers to vote, and in the county or precinct such time as may be prescribed by law, shall be qualified to vote at all elections; provided, that the general assembly may by law extend to citizens of the United States who have resided in this state less than three months, the right to vote for presidential and vice-presidential electors, United States senators, and United States representatives.

Any person who otherwise meets the requirements of law for voting in this state shall not be denied the right to vote in an election because of residence on land situated within this state that is under the jurisdiction of the United States.

**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.)

**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.

**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.

**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 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.

**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.

**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.

**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.

#### 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. Educational institutions.**—“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 Spring, 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 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.”

## 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.

**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 states 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 may be a county superintendent of schools in each county, whose term of office shall be four years, and whose duties, qualifications, and compensation shall be prescribed by law. The provisions of Section 8 of Article XIV of this constitution to the contrary notwithstanding, the office of

county superintendent of schools may be abolished by any county if the question of the abolishment of said office is first submitted, at a general election, to a vote of the qualified electors of said county and approved by a majority of the votes cast thereon. In any county so voting in favor of such abolishment, the office of county superintendent of schools and the term of office of any incumbent in said county shall terminate on June 30 following.

**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.

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.

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 funds 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.

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. **Property used for religious worship, schools and charitable purposes 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.

Sec. 6. **Self-propelled equipment, motor vehicles, and certain other movable equipment.**—The general assembly shall enact laws classifying motor vehicles and also wheeled trailers, semitrailers, trailer coaches, and mobile homes, and mobile and self-propelled construction equipment, prescribing methods of determining the taxable value of such property, and requiring payment of a graduated annual specific ownership tax thereon, which tax shall be in lieu of all ad valorem taxes upon such property; provided, that such laws shall not exempt from ad valorem taxation any such property in process of manufacture or held in storage, or which constitutes the inventory of manufacturers or distributors thereof or dealers therein.

Such graduated annual specific ownership tax shall be in addition to any state registration or license fees imposed on such property, shall be payable to a designated county officer at the same time as any such registration or license fees are payable, and shall be apportioned, distributed, and paid over to the political subdivisions of the state in such manner as may be prescribed by law. All laws exempting from taxation property other than that specified in this article shall be void.

**Sec. 7. Municipal taxation by general assembly prohibited.**—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, or town to 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.

**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 safe-keeping 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.

**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.

**Sec. 14. Private property not taken 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 in each county of the state a county board of equalization, consisting of the board of county commissioners of said county. As may be prescribed by law, the county boards of equalization shall raise, lower, adjust, and equalize valuations for assessment of taxes upon real and personal property located within their respective counties, subject to review and revision by the state board of equalization.

There shall be a state board of equalization, consisting of the governor, state auditor, state treasurer, secretary of state and attorney general. As may be prescribed by law, the state board of equalization shall review the valuations determined for assessment of taxes upon the various classes of real and personal property located in the several counties of the state, and shall raise, lower and adjust the same, to the end that all valuations for assessment of taxes shall be just and equalized; provided, however, that said state board of equalization shall have no power of original assessment.

The state board of equalization and the county boards of equalization shall perform such other duties as may be prescribed by law.

**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.

**Sec. 18. License fees and excise taxes—use of.**—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.

**Sec. 19. State income tax laws by reference to United States tax laws.**—The general assembly may by law define the income upon which income taxes may be levied under section 17 of this article by reference to provisions of the laws of the United States in effect from time to time, whether retrospective or prospective in their operation, and shall in any such law provide the dollar amount of personal exemptions to be allowed to the taxpayer as a deduction. The General Assembly may in any such law provide for other exceptions or modifications to any of such provisions of the laws of the United States and for retrospective exceptions or modifications to those provisions which are retrospective.

## 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 or 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 of state—limitations.**—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 of the state for school purposes, in the proportions and in the manner required by law.

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.

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 purposes 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. **Local government debt.**—(1) No political subdivision of the state shall contract any general obligation debt by loan in any form, whether individually or by contract pursuant to article XIV, section 18 (2) (a) of this constitution except by adoption of a legislative measure 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 which together with such other revenue, assets, or funds as may be pledged shall be sufficient to pay the interest and principal of such debt. Except as may be otherwise provided by the charter of a home rule city and county, city, or town for debt incurred by such city and county, city, or town, no such debt shall be created unless the question of incurring the same be submitted to and approved by a majority of the qualified taxpaying electors voting thereon, as the term "qualified taxpaying elector" shall be defined by statute.

