

SUPREME COURT, STATE OF COLORADO
2 East 14th Avenue
Denver, CO 80203

ORIGINAL PROCEEDING PURSUANT TO
§ 1-40-107(2), 1 C.R.S. (2001)
Appeal from the Title Board

IN THE MATTER OF THE TITLE AND BALLOT
TITLE AND SUBMISSION CLAUSE FOR
PROPOSED INITIATIVE 2007-2008 #17 (NEW
STATE DEPARTMENT AND ELECTED BOARD
FOR ENVIRONMENTAL CONSERVATION)

Petitioners: DOUGLAS KEMPER and STUART A.
SANDERSON, Registered Electors of the State of
Colorado

and

Title Board: WILLIAM A. HOBBS, DANIEL
CARTIN, and DANIEL DOMENICO

and

Respondents: RICHARD G. HAMILTON and
PHIL DOE, Proponents.

Attorneys for Petitioners:

BURNS, FIGA & WILL, P.C.
(A) Stephen H. Leonhardt (#15122)
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FILED IN THE
SUPREME COURT

JUN 27 2007

OF THE STATE OF COLORADO
SUSAN J. FESTAG, CLERK

▲ COURT USE ONLY ▲

07S A201

Case No. _____

PETITION FOR REVIEW

Douglas Kemper and Stuart A. Sanderson ("Petitioners"), both registered electors of the State of Colorado, by and through their counsel, Burns, Figa & Will, P.C., respectfully petition this Court pursuant to C.R.S. § 1-40-107(2) to review the actions of the Ballot Title Board with respect to the setting of the title, ballot title and submission clause for proposed Initiative 2007-2008 #17 which was submitted to appear on the November, 2008 ballot. Mr. Douglas Kemper is the Executive Director of the Colorado Water Congress. Mr. Stuart A. Sanderson is the President of the Colorado Mining Association.

I. ACTION OF THE BALLOT TITLE BOARD

The Ballot Title Board (the "Board") conducted a public meeting pursuant to C.R.S. § 1-40-106(1) on June 6, 2007, at which time it designated and fixed a title, ballot title and submission clause for the Initiative 2007-2008 #17. Petitioners, registered electors of the State of Colorado, filed a Motion for Rehearing pursuant to C.R.S. § 1-40-107(1) on June 13, 2007. The Motion for Rehearing was heard at the next regularly scheduled meeting of the Board on June 20, 2007. At the rehearing, the Board, by majority vote, denied Petitioners' objections. Petitioners hereby seek review of the final action of the Board pursuant to C.R.S. § 1-40-107(2) with regard to the issues set forth below.

II. ADVISORY LIST OF ISSUES PRESENTED

A. Whether, in identifying the measure's subject in the Title as "the creation of a new department of environmental conservation," the Board incorrectly determined that Initiative 17 is limited to a single subject, as required by Article V, Section 1(5.5) of the Colorado Constitution and C.R.S. § 1-40-106.5, in light of the multiple objectives of this measure to:

(1) create a department of environmental conservation ("Department");

(2) exempt revenues generated by the Department from TABOR, (as Article X, Section 20 of the Colorado Constitution is more commonly known), as well as exempt monies provided to the Department from the state general fund from all restrictions of TABOR;

(3) alter substantive law by imposing trust responsibilities while preempting all other state Constitutional provisions found to conflict, including those Constitutional provisions that protect private property rights in water and land; and

(4) alter the manner and procedure in which officials are appointed to serve on certain state boards, councils and departments, removing the General Assembly's confirmation power over these appointments.

B. Whether the Board incorrectly determined that Initiative 17 is limited to a single subject, as required by Article V, Section 1(5.5) of the Colorado Constitution and C.R.S. § 1-40-106(5), in light of the fact that the measure would not only add a new article but also amend multiple, unrelated provisions of the Colorado Constitution.

C. Whether the Board incorrectly denied the Petitioners' objection that the title and ballot title and submission clause for Initiative 2007-2008 #17 is unfair and does not fairly express the true meaning and intent of the Initiative in light of the Board's

(1) failure to fully or accurately describe to voters:

a. the manner in which the Initiative limits the Constitutional authority of the governor to appoint and of the Senate to confirm certain state offices; and

b. the manner in which the Initiative controls over any conflicting previously enacted Constitutional provisions; and

(2) use of a catch-phrase that will appeal to the voters' emotions without providing any additional explanation as to the purposes or meaning of the Initiative.

