

**Initiative 89**  
**Local Government Regulation of Environment**

1 **Ballot Title:** Shall there be an amendment to the Colorado constitution concerning a public right to  
2 Colorado's environment, and, in connection therewith, declaring that Colorado's environment is the  
3 common property of all Coloradans; specifying that the environment includes clean air, pure water, and  
4 natural and scenic values and that state and local governments are trustees of this resource; requiring  
5 state and local governments to conserve the environment; and declaring that if state or local laws conflict  
6 the more restrictive law or regulation governs?

7 *Be it Enacted by the People of the State of Colorado:*

8 **SECTION 1.** In the constitution of the state of Colorado, amend article II to **add** the following:

9 **Section 32. Environmental Rights** (1) THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE  
10 THAT COLORADO'S ENVIRONMENT IS THE COMMON PROPERTY OF ALL COLORADANS; CONSERVATION OF  
11 COLORADO'S ENVIRONMENT, INCLUDING ITS CLEAN AIR, PURE WATER, AND NATURAL AND SCENIC VALUES IS  
12 FUNDAMENTAL; AND COLORADO'S ENVIRONMENT SHOULD BE PROTECTED AND PRESERVED FOR ALL COLORADANS,  
13 INCLUDING GENERATIONS YET TO COME.

14 (2) THE PEOPLE OF THE STATE OF COLORADO, INCLUDING FUTURE GENERATIONS, HAVE A RIGHT TO  
15 COLORADO'S ENVIRONMENT, INCLUDING ITS CLEAN AIR, PURE WATER, AND NATURAL AND SCENIC VALUES. AS  
16 TRUSTEES OF THIS RESOURCE, THE STATE AND LOCAL GOVERNMENTS SHALL CONSERVE COLORADO'S  
17 ENVIRONMENT, INCLUDING ITS CLEAN AIR, PURE WATER, AND NATURAL AND SCENIC VALUES FOR THE BENEFIT OF  
18 ALL THE PEOPLE. THIS SECTION APPLIES TO THE STATE OF COLORADO AND TO EVERY COLORADO CITY, TOWN,  
19 COUNTY, AND CITY AND COUNTY, NOTWITHSTANDING ANY PROVISION OF ARTICLE XX, OR SECTION 16 OF ARTICLE  
20 XIV, OF THE COLORADO CONSTITUTION.

21 (3) ALL PROVISIONS OF THIS SECTION OF ARTICLE II OF THE COLORADO CONSTITUTION ARE SELF-  
22 EXECUTING AND SEVERABLE. TO FACILITATE THE CONSERVATION OF COLORADO'S ENVIRONMENT, LOCAL  
23 GOVERNMENTS HAVE THE POWER TO ENACT LAWS, REGULATIONS, ORDINANCES, AND CHARTER PROVISIONS THAT  
24 ARE MORE RESTRICTIVE AND PROTECTIVE OF THE ENVIRONMENT THAN LAWS OR REGULATIONS ENACTED OR  
25 ADOPTED BY THE STATE GOVERNMENT. IF ANY LOCAL LAW OR REGULATION ENACTED OR ADOPTED PURSUANT TO  
26 THIS ARTICLE CONFLICTS WITH A STATE LAW OR REGULATION, THE MORE RESTRICTIVE AND PROTECTIVE LAW OR  
27 REGULATION GOVERNS.