Appendix B: New York State Constitution’s Table of Contents and Bill of Rights (For complete NYS Constitution use the following link.) [https://www.dos.ny.gov/info/constitution/index.html](https://www.dos.ny.gov/info/constitution/index.html%20)

THE CONSTITUTION

OF THE

STATE OF NEW YORK

 As Revised, with Amendments adopted by the Constitutional Convention of 1938 and Approved by Vote of the People on November 8, 1938 and Amendments subsequently adopted by the Legislature and Approved by Vote of the People.

 ARTICLE I Bill of Rights

 §1. Rights, privileges and franchise secured; power of legislature to dispense with primary elections in certain cases.

 2. Trial by jury; how waived.

 3. Freedom of worship; religious liberty.

 4. Habeas corpus.

 5. Bail; fines; punishments; detention of witnesses.

 6. Grand jury; protection of certain enumerated rights; duty of public officers to sign waiver of immunity and give testimony; penalty for refusal.

 7. Compensation for taking private property; private roads; drainage of agricultural lands.

 8. Freedom of speech and press; criminal prosecutions for libel.

 9. Right to assemble and petition; divorce; lotteries; pool-selling and gambling; laws to prevent; pari-mutuel betting on horse races permitted; games of chance, bingo or lotto authorized under certain restrictions.

 10. Repealed

 11. Equal protection of laws; discrimination in civil rights prohibited.

12. Security against unreasonable searches, seizures and interceptions.

13. Repealed

14. Common law and acts of the colonial and state legislatures.

15. Repealed

16. Damages for injuries causing death.

17. Labor not a commodity; hours and wages in public work; right to organize and bargain collectively.

18. Workers' compensation.

 ARTICLE II Suffrage

§1. Qualifications of voters.

2. Absentee voting.

3. Persons excluded from the right of suffrage.

4. Certain occupations and conditions not to affect residence.

5. Registration and election laws to be passed.

6. Permanent registration.

7. Manner of voting; identification of voters.

8. Bi-partisan registration and election board.

9. Presidential elections; special voting procedures authorized.

ARTICLE III Legislature

§1. Legislative power.

2. Number and terms of senators and assemblymen.

3. Senate districts.

4. Readjustments and reapportionments; when federal census to control.

5. Apportionment of assemblymen; creation of assembly districts.

5-a. Definition of inhabitants.

6. Compensation, allowances and traveling expenses of members.

7. Qualifications of members; prohibitions on certain civil appointments; acceptance to vacate seat.

8. Time of elections of members.

9. Powers of each house.

10. Journals; open sessions; adjournments.

11. Members not to be questioned for speeches.

12. Bills may originate in either house; may be amended by the other.

13. Enacting clause of bills; no law to be enacted except by bill.

14. Manner of passing bills; message of necessity for immediate vote.

15. Private or local bills to embrace only one subject, expressed in title.

16. Existing law not to be made applicable by reference.

17. Cases in which private or local bills shall not be passed.

18. Extraordinary sessions of the legislature; power to convene on legislative initiative.

19. Private claims not to be audited by legislature; claims barred by lapse of time.

20. Two-thirds bills.

21. Certain sections not to apply to bills recommended by certain commissioners or public agencies.

22. Tax laws to state tax and object distinctly; definition of income for income tax purposes by reference to federal laws authorized.

23. When yeas and nays necessary; three-fifths to constitute quorum.

24. Prison labor; contract system abolished.

25. Emergency governmental operations; legislature to provide for.

ARTICLE IV Executive

§1. Executive power; election and terms of governor and lieutenant-governor.

2. Qualifications of governor and lieutenant-governor.

3. Powers and duties of governor; compensation.

4. Reprieves, commutations and pardons; powers and duties of governor relating to grants of.

5. When lieutenant-governor to act as governor.

6. Duties and compensation of lieutenant-governor; succession to the governorship.

7. Action by governor on legislative bills; reconsideration after veto.

8. Departmental rules and regulations; filing; publication.

ARTICLE V Officers And Civil Departments

§1. Comptroller and attorney-general; payment of state moneys without audit void.

2. Civil departments in the state government.

 3. Assignment of functions.

4. Department heads.

5. Repealed

6. Civil service appointments and promotions; veterans' credits.

7. Membership in retirement systems; benefits not to be diminished nor impaired.

ARTICLE VI Judiciary

§1. Unified court system; organization; process.

2. Court of appeals; organization; designations; vacancies, how filled; commission on judicial nomination.

3. Court of appeals; jurisdiction.

4. Judicial departments; appellate divisions, how constituted; governor to designate justices; temporary assignments; jurisdiction.

5. Appeals from judgment or order; new trial.

6. Judicial districts; how constituted; supreme court.

7. Supreme court; jurisdiction.

8. Appellate terms; composition; jurisdiction.

9. Court of claims; jurisdiction.

10. County courts; judges.

11. County court; jurisdiction.

12. Surrogate's courts; judges; jurisdiction.

13. Family court; organization; jurisdiction.

14. Discharge of duties of more than one judicial office by same judicial officer.

15. New York city; city-wide courts; jurisdiction.

16. District courts; jurisdiction; judges.

17. Town, village and city courts; jurisdiction; judges.

18. Trial by jury; trial without jury; claims against state.

 19. Transfer of actions and proceedings.

20. Judges and justices; qualifications; eligibility for other office or service; restrictions.

21. Vacancies; how filled.

22. Commission on judicial conduct; composition; organization and procedure; review by court of appeals; discipline of judges or justices.

23. Removal of judges.

24. Court for trial of impeachments; judgment.

25. Judges and justices; compensation; retirement.

26. Temporary assignments of judges and justices.

27. Supreme court; extraordinary terms.

28. Administrative supervision of court system.

29. Expenses of courts.

30. Legislative power over jurisdiction and proceedings; delegation of power to regulate practice and procedure.

31. Inapplicability of article to certain courts.

32. Custodians of children to be of same religious persuasion.

33. Existing laws; duty of legislature to implement article.

34. Pending appeals, actions and proceedings; preservation of existing terms of office of judges and justices.

35. Certain courts abolished; transfer of judges, court personnel, and actions and proceedings to other courts.

36. Pending civil and criminal cases.

36-a. Effective date of certain amendments to articles VI and VII.

36-b. No section

36-c. Effective date of certain amendments to article VI, section 22.

37. Effective date of article.

ARTICLE VII State Finances

§1. Estimates by departments, the legislature and the judiciary of needed appropriations; hearings.

2. Executive budget.

3. Budget bills; appearances before legislature.

4. Action on budget bills by legislature; effect thereof. 5. Restrictions on consideration of other appropriations.

6. Restrictions on content of appropriation bills.

7. Appropriation bills.

8. Gift or loan of state credit or money prohibited; exceptions for enumerated purposes.

9. Short term state debts in anticipation of taxes, revenues and proceeds of sale of authorized bonds.

10. State debts on account of invasion, insurrection, war and forest fires.

11. State debts generally; manner of contracting; referendum.

12. State debts generally; how paid; contribution to sinking funds; restrictions on use of bond proceeds.

13. Refund of state debts.

14. State debt for elimination of railroad crossings at grade; expenses; how borne; construction and reconstruction of state highways and parkways.

15. Sinking funds; how kept and invested; income therefrom and application thereof.

16. Payment of state debts; when comptroller to pay without appropriation.

17. Authorizing the legislature to establish a fund or funds for tax revenue stabilization reserves; regulating payments thereto and withdrawals therefrom.

18. Bonus on account of service of certain veterans in World War II.

19. State debt for expansion of state university.

ARTICLE VIII Local Finances

§1. Gift or loan of property or credit of local subdivisions prohibited; exceptions for enumerated purposes.

2. Restrictions on indebtedness of local subdivisions; contracting and payment of local indebtedness; exceptions.

2-a. Local indebtedness for water supply, sewage and drainage facilities and purposes; allocations and exclusions of indebtedness.

3. Restrictions on creation and indebtedness of certain corporations.

4. Limitations on local indebtedness.

5. Ascertainment of debt-incurring power of counties, cities, towns and villages; certain indebtedness to be excluded.

6. Debt-incurring power of Buffalo, Rochester, and Syracuse; certain additional indebtedness to be excluded.

7. Debt-incurring power of New York city; certain additional indebtedness to be excluded.

7-a. Debt-incurring power of New York city; certain indebtedness for railroads and transit purposes to be excluded.

8. Indebtedness not to be invalidated by operation of this article.

9. When debt-incurring power of certain counties shall cease.

10. Limitations on amount to be raised by real estate taxes for local purposes; exceptions.

10-a. Application and use of revenues: certain public improvements.

11. Taxes for certain capital expenditures to be excluded from tax limitation.

12. Powers of local governments to be restricted; further limitations on contracting local indebtedness authorized.

ARTICLE IX Local Governments

§1. Bill of rights for local governments.

2. Powers and duties of legislature; home rule powers of local governments; statute of local governments.

3. Existing laws to remain applicable; construction; definitions.

ARTICLE X Corporations

§1. Corporations; formation of.

2. Dues of corporations.

3. Savings bank charters; savings and loan association charters; special charters not to be granted.

4. Corporations; definition; right to sue and be sued.

5. Public corporations; restrictions on creation and powers; accounts; obligations of.

6. Liability of state for payment of bonds of public corporation to construct state thruways; use of state canal lands and properties.

7. Liability of state for obligations of the port of New York authority for railroad commuter cars; limitations.

8. Liability of state on bonds of a public corporation to finance new industrial or manufacturing plants in depressed areas.

ARTICLE XI Education

§1. Common schools.

2. Regents of the University.

3. Use of public property or money in aid of denominational schools prohibited; transportation of children authorized.

ARTICLE XII Defense

§1. Defense; militia.

ARTICLE XIII Public Officers

§1. Oath of office; no other test for public office.

2. Duration of term of office.

3. Vacancies in office; how filled; boards of education.

4. Political year and legislative term.

5. Removal from office for misconduct.

6. When office to be deemed vacant; legislature may declare.

7. Compensation of officers.

8. Election and term of city and certain county officers.

9-12. No sections 9-12

13. Law enforcement and other officers.

14. Employees of, and contractors for, the state and local governments; wages, hours and other provisions to be regulated by legislature.

ARTICLE XIV Conservation

§1. Forest preserve to be forever kept wild; authorized uses and exceptions.

2. Reservoirs.

3. Forest and wild life conservation; use or disposition of certain lands authorized.

4. Protection of natural resources; development of agricultural lands.

5. Violations of article; how restrained.

ARTICLE XV Canals

§1. Disposition of canals and canal properties prohibited.

2. Prohibition inapplicable to lands and properties no longer useful; disposition authorized.

3. Contracts for work and materials; special revenue fund.

4. Lease or transfer to federal government of barge canal system authorized.

ARTICLE XVI Taxation

§1. Power of taxation; exemptions from taxation.

2. Assessments for taxation purposes.

3. Situs of intangible personal property; taxation of.

4. Certain corporations not to be discriminated against.

5. Compensation of public officers and employees subject to taxation.

6. Public improvements or services; contract of indebtedness; creation of public corporations.

ARTICLE XVII Social Welfare

§1. Public relief and care.

2. State board of social welfare; powers and duties.

3. Public health.

4. Care and treatment of persons suffering from mental disorder or defect; visitation of institutions for.

5. Institutions for detention of criminals; probation; parole; state commission of correction.

6. Visitation and inspection.

7. Loans for hospital construction.

ARTICLE XVIII Housing

§1. Housing and nursing home accommodations for persons of low income; slum clearance.

2. Idem; powers of legislature in aid of.

3. Article VII to apply to state debts under this article, with certain exceptions; amortization of state debts; capital and periodic subsidies.

4. Powers of cities, towns and villages to contract indebtedness in aid of low rent housing and slum clearance projects; restrictions thereon.

5. Liability for certain loans made by the state to certain public corporations.

6. Loans and subsidies; restrictions on and preference in occupancy of projects.

7. Liability arising from guarantees to be deemed indebtedness; method of computing.

8. Excess condemnation.

9. Acquisition of property for purposes of article.

10. Power of legislature; construction of article.

ARTICLE XIX Amendments To Constitution

§1. Amendments to constitution; how proposed, voted upon and ratified; failure of attorney general to render opinion not to affect validity.

2. Future constitutional conventions; how called; election of delegates; compensation; quorum; submission of amendments; officers; employees; rules; vacancies.

3. Amendments simultaneously submitted by convention and legislature.

ARTICLE XX

When To Take Effect

§1. Time of taking effect.

THE CONSTITUTION

(1)[Preamble] We The People of the State of New York, grateful to Almighty God for our Freedom, in order to secure its blessings, DO ESTABLISH THIS CONSTITUTION.

ARTICLE I

 Bill Of Rights

 [Rights, privileges and franchise secured; power of legislature to dispense with primary elections in certain cases]

Section 1. No member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his or her peers, except that the legislature may provide that there shall be no primary election held to nominate candidates for public office or to elect persons to party positions for any political party or parties in any unit of representation of the state from which such candidates or persons are nominated or elected whenever there is no contest or contests for such nominations or election as may be prescribed by general law. (Amended by vote of the people November 3, 1959; November 6, 2001.) (2)

 [Trial by jury; how waived]

Section 2. Trial by jury in all cases in which it has heretofore been guaranteed by constitutional provision shall remain inviolate forever; but a jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law. The legislature may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case. A jury trial may be waived by the defendant in all criminal cases, except those in which the crime charged may be punishable by death, by a written instrument signed by the defendant in person in open court before and with the approval of a judge or justice of a court having jurisdiction to try the offense. The legislature may enact laws, not inconsistent herewith, governing the form, content, manner and time of presentation of the instrument effectuating such waiver. (Amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

[Freedom of worship; religious liberty]

Section 3. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this state to all humankind; and no person shall be rendered incompetent to be a witness on account of his or her opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state. (Amended by vote of the people November 6, 2001.)

[Habeas corpus]

Section 4. The privilege of a writ or order of habeas corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety requires it. (Amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

[Bail; fines; punishments; detention of witnesses]

Section 5. Excessive bail shall not be required nor excessive fines imposed, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

[Grand jury; protection of certain enumerated rights; duty of public officers to sign waiver of immunity and give testimony; penalty for refusal]

Section 6. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land, air and naval forces in time of war, or which this state may keep with the consent of congress in time of peace, and in cases of petit larceny under the regulation of the legislature), unless on indictment of a grand jury, except that a person held for the action of a grand jury upon a charge for such an offense, other than one punishable by death or life imprisonment, with the consent of the district attorney, may waive indictment by a grand jury and consent to be prosecuted on an information filed by the district attorney; such waiver shall be evidenced by written instrument signed by the defendant in open court in the presence of his or her counsel. In any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel as in civil actions and shall be informed of the nature and cause of the accusation and be confronted with the witnesses against him or her. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he or she be compelled in any criminal case to be a witness against himself or herself, providing, that any public officer who, upon being called before a grand jury to testify concerning the conduct of his or her present office or of any public office held by him or her within five years prior to such grand jury call to testify, or the performance of his or her official duties in any such present or prior offices, refuses to sign a waiver of immunity against subsequent criminal prosecution, or to answer any relevant question concerning such matters before such grand jury, shall by virtue of such refusal, be disqualified from holding any other public office or public employment for a period of five years from the date of such refusal to sign a waiver of immunity against subsequent prosecution, or to answer any relevant question concerning such matters before such grand jury, and shall be removed from his or her present office by the appropriate authority or shall forfeit his or her present office at the suit of the attorney-general.

The power of grand juries to inquire into the wilful misconduct in office of public officers, and to find indictments or to direct the filing of informations in connection with such inquiries, shall never be suspended or impaired by law. No person shall be deprived of life, liberty or property without due process of law. (Amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; further amended by vote of the people November 8, 1949; November 3, 1959; November 6, 1973; November 6, 2001.)

[Compensation for taking private property; private roads; drainage of agricultural lands]

Section 7 (a) Private property shall not be taken for public use without just compensation.

(b) Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceedings, shall be paid by the person to be benefitted.

(c)The use of property for the drainage of swamp or agricultural lands is declared to be a public use, and general laws may be passed permitting the owners or occupants of swamp or agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches and dykes upon the lands of others, under proper restrictions, on making just compensation, and such compensation together with the cost of such drainage may be assessed, wholly or partly, against any property benefitted thereby; but no special laws shall be enacted for such purposes. (Amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938. Subdivision (e) repealed by vote of the people November 5, 1963. Subdivision (b) repealed by vote of the people November 3, 1964.)

[Freedom of speech and press; criminal prosecutions for libel]

Section 8. Every citizen may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact. (Amended by vote of the people November 6, 2001.)

[Right to assemble and petition; divorce; lotteries; pool-selling and gambling; laws to prevent; pari-mutual betting on horse races permitted; games of chance, bingo or lotto authorized under certain restrictions]

§9. 1. No law shall be passed abridging the rights of the people peaceably to assemble and to petition the government, or any department thereof; nor shall any divorce be granted otherwise than by due judicial proceedings; except as hereinafter provided, no lottery or the sale of lottery tickets, pool-selling, book-making, or any other kind of gambling, except lotteries operated by the state and the sale of lottery tickets in connection therewith as may be authorized and prescribed by the legislature, the net proceeds of which shall be applied exclusively to or in aid or support of education in this state as the legislature may prescribe, and except pari-mutual betting on horse races as may be prescribed by the legislature and from which the state shall derive a reasonable revenue for the support of government, shall hereafter be authorized or allowed within this state; and the legislature shall pass appropriate laws to prevent offenses against any of the provisions of this section.

2. Notwithstanding the foregoing provisions of this section, any city, town or village within the state may by an approving vote of the majority of the qualified electors in such municipality voting on a proposition therefor submitted at a general or special election authorize, subject to state legislative supervision and control, the conduct of one or both of the following categories of games of chance commonly known as: (a) 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; (b) games in which prizes are awarded on the basis of a winning number or numbers, color or colors, or symbol or symbols determined by chance from among those previously selected or played, whether determined as the result of the spinning of a wheel, a drawing or otherwise by chance. If authorized, such games shall be subject to the following restrictions, among others which may be prescribed by the legislature: (1) only bona fide religious, charitable or non-profit organizations of veterans, volunteer firefighter and similar non-profit organizations shall be permitted to conduct such games; (2) the entire net proceeds of any game shall be exclusively devoted to the lawful purposes of such organizations; (3) no person except a bona fide member of any such organization shall participate in the management or operation of such game; and (4) no person shall receive any remuneration for participating in the management or operation of any such game. Unless otherwise provided by law, no single prize shall exceed two hundred fifty dollars, nor shall any series of prizes on one occasion aggregate more than one thousand dollars. The legislature shall pass appropriate laws to effectuate the purposes of this subdivision, ensure that such games are rigidly regulated to prevent commercialized gambling, prevent participation by criminal and other undesirable elements and the diversion of funds from the purposes authorized hereunder and establish a method by which a municipality which has authorized such games may rescind or revoke such authorization. Unless permitted by the legislature, no municipality shall have the power to pass local laws or ordinances relating to such games. Nothing in this section shall prevent the legislature from passing laws more restrictive than any of the provisions of this section. (Amendment approved by vote of the people November 7, 1939; further amended by vote of the people November 5, 1957; November 8, 1966; November 4, 1975; November 6, 1984; November 6, 2001.)

[Section 10 which dealt with ownership of lands, yellowtail tenures and escheat was repealed by amendment approved by vote of the people November 6, 1962]

[Equal protection of laws; discrimination in civil rights prohibited]

Section 11. No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, creed or religion, be subjected to any discrimination in his or her civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state. (New. Adopted by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; amended by vote of the people November 6, 2001.)

[Security against unreasonable searches, seizures and interceptions]

Section 12. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The right of the people to be secure against unreasonable interception of telephone and telegraph communications shall not be violated, and ex parte orders or warrants shall issue only upon oath or affirmation that there is reasonable ground to believe that evidence of crime may be thus obtained, and identifying the particular means of communication, and particularly describing the person or persons whose communications are to be intercepted and the purpose thereof. (New. Adopted by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

[Section 13 which dealt with purchase of lands of Indians was repealed by amendment approved by vote of the people November 6, 1962]

[Common law and acts of the colonial and state legislatures]

Section 14. Such parts of the common law, and of the acts of the legislature of the colony of New York, as together did form the law of the said colony, on the nineteenth day of April, one thousand seven hundred seventy-five, and the resolutions of the congress of the said colony, and of the convention of the State of New York, in force on the twentieth day of April, one thousand seven hundred seventy-seven, which have not since expired, or been repealed or altered; and such acts of the legislature of this state as are now in force, shall be and continue the law of this state, subject to such alterations as the legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this constitution, are hereby abrogated. (Formerly §16. Renumbered and amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

[Section 15 which dealt with certain grants of lands and of charters made by the king of Great Britain and the state and obligations and contracts not to be impaired was repealed by amendment approved by vote of the people November 6, 1962]

[Damages for injuries causing death]

Section 16. The right of action now existing to recover damages for injuries resulting in death, shall never be abrogated; and the amount recoverable shall not be subject to any statutory limitation. (Formerly §18. Renumbered by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

[Labor not a commodity; hours and wages in public work; right to organize and bargain collectively]

Section 17. Labor of human beings is not a commodity nor an article of commerce and shall never be so considered or construed.

No laborer, worker or mechanic, in the employ of a contractor or sub-contractor engaged in the performance of any public work, shall be permitted to work more than eight hours in any day or more than five days in any week, except in cases of extraordinary emergency; nor shall he or she be paid less than the rate of wages prevailing in the same trade or occupation in the locality within the state where such public work is to be situated, erected or used.

Employees shall have the right to organize and to bargain collectively through representatives of their own choosing. (New. Adopted by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; amended by vote of the people November 6, 2001.)

[Workers' compensation]

Section 18. Nothing contained in this constitution shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees; or for the payment, either by employers, or by employers and employees or otherwise, either directly or through a state or other system of insurance or otherwise, of compensation for injuries to employees or for death of employees resulting from such injuries without regard to fault as a cause thereof, except where the injury is occasioned by the wilful intention of the injured employee to bring about the injury or death of himself or herself or of another, or where the injury results solely from the intoxication of the injured employee while on duty; or for the adjustment, determination and settlement, with or without trial by jury, of issues which may arise under such legislation; or to provide that the right of such compensation, and the remedy therefor shall be exclusive of all other rights and remedies for injuries to employees or for death resulting from such injuries; or to provide that the amount of such compensation for death shall not exceed a fixed or determinable sum; provided that all moneys paid by an employer to his or her employees or their legal representatives, by reason of the enactment of any of the laws herein authorized, shall be held to be a proper charge in the cost of operating the business of the employer. (Formerly §19. Renumbered by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; amended by vote of the people November 6, 2001.)