III. SUPPORTING DOCUMENTATION

As required by C.R.S. § 1-40-107(2), a certified copy of Initiative 2007-2008 #17 with the corresponding title and submission clause, and a certified copy of the Motion for Rehearing and the Board's rulings thereon, are submitted herewith.

IV. RELIEF REQUESTED

Petitioners respectfully request this Court to find that the Title Board lacked jurisdiction to set the title and submission clause because the measure contains multiple subjects or, in the alternative, order the Board to revise the titles and submission clause as specified above to reflect the true meaning and intent of Initiative #17.

Respectfully submitted this 27th day of June, 2007.

BURNS, FIGA & WILL, P.C.

By: 

Stephen H. Leonhardt

Alix L. Joseph

Peter F. Waltz

6400 S. Fiddlers Green Circle, Suite 1000
Greenwood Village, CO 80111

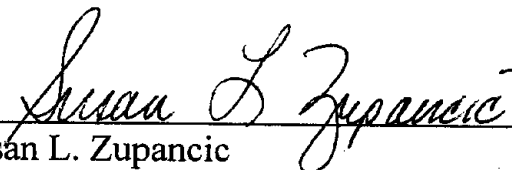
CERTIFICATE OF MAILING

The undersigned hereby certifies that a true and correct copy of the foregoing **PETITION FOR REVIEW** was served via U.S. mail on this 27th day of June, 2007, as follows:

Maurice G. Knaizer, Esq.
First Assistant Attorney General
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Mr. Richard Hamilton
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Susan L. Zupancic



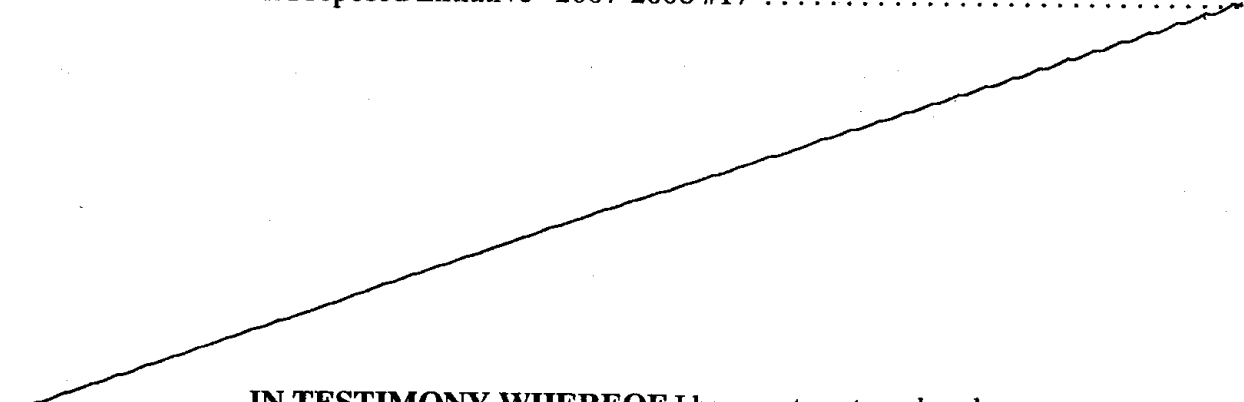
STATE OF COLORADO

DEPARTMENT OF
STATE

CERTIFICATE

I, **MIKE COFFMAN**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the text, motion for rehearing, titles, and the rulings thereon of the Title Board on Proposed Initiative "2007-2008 #17".....



..... **IN TESTIMONY WHEREOF** I have unto set my hand
and affixed the Great Seal of the State of Colorado, at the
City of Denver this 22nd day of June, 2007.

A handwritten signature in black ink, which appears to read "Mike Coffman", is written over a horizontal line.

SECRETARY OF STATE

RECEIVED

JUN 13 2007

ELECTIONS / LICENSING
SECRETARY OF STATE

11:54 P.M.
via email

BEFORE THE TITLE BOARD, STATE OF COLORADO

MOTION FOR REHEARING

IN RE TITLE AND BALLOT TITLE AND SUBMISSION CLAUSE SET FOR INITIATIVE
2007-08 #17

Petitioners, Douglas Kemper and Stuart A. Sanderson, both registered electors of the State of Colorado, by and through their counsel, Burns, Figa & Will, P.C., hereby request a rehearing and reconsideration of the title and ballot title and submission clause (collectively the "Titles") set by the Title Board on June 6, 2007 for Initiative 2007-08 #17 (the "Initiative"), which would add a new Article XXX to the Colorado Constitution. Reconsideration is requested for the following reasons:

1. The Initiative and Titles do not conform to the single-subject requirements of Article V, Section 1(5.5) of the Colorado Constitution, and C.R.S. § 1-40-106.5.
2. The Titles do not adequately and fairly express the true intent and meaning of the Initiative.

