

## Section 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.

**Source:** Entire article added, effective August 1, 1876, see **L. 1877**, p. 40.

**Cross references:** For amendments to the state constitution, see article XIX of this constitution; for general appropriation bills, see § 32 of this article.

### ANNOTATIONS

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#### I. GENERAL CONSIDERATION.

**C.J.S.** See 82 C.J.S., Statutes, §§ 203-205, 207-209, 212- 216.

**Law reviews.** For comment on *Armstrong v. Crissey & Fowler Lumber Co.* appearing below, see 1 Rocky Mt. L. Rev. 63 (1928). For article, "Adoption by Reference in Municipal Ordinances", see 22 Rocky Mt. L. Rev. 69 (1949). For comment on *Sullivan v. Siegal* appearing below, see 29 *Dicta* 268 (1952). For article, "Legislative Procedure in Colorado", see 26 Rocky Mt. L. Rev. 386 (1954).

**Purpose of this provision is to prevent surprise and deception** through legislation pertaining to one subject under a title relating to another. But it would be unreasonable as well as dangerous to require that each and every specific branch or subdivision of the general subject of an act be enumerated by its title. *Edwards v. Denver R. G. R. R.*, 13 Colo. 59, 21 P. 1011 (1889); *In re Breene*, 14 Colo. 401, 24 P. 3 (1890); *California Co. v. State*, 141 Colo. 288, 348 P.2d 382 (1959), appeal dismissed, 364 U.S. 285, 81 S. Ct. 42, 5 L. Ed.2d 37, rehearing denied, 364 U.S. 897, 81 S. Ct. 219, 5 L. Ed.2d 191 (1960); *People ex rel. Dunbar v. Gilpin Inv. Co.*, 177 Colo. 132, 493 P.2d 359 (1972).

The object of this constitutional provision is twofold. It is to prevent surreptitious legislation, the insertion of enactments in bills which were not indicated by their titles, and to forbid the treatment of incongruous subjects in the same act. It never was intended to prevent the general assembly from treating all the various branches of the same general subject in one law, or from inserting in a single act all the legislation germane to its principal subject. *People ex rel. Kellogg v. Fleming*, 7 Colo. 230, 3 P. 70 (1883); *Geer v. Bd. of Comm'rs*, 97 F. 435 (8th Cir. 1899).

It is important to bear in mind the evils sought to be corrected by this provision, including the practice of putting together in one bill subjects having no necessary or proper connection, for the purpose of enlisting in support of such bill the advocates of each measure, and thus securing the enactment of measures that could not be carried upon their merits. *Catron v. Bd. of Comm'rs*, 18 Colo. 553, 33 P. 513 (1893).

One object is to prevent surprise and fraud from being practiced upon legislators, and to apprise the people of the subjects of legislation by the titles of the bills, so that they might have an opportunity to be heard by petition or otherwise. When each proposed act is confined to a single subject and that subject is clearly expressed in the title, those interested are put upon inquiry when legislation is proposed affecting such subject, without its being necessary for them to examine every bill for the purpose of seeing that nothing objectionable is coiled up within the folds of the measure. *Catron v. Bd. of Comm'rs*, 18 Colo. 553, 33 P. 513 (1893).

The requirement that a bill be limited to a single subject makes each legislative proposal depend upon its own merits for passage. It also enables the governor to consider each single subject of legislation separately in determining whether to exercise veto power. *In re House Bill No. 1353*, 738 P.2d 371 (Colo. 1987).

**This section is mandatory.** *People ex rel. Kellogg v. Fleming*, 7 Colo. 230, 3 P. 70 (1883); *In re Breene*, 14 Colo. 401, 24 P. 3 (1890); *Bd. of Comm'rs v. Trowbridge*, 42 Colo. 449, 95 P. 554 (1908); *Watrous v. Golden Chamber of Commerce*, 121 Colo. 521, 218 P.2d 498 (1950).

**But section should be liberally construed**, so as to avert the evils against which it is aimed, and at the same time avoid unnecessarily obstructing legislation. *In re Breene*, 14 Colo. 401, 24 P. 3 (1890).

This provision was not designed to hinder or obstruct legislation, but to prevent its having this effect it must have a reasonable and liberal construction. When so construed, it is neither unreasonable nor difficult to comply with it. *Catron v. Bd. of Comm'rs*, 18 Colo. 553, 33 P. 513 (1893); *Colo. Crim. Justice Reform Coalition v. Ortiz*, 121 P.3d 288 (Colo. App. 2005).

**Section is not applicable to amendments to constitution.** *People ex rel. Moore v. Perkins*, 56 Colo. 17, 137 P. 55, 1914D Ann. Cas. 1154 (1913).

**Or charter amendments.** This section has no application to charter amendments made by municipalities pursuant to art. XX, Colo. Const. *Hoper v. City & County of Denver*, 173 Colo. 390, 479 P.2d 967 (1971).

**Or city ordinances.** This provision of the constitution does not apply to city ordinances. *Scanlon v. City of Denver*, 38 Colo. 401, 88 P. 156 (1906).

**This section does not apply to codification of statutes.** The usual constitutional limitation on the enactment of new laws, and the repeal or amendment of existing laws, is not applicable and does not generally prevail in the matter of legislation enacting an official code or compilation or revision of the existing general law. The constitution does not place a limitation upon the matter of the general revision of statutes or a codification thereof. *In re Interrogatories of House of Representatives*, 127 Colo. 160, 254 P.2d 853 (1953).

**"Clearly" advisedly used in this section.** The word "clearly" was not incorporated into this provision by mistake. That this word was advisedly used, and was intended to affect the manner of expressing the subject, cannot be doubted. The matter covered by legislation is to be "clearly", not dubiously or obscurely, indicated by the title. Its relation to the subject must not rest upon a merely possible or doubtful inference. The connection must be so obvious as that ingenious reasoning aided by superior rhetoric will not be necessary to reveal it. Such connection should be within the comprehension of the ordinary intellect as well as the trained legal mind. *In re Breene*, 14 Colo. 401, 24 P. 3 (1890).

**Headnote in code not "title".** This section refers to the title of a bill as it is presented to the general assembly and a code headnote has no relation to that title. *Specht v. People*, 156 Colo. 12, 396 P.2d 838 (1964).

**A bill did not violate this single subject requirement** since it encompassed the regular business practice of waiving patient obligations to pay health insurance deductibles and copayments and the health care providers' advertising of such practices and these matters were properly connected and the title was clearly germane to the subject of criminalizing the regular business practice of waiving patient obligations to pay health insurance deductibles and copayments. *Parrish v. Lamm*, 758 P.2d 1356 (Colo. 1988).

**Bill had a single subject** when it authorized the state to enter into lease-purchase agreements to finance both a correctional facility and a separate academic facility. The single subject was the use of lease-purchase agreements to fund capital construction of certain state facilities. *Colo. Crim. Justice Reform Coalition v. Ortiz*, 121 P.3d 288 (Colo. App. 2005).

**The Colorado Clean Indoor Air Act, part 2 of article 14 of title 25, does not consist of more than one subject.** On its face, the act addresses the health risks of indoor secondhand smoke. Even assuming the act's exemptions are based in part on economic concerns, it does not violate this section. *Coal. for Equal Rights v. Owens*, 458 F. Supp. 2d 1251 (D. Colo. 2006), *aff'd sub nom. Coal. for Equal Rights, Inc. v. Ritter*, 517 F.3d 1195 (10th Cir. 2008).

**Act amending void section by bringing it within general title validates same.** Where an act of the general assembly containing a section obnoxious to this provision is amended by an act entitled an act to amend the act, repeating the title thereof, which amendatory act amends the void section by adding thereto a clause that brings it within the meaning of the subject matter of the title, the rule that a void section of a statute cannot be amended has no application since the title of the amendatory act makes it an amendment of the act and not an amendment of the section. *Rice v. Colo. Smelting Co.*, 28 Colo. 519, 66 P. 894 (1901).

**Reenactment of statute cures defective title.** Even though the title to a bill is defective, the adoption and passage of the official report of the committee on statute revision by the general assembly creating the codification, Colorado revised statutes, and reenactment of such statute as a part of such revision, cures the defect. *Tinsley v. Crespin*, 137 Colo. 302, 324 P.2d 1033 (1958); *Specht v. People*, 156 Colo. 12, 396 P.2d 838 (1964).

**And becomes the law itself.** A statute as reenacted is thereafter not only evidence of the law, but in fact, the law itself, as a reenactment thereof. *Tinsley v. Crespin*, 137 Colo. 302, 324 P.2d 1033 (1958).

**Applied** in *Wall v. Garrison*, 11 Colo. 515, 19 P. 469 (1888); *Geer v. Bd. of Comm'rs*, 97 F. 435 (8th Cir. 1889); *In re Appropriations by Gen Ass'y*, 13 Colo. 316, 22 P. 464 (1889); *Brooks v. People*, 14 Colo. 413, 24 P. 553 (1890); *Wyatt v. People*, 17 Colo. 252, 28 P. 961 (1892); *Heller v. People*, 2 Colo. App. 459, 31 P. 773 (1892); *In re Pratt*, 19 Colo. 138, 34 P. 680 (1893); *Tabor v. Commercial Nat'l Bank*, 62 F. 383 (8th Cir. 1894); *City of Denver v. Coulehan*, 20 Colo. 471, 39 P. 425 (1894); *Mollie Gibson Consol. Mining & Milling Co. v. Sharp*, 5 Colo. App. 321, 38 P. 850 (1894); *Airy v. People*, 21 Colo. 144, 40 P. 362 (1895); *Van Houton v. People*, 22 Colo. 53, 43 P. 137 (1895); *Colo. Milling & Elevator Co. v. Mitchell*, 26 Colo. 284, 58 P. 28 (1899); *Frost v. Pfeiffer*, 26 Colo. 338, 58 P. 147 (1899); *Cardillo v. People*, 26 Colo. 355, 58 P. 678 (1899); *Lamar Canal Co. v. Amity Land & Irrigation Co.*, 26 Colo. 370, 58 P. 600 (1899); *Bd. of Comm'rs v. Whelen*, 28 Colo. 435, 65 P. 38 (1901); *People ex rel. Funk v. Wright*, 30 Colo. 439, 71 P. 365 (1902); *Gothard v. People*, 32 Colo. 11, 74 P. 890 (1903); *Chicago Lumber Co. v. Newcomb*, 19 Colo. App. 265, 74 P. 786 (1903); *Graves v. People*, 32 Colo. 127, 75 P. 412 (1904); *In re Magnes' Estate*, 32 Colo. 527, 77 P. 853 (1904); *People ex rel. Attorney Gen. v. News-Times Publishing Co.*, 35 Colo. 253, 84 P. 912 (1906); *Patterson v. Watson*, 35 Colo. 502, 83 P. 958 (1906); *Anderson v. Grand Valley Irrigation Dist.*, 35 Colo. 525, 85 P. 313 (1906); *People ex rel. Smith v. Crissman*, 41 Colo. 450, 92 P. 949 (1907); *People ex rel. Johnson v. Earl*, 42 Colo. 238, 94 P. 294 (1908); *People ex rel. Colo. Bar Ass'n v. Erbaugh*, 42 Colo. 480, 94 P. 349 (1908); *People ex rel. Foley v. Montez*, 48 Colo. 436, 110 P. 639 (1910); *People ex rel. Griffith v. Scott*, 52 Colo. 59, 120 P. 126 (1911); *Sch. Dist. No. 16 v. Union High Sch. Dist. No. 1*, 25 Colo. App. 510, 139 P. 1039 (1914); *Rhinehart v. Denver R. G. R. R.*, 61 Colo. 369, 158 P. 149 (1916); *Pearman v. People*, 64 Colo. 26, 170 P. 192 (1917); *Martin v. People*, 69 Colo. 60, 168 P. 1171 (1917); *People v. Friederich*, 67 Colo. 69, 185 P. 657 (1919); *Galloich v. People*, 68 Colo. 299, 189 P. 34 (1920); *People v. Max*, 70 Colo. 100, 198 P. 150 (1921); *Altitude Oil Co. v. People*, 70 Colo. 452, 202 P. 180 (1921); *Lowdermilk v. People*, 70 Colo. 459, 202 P. 118 (1921); *Milliken v. O'Meara*, 74 Colo. 475, 222 P. 1116 (1924); *Erisman v. McCarty*, 77 Colo. 289, 236 P. 777 (1925); *Pub. Serv. Co. v. City of Loveland*, 79 Colo. 216, 245 P. 493 (1926); *Johnson v. People*, 79 Colo. 439, 246 P. 202 (1926); *Broadbent v. McFerson*, 80 Colo. 264, 250 P. 852 (1926); *Armstrong v. Crissey & Fowler Lumber Co.*, 83 Colo. 105, 262 P. 926 (1927); *Maryland Cas. Co. v. Indus. Comm'n*, 86 Colo. 553, 283 P. 548 (1929); *Driverless Car Co. v. Armstrong*, 91 Colo. 334, 14 P.2d 1098 (1932); *Cole v. People*, 92 Colo. 145, 18 P.2d 470 (1933); *People v. Montgomery*, 92 Colo. 201, 19 P.2d 205 (1933); *In re McManis' Estate*, 94 Colo. 546, 31 P.2d 912 (1934); *Titus v. Titus*, 96 Colo. 191, 41 P.2d 244 (1935); *Stevens v. People*, 97 Colo. 559, 51 P.2d 1022 (1935); *State v. Tolbert*, 98 Colo. 433, 56 P.2d 45 (1936); *Pub. Utils. Comm'n v. Manley*, 99 Colo. 153, 60 P.2d 913 (1936); *H.L. Shaffer & Co. v. Prosser*, 99 Colo. 335, 62 P.2d 1161 (1936); *Rinn v. Bedford*, 102 Colo. 475, 84 P.2d 827 (1938); *Home Owners' Loan Corp. v. Pub. Water Works Dist.*, 104 Colo. 466, 92 P.2d 745 (1939); *Millikin v. People*, 106 Colo. 6, 102 P.2d 901 (1940); *People v. Rapini*, 107 Colo. 363, 112 P.2d 551 (1941); *Bills v. People*, 113 Colo. 326, 157 P.2d (1945); *Redmon v. Davis*, 115 Colo. 415, 174 P.2d 945 (1946); *In re Interrogatories by Governor*, 116 Colo. 318, 180 P.2d 1018 (1947); *Sullivan v. Siegal*, 125 Colo. 544, 245 P.2d 860 (1952); *Colo. Crim. Justice Reform Coalition v. Ortiz*, 121 P.3d 288 (Colo. App. 2005).

## II. TITLE NEED NOT EXPRESS DETAILS.

**Only requirement as to "title" is that it clearly expresses subject of act.** The inhibition goes to "acts" containing more than one subject. *Harding v. People*, 10 Colo. 387, 15 P. 727 (1887).

This section provides that only the "subject" need be expressed in the title to a bill. *Hoper v. City & County of Denver*, 173 Colo. 390, 479 P.2d 967 (1971).

**Hence, details of provisions need not be expressed.** This provision does not require the title to express the details of the provisions of the act, and the fact that the title does express some of the details which were not required to be expressed does not limit the act to such provisions and exclude all other provisions not so expressed when it does not appear from the title that it was intended to be so limited. *Bd. of Comm'rs v. Bd. of Comm'rs*, 32 Colo. 310, 76 P. 368 (1904); *Roark v. People*, 79 Colo. 181, 244 P. 909 (1926); *Gordon v. Wheatridge Water Dist.*, 107 Colo. 128, 109 P.2d 899 (1941).

**Appropriate general title, without enumeration, deemed best.** In reciting several subordinate matters in the title, the hazard of violating that part of the provision which prohibits the treatment of more than one subject in an act and reciting that one subject in the title is incurred; as a rule, it is wiser and safer not to attempt such enumeration, but to select an appropriate general title, broad enough to include all the subordinate matters considered. *Golden Canal Co. v. Bright*, 8 Colo. 144, 6 P. 142 (1884); *Edwards v. Denver & R. G. R. R.*, 13 Colo. 59, 21 P. 1011 (1889).

From the constitutional standpoint, a broad and general title is better than a title attempting to catalogue the constituent parts of an act. The act entitled "an act concerning dependent and neglected children" is ideal in that respect. *Metzger v. People*, 98 Colo. 133, 53 P.2d 1189 (1936).

It is evident that a title cannot include all of the details of a bill. The general assembly may, within reason, make the title of an act as comprehensive as it chooses and thus cover legislation relating to many minor but associated matters. *Zeigler v. People*, 109 Colo. 252, 124 P.2d 593 (1942); *Goldberg v. Musim*, 162 Colo. 461, 427 P.2d 698 (1967).

**Thus generality commendable in title.** If an act treats of but one general subject, and that subject is expressed in the title, the requirement of this section is met. Particularity is not essential and generality is commendable in the title. *Roark v. People*, 79 Colo. 181, 244 P. 909 (1926).

In the manner of legislative titles particularity is neither necessary nor desirable; generality is commendable. *Corder v. Pond*, 117 Colo. 463, 190 P.2d 582 (1948); *Tinsley v. Crespin*, 137 Colo. 302, 324 P.2d 1033 (1958); *California Co. v. State*, 141 Colo. 288, 348 P.2d 382 (1959), appeal dismissed, 364 U.S. 285, 81 S. Ct. 42, 5 L. Ed.2d 37, reh'g denied, 364 U.S. 897, 81 S. Ct. 219, 5 L. Ed.2d 191 (1960).

**Since limiting title of necessity limits contents of legislation.** The general assembly may within reason make the title of a bill as comprehensive as it chooses; but, when it elects to limit the title to a particular subdivision of some general subject, the right to embody in the bill matters pertaining to other subdivisions of such subject is relinquished. *In re Breene*, 14 Colo. 401, 24 P. 3 (1890); *Gordon v. Wheatridge Water Dist.*, 107 Colo. 128, 109 P.2d 899 (1941).

**Addition of subdivisions in title does not render statute void.** Where the title of a statute contains but one general subject, the addition in the title of subdivisions under that subject does not render the act obnoxious to objection under this section. *Clair v. People*, 9 Colo. 122, 10 P. 799 (1886). See *Hecht v. Wright*, 31 Colo. 117, 72 P. 48 (1903).

**Title of amendatory act may specify section, without more.** It is sufficient for the title of an act to amend a code or revision to specify the section to be amended, without giving the title of the chapter or division to which it belongs, or in any way indicating the subject matter of the section. *California Co. v. State*, 141 Colo. 288, 348 P.2d 382 (1959), appeal dismissed, 364 U.S. 285, 81 S. Ct. 42, 5 L. Ed.2d 37, reh'g denied, 364 U.S. 897, 81 S. Ct. 219, 5 L. Ed. 191 (1960).

**Title referring to crime may include or omit penalties.** The penalties prescribed for the violation of a statute are germane to so much of it as defines and denounces the crime, and need not be referred to in the title; but a title which by general words refers to the crime, and then to the punishment thereof, as by the phrase "and providing punishment", is not within the prohibition of this section. *Trozso v. People*, 51 Colo. 323, 117 P. 150 (1911).

### III. LEGISLATION MUST BE GERMANE TO SUBJECT EXPRESSED IN TITLE.

#### A. In General.

**If act deals with one subject and subject is expressed in title, constitutional requirement is met.** California Co. v. State, 141 Colo. 288, 348 P.2d 382 (1959), appeal dismissed, 364 U.S. 285, 81 S. Ct. 42, 5 L. Ed.2d 37, reh'g denied, 364 U.S. 897, 81 S. Ct. 219, 5 L. Ed.2d 191 (1960).

Where an act deals with a subject at large and the title clearly expresses the purpose of the enactment, it must be upheld. Anderson v. Bd. of Comm'rs, 67 Colo. 403, 186 P. 284 (1919).

**Test being whether legislation relevant to subject.** The mandate of the constitution is observed if the legislation in the body of a statute is germane to the general subject expressed in the title of the act, and the test in this respect is whether such legislation is relevant or appropriate to such subject. Bd. of Comm'rs v. Bd. of Comm'rs, 32 Colo. 310, 76 P. 368 (1904); Corder v. Pond, 117 Colo. 463, 190 P.2d 582 (1948); Tinsley v. Crespin, 137 Colo. 302, 324 P.2d 1033 (1958).

**And this to be determined by contents of statute.** Whether the subject matter of a statute is clearly expressed in its title, in compliance with the mandatory provisions of this section, must be determined by the contents of the statute, without regard to the source of the power of which the act itself is an expression. Burcher v. People, 41 Colo. 495, 93 P. 14 (1907).

**With section to receive reasonable interpretation.** This section prescribing that a bill shall contain but one subject, which shall be clearly expressed in the title, must receive a reasonable interpretation, and whenever a matter contained in the statute may fairly be considered germane to the subject expressed by the title it is sufficient. Dallas v. Redman, 10 Colo. 297, 15 P. 397 (1887); People ex rel. Thomas v. Goddard, 8 Colo. 432, 7 P. 301 (1885).

**Matter is clearly indicated by title when provisions are clearly germane to subject mentioned in title.** In re Breene, 14 Colo. 401, 24 P. 3 (1890).

It is a sufficient compliance if the provisions are germane to the general subject expressed in the title. Hecht v. Wright, 31 Colo. 117, 72 P. 48 (1903); People ex rel. Thomas v. Goddard, 8 Colo. 432, 7 P. 301 (1885).

No violation of the mandates of the constitution occurs if the subject matter of the bill is germane to the general subject expressed in the title, as where the title is a general statement of but one topic, i.e., that of promoting the public morals by the abolition and regulation of certain actions affecting domestic relations. Goldberg v. Musim, 162 Colo. 461, 427 P.2d 698 (1967).

**Definition of "germane".** The word "germane" means closely allied; appropriate; relevant. Roark v. People, 79 Colo. 181, 244 P. 909 (1926); Dahlin v. City & County of Denver, 97 Colo. 239, 48 P.2d 1013 (1935).

**It is germane to title of act to define terms as used in act.** Indus. Comm'n v. Cont'l Inv. Co., 78 Colo. 399, 242 P. 49 (1925); Metzger v. People, 98 Colo. 133, 53 P.2d 1189 (1936).

**Statute is valid although penalty provided therein is not mentioned in its title,** if the punishment or penalty is connected with, and germane to, the subject expressed in the title, and is a means of enforcing the statute or carrying out or giving effect to it, and is essential to the accomplishment of the object indicated in the title. People v. Agnew, 107 Colo. 399, 113 P.2d 424 (1941).

**Amendment is valid if it is germane to title of original act.** Colo. Farm & Live Stock Co. v. Beerbohm, 43 Colo. 464, 96 P. 443 (1908).

**And subjects of amendatory act must be in title of original statute.** It is elementary that the title to the act must include every subject covered in the statute, and every subject covered in an amendatory act must have been included within the title to the original statute. City & County of Denver v. McNichols, 129 Colo. 251, 268 P.2d 1026 (1954).

**Or germane to section amended.** The subject matter of an act specifically amendatory of a designated section must be germane to the section amended. Bd. of Comm'rs v. Aspen Mining & Smelting Co., 3 Colo. App. 223, 32

P. 717 (1893).

Under a title of an amendatory act which specifies the section to be amended, any legislation is proper which is germane to the section specified. *California Co. v. State*, 141 Colo. 288, 348 P.2d 382 (1959), appeal dismissed, 364 U.S. 285, 81 S. Ct. 42, 5 L. Ed.2d 37, reh'g denied, 364 U.S. 897, 81 S. Ct. 219, 5 L. Ed.2d 191 (1960).

**So title limited to amendment of one section cannot include new sections.** New and different sections cannot be interpolated into a statute by an act the title of which is specifically limited to an amendment of one section and a repeal of others. *Bd. of Comm'rs v. Aspen Mining & Smelting Co.*, 3 Colo. App. 223, 32 P. 717 (1893).

**What could be done directly by enactment of original law may be done by amendment**, even to the extent of enlarging the definition of terms employed in the title, providing there is nothing inherently unreasonable in the amendment. *Metzger v. People*, 98 Colo. 133, 53 P.2d 1189 (1936).

**Provisions in a bill to increase moneys available to the state by increasing income or reducing expenditures** held to contain diverse and incongruous subjects which impermissibly impede achievement of the goal that each legislative proposal be considered on its own merits and to intrude on the governor's veto power. In re House Bill No. 1353, 738 P.2d 371 (Colo. 1987).

**Section 17-27.5-104 does not violate the clear expression requirement.** The subject of that section is clearly expressed in the title, and failure to remain within the extended limits of confinement is essential to the accomplishment of the title. *People v. Sa'ra*, 117 P.3d 51 (Colo. App. 2004).

#### B. Severability of Germane Provisions.

**That part of act, not directly germane to subject expressed in title is without force.** *People ex rel. Kellogg v. Fleming*, 7 Colo. 230, 3 P. 70 (1883); *People ex rel. Thomas v. Goddard*, 8 Colo. 432, 7 P. 301 (1885); *Bd. of Comm'rs v. Trowbridge*, 42 Colo. 449, 95 P. 554 (1908).

**But complete, germane sections severable.** So much of a legislative act as is not referred to in the title or germane to the subject therein mentioned is void. But if the part of the statute remaining, which is covered by the title, is complete in and of itself, and does not depend on the void portion, it may stand. *People ex rel. Seeley v. Hull*, 8 Colo. 485, 9 P. 34 (1885).

**As unconstitutionality of part of act does not necessarily invalidate other portions thereof.** *Catron v. Bd. of Comm'rs*, 18 Colo. 553, 33 P. 513 (1893).

#### IV. APPROPRIATION BILLS.

**General appropriation bill may contain many subjects.** So far as the limitations of this section are concerned, the general appropriation bill may contain as many subjects as are properly within the power of the general assembly to make provision for. In re House Bill No. 168, 21 Colo. 46, 39 P. 1096 (1895).

**But others subject to limitation.** Not only are all bills of a general character within the purview of this section, but also all appropriation bills other than the general appropriation bill. In re House Bill No. 168, 21 Colo. 46, 39 P. 1096 (1895).

**Purpose of appropriation act is to take money out of state treasury.** *People ex rel. Colo. State Hosp. v. Armstrong*, 104 Colo. 238, 90 P.2d 522 (1939).

**Thus allocation to reserve fund not appropriation.** A statute which allocated a percentage of proceeds of state income tax to reserve for general fund is not an appropriation act within the meaning of the constitution. *People ex rel. Colo. State Hosp. v. Armstrong*, 104 Colo. 238, 90 P.2d 522 (1939).

**Action in appropriation bill unrelated to appropriation void.** Attempted action of the general assembly to create a new office in an appropriation bill and to legislate one out of office, would be void under section 32 of this article relating to appropriation bills, the state personnel system amendment, and this section regarding titles of acts. *People ex rel. Fulton v. O'Ryan*, 71 Colo. 69, 204 P. 86 (1922).

