

# **ARTICLE XXVII OF THE COLORADO CONSTITUTION GREAT OUTDOORS COLORADO PROGRAM**

## **Section 1. Great Outdoors Colorado Program.**

(1) The people of the State of Colorado intend that the net proceeds of every state-supervised lottery game operated under the authority of Article XVIII, Section 2 shall be guaranteed and permanently dedicated to the preservation, protection, enhancement and management of the state's wildlife, park, river, trail and open space heritage, except as specifically provided in this article. Accordingly, there shall be established the Great Outdoors Colorado Program to preserve, protect, enhance and manage the state's wildlife, park, river, trail and open space heritage. The Great Outdoors Colorado Program shall include:

(a) Wildlife program grants which:

(I) Develop wildlife watching opportunities;

(II) Implement educational programs about wildlife and wildlife environment;

(III) Provide appropriate programs for maintaining Colorado's diverse wildlife heritage;

(IV) Protect crucial wildlife habitats through the acquisition of lands, leases or easements and restore critical areas;

(b) Outdoor recreation program grants which:

(I) Establish and improve state parks and recreation areas throughout the State of Colorado;

(II) Develop appropriate public information and environmental education resources on Colorado's natural resources at state parks, recreation areas, and other locations throughout the state;

(III) Acquire, construct and maintain trails and river greenways;

(IV) Provide water for recreational purposes through the acquisition of water rights or through agreements with holders of water rights, all in accord with applicable state water law;

(c) A program to identify, acquire and manage unique open space and natural areas of statewide significance through grants to the Colorado Divisions of Parks and Outdoor Recreation and Wildlife, or municipalities, counties, or other political subdivision of the State, or non-profit land conservation organizations, and which will encourage cooperative investments by other public or private entities for these purposes; and

(d) A program for grants to match local investments to acquire, develop and manage open space, parks, and environmental education facilities, and which will encourage cooperative investments by other public or private entities for these purposes.

## **Section 2. Trust Fund created.**

A fund to be known as the Great Outdoors Colorado Trust Fund, referred to in this article as the "Trust Fund," is hereby created and established in the Treasury of the State of Colorado.

## **Section 3. Moneys allocated to Trust Fund.**

(1) Beginning with the proceeds from the fourth quarter of the State's Fiscal Year 1992-1993, all proceeds from all programs, including Lotto and every other state-supervised lottery game operated under the authority of Article XVIII, Section 2 of the Colorado Constitution, whether by the Colorado Lottery Commission or otherwise (such programs defined hereafter in this Article as "Lottery Programs"), net of prizes and expenses of the state lottery division and after a sufficient amount of money has been reserved, as of the end of any fiscal quarter, to ensure the operation of the lottery for the ensuing fiscal quarter (such netted proceeds defined hereafter in this Article as "Net Proceeds") are set aside, allocated, allotted, and continuously appropriated as follows, and the Treasurer shall distribute such proceeds no less frequently than quarterly, as follows:

(a) For each quarter through the fourth quarter of the State's Fiscal Year 1997-1998:

(I) to the Conservation Trust Fund and the Division of Parks and Outdoor Recreation in the amounts allocable thereto under statute as amended through January 1, 1992;

(II) to the State's Capital Construction Fund for payment of debt service due from and including September 1, 1993, to and including November 30, 1998, on the obligations described in Subsection (1)(c) of this Section 3, but only to the extent such debt service is due during such period according to the terms of the documents originating such obligations, and only if such debt service has not been prepaid or other moneys have not been dedicated or set aside for such debt service payments as of January 1, 1992, or thereafter; provided, however, that such obligations may be refunded and debt service from and including September 1, 1993, or the date of such refunding, if later, on any such refunding obligation shall be payable from Net Proceeds, even if payable after November 30, 1998, to the extent the debt service on such refunding obligation does not exceed the total amount of debt service payable on the applicable refunded obligation from and including September 1, 1993, or from the date of such refunding, if later, to and including November 30, 1998, according to the terms of the documents originating the applicable refunded obligation; and

(III) The State Treasurer shall deposit all remaining Net Proceeds, if any, in trust for the Board of the Trust Fund.

(b) For each quarter including and after the first quarter of the State's Fiscal Year 1998-1999:

(I) Forty percent to the Conservation Trust Fund for distribution to municipalities and counties and other eligible entities for parks, recreation and open space purposes;

(II) Ten percent to the Division of Parks and Outdoor Recreation for the acquisition, development and improvement of new and existing state parks, recreation areas and recreational trails; and

(III) All remaining Net Proceeds in trust to the Board of the Trust Fund, provided, however, that in any state fiscal year in which the portion of the Net Proceeds which would otherwise be given in trust to the State Board of the Trust Fund exceeds the amount of \$35 million, to be adjusted each year for changes from the 1992 Consumer Price Index-Denver, the Net Proceeds in excess of such amount or adjusted amount shall be allocated to the General Fund of the State of Colorado.

(c) (I) The people intend that debt service on the following obligations shall continue to be payable from Lottery Program Net Proceeds to the extent allowed in Section 3(1)(a) above:

(A) State of Colorado Certificates of Deposit (1979); Wheat Ridge, Colorado Project, in the original principal amount of \$6,895,000 (Issue A); Pueblo, Colorado Project, in the original principal amount of \$5,320,000 (Issue B); Grand Junction, Colorado Project in the original principal amount of \$4,735,000 (Issue C);

(B) Original principal amount of \$36,495,000 Colorado Health Facilities Authority Certificates of Deposit (1986) (Youth Services, Developmental Disabilities Projects);

(C) Original principal amount of \$36,000,000 Colorado Convention Center Contract with the City and County of Denver (1987);

(D) Original principal amount of \$63,025,000 State of Colorado Certificates of Deposit (1988) Master Lease Purchase Agreement (Correctional Facilities Project);

(E) Original principal amount of \$66,894,861.85 State of Colorado Certificates of Deposit (1989) Master Lease Purchase Agreement (Various Projects); and

(F) Original principal amount of \$28,635,000 State of Colorado Certificates of Deposit (1990) Master Lease Purchase Agreement (Additional Projects).

(II) Except to the extent allowed in Section 3(1)(a) above for refunding obligations, debt service on obligations originated on or after January 1, 1992, shall not be payable from Net Proceeds.

(d) Notwithstanding the provisions of Section 3(1)(a) above, the Board of the Trust Fund in its sole discretion may authorize payment of Net Proceeds for additional amounts of interest above the amounts authorized by Section 3(1)(a) for the refunding of any of the obligations listed above in Section 3(1)(c).

(e) Nothing in this Section 3 shall prohibit the General Assembly from appropriating additional amounts from sources other than Net Proceeds or the Trust Fund for payment of the obligations listed above in Section 3(1)(c)(I) if Net Proceeds set aside, allocated, allotted, and continuously appropriated for such purpose by this Article are less than amounts needed for debt service on such obligations. Debt service payable prior to September 1, 1993, according to the terms of the documents originating such obligations shall not be paid from Net Proceeds allocated pursuant to this Article.

(2) From July 1, 1993, the following sums of money and property, in addition to Net Proceeds as set forth in Section 3(1) above, are set aside, allocated, allotted, and continuously appropriated in trust to the Board of the Trust Fund:

(a) All interest derived from moneys held in the Trust Fund;

(b) Any property donated specifically to the State of Colorado for the specific purpose of benefiting the Trust Fund, including contributions, grants, gifts, bequests, donations, and federal, state, or local grants; and

(c) Such other moneys as may be allocated to the Trust Fund by the General Assembly.

**Section 4. Fund to remain inviolate.**

All moneys deposited in the Trust Fund shall remain in trust for the purposes set forth in this article, and no part thereof shall be used or appropriated for any other purpose, nor made subject to any other tax, charge, fee or restriction.

**Section 5. Trust Fund expenditures.**

(1) (a) Expenditures from the Trust Fund shall be made in furtherance of the Great Outdoors Colorado Program, and shall commence in State Fiscal Year 1993-94. The Board of the Trust Fund shall have the duty to assure that expenditures are made for the purposes set forth in this section and in section 6, and that the amounts expended for each of the following purposes over a period of years be substantially equal:

(I) Investments in the wildlife resources of Colorado through the Colorado Division of Wildlife, including the protection and restoration of crucial wildlife habitats, appropriate programs for maintaining Colorado's diverse wildlife heritage, wildlife watching, and educational programs about wildlife and wildlife environment, consistent with the purposes set forth in Section 1(1)(a) of this article;

(II) Investments in the outdoor recreation resources of Colorado through the Colorado Division of Parks and Outdoor Recreation, including the State Parks System, trails, public information and environmental education resources, and water for recreational facilities, consistent with the purposes set forth in Section 1(1)(b) of this article;

(III) Competitive grants to the Colorado Divisions of Parks and Outdoor Recreation and Wildlife, and to counties, municipalities or other political subdivisions of the state, or non-profit land conservation organizations, to identify, acquire and manage open space and natural areas of statewide significance, consistent with the purposes set forth in Section 1(1)(c) of this article; and

(IV) Competitive matching grants to local governments or other entities which are eligible for distributions from the conservation trust fund, to acquire, develop or manage open lands and parks, consistent with the purposes set forth in Section 1(1)(d) of this article;

(b) Provided, however, that the State Board of the Great Outdoors Colorado Trust Fund shall have the discretion (a) to direct that any portion of available revenues be reinvested in the Trust Fund and not expended in any particular year, (b) to make other expenditures which it considers necessary and proper to the accomplishment of the purposes of this amendment.

(2) All funds provided to state agencies from the Trust Fund shall be deemed to be custodial in nature, and the expenditure of those funds shall not be subject to legislative appropriation or restriction.

## **Section 6. The State Board of the Great Outdoors Colorado Trust Fund.**

(1) There shall be established a State Board of the Great Outdoors Colorado Trust Fund. The Board shall consist of two members of the public from each congressional district, a representative designated by the State Board of Parks and Outdoor Recreation, a representative designated by the Colorado Wildlife Commission, and the Executive Director of the Department of Natural Resources. The public members of the Board shall be appointed by the Governor, subject to the consent of the Senate, for terms of four years - provided, however, that when the first such members are appointed, one of the public members from each congressional district shall be appointed for a two-year term, to assure staggered terms of office thereafter. At least two members shall reside west of the Continental Divide. At least one member shall represent agricultural interests. The public members of the board shall be entitled to a reasonable per diem compensation to be determined by the Board plus their actual expenses for each meeting of the Board or a committee of the Board. The Board's composition shall reflect, to the extent practical, Colorado's gender, ethnic and racial diversity, and no two of the representatives of any one congressional district shall be members of the same political party. Members of the Board shall be subject to removal as provided in Article [IV](#), Section [6](#) of this constitution.

(2) The Board shall be responsible for, and shall have the power to undertake the following actions:

(a) To direct the Treasurer to disburse expendable income from the Trust Fund as the Board may determine by resolution, and otherwise to administer the Trust Fund, provided, however, that the Board shall not have the power to acquire any interest in real property other than (I) temporarily to hold real property donated to it and (II) to acquire leased office space;

(b) To promulgate rules and regulations as are necessary or expedient for the conduct of its affairs and its meetings and of meetings of any committees and generally for the administration of this article, provided, however, that such rules and regulations shall give the public an opportunity to comment on the general policies of the Board and upon specific grant proposals before the Board;

(c) To cause to be published and distributed an annual report, including a financial report, to the citizens, the Governor and the General Assembly of Colorado, which will set out the Board's progress in administering the funds appropriated to it, and the Board's objectives and its budget for the forthcoming year, and to consult with the General Assembly from time to time concerning its objectives and its budget;

(d) To administer the distribution of grants pursuant to Sections 1(1)(c), 1(1)(d), 5(1)(a)(III), and 5(1)(a)(IV) of this article, with the expense of administering said grants to be defrayed from the funds made available to the program elements of said sections;

(e) Commencing July 1, 1993, to determine what portions, if any, of moneys allocated to the Trust Fund should be invested in an interest-bearing Trust Fund account by the Treasurer of the State of Colorado, to remain in the Trust Fund and available for expenditure in future years;

(f) To employ such staff and to contract for such office space and acquire such equipment and supplies and enter into such other contracts as it may consider necessary from time to time to accomplish its purposes, and to pay the cost thereof from the funds appropriated to the Board under this article, provided, however, that to the extent it is reasonably feasible to do so the Board shall (I) contract with the Colorado Department of Natural Resources or other state agency for necessary administrative support and (II) endeavor to keep the level of administrative expense as low as may be practicable in comparison with its expenditures for the purposes set forth in Section 1 of this article, and the Board may contract with the State Personnel Board or any successor thereof for personnel services.

(3) The Board shall be a political subdivision of the state, and shall have all the duties, privileges, immunities, rights, liabilities and disabilities of a political subdivision of the state, provided, however, that its organization, powers, revenues and expenses shall not be affected by any order or resolution of the general assembly, except as provided in this constitution. It shall not be an agency of state government, nor shall it be subject to administrative direction by any department, commission, board, bureau or agency of the state, except to the extent provided in this constitution. The Board shall be subject to annual audit by the state auditor, whose report shall be a public document. The Board shall adopt rules permitting public access to its meetings and records which are no less restrictive than state laws applicable to state agencies, as such laws may be amended from time to time. The Board members, officers and directors of the Board shall have no personal liability for any actions or refusal to act by the Board as long as such action or refusal to act did not involve willful or intentional malfeasance or gross negligence.

**Section 7. No effect on Colorado water law.**

Nothing in this article shall affect in any way whatsoever any of the provisions under Article [XVI](#) of the State Constitution of Colorado, including those provisions related to water, nor any of the statutory provisions related to the appropriation of water in Colorado.

**Section 8. No substitution allowed.**

The people intend that the allocation of lottery funds required by this article of the constitution be in addition to and not a substitute for funds otherwise appropriated from the General Assembly to the Colorado Department of Natural Resources and its divisions.

**Section 9. Eminent domain.**

No moneys received by any state agency pursuant to this article shall be used to acquire real property by condemnation through the power of eminent domain.

**Section 10. Payment in lieu of taxes.**

Any acquisitions of real property made by a state agency pursuant to this article shall be subject to payments in lieu of taxes to counties in which said acquisitions are made. Such payments shall be made from moneys made available by the Trust Fund, and shall not exceed the rate of taxation for comparable property classifications.

**Section 11. Effective date.**

This article shall become effective upon proclamation by the governor, and shall be self-implementing. This article shall apply to each distribution of net proceeds from the programs operated under the authority of Article [XVIII](#), Section [2](#) of the Colorado Constitution, whether by the Colorado Lottery Commission or otherwise, made after July 1, 1993 and shall supersede any provision to the contrary in Article XVIII, Section 2 or any other provision of law.

Enacted by the People November 3, 1992 -- Effective upon proclamation of the Governor, January 14, 1993.