Specifically, the Initiative and Titles are defective in at least the following respects:

I. The Initiative and Titles Violate the Single Subject Requirement.

The Initiative violates the single subject requirements of Article V, Section 1(5.5) of the Colorado Constitution, and C.R.S. § 1-40-106.5. In addition to consolidating certain state departmental divisions, boards and agencies into a newly created Colorado Department of Environmental Conservation (the "Department"), and establishing the Department's governance, powers and duties, the Initiative contains at least the following separate, distinct and unrelated subjects and purposes, which would create substantive changes to several aspects of Colorado law:

1. The plain language of Initiative Section 8(3) would not only exempt revenues generated by the Department from TABOR (as Article X, Section 20 of the Colorado Constitution is more commonly known), but also would exempt monies provided to the Department from the state general fund from all of the restrictions of TABOR.
2. Section 7 of the Initiative would alter substantive Colorado law by imposing trust responsibilities while preempting all other state Constitutional provisions found to

conflict, including those Constitutional provisions that protect private property rights in water and land.

3. The Initiative would substantially alter the manner and procedure in which officials are appointed to serve on certain state boards, councils and departments, removing the General Assembly's confirmation power over those appointments.

A. The Initiative Exempts all Funds Allocated to or Generated By the Department from TABOR Requirements.

In addition to specifying the duties and powers of the Department, the Initiative would exempt all funds allocated to or generated by the Department from the requirements of TABOR. Section 8(3) of the Initiative provides that, "No manner of fiscal regulation contained within Section 20 of Article X of the Colorado Constitution... shall apply to the *operation, funding, reserves or expenditures* of the Colorado Department of Environmental Conservation." (emphasis added). Furthermore, Section 8(2) of the Initiative expressly allows for an allocation of operating funds from the General Assembly. Thus, the Initiative's plain language not only would allow funds generated by and through the Department to be exempt from TABOR, but also would make any funds that may be provided to the Department from the state's general fund exempt from all TABOR restrictions.

TABOR imposes restrictions aimed to limit governmental growth including restrictions on governmental revenue collection, governmental spending and requiring voter approval for the imposition of several forms of new or increased taxes or the creation of any multiple-fiscal year direct or indirect debt or financial obligation. Colo. Const. Art. X, §§ 20(4), (7), and (8). The Colorado Supreme Court has held that TABOR itself contains multiple subjects. *See, e.g. In re Proposed Initiative 2001-02 #43*, 46 P.3d 438, 447 (Colo. 2002) (holding that because TABOR contains multiple subjects, an initiative seeking to prevent the repeal of TABOR contains multiple subjects). Accordingly, the broad exemption from TABOR contained in the Initiative would substantially alter the TABOR treatment of the Department and the state budget, and encompass separate and distinct subjects from the creation and administration of the Department. *See, In re Amend TABOR 25*, 900 P.2d 121 (Colo. 1995) (holding initiative that proposed to make both procedural and substantive changes to TABOR violates the single subject rule).

B. The Trust Responsibilities Given to the Department Combined with the Explicit Preemption of all Other Constitutional Provisions Make Substantive Changes to the Law.

Section 7 of the Initiative charges the new Department with several "trust" or "stewardship" responsibilities, providing that any conflict of such responsibilities with economic interest "shall be resolved in favor of public ownerships and public values." The Initiative further provides in Section 2 that Article XXX "shall be held dominant over other, previous constitutional provisions" if found to conflict. These related features of the Initiative would greatly alter substantive Colorado law under existing constitutional provisions, such as those

provisions protecting private property rights in water and land, by establishing public trust requirements not currently recognized in Colorado.

