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3 **PROPOSAL FOR FORMATION OF THE COLORADO**  
4 **DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
5  
6

7 NEED:

- 8  
9 ● Colorado utilizes various state departments, and their associated divisions, for the  
10 analysis of activities that cause impacts to the public's resources.  
11  
12 ● No single state department or agency has legislated authority to comprehensively  
13 investigate the potentials of development impacts to the public's resources or manage  
14 the public's resources for stewardship values.  
15  
16 ● Hearings and permits regarding matters of state interest and activities of state concern  
17 are discretionary in Colorado in that counties may, or may not, require local resource  
18 development impact permits - impact reviews by Colorado counties are not required /  
19 are optional to each county.  
20  
21 ● No state department or agency has a mandated statutory requirement to assist any  
22 Colorado county in the development of local impact analysis guidelines or permitting  
23 procedures.  
24  
25 ● Resource development activities, of potential consequence to the public's waters, to  
26 public lands and to the public's wildlife resources, on federally managed lands in  
27 Colorado, are not included in resource development permitting processes.  
28

29 BACKGROUND:

- 30  
31 ● The Colorado constitution recognizes that the waters within the state are the property of  
32 the public, subject to use.  
33  
34 ● Federal judicial decisions have ratified that state sovereignty can require resource  
35 development activities on federally managed lands within Colorado to be subject to  
36 state environmental permitting procedures.  
37

38 SOLUTION:

- 39  
40 ● Establish a single, comprehensive, state government department to protect the public's  
41 interests and values in public resources, and to protect public resource conservation  
42 values associated with resource development activities on state and federally managed  
43 lands as those matters and activities might impact public resource stewardship.  
44  
45

1 **Be it Enacted by the People of the State of Colorado at the 2008 general**  
2 **election that the constitution of the state of Colorado is amended BY THE**  
3 **ADDITION OF A NEW ARTICLE to read:**  
4

5 **ARTICLE XXX**

6 **Environmental Conservation**

7 **Section 1. Colorado department of environmental conservation**  
8 **created.** THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION IS CREATED BY  
9 THE PEOPLE OF THE STATE OF COLORADO. THE OPERATION AND MANAGEMENT OF THE  
10 DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE COMPLIANT WITH PROVISIONS  
11 CONTAINED WITHIN THIS ARTICLE XXX, AND WITH STATUTORY PROVISIONS FOR LEGISLATIVE  
12 DIRECTION FOR A DEPARTMENT CONTAINED WITHIN ARTICLE 7 OF TITLE 2, COLORADO REVISED  
13 STATUTES, OR ANY ANALOGOUS SUCCESSOR STATUTE.  
14

15 **Section 2. Supervision and management of public lands, public**  
16 **resources, waters, and wildlife - definitions of responsibilities, conflicts**  
17 **with other provisions.** THE SUPERVISION, MANAGEMENT, AND POLICY DETERMINATIONS  
18 REGARDING THE PUBLIC'S RESOURCES AND PUBLIC RESOURCE CONSERVATION STEWARDSHIP  
19 PROGRAMS WITHIN THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE  
20 THE RESPONSIBILITY OF THE ELECTED BOARD OF COMMISSIONERS OF THE COLORADO  
21 DEPARTMENT OF ENVIRONMENTAL CONSERVATION. SECTION 1 OF ARTICLE V OF THE COLORADO  
22 CONSTITUTION SHALL BE THE AUTHORITY USED BY THE PUBLIC IN THE FORMATION OF THE  
23 COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION. SHOULD CONFLICT WITH OTHER  
24 COLORADO CONSTITUTIONAL PROVISIONS ARISE HEREAFTER, PROVISIONS WITHIN ARTICLE XXX  
25 SHALL BE HELD DOMINANT OVER OTHER, PREVIOUS CONSTITUTIONAL PROVISIONS.  
26

27 **Section 3. Colorado department of environmental conservation is**  
28 **created. Agencies, boards, authorities, programs and commissions**  
29 **transferred.** (1) THE FOLLOWING AGENCIES, AND THEIR SUCCESSORS AND ASSIGNS,  
30 DEPARTMENTAL DIVISIONS, STATE RECOGNIZED AUTHORITIES, AND STATE OF COLORADO OFFICES  
31 AND PROGRAMS, AND THE ADMINISTRATION THERETO, ARE TRANSFERRED FROM VARIOUS  
32 COLORADO GOVERNMENTAL ENTITIES TO THE COLORADO DEPARTMENT OF ENVIRONMENTAL  
33 CONSERVATION, AND TO THE MANAGEMENT AND PROGRAM SUPERVISION OF THE ELECTED  
34 COMMISSIONERS FOR THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION;

- 35 (A) COLORADO NATURAL AREAS PROGRAM;  
36 (B) COLORADO WATER CONSERVATION BOARD;  
37 (C) COLORADO DIVISION OF FORESTRY;  
38 (D) COLORADO DIVISION OF STATE PARKS;  
39 (E) COLORADO WATER QUALITY CONTROL DIVISION;  
40 (F) COLORADO DIVISION OF WILDLIFE;  
41 (G) COLORADO CAPTIVE WILDLIFE AND ALTERNATIVE LIVESTOCK BOARD;  
42 (H) GREAT OUTDOORS COLORADO PROGRAM  
43 (I) AND, AS MAY BE DETERMINED BY THE EXECUTIVE COMMITTEE OF THE  
44 LEGISLATIVE COUNCIL, ANY OTHER COLORADO STATE AGENCY, DIVISION,  
45 PROGRAM, OFFICE OR BOARD OF COLORADO STATE GOVERNMENT, THAT EITHER

1 NOW EXISTS, OR SHALL BE CREATED, AS A MANDATED PROGRAM OR AS A STATE-  
2 RECOGNIZED, NEWLY-CREATED GOVERNMENTAL ACTIVITY, AUTHORITY, OR  
3 PROGRAM THAT HAS BEEN EMPOWERED BY THE COLORADO CONSTITUTION, OR BY  
4 COLORADO STATE STATUTE, OR WILL BE EMPOWERED IN THE FUTURE, TO ACT IN,  
5 OR HAVE, STEWARDSHIP AND TRUST CAPACITIES FOR THE PUBLIC'S INTERESTS IN  
6 STATE OR IN OTHERWISE STATE OR FEDERALLY MANAGED PUBLIC LANDS, PUBLIC  
7 RESOURCES, WATERS AND WILDLIFE, SHALL BE TRANSFERRED TO THE COLORADO  
8 DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

9 (2) THE FOLLOWING COLORADO BOARDS, COMMISSIONS, AND STATE SPONSORED  
10 AUTHORITIES, PROVIDING CITIZEN GUIDANCE, POLICY GUIDELINE TO PROGRAM ADMINISTRATION,  
11 AND POLICY DIRECTION, INCLUDING OPERATIONS, OF VARIOUS STATE OF COLORADO  
12 GOVERNMENT AGENCIES, DEPARTMENTS, DIVISIONS, AUTHORITIES, OFFICES, AND PROGRAMS ARE  
13 TRANSFERRED FROM THE OFFICE OF THE GOVERNOR OF COLORADO TO THE MANAGEMENT AND  
14 SUPERVISION OF THE ELECTED COMMISSIONERS FOR THE COLORADO DEPARTMENT OF  
15 ENVIRONMENTAL CONSERVATION;

- 16 (A) STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND;
- 17 (B) HAZARDOUS WASTE COMMISSION;
- 18 (C) STATE BOARD OF LAND COMMISSIONERS;
- 19 (D) COLORADO LAND USE COMMISSION;
- 20 (E) COLORADO NATURAL AREAS COUNCIL;
- 21 (F) COLORADO BOARD OF PARKS AND OUTDOOR RECREATION;
- 22 (G) POLLUTION PREVENTION ADVISORY BOARD;
- 23 (H) COLORADO WATER CONSERVATION BOARD;
- 24 (I) COLORADO WATER QUALITY CONTROL COMMISSION;
- 25 (J) WILDLIFE AND URBAN INTERFACE WORKING GROUP;
- 26 (K) COLORADO WILDLIFE COMMISSION;
- 27 (L) AND, AS MAY BE DETERMINED BY THE EXECUTIVE COMMITTEE OF THE

28 LEGISLATIVE COUNCIL, ANY OTHER COLORADO STATE AGENCY, DIVISION,  
29 PROGRAM, OFFICE OR BOARD OF COLORADO STATE GOVERNMENT, THAT EITHER  
30 NOW EXISTS, OR SHALL BE CREATED, AS A MANDATED PROGRAM OR AS A STATE-  
31 RECOGNIZED, NEWLY-CREATED GOVERNMENTAL ACTIVITY, AUTHORITY, OR  
32 PROGRAM THAT HAS BEEN EMPOWERED BY THE COLORADO CONSTITUTION, OR BY  
33 COLORADO STATE STATUTE, OR WILL BE EMPOWERED IN THE FUTURE, TO ACT IN,  
34 OR HAVE, STEWARDSHIP AND TRUST CAPACITIES FOR THE PUBLIC'S INTERESTS IN  
35 STATE OR IN OTHERWISE STATE OR FEDERALLY MANAGED PUBLIC LANDS, PUBLIC  
36 RESOURCES, WATERS AND WILDLIFE, SHALL BE TRANSFERRED TO THE COLORADO  
37 DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

38  
39 **Section 4. Election of the board of commissioners of the Colorado**  
40 **department of environmental conservation - members from congressional**  
41 **districts. Compensation.** (1) THE INDIVIDUAL MEMBERS OF THE BOARD OF  
42 COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE  
43 ELECTED AT REGULAR STATEWIDE BIENNIAL GENERAL ELECTIONS, WITH COMMISSION MEMBERS  
44 ELECTED FROM ELIGIBLE CANDIDATES WHO RESIDE WITHIN ONE OF THE SEVERAL COLORADO  
45 CONGRESSIONAL DISTRICTS. THE BOARD OF COMMISSIONER MEMBER SHALL BE ELECTED BY A  
46 MAJORITY VOTE OF THOSE VOTING FOR THAT OFFICE IN A STATEWIDE GENERAL ELECTION. BOARD  
47 OF COMMISSION MEMBERS ELECTED FROM ODD-NUMBERED COLORADO CONGRESSIONAL

1 DISTRICTS SHALL SERVE UNTIL THE LAST DAY OF DECEMBER, 2012 ON THE COMMISSION FOR THE  
2 INITIAL TERM OF OFFICE. BOARD OF COMMISSION MEMBERS FROM EVEN-NUMBERED COLORADO  
3 CONGRESSIONAL DISTRICTS SHALL SERVE UNTIL LAST DAY OF DECEMBER, 2014 ON THE  
4 COMMISSION FOR THEIR INITIAL TERM OF OFFICE. NEWLY ELECTED COMMISSIONERS SHALL BE  
5 SWORN TO OFFICE ON JANUARY 1 FOLLOWING MEMBER OFFICE ELECTIONS. ALL MEMBER TERMS  
6 OF OFFICE SHALL BE FOUR-YEAR TERMS OF OFFICE FOR ALL SUBSEQUENT COMMISSION TERMS.

7 (A) A REGISTERED VOTER, RESIDING WITHIN ONE OF THE CONGRESSIONAL DISTRICTS  
8 WITHIN COLORADO, SHALL BECOME ELIGIBLE TO BECOME A CANDIDATE FOR ELECTION TO THE  
9 BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL  
10 CONSERVATION BY SUBMITTING TO THE COLORADO SECRETARY OF STATE ONE HUNDRED FIFTY  
11 (150) DAYS PRIOR TO AN ELECTION PETITIONS WITH THE NAMES AND ADDRESSES AFFIXED OF TWO  
12 HUNDRED (200) REGISTERED VOTERS FROM THE CONGRESSIONAL DISTRICT TO BE REPRESENTED.  
13 AFTER CERTIFICATION BY THE COLORADO SECRETARY OF STATE OF THE NAMES AND ADDRESSES  
14 PRESENTED ON THE NOMINATING PETITION TO BE ACCOMPLISHED WITHIN THIRTY (30) DAY AFTER  
15 SUBMISSION OF PETITIONS, THE SECRETARY OF STATE SHALL CERTIFY THE NAME OF THE  
16 CANDIDATE TO THE BALLOT FOR ELECTION TO THE COMMISSION BOARD.

17 (B) COMMISSIONERS SERVING ON THE BOARD OF COMMISSIONERS OF THE COLORADO  
18 DEPARTMENT OF ENVIRONMENTAL CONSERVATION MUST RESIDE WITHIN THE CONGRESSIONAL  
19 DISTRICT THEY ARE TO REPRESENT.

20 (2) A STATEWIDE SPECIAL ELECTION, TO BE HELD IN NOVEMBER 2009 AT THE DATE  
21 RESERVED FOR STATEWIDE ELECTIONS CONCERNING FISCAL MATTERS , SHALL BE CONDUCTED  
22 FOR THE ELECTION OF INITIAL MEMBERS TO THE BOARD OF COMMISSIONERS TO THE COLORADO  
23 DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

24 (3) VACANCY ELECTIONS, AS REQUIRED, SHALL BE HELD AT THE NEXT BIENNIAL GENERAL  
25 ELECTION AND SHALL BE FOR THE REMAINING PERIOD OF THAT OFFICE TERM. VACANCY ON THE  
26 COMMISSION BOARD, UNTIL THAT POSITION CAN BE FILLED AT A REGULAR ELECTION, SHALL BE  
27 APPOINTED BY A MAJORITY VOTE OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL.

28 (4) MEMBERS OF THE BOARD OF COMMISSIONERS FOR THE COLORADO DEPARTMENT OF  
29 ENVIRONMENTAL CONSERVATION SHALL BE ELECTED TO NO MORE THAN TWO TERMS OF OFFICE,  
30 TERMS OF OFFICE BEING COMPLIANT WITH SECTION 11 OF ARTICLE XVIII OF THE CONSTITUTION.

31 (5) COMPENSATION FOR ELECTED MEMBERS OF THE GOVERNING BOARD OF COMMISSIONERS  
32 OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE  
33 COMMENSURATE WITH COMPENSATION PAID TO OTHER EXECUTIVE DIRECTORS OF OTHER STATE  
34 OF COLORADO GOVERNMENTAL DEPARTMENTS.

35  
36 **Section 5. Appointment of the executive director of the Colorado**  
37 **department of environmental conservation.** (1) PROCEDURAL MANAGEMENT  
38 RESPONSIBILITIES FOR THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL  
39 RESIDE WITHIN THE OFFICE OF THE EXECUTIVE DIRECTOR OF THE COLORADO DEPARTMENT OF  
40 ENVIRONMENTAL CONSERVATION.

41 (A) THE EXECUTIVE DIRECTOR OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL  
42 CONSERVATION SHALL SERVE AT THE PLEASURE OF THE ELECTED BOARD OF COMMISSIONERS OF  
43 THE DEPARTMENT.

44 (B) MATTERS OF ORGANIZATION, OPERATION, AND OF THE DEPARTMENT, OF  
45 DEPARTMENTAL PROGRAMS MANAGEMENT, AND THEIR OPERATIONS, SHALL BE UNDER THE  
46 SUPERVISION OF THE EXECUTIVE DIRECTOR OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL

1 CONSERVATION. POLICY DETERMINATIONS REGARDING MATTERS OF ORGANIZATION AND  
2 OPERATION OF DEPARTMENTAL PROGRAMS SHALL BE EFFECTIVE UPON AN AFFIRMATIVE  
3 AFFIRMATION OF A MAJORITY OF THE COMMISSION MEMBERS VOTING AT AN OPEN, PUBLIC, AND  
4 NOTICED MEETING.  
5

6 **Section 6. Colorado governmental departmental reorganization in**  
7 **effect.** THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL COMMENCE  
8 DEPARTMENTAL OPERATIONS JANUARY 1, 2010.  
9

10 **Section 7. Trust responsibilities of the Colorado department of**  
11 **environmental.** (1) THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION IS  
12 CREATED BY THE PEOPLE OF THE STATE OF COLORADO TO ENSURE PUBLIC RESOURCE  
13 CONSERVATION STEWARDSHIP. AND IN CONNECTION THEREWITH, THE COLORADO DEPARTMENT  
14 OF ENVIRONMENTAL CONSERVATION, AND THE ELECTED MEMBERS OF THE BOARD OF  
15 COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION, SHALL  
16 HAVE, AS PRIORITY, THE RESPONSIBILITIES TO STEWARD AND PROTECT THE PUBLIC OWNERSHIP  
17 AND PUBLIC CONSERVATION VALUES IN LANDS, WATERS, PUBLIC RESOURCES, AND WILDLIFE.  
18 CONFLICT BETWEEN ECONOMIC INTEREST AND STEWARDSHIP RESPONSIBILITIES TO, AND FOR, THE  
19 PUBLIC'S RESOURCES AND RESOURCE CONSERVATION VALUES SHALL BE RESOLVED IN FAVOR OF  
20 PUBLIC OWNERSHIPS AND PUBLIC VALUES.

21 (A) RESPONSIBILITIES OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL  
22 CONSERVATION, AND OF THE COMMISSION, SHALL INCLUDE POLICY  
23 DETERMINATIONS, SUPERVISION, OPERATIONS OF PROGRAMS AND ACTIVITIES,  
24 MANAGEMENT, AND STEWARDSHIP OF PUBLIC RESOURCES INCLUDING  
25 MANAGEMENT AND POLICY DETERMINATIONS REGARDING PARKS, MONUMENTS,  
26 GOVERNMENT MANAGED LANDS, NATURAL HERITAGE AREAS, POLICY REVIEW AND  
27 EVALUATION AND OVERSIGHT OF PERMITTING REGARDING MATTERS OF STATE  
28 INTEREST AND ACTIVITIES OF STATE CONCERN INCLUDING THOSE MATTERS AND  
29 CONCERNS THAT PERTAIN TO RESOURCE DEVELOPMENT AND ENVIRONMENTAL  
30 PERMITTING OF DEVELOPMENT ACTIVITIES ON FEDERALLY MANAGED PUBLIC  
31 LANDS, AND OF SHORE LANDS; PROTECTION OF ARCHEOLOGICAL RESOURCES;  
32 MANAGEMENT AND RESTORATION OF FOREST HEALTH OF STATE FORESTS; WATER  
33 CONSERVATION AND THE PROTECTION AND PRESERVATION OF PUBLIC VALUES IN  
34 WATER; MANAGEMENT OF CORRECTION EFFORTS TO REDRESS UNRESOLVED  
35 HARMFUL IMPACTS TO THE PUBLIC'S RESOURCES; PROTECTION, CONSERVATION,  
36 AND RESTORATION OF WILDLIFE RESOURCES, WILDLIFE HABITAT, AND  
37 RESPONSIBILITIES FOR PREDATOR MANAGEMENT; MANAGEMENT OF WILDLIFE  
38 RESOURCES WITHIN ANY WILDLAND AND URBAN LANDS INTERFACE; PROTECTION  
39 STRATEGIES FOR MIGRATORY BIRDS; PROTECTION OF STATE AND FEDERALLY  
40 DESIGNATED THREATENED AND ENDANGERED SPECIES OF PLANTS AND ANIMALS;  
41 PRESERVATION AND PROTECTION OF FISHERIES HABITAT RESOURCES; FISH  
42 RESTORATION PROGRAMS, FISH HEALTH, AND AQUATIC RESOURCE STEWARDSHIP  
43 PROGRAMS; REGULATION OF AND LICENSING OF TRANSPORTATION OF FISH, GAME,  
44 AND EXOTIC ANIMALS INTO AND WITHIN COLORADO; WATERSHED REVIEW,  
45 EVALUATION AND DESIGNATION; FLOODPLAIN REVIEW, EVALUATION, AND  
46 DESIGNATION; IMPLEMENTATION AND COORDINATION OF STATE TRAILS SYSTEMS,  
47 TRAILS DEVELOPMENT, AND MANAGEMENT OF PUBLIC FUNDS ESTABLISHED FOR

1 THOSE PURPOSES; RURAL ENVIRONMENTAL CONSERVATION PROGRAMS;  
2 FOSTERING OF PARTNERSHIPS FOR WILDLIFE ENHANCEMENT; PRESERVATION OF  
3 FENS AND WETLANDS INCLUDING WETLANDS THAT FUNCTION AS POLLUTANT  
4 TRAPS, ASSIST IN FLOOD CONTROL, AND HELP CONTROL RUNOFF, AND PROMOTION  
5 OF WETLAND CONSERVATION AND RESERVE PROGRAMS; AND PROMULGATION OF  
6 HUNTING SAFETY PROGRAMS AND REGULATION OF HUNTING ACTIVITIES, OFF-  
7 ROAD VEHICLE USAGE REGULATIONS AND LICENSING, AND BOATING LICENSING,  
8 REGULATION AND SAFETY PROGRAMS.

9 (I) PERMITTING REQUIREMENTS FOR MATTERS OF STATE INTEREST  
10 AND ACTIVITIES OF STATE CONCERN REGARDING RESOURCE DEVELOPMENT ON  
11 FEDERALLY MANAGED PUBLIC LANDS WITHIN COLORADO SHALL BE RETAINED BY  
12 COLORADO STATE AND ELIGIBLE LOCAL GOVERNMENT ENVIRONMENTAL  
13 PERMITTING AUTHORITIES.

14 (II) CRITERIA FOR THE ADMINISTRATION OF MATTERS OF STATE  
15 INTEREST AND ACTIVITIES OF STATE CONCERN SHALL BE COMPLIANT WITH  
16 ARTICLE 65.1 OF TITLE 24, COLORADO REVISED STATUTES, OR ANY ANALOGOUS  
17 SUCCESSOR STATUTES.

18 (B) ANY CITIZEN OF THE STATE OF COLORADO SHALL HAVE STANDING TO PETITION  
19 THE BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF  
20 ENVIRONMENTAL CONSERVATION TO REQUEST THE DEPARTMENT, OR THE  
21 COMMISSION, EVALUATE, ANALYZE, AND DESIGNATED ADDITIONAL  
22 CONSERVATION STEWARDSHIP MATTERS, WITH ANY ADDITIONAL STEWARDSHIP  
23 MATTER BEING ADDED TO DEPARTMENTAL PRIORITY UPON APPROVAL OF THE  
24 COMMISSION BOARD.

25 (2) THE BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL  
26 CONSERVATION SHALL SIT, AND ACT, AS THE COLORADO WILDLIFE COMMISSION.

27 (3) THE BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL  
28 CONSERVATION SHALL SIT, AND ACT, AS THE COLORADO STATE BOARD OF PARKS AND OUTDOOR  
29 RECREATION.

30 (4) THE BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL  
31 CONSERVATION SHALL BE RESPONSIBLE FOR THE APPOINTMENT OF THE VARIOUS MEMBERS OR  
32 OFFICERS AND PROGRAM STAFF TO THE FOLLOWING BOARDS, COMMISSIONS, AUTHORITIES,  
33 GROUPS AND PROGRAMS, OR THEIR SUCCESSOR BOARDS, COMMISSIONS, AUTHORITIES OR  
34 PROGRAMS;

35 (A) STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND;

36 (B) HAZARDOUS WASTE COMMISSION;

37 (C) STATE OF COLORADO BOARD OF LAND COMMISSIONERS;

38 (D) COLORADO LAND USE COMMISSION;

39 (E) COLORADO NATURAL AREAS COUNCIL;

40 (F) POLLUTION PREVENTION ADVISORY BOARD;

41 (G) STATE OF COLORADO EMERGENCY PLANNING AND COMMUNITY RIGHT-TO KNOW  
42 COUNCIL;

43 (H) COLORADO WATER CONSERVATION BOARD;

44 (I) COLORADO WATER QUALITY CONTROL COMMISSION;

45 (J) WILDLAND AND URBAN INTERFACE WORKING GROUP;

1 (K) AND, AS MAY BE DETERMINED BY THE EXECUTIVE COMMITTEE OF THE  
2 LEGISLATIVE COUNCIL, ANY OTHER COLORADO STATE AGENCY, DIVISION,  
3 PROGRAM, OFFICE OR BOARD OF COLORADO STATE GOVERNMENT, THAT EITHER  
4 NOW EXISTS, OR SHALL BE CREATED, AS A MANDATED PROGRAM OR AS A STATE-  
5 RECOGNIZED, NEWLY-CREATED GOVERNMENTAL ACTIVITY, AUTHORITY, OR  
6 PROGRAM THAT HAS BEEN EMPOWERED BY THE COLORADO CONSTITUTION, OR BY  
7 COLORADO STATE STATUTE, OR WILL BE EMPOWERED IN THE FUTURE, TO ACT IN,  
8 OR HAVE, STEWARDSHIP AND TRUST CAPACITIES FOR THE PUBLIC'S INTERESTS IN  
9 STATE OR IN OTHERWISE STATE OR FEDERALLY MANAGED PUBLIC LANDS, PUBLIC  
10 RESOURCES, WATERS AND WILDLIFE, SHALL BE TRANSFERRED TO THE COLORADO  
11 DEPARTMENT OF ENVIRONMENTAL CONSERVATION

12 (5) APPOINTMENT TO ANY BOARD OR COMMISSION OR PROGRAM OR AUTHORITY OF MEMBER  
13 OR OFFICER BY THE BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF  
14 ENVIRONMENTAL CONSERVATION SHALL NOT BE SUBJECT TO ANY MANNER OF LEGISLATIVE  
15 CONFIRMATION.

16 (6) THE BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL  
17 CONSERVATION MAY CONVENE, EITHER UPON THE INITIATIVE OF ANY DEPARTMENTAL DIVISION  
18 THEREOF, OR BY ACTION OF THE BOARD, EITHER INDEPENDENTLY OR UPON PETITION FROM A  
19 MEMBER OF THE PUBLIC, TO REVIEW, CONSIDER, AND HAVE THE AUTHORITY TO ISSUE  
20 COMPLIANCE PERMIT DIRECTIVES CONTAINED WITHIN THE COLORADO LAND USE ACT, C.R. S.  
21 24-65.1-101 ET. SEQ., OF THE COLORADO REVISED STATUTES, OR ANY ANALOGOUS SUCCESSOR  
22 STATUTE, THAT HAS AS PURPOSE THE DETERMINING OF MATTERS OF STATE INTEREST AND  
23 ACTIVITIES OF STATE CONCERN THAT COULD INITIATE STATE GOVERNMENTAL, MULTI-AGENCY  
24 REVIEW AND PERMITTING OF AN ACTION THAT COULD IMPACT PUBLIC RESOURCE CONSERVATION,  
25 OR THE PUBLIC'S OWNERSHIP OR PUBLIC VALUES IN PUBLIC NATURAL RESOURCES.

26 (7) THE BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL  
27 CONSERVATION MAY INITIATE IDENTIFICATION, REQUIRE DESIGNATION, AND MAY REQUIRE  
28 PROMULGATION AND ADOPTION OF GUIDELINES FOR PERMITTING OF ACTIVITIES REGARDING  
29 MATTERS OF STATE INTEREST AND ACTIVITIES OF STATE CONCERN WITHIN COLORADO. THE  
30 BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL  
31 CONSERVATION SHALL AUTHORIZE THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO  
32 REVIEW AND COMMENT ON LOCAL GOVERNMENT C. R. S. 24-61.1-101, ET. SEQ., OR ANY  
33 ANALOGOUS SUCCESSOR STATUTE, AUTHORITIES, AND MAY AUTHORIZE THE DEPARTMENT TO  
34 REQUIRE AN ELIGIBLE LOCAL GOVERNMENT, AS IDENTIFIED WITHIN C. R. S. 24-61.1-101, ET.  
35 SEQ., OR ANY ANALOGOUS SUCCESSOR STATUTE, TO ADOPT, STATE-APPROVED DEPARTMENT OF  
36 ENVIRONMENTAL CONSERVATION GUIDELINES FOR MATTERS OF STATE INTEREST AND ACTIVITIES  
37 OF STATE CONCERN.

38  
39 **Section 8. Licenses, fees, and revenues necessary for the operation**  
40 **and management of the Colorado department of environmental**  
41 **conservation.**

42 (1) FEES, REVENUES, PAYMENTS, AND ALL MONIES GENERATED WITHIN AND  
43 UNDER THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION AS LICENSES, OR AS  
44 PENALTIES, OR AS ASSESSMENTS, OR AS INTERGOVERNMENTAL TRANSFERS FROM ANY SOURCES,  
45 OR FROM GRANTS OR FROM REVENUES OF ANY MANNER, SHALL BE USED BY THE COLORADO  
46 DEPARTMENT OF ENVIRONMENTAL CONSERVATION IN DEPARTMENT PROGRAMS AND OPERATIONS  
OF THE DEPARTMENT.

1 (2) FUNDS FOR THE OPERATION OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL  
2 CONSERVATION MAY BE DERIVED FROM THE COLORADO GENERAL FUND.

3 (A) DEVELOPMENT OF AN ANNUAL OPERATING BUDGET FOR THE COLORADO  
4 DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE GENERATED WITHIN THE  
5 DEPARTMENTAL BUDGET SETTING PROCESS ESTABLISHED TO GENERATE THE ANNUAL OPERATING  
6 BUDGETS FOR OTHER STATE OF COLORADO DEPARTMENTS.

7 (B) THE ANNUAL BUDGET FOR THE COLORADO DEPARTMENT OF ENVIRONMENTAL  
8 CONSERVATION SHALL BE ADOPTED BY THE COLORADO GENERAL ASSEMBLY AS PART OF THE  
9 BUDGET ENACTING PROCESS ESTABLISHED FOR THE ENACTING OF BUDGETS FOR OTHER  
10 COLORADO STATE GOVERNMENT DEPARTMENTS.

11 (3) NO MANNER OF FISCAL REGULATION CONTAINED WITHIN SECTION 20 OF ARTICLE X OF  
12 THE COLORADO CONSTITUTION, EXCEPT THAT OF THE ABILITY OF THE PUBLIC TO INITIATE  
13 FUNDING FOR DEPARTMENTAL PROGRAMS AND PROJECTS USING GUIDELINES AND PROCEDURES  
14 ENABLED WITHIN SECTION 1 OF ARTICLE V OF THE COLORADO CONSTITUTION, SHALL APPLY TO  
15 THE OPERATION, FUNDING, OR EXPENDITURES OF THE COLORADO DEPARTMENT OF  
16 ENVIRONMENTAL CONSERVATION.

17  
18 **Section 9. Debt for public purpose.** DEBT PROVISIONS FOR PUBLIC  
19 RESOURCES CONSERVATION PURPOSES AND EFFORTS REGARDING THE COLORADO DEPARTMENT  
20 OF ENVIRONMENTAL CONSERVATION SHALL BE GOVERNED BY ARTICLE XI AND ARTICLE XXVII  
21 OF THE COLORADO CONSTITUTION.

22  
23 **Section 10. State board of the great outdoors Colorado trust fund.**  
24 ARTICLE XXVII OF THE COLORADO CONSTITUTION – GREAT OUTDOORS COLORADO PROGRAM –  
25 IS INTEGRATED INTO THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR  
26 PURPOSES OF PROGRAM MANAGEMENT, PROGRAM OPERATION AND PROGRAM ADMINISTRATION.  
27 PROVISIONS OF SECTION 2, 3, 4, AND 5 OF ARTICLE XXVII RELATING TO THE ESTABLISHMENT  
28 AND OPERATION OF THE GREAT OUTDOORS COLORADO TRUST FUND SHALL NOT BE OTHERWISE  
29 IMPRESSED BY PROVISIONS OF ARTICLE XXX.

30  
31 **Section 11. Provisions within article XXX are self-enacting and self-**  
32 **executing.** Provisions of this article are self-enacting and self-executing.  
33