(2) Except as may be otherwise provided by the charter of a home rule city and county, city, or town the general assembly shall establish by statute limitations on the authority of any political subdivision to incur general obligation indebtedness in any form whether individually or by contract pursuant to article XIV, section 18 (2) (a) of this constitution.

(3) Debts contracted by a home rule city and county, city, or town, statutory city or town or service authority for the purposes of supplying water shall be excepted from the operation of this section.

Sec. 7. **State and political subdivisions may give assistance to any political subdivision.**—No provision of this constitution shall be construed to prevent

the state or any political subdivision from giving direct or indirect financial support to any political subdivision as may be authorized by general statute.

This amendment shall take effect January 1, 1972, and the general assembly shall enact laws implementing the amendment prior to the effective date thereof, such laws to take effect January 1, 1972.

## ARTICLE XII.

### OFFICERS

**Section 1. When office expires—Suspension by Law.**—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 money for which he may be accountable.

**Sec. 4. Disqualification from holding office of trust or profit.**—No person hereafter convicted of embezzlement of public moneys, bribery, perjury, solicitation of bribery, or subordination 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.

**Sec. 6. Bribery of officers defined.**—Any civil officer or member of the general assembly who shall solicit, demand or receive, or con-

sent 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.

**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. **Personnel system of state — merit system.**—(1) Appointments and promotions to offices and employments in the personnel system of the state shall be made according to merit and fitness, to be ascertained by com-

\*Sec. 13, 14 and 15 effective date July 1, 1971



petitive tests of competence without regard to race, creed, or color, or political affiliation.

(2) The personnel system of the state shall comprise all appointive public officers and employees of the state, except the following: Members of the public utilities commission, the industrial commission of Colorado, the state board of land commissioners, the Colorado tax commission, the state parole board, and the state personnel board; members of any board or commission serving without compensation except for per diem allowances provided by law and reimbursement of expenses; the employees in the offices of the governor and the lieutenant governor whose functions are confined to such offices and whose duties are concerned only with the administration thereof; appointees to fill vacancies in elective offices; one deputy of each elective officer other than the governor and lieutenant governor specified in section 1 of article IV of this constitution; officers otherwise specified in this constitution; faculty members of educational institutions and departments not reformatory or charitable in character, and such administrators thereof as may be exempt by law; students and inmates in state educational or other institutions employed therein; attorneys at law serving as assistant attorneys general; and members, officers, and employees of the legislative and judicial departments of the state, unless otherwise specifically provided in this constitution.

(3) Officers and employees within the judicial department, other than judges and justices, may be included within the personnel system of the state upon determination by the supreme court, sitting en banc, that such would be in the best interests of the state.

(4) Where authorized by law, any political subdivision of this state may contract with the state personnel board for personnel services.

(5) The person to be appointed to any position under the personnel system shall be one of the three persons ranking highest on the eligible list for such position, or such lesser number as qualify, as determined from competitive tests of competence, subject to limitations set forth in rules of the state personnel board applicable to multiple appointments from any such list.

(6) All appointees shall reside in the state, but applications need not be limited to residents of the state as to those positions found by the state personnel board to require special education or training or special professional or technical qualifications and which cannot be readily filled from among the residents of this state.

(7) The head of each principal department shall be the appointing authority for the employees of his office and for heads of divisions, within the personnel system, ranking next below the head of such department. Heads of such divisions shall be the appointing authorities for all positions in the personnel system within their respective divisions. Nothing in this subsection shall be construed to affect the supreme executive powers of the governor prescribed in section 2 of article IV of this constitution.

(8) Persons in the personnel system of the state shall hold their respective positions during efficient service or until reaching retirement age, as provided by law. They shall be graded and compensated according to standards

of efficient service which shall be the same for all persons having like duties. A person certified to any class or position in the personnel system may be dismissed, suspended, or otherwise disciplined by the appointing authority upon written findings of failure to comply with standards of efficient service or competence, or for willful misconduct, willful failure or inability to perform his duties, or final conviction of a felony or any other offense which involves moral turpitude, or written charges thereof may be filed by any person with the appointing authority, which shall be promptly determined. Any action of the appointing authority taken under this subsection shall be subject to appeal to the state personnel board, with the right to be heard thereby in person or by counsel, or both.

(9) The state personnel director may authorize the temporary employment of persons, not to exceed six months, during which time an eligible list shall be provided for permanent positions. No other temporary or emergency employment shall be permitted under the personnel system.

(10) The state personnel board shall establish probationary periods for all persons initially appointed, but not to exceed twelve months for any class or position. After satisfactory completion of any such period, the person shall be certified to such class or position within the personnel system, but unsatisfactory performance shall be grounds for dismissal by the appointing authority during such period without right of appeal.

(11) Persons certified to classes and positions under the classified civil service of the state immediately prior to July 1, 1971, persons having served for six months or more as provisional or acting provisional employees in such positions immediately prior to such date, and all persons having served six months or more in positions not within the classified civil service immediately prior to such date but included in the personnel system by this section, shall be certified to comparable positions, and grades and classifications, under the personnel system, and shall not be subject to probationary periods of employment. All other persons in positions under the personnel system shall be subject to the provisions of this section concerning initial appointment on or after such date.

**Sec. 14. State personnel board—state personnel director.—**(1) There is hereby created a state personnel board to consist of five members, three of whom shall be appointed by the governor with the consent of the senate, and two of whom shall be elected by persons certified to classes and positions in the state personnel system in the manner prescribed by law. Each member shall be appointed or elected for a term of five years, and may succeed himself, but of the members first selected, the members appointed by the governor shall serve for terms of one, two, and three years, respectively, and the members elected shall serve for terms of four and five years, respectively. Each member of the board shall be a qualified elector of the state, but shall not be otherwise an officer or employee of the state or of any state employee organization, and shall receive such compensation as shall be fixed by law.

(2) Any member of the board may be removed by the governor for willful misconduct in office, willful failure or inability to perform his duties, final conviction of a felony or of any other offense involving moral turpitude, or by reason of permanent disability interfering with the performance of his

duties, which removal shall be subject to judicial review. Any vacancy in office shall be filled in the same manner as the selection of the person vacating the office, and for the unexpired term.

(3) The state personnel board shall adopt, and may from time to time amend or repeal, rules to implement the provisions of this section and sections 13 and 15 of this article, as amended, and laws enacted pursuant thereto, including but not limited to rules concerning **standardization of positions**, determination of grades of positions, standards of efficient and competent service, the conduct of competitive examinations of competence, grievance procedures, appeals from actions by appointing authorities, and conduct of hearing officers where authorized by law.

(4) There is hereby created the department of personnel, which shall be one of the principal departments of the executive department, the head of which shall be the state personnel director, who shall be appointed under qualifications established by law. The state personnel director shall be responsible for the administration of the personnel system of the state under this constitution and laws enacted pursuant thereto and the rules adopted thereunder by the state personnel board.

(5) Adequate appropriations shall be made to carry out the purposes of this section and section 13 of this article.

Sec. 15. **Veterans' preference.**—(1) (a) The passing grade on each competitive examination shall be the same for each candidate for appointment or employment in the personnel system of the state or in any comparable civil service or merit system of any agency or political subdivision of the state, including any municipality chartered or to be chartered under article XX of this constitution.

(b) Five points shall be added to the passing grade of each candidate on each such examination, except any promotional examination, who is separated under honorable conditions and who, other than for training purposes, (i) served in any branch of the armed forces of the United States during any period of any declared war or any undeclared war or other armed hostilities against an armed foreign enemy, or (ii) served on active duty in any such branch in any campaign or expedition for which a campaign badge is authorized.

(c) Ten points shall be added to the passing grade of any candidate of each such examination, except any promotional examination, who has so served, other than for training purposes, and who, because of disability incurred in the line of duty, is receiving monetary compensation or disability retired benefits by reason of public laws administered by the department of defense or the veterans administration, or any successor thereto.

(d) Five points shall be added to the passing grade of any candidate of each such examination, except any promotional examination, who is the unremarried widow of any person who was or would have been entitled to additional points under paragraph (b) or (c) of this subsection, or of any

person who died during such service or as a result of service-connected cause while on active duty in any such branch, other than for training purposes.

(e) No more than a total of ten points shall be added to the passing grade of any such candidate pursuant to this subsection (1).

(2) The certificate of the department of defense or of the veterans administration, or any successor thereto, shall be conclusive proof of service under honorable conditions or of disability or death incurred in the line of duty during such service.

(3) (a) When a reduction in the work force of the state or any such political subdivision thereof becomes necessary because of lack of work or curtailment of funds, employees not eligible for added points under subsection (1) of this section shall be separated before those so entitled who have the same or more service in the employment of the state or such political subdivision, counting both military service for which such points are added and such employment with the state or such political subdivision, as the case may be, from which the employee is to be separated.

(b) In the case of such a person eligible for added points who has completed twenty or more years of active military service, no military service shall be counted in determining length of service in respect to such retention rights. In the case of such a person who has completed less than twenty years of such military service, no more than ten years of service under subsection (1) (b) (i) and (ii) shall be counted in determining such length of service for such retention rights.

(4) The state personnel board and each comparable supervisory or administrative board of any such civil service or merit system of any agency of the state or any political subdivision thereof, shall implement the provisions of this section to assure that all persons entitled to added points and preference in examinations and retention shall enjoy their full privileges and rights granted by this section.

(5) Any examination which is a promotional examination, but which is also open to persons other than employees for whom such appointment would be a promotion, shall be considered a promotional examination for the purpose of this section.

(6) Any other provision of this section to the contrary notwithstanding, no person shall be entitled to the addition of points under this section for more than one appointment or employment with the same jurisdiction, personnel system, civil service, or merit system.

(7) This section shall be in full force and effect on and after July 1, 1971, and shall grant veterans preference to all persons who have served in the armed forces of the United States from the Spanish-American war as of April 21, 1898, and any other declared or undeclared war, conflict, engagement, expedition, or campaign for which a campaign badge has been authorized, and who meet the requirements of service or disability, or both, as provided in this section. This section shall apply to all public employment examinations, except promotional examinations, conducted on or after such date, and it shall be in all respects self-executing.



## ARTICLE XIII.

## IMPEACHMENTS

Section 1. **House impeach—Senate try—Conviction—When chief justice presides.**—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.

Sec. 3. **Striking off territory—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. **New county 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. **Part stricken off.—Pay proportion of debt.**—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 expires in 1904 shall be extended to the second Tuesday in January, 1905, and the term of office of the county commissioners that expires 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.

Sec. 7. (Repealed)

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 appointed, 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.

**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.**—This section repealed. Effective January 12, 1965.

**Sec. 12. Other officers.**—The general assembly shall provide for the election or appointment of such other county officers and such municipal officers of statutory cities and towns as public convenience may require; and their terms of office shall be as prescribed by statute.

**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.

**Sec. 14. Incorporation of existing 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.

**Sec. 15. Compensation and fees of county officers.**—The general assembly shall fix the compensation of county officers in this state by law, and shall establish scales of fees to be charged and collected by such county officers. All such fees shall be paid into the county general fund.

When fixing the compensation of county officers, the general assembly shall give due consideration to county variations, including population; the number of persons residing in unincorporated areas; assessed valuation; motor vehicle registrations; building permits; military installations; and such other factors as may be necessary to prepare compensation schedules that reflect variations in the workloads and responsibilities of county officers and in the tax resources of the several counties.

The compensation of any county officer shall be increased or decreased only when the compensation of all county officers within the same county, or

when the compensation for the same county officer within the several counties of the state, is increased or decreased.

Except for the schedule of increased compensation for county officers enacted by the general assembly to become effective on January 1, 1969, county officers shall not thereafter have their compensation increased or decreased during the terms of office to which they have been elected or appointed.

Sec. 16. **County home rule.**—(1) Notwithstanding the provisions of sections 6, 8, 9, 10, 12, and 15 of this article, the qualified electors of each county of the state are hereby vested with the power to adopt a home rule charter establishing the organization and structure of county government consistent with this article and statutes enacted pursuant hereto.

(2) The general assembly shall provide by statute procedures under which the qualified electors of any county may adopt, amend, and repeal a county home rule charter. Action to initiate home rule may be by petition, signed by not less than five per cent of the qualified electors of the county in which home rule is sought, or by any other procedure authorized by statute. No county home rule charter, amendment thereto, or repeal thereof, shall become effective until approved by a majority of the qualified electors of such county voting thereon.

(3) A home rule county shall provide all mandatory county functions, services, and facilities and shall exercise all mandatory powers as may be required by statute.

(4) A home rule county shall be empowered to provide such permissive functions, services, and facilities and to exercise such permissive powers as may be authorized by statute applicable to all home rule counties, except as may be otherwise prohibited or limited by charter or this constitution.

(5) The provisions of sections 6, 8, 9, 10, 12, and 15 of article XIV of this constitution shall apply to counties adopting a home rule charter only to such extents as may be provided in said charter.

Sec. 17. **Service authorities.**—(1) (a) The general assembly shall provide by statute for the organization, structure, functions, services, facilities, and powers of service authorities pursuant to the following requirements:

(b) A service authority may be formed only upon the approval of a majority of the qualified electors voting thereon in the territory to be included.

(c) The territory within a service authority may include all or part of one county or home rule county or all or part of two or more adjoining counties or home rule counties, but shall not include only a part of any city and county, home rule city or town, or statutory city or town at the time of formation of the service authority. No more than one service authority shall be established in any territory and, in no event, shall a service authority be formed in the metropolitan area composed of the city and county of Denver, and Adams, Arapahoe, and Jefferson counties which does not include all of the city and county of Denver and all or portions of Adams, Arapahoe, and Jefferson counties.

(d) The boundaries of any service authority shall not be such as to create any enclave.

(e) No territory shall be included within the boundaries of more than one service authority.

(2) (a) The general assembly shall also provide by statute for:

(b) The inclusion and exclusion of territory in or from a service authority;

(c) The dissolution of a service authority;

(d) The merger of all or a part of two or more adjacent service authorities, except that such merger shall require the approval of a majority of the qualified electors voting thereon in each of the affected service authorities; and,

(e) The boundaries of any service authority or any special taxing districts therein or the method by which such boundaries are to be determined or changed; and

(f) The method for payment of any election expenses.

(3) (a) The general assembly shall designate by statute the functions, services, and facilities which may be provided by a service authority, and the manner in which the members of the governing body of any service authority shall be elected from compact districts of approximately equal population by the qualified electors of the authority, including the terms and qualifications of such members; but for the first five years after formation of any service authority, the members of the governing body shall be elected by the qualified electors within the boundaries of the authority from among the mayors, councilmen, trustees, and county commissioners holding office at the time of their election in home rule and statutory cities, cities and counties, home rule and statutory towns, and home rule and statutory counties located within or partially within the authority. This restriction shall expire January 1, 1980. The general assembly may provide that members of the governing body may be elected by a vote of each compact district or by an at-large vote or combination thereof. Notwithstanding any provision in this constitution or the charter of any home rule city and county, city, town, or county to the contrary, mayors, councilmen, trustees, and county commissioners may additionally hold elective office with a service authority and serve therein either with or without compensation, as provided by statute.

(b) A service authority shall provide any function, service, or facility designated by statute and authorized as provided in paragraphs (c) and (d) of this subsection.

(c) All propositions to provide functions, services, or facilities shall be submitted, either individually or jointly, to the qualified electors in the manner and form prescribed by law.

(d) Each such function, service, or facility shall be authorized if approved by a majority of the qualified electors of the authority voting thereon; but if the service authority includes territory in more than one county, approval shall also require a majority of the qualified electors of the authority voting thereon in those included portions of each of the affected counties.

(e) Notwithstanding the provisions of paragraphs (b), (c), and (d) of this subsection, where, upon formation of a service authority, any function, service, or facility is already being provided in at least four counties or portions thereof by a single special district, regional planning commission or metropolitan council, or an association of political subdivisions, the general assembly may provide, without a vote of the qualified electors, for assumption by one or more service authorities of such function, service, or facility.

(f) Notwithstanding the provisions of paragraphs (b), (c), and (d) of this subsection, a service authority may contract with any other political subdivision to provide or receive any function, service, or facility designated by statute; but a service authority shall not be invested with any taxing power as a consequence of such contract.

(4) (a) A service authority shall be a body corporate and a political subdivision of the state.

(b) Any other provision of this constitution to the contrary notwithstanding, any service authority formed under this article and the statutes pursuant thereto may exercise such powers to accomplish the purposes and to provide the authorized functions, services, and facilities of such authority as the general assembly may provide by statute.

(c) Notwithstanding the provisions of article XX of this constitution, any authorized function, service, or facility may be provided exclusively by the authority or concurrently with other jurisdictions as may be prescribed by statute, subject to the provisions of subsections (3) (c), (3) (d), (3) (e), and (3) (f) of this section.

Sec. 18. **Intergovernmental relationships.**—(1) (a) Any other provisions of this constitution to the contrary notwithstanding:

(b) The general assembly may provide by statute for the terms and conditions under which one or more service authorities may succeed to the rights, properties, and other assets and assume the obligations of any other political subdivision included partially or entirely within such authority, incident to the powers vested in, and the functions, services, and facilities authorized to be provided by the service authority, whether vested and authorized at the time of the formation of the service authority or subsequent thereto; and,

(c) The general assembly may provide by statute for the terms and conditions under which a county, home rule county, city and county, home rule city or town, statutory city or town, or quasi-municipal corporation, or any combination thereof may succeed to the rights, properties, and other assets and assume the obligations of any quasi-municipal corporation located partially or entirely within its boundaries.

(d) The general assembly may provide by statute procedures whereby any county, home rule county, city and county, home rule city or town, statutory city or town, or service authority may establish special taxing districts.

(2) (a) Nothing in this constitution shall be construed to prohibit the state or any of its political subdivisions from cooperating or contracting with one another or with the government of the United States to provide any function, service, or facility lawfully authorized to each of the cooperating or contracting units, including the sharing of costs, the imposition of taxes, or the incurring of debt.

(b) Nothing in this constitution shall be construed to prohibit the authorization by statute of a separate governmental entity as an instrument to be used through voluntary participation by cooperating or contracting political subdivisions.

(c) Nothing in this constitution shall be construed to prohibit any political subdivision of the state from contracting with private persons, associations, or corporations for the provision of any legally authorized functions, services, or facilities within or without its boundaries.

(d) Nothing in this constitution shall be construed to prohibit the general assembly from providing by statute for state imposed and collected taxes to be shared with and distributed to political subdivisions of the state except that this provision shall not in any way limit the powers of home rule cities and towns.

## ARTICLE XV.

## CORPORATIONS.

Section 1. **Unused charters or grants of privilege.**—All existing charters for grants of special or exclusive privileges, under which the corporators 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. **Corporate charters created by general law.**—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.

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 corporators.

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 employee thereof, shall give any preference to individuals, associations or corporations in furnishing cars or motive power.

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.

**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.

**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.



**Sec. 15. Contracts with employees releasing from liability—Void.**—It shall be unlawful for any person, company or corporation, to require of its servants or employees, 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 employees 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 employees 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.

**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.

**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 of streams 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—Preferred uses.**—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 agriculture 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.

**Sec. 8. County commissioners fix rates for water, when.**—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.

## 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.

**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.

**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.

**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 & exemption laws.**—The general assembly shall pass liberal homestead and exemption laws.

**Sec. 2. Lotteries prohibited—Exceptions.**—The General Assembly shall have no power to authorize lotteries for any purposes, except that the conducting of such games of chance as hereinafter provided shall be lawful from and after January 1, 1959.

No game of chance shall be conducted by any person, firm, or organization, unless a license as herein provided shall have been issued to the firm or organization conducting such games of chance.

The Secretary of State shall, upon application therefor on such forms as shall be prescribed by the Secretary of State, and upon the payment of an annual fee of \$50.00, issue a license for the conducting of games of chance, to any **bona-fide** chartered branch or lodge or chapter of a national or state organization, or to any bona-fide religious, charitable, labor, fraternal, educational, voluntary firemen's or veteran's organization, which operates without profit to its members and which has been in existence continuously for a period of 5 years immediately prior to the making of said application for such license and has had during the entire 5 year period a dues-paying membership engaged in carrying out the objects of said corporation or organization, such license to expire at the end of each calendar year in which it was issued.

The license issued by the Secretary of State shall authorize and permit the licensee to conduct games of chance, restricted to the selling of rights to participate and the awarding of prizes in the specific kind of game of chance commonly known as bingo or lotto, in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in the specific game of chance commonly known as raffles, conducted by the drawing of prizes or by the allotment of prizes by chance.

Such games of chance shall be subject to the following restrictions:

1. The entire net proceeds of any game shall be exclusively devoted to the lawful purposes of organizations permitted to conduct such games.
2. No person except a **bona-fide** member of any organization may participate in the management or operation of any such game.
3. No person may receive any remuneration or profit for participating in the management or operation of any such game.

This section is self-enacting, but laws may be enacted supplementary to and in pursuance of, but not contrary to, the provisions hereof.

The enforcement of this Amendment shall be under such official or department of government of the State of Colorado as the General Assembly shall provide.

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 dominated 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.

**Sec. 7. Land value increase—arboreal planting exempt.**—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.

**Sec. 8. Publication of 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.)

## ARTICLE XX.

### 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.

**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 an ex officio surveyor 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 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 and 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 elec-



tion 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 newspapers, 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.

**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 of 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.

**Sec. 7. City and county of Denver single school district—consolidations.**—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. Conflicting Constitutional Provisions declared inapplicable.**—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.

**Sec. 9. Procedure and requirements for adoption.**—(1) Notwithstanding any provision in sections 4, 5, and 6 of this article to the contrary, the qualified electors of each city and county, city, and town of the state are hereby vested with the power to adopt, amend, and repeal a home rule charter.

(2) The general assembly shall provide by statute procedures under which the qualified electors of any proposed or existing city and county, city, or town may adopt, amend, and repeal a municipal home rule charter. Action to initiate home rule shall be by petition, signed by not less than five per cent of the qualified electors of the proposed or existing city and county, city, or town, or by proper ordinance by the city council or board of trustees of a town, submitting the question of the adoption of a municipal home rule charter to the qualified electors of the city and county, city, or town. No municipal home rule charter, amendment thereto, or repeal thereof, shall become effective until approved by a majority of the qualified electors of such city and county, city, or town voting thereon. A new city or town may acquire home rule status at the time of its incorporation.

(3) The provisions of this article as they existed prior to the effective date of this section, as they relate to procedures for the initial adoption of home rule charters and for the amendment of existing home rule charters, shall continue to apply until superseded by statute.

(4) It is the purpose of this section to afford to the people of all cities, cities and counties, and towns the right to home rule regardless of population,

period of incorporation, or other limitation, and for this purpose this section shall be self-executing. It is the further purpose of this section to facilitate adoption and amendment of home rule through such procedures as may hereafter be enacted by the general assembly.

## 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. Limitation—Municipal corporations may adopt, when.**—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.

## ARTICLE XXII.

### INTOXICATING LIQUORS.

Section 1. **Repeal of Intoxicating Liquor Laws.**—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.

#### 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 referred bills are to be voted upon.

#### 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.

Editor's note: Sections 138-6-1 to 138-6-42, CRS 1953 have been renumbered as 138-5-1 to 138-5-42, in CRS 1963.

**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.

Editor's note: Sections 138-6-1 to 138-6-42, CRS 1953 have been renumbered as 38-5-1 to 38-5-42, in CRS 1963.

**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.

## 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, where-soever 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.

#### 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—Terms 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, 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 to 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,  
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

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,  
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. WIDERFIELD  
ABRAM KNOX YOUNT

**ATTEST:**

W. W. COULSON, Secretary

Herbert Stanley, 1st Assistant Secretary

H. A. Terpenning, 2nd Assistant Secretary



The following pages are provided for notations.

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THE STATE OF COLORADO

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