A public trust doctrine declares that the state holds its navigable waters and lands underneath them in trust for the people. *See Ill. Cent. RR. Co. v. Illinois*, 146 U.S. 387, 452 (1892). Colorado has never applied the public trust doctrine to water rights within the state due to the express protection of private property rights contained in Article XVI of the Colorado Constitution. *People v. Emmert*, 597 P.2d 1025, 1029-1030 (Colo. 1979) (holding Colo. Const. Art. XVI, Section 5 does not impose a public trust but protects private property rights in appropriation of Colorado waters and ownership of adjoining lands). This is likely because of the adverse impacts that doctrine would have on existing water rights under the prior appropriation doctrine. *See Gregory J. Hobbs, Jr. and Bennett W. Raley, Water Rights Protection in Water Quality Law*, 60 U. Colo. L. Rev. 841, 855-56 (1989). By creating trust responsibilities, dictating how conflicts are resolved, and preempting any contrary provisions in Article XVI of the Constitution, the plain language of the Initiative would establish a public trust doctrine contrary to current Colorado law.¹

Similarly, applying the substantive policy directive in Section 7 will require the Department (and any entity or court that may later review Departmental actions) to "have, as priority, the responsibilities to steward and protect the public ownership and public conservation values in lands, waters, public resources, and wildlife. Conflict between economic interest and conservation stewardship responsibilities to, and for, the public's resources and resource conservation values shall be resolved in favor of public ownerships and public values." Given the broad range of state divisions and boards being consolidated into the Department, and the range of duties and responsibilities the Department is charged with, this substantive policy directive will affect separate and distinct governmental activities and issues, including issues pertaining to hazardous waste, pollution prevention, water conservation, wildlife issues and oversight of the local government permitting process regarding matters of statewide concern. Because this policy directive applies to separate and distinct aspects of state government, it necessarily encompasses multiple subjects.

C. The Initiative Modifies the Method of Appointing Certain Governmental Officers.

Several of the boards, commissions, and councils that would be transferred to the Department currently consist of members or officers that are appointed to those positions by the Governor and then legislatively confirmed. For example, Article IX, § 9 of the Colorado Constitution provides that the members of the state board of land commissioners are appointed by the Governor and confirmed by the Senate. This appointment and confirmation process

¹ Proponent Richard Hamilton has previously proposed a series of initiatives that would expressly adopt a "public trust doctrine" in the Colorado Constitution provisions governing water, Art. XVI, Section 5. *See MacRavey v. Hufford*, 917 P.2d 1277 (Colo. 1996); *MacRavey v. Hamilton (Public Rights in Water II)*, 898 P.2d 1076 (Colo. 1995); *In re Proposed Initiative on Water Rights*, 877 P.2d 321 (Colo. 1994); *see also* 2001-2002 Proposed Initiative #135.

would be changed as Section 7(2) of the Initiative provides that the Board of Commissioners within the Department would unilaterally appoint such officers and members, with no legislative confirmation. Thus, the Initiative not only would reorganize the executive branch of state government and create new powers and duties in the Department, but also would remove powers currently vested in the General Assembly for confirmation of certain appointed state officers.

II. The Titles do not Fully Express the Initiative's True Intent and Meaning.

In addition to the separate, distinct and unrelated subjects and purposes contained within the Initiative, the Initiative's ballot title also does not fully express the initiative's true intent and meaning. The title should be "a brief statement that fairly and accurately represents the true intent and meaning of the proposed text of the initiative." C.R.S. § 1-40-102(10). In setting a title, the Board "shall consider the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a 'yes' or 'no' vote will be unclear." C.R.S. § 1-40-106(3)(b). The Board's title for the Initiative fails to meet these standards, in that (1) it does not fully express the Initiative's intent and meaning regarding appointment of certain officers, and (2) it contains a catch-phrase.

The title set by the Board states that in connection with the creation of the Department, the Initiative transfers "to the board of commissioners the authority to appoint members of certain boards and commissions relating to those programs and entities." This implies that the power is transferred from some similar body, and does not clearly state that the Initiative removes the power to appoint such officers from the Governor, or that the Initiative specifically precludes "any manner of legislative confirmation" for such appointments. Without such clarification, it is likely that voters would be surprised by the fact that the Governor is no longer entitled to appoint, nor the Senate to confirm, certain executive officers. This is the type of confusion that the title should avoid.

Moreover, the title set by the Board contains an impermissible catch phrase. The ballot title for the Initiative contains the phrase "conflicts between economic interests and conservation stewardship will be resolved in the favor of public ownership and public values." This phrase may prejudice electors to vote for or against the Initiative by virtue of the fact that the phrase is likely to appeal to a voter's emotions and could be used to form the basis for a slogan for or against the Initiative. Therefore, the title contains an impermissible "catch phrase." *See In re Ballot Title 1999-2000 # 258(A)*, 4 P.3d 1094, 1110 (Colo. 2000) (holding that a ballot title impermissibly contained a catch phrase even though the language at issue appeared in the initiative).

WHEREFORE, Petitioners, Douglas Kemper and Stuart A. Sanderson, respectfully request a rehearing and reconsideration of the title and ballot title and submission clause set by the Title Board on June 6, 2007 for Initiative 2007-08 #17.

Respectfully submitted this 13th day of June, 2007.

BURNS, FIGA & WILL, P.C.

By:

A handwritten signature in cursive script, appearing to read "Stephen H. Leonhardt", written over a horizontal line.

Stephen H. Leonhardt, #15122

Alix L. Joseph, #33345

Peter F. Waltz, #35828

6400 S. Fiddlers Green Circle, Suite 1000
Greenwood Village, CO 80111

Attorneys for Petitioners

Douglas Kemper and Stuart A. Sanderson

CERTIFICATE OF MAILING

The undersigned hereby certifies that a true and correct copy of the foregoing **MOTION FOR REHEARING** was served via U.S. mail on this 13th day of June, 2007, as follows:

Mr. Richard Hamilton
P.O. Box 156
Fairplay, CO 80440

Mr. Phil Doe
7140 S. Depew Street
Littleton, CO 80128

Adrienne Baxmaro

one copy from original text Proposed Initiative #17

RECEIVED APR 23 2007 11:30 AM

Be it Enacted by the People of the State of Colorado: The constitution of the state of Colorado is amended BY THE ADDITION OF A NEW ARTICLE to read:

ELECTIONS/LICENSING SECRETARY OF STATE

ARTICLE XXX Environmental Conservation

Section 1. Colorado department of environmental conservation created. THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION IS CREATED BY THE PEOPLE OF THE STATE OF COLORADO TO ENSURE PUBLIC RESOURCE CONSERVATION STEWARDSHIP, AND IN CONNECTION THEREWITH, THE OPERATION AND MANAGEMENT OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE COMPLIANT WITH PROVISIONS CONTAINED WITHIN THIS ARTICLE XXX AND WITH STATUTORY PROVISIONS FOR LEGISLATIVE DIRECTION FOR A DEPARTMENT CONTAINED WITHIN ARTICLE 7 OF TITLE 2, COLORADO REVISED STATUTES, OR ANY ANALOGOUS SUCCESSOR STATUTE.

Section 2. Supervision and management of public lands, resources, waters, and wildlife by elected commissioners + responsibilities, conflicts with other provisions. THE SUPERVISION, MANAGEMENT, AND POLICY DETERMINATIONS REGARDING THE PUBLIC'S RESOURCES AND PUBLIC RESOURCE CONSERVATION STEWARDSHIP PROGRAMS WITHIN THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE THE RESPONSIBILITY OF THE ELECTED BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION. SECTION 1 OF ARTICLE V OF THE COLORADO CONSTITUTION SHALL BE THE AUTHORITY USED BY THE PUBLIC IN THE FORMATION OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION. SHOULD CONFLICT WITH OTHER COLORADO CONSTITUTIONAL PROVISIONS ARISE HEREAFTER, PROVISIONS WITHIN ARTICLE XXX SHALL BE HELD DOMINANT OVER OTHER, PREVIOUS CONSTITUTIONAL PROVISIONS.

Section 3. Colorado department of environmental conservation is created. Boards, divisions, programs and commissions transferred. (1) THE FOLLOWING DEPARTMENTAL DIVISIONS, AND STATE OF COLORADO BOARDS, COMMISSIONS AND PROGRAMS, AND THE ADMINISTRATION THERETO, ARE TRANSFERRED FROM VARIOUS COLORADO GOVERNMENTAL ENTITIES TO THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION, AND TO THE MANAGEMENT AND PROGRAM SUPERVISION OF THE ELECTED COMMISSIONERS FOR THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION;

- (a) COLORADO NATURAL AREAS PROGRAM;
(b) COLORADO WATER CONSERVATION BOARD;
(c) COLORADO DIVISION OF FORESTRY;
(d) COLORADO DIVISION OF STATE PARKS;
(e) COLORADO WATER QUALITY CONTROL DIVISION;
(f) COLORADO DIVISION OF WILDLIFE;
(g) COLORADO LAND USE COMMISSION;
(h) COLORADO CAPTIVE WILDLIFE AND ALTERNATIVE LIVESTOCK BOARD;
(i) STATE BOARD OF LAND COMMISSIONERS;
(j) GREAT OUTDOORS COLORADO PROGRAM;
(k) AND, AS MAY BE DETERMINED BY THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL, ANY OTHER COLORADO STATE AGENCY, DIVISION, PROGRAM, OFFICE OR BOARD OF COLORADO STATE GOVERNMENT, THAT EITHER

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

(2) THE FOLLOWING COLORADO BOARDS, COMMISSIONS AND COUNCILS, PROVIDING GUIDANCE, POLICY GUIDELINE TO PROGRAM ADMINISTRATION, AND POLICY DIRECTION, INCLUDING OPERATIONS, TO VARIOUS STATE OF COLORADO GOVERNMENT DEPARTMENTS, DIVISIONS, AND PROGRAMS ARE TRANSFERRED FROM THE OFFICE OF THE GOVERNOR OF COLORADO TO THE MANAGEMENT AND SUPERVISION OF THE ELECTED COMMISSIONERS FOR THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION;

- (a) STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND;
- (b) HAZARDOUS WASTE COMMISSION;
- (c) STATE BOARD OF LAND COMMISSIONERS;
- (d) COLORADO LAND USE COMMISSION;
- (e) COLORADO NATURAL AREAS COUNCIL;
- (f) COLORADO BOARD OF PARKS AND OUTDOOR RECREATION;
- (g) POLLUTION PREVENTION ADVISORY BOARD;
- (h) COLORADO WATER CONSERVATION BOARD;
- (i) COLORADO WATER QUALITY CONTROL COMMISSION;
- (j) WILDLANDS AND URBAN INTERFACE WILDLIFE WORKING GROUP;
- (k) COLORADO WILDLIFE COMMISSION;
- (l) COLORADO JOINT REVIEW PROCESS;
- (m) AND, AS MAY BE DETERMINED BY THE EXECUTIVE COMMITTEE OF THE

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

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

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

- (a) A REGISTERED VOTER, RESIDING WITHIN ONE OF THE CONGRESSIONAL DISTRICTS WITHIN COLORADO, SHALL BECOME ELIGIBLE TO BECOME A CANDIDATE FOR ELECTION TO THE BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION BY SUBMITTING TO THE COLORADO SECRETARY OF STATE ONE HUNDRED FIFTY (150) DAYS PRIOR TO AN ELECTION PETITIONS WITH THE NAMES AND ADDRESSES AFFIXED OF TWO HUNDRED (200) REGISTERED VOTERS FROM THE CONGRESSIONAL DISTRICT TO BE REPRESENTED. AFTER CERTIFICATION BY THE COLORADO SECRETARY OF STATE OF THE NAMES AND ADDRESSES PRESENTED ON THE NOMINATING PETITION TO BE ACCOMPLISHED WITHIN THIRTY (30) DAY AFTER SUBMISSION OF PETITIONS, THE SECRETARY OF STATE SHALL CERTIFY THE NAME OF THE CANDIDATE TO THE BALLOT FOR ELECTION TO THE COMMISSION BOARD.
 - (b) COMMISSIONERS SERVING ON THE BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL RESIDE WITHIN THE CONGRESSIONAL DISTRICT THEY ARE TO REPRESENT.
- (2) A STATEWIDE SPECIAL ELECTION, TO BE HELD IN NOVEMBER 2009 AT THE DATE RESERVED FOR STATEWIDE ELECTIONS CONCERNING FISCAL MATTERS , SHALL BE CONDUCTED FOR THE ELECTION OF INITIAL MEMBERS TO THE BOARD OF COMMISSIONERS TO THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
 - (3) VACANCY ELECTIONS, AS REQUIRED, SHALL BE HELD AT THE NEXT BIENNIAL GENERAL ELECTION AND SHALL BE FOR THE REMAINING PERIOD OF THAT OFFICE TERM. VACANCY ON THE COMMISSION BOARD, UNTIL THAT POSITION CAN BE FILLED AT A REGULAR ELECTION, SHALL BE APPOINTED BY A MAJORITY VOTE OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL.
 - (4) MEMBERS OF THE BOARD OF COMMISSIONERS FOR THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE ELECTED TO NO MORE THAN TWO TERMS OF OFFICE, TERMS OF OFFICE BEING COMPLIANT WITH SECTION 11 OF ARTICLE XVIII OF THE CONSTITUTION.
 - (5) COMPENSATION FOR ELECTED MEMBERS OF THE GOVERNING BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE COMMENSURATE WITH COMPENSATION PAID TO EXECUTIVE DIRECTORS OF STATE OF COLORADO GOVERNMENTAL DEPARTMENTS.

Section 5. Appointment of the executive director of the Colorado department of environmental conservation. PROCEDURAL MANAGEMENT RESPONSIBILITIES FOR THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL RESIDE WITHIN THE OFFICE OF THE EXECUTIVE DIRECTOR OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

- (a) THE EXECUTIVE DIRECTOR OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL SERVE AT THE PLEASURE OF THE ELECTED BOARD OF COMMISSIONERS OF THE DEPARTMENT.

- (b) MATTERS OF ORGANIZATION, OPERATION, AND MANAGEMENT OF THE DEPARTMENT OF DEPARTMENTAL PROGRAMS AND THEIR OPERATIONS, SHALL BE UNDER THE SUPERVISION OF THE EXECUTIVE DIRECTOR OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION. POLICY DETERMINATIONS REGARDING MATTERS OF ORGANIZATION AND OPERATION OF DEPARTMENTAL PROGRAMS SHALL BE EFFECTIVE UPON AN AFFIRMATIVE AFFIRMATION OF A MAJORITY OF THE COMMISSION MEMBERS.

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

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

- (a) RESPONSIBILITIES OF THE BOARD OF COMMISSIONERS OF COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION, AND OF THE DEPARTMENT, SHALL INCLUDE: POLICY DETERMINATIONS, SUPERVISION, OPERATIONS OF PROGRAMS AND ACTIVITIES, MANAGEMENT, AND STEWARDSHIP OF PUBLIC RESOURCES INCLUDING MANAGEMENT AND POLICY DETERMINATIONS REGARDING PARKS, MONUMENTS, GOVERNMENT MANAGED LANDS, NATURAL HERITAGE AREAS, POLICY REVIEW AND EVALUATION AND OVERSIGHT OF PERMITTING REGARDING MATTERS OF STATE INTEREST AND ACTIVITIES OF STATE CONCERN INCLUDING THOSE MATTERS AND CONCERNS THAT PERTAIN TO RESOURCE DEVELOPMENT AND ENVIRONMENTAL PERMITTING OF DEVELOPMENT ACTIVITIES ON FEDERALLY MANAGED PUBLIC LANDS, AND OF SHORE LANDS; PROTECTION OF ARCHEOLOGICAL RESOURCES; MANAGEMENT AND RESTORATION OF FOREST HEALTH OF STATE FORESTS; WATER CONSERVATION AND THE PROTECTION AND PRESERVATION OF PUBLIC VALUES IN WATER; MANAGEMENT OF CORRECTION EFFORTS TO REDRESS UNRESOLVED HARMFUL IMPACTS TO THE PUBLIC'S RESOURCES; PROTECTION, CONSERVATION, AND RESTORATION OF WILDLIFE RESOURCES, WILDLIFE HABITAT, AND RESPONSIBILITY FOR PREDATOR MANAGEMENT; MANAGEMENT OF WILDLIFE RESOURCES WITHIN ANY WILDLAND AND URBAN LANDS INTERFACE; PROTECTION STRATEGIES FOR MIGRATORY BIRDS; PROTECTION OF STATE AND FEDERALLY DESIGNATED THREATENED AND ENDANGERED SPECIES OF PLANTS AND ANIMALS; PRESERVATION AND PROTECTION OF FISHERIES HABITAT RESOURCES; FISH RESTORATION PROGRAMS, FISH HEALTH, AND AQUATIC RESOURCE STEWARDSHIP PROGRAMS; REGULATION OF AND

LICENSING OF TRANSPORTATION OF FISH, GAME, AND EXOTIC ANIMALS INTO AND WITHIN COLORADO; WATERSHED REVIEW, EVALUATION AND DESIGNATION; FLOODPLAIN REVIEW, EVALUATION, AND DESIGNATION; IMPLEMENTATION AND COORDINATION OF STATE TRAILS SYSTEMS, TRAILS DEVELOPMENT, AND MANAGEMENT OF PUBLIC FUNDS ESTABLISHED FOR THOSE PURPOSES; RURAL ENVIRONMENTAL CONSERVATION PROGRAMS; FOSTERING OF PARTNERSHIPS FOR WILDLIFE ENHANCEMENT; PRESERVATION OF FENS AND WETLANDS INCLUDING THOSE THAT FUNCTION AS POLLUTANT TRAPS, ASSIST IN FLOOD CONTROL, AND HELP CONTROL RUNOFF; PROMOTION OF WETLAND CONSERVATION AND RESERVE PROGRAMS; AND REGULATION OF HUNTING, OFF-ROAD VEHICLES, AND BOATING.

(i) PERMITTING PROGRAM ELEMENTS FOR MATTERS OF STATE INTEREST AND ACTIVITIES OF STATE CONCERN REGARDING RESOURCE DEVELOPMENT ON FEDERALLY MANAGED PUBLIC LANDS WITHIN COLORADO SHALL BE RETAINED, AS AUTHORIZED, BY COLORADO STATE AND ELIGIBLE LOCAL GOVERNMENT ENVIRONMENTAL PERMITTING AUTHORITIES.

(ii) CRITERIA FOR THE ADMINISTRATION OF MATTERS OF STATE INTEREST AND ACTIVITIES OF STATE CONCERN SHALL BE COMPLIANT WITH ARTICLE 65 AND ARTICLE 65.1 OF TITLE 24 OF THE COLORADO REVISED STATUTES, OR ANY ANALOGOUS SUCCESSOR STATUTES.

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

(2) THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION IS CREATED BY THE PEOPLE OF THE STATE OF COLORADO TO ENSURE PUBLIC RESOURCE CONSERVATION STEWARDSHIP, AND IN CONNECTION THEREWITH, THE BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL:

- (a) SHALL SIT, AND ACT, AS THE COLORADO STATE BOARD OF PARKS AND OUTDOOR RECREATION.
- (b) SHALL SIT, AND ACT, AS THE COLORADO LAND USE COMMISSION.
- (c) SHALL SIT, AND ACT, AS THE COLORADO WILDLIFE COMMISSION.
- (d) SHALL BE RESPONSIBLE FOR THE APPOINTMENT OF MEMBERS OR OFFICERS OR PROGRAM STAFF TO THE FOLLOWING BOARDS, COMMISSIONS, COUNCILS, GROUPS AND PROGRAMS, OR TO SUCCESSOR BOARDS, COMMISSIONS, COUNCILS, GROUPS OR PROGRAMS;
 - (i) STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND;
 - (ii) HAZARDOUS WASTE COMMISSION;
 - (iii) STATE OF COLORADO BOARD OF LAND COMMISSIONERS;
 - (iv) COLORADO LAND USE COMMISSION;
 - (v) COLORADO NATURAL AREAS COUNCIL;
 - (vi) POLLUTION PREVENTION ADVISORY BOARD;
 - (vii) STATE OF COLORADO EMERGENCY PLANNING AND COMMUNITY RIGHT-TO KNOW COUNCIL;

- (VIII) COLORADO WATER CONSERVATION BOARD;
- (IX) COLORADO WATER QUALITY CONTROL COMMISSION;
- (X) WILDLANDS AND URBAN INTERFACE WILDLIFE WORKING GROUP;
- (XI) AND, AS MAY BE DETERMINED BY THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL, ANY OTHER COLORADO STATE AGENCY, DIVISION, PROGRAM, OFFICE OR BOARD OF COLORADO STATE GOVERNMENT, THAT EITHER NOW EXISTS, OR SHALL BE CREATED, AS A MANDATED PROGRAM OR AS A STATE-RECOGNIZED, NEWLY-CREATED GOVERNMENTAL ACTIVITY, AUTHORITY, OR PROGRAM THAT HAS BEEN EMPOWERED BY THE COLORADO CONSTITUTION, OR BY COLORADO STATE STATUTE, OR WILL BE EMPOWERED IN THE FUTURE, TO ACT IN, OR HAVE, STEWARDSHIP AND TRUST CAPACITIES FOR THE PUBLIC'S INTERESTS IN STATE OR IN OTHERWISE STATE OR FEDERALLY MANAGED PUBLIC LANDS, PUBLIC RESOURCES, WATERS AND WILDLIFE, SHALL BE TRANSFERRED TO THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
- (XII) APPOINTMENT TO ANY BOARD, COMMISSION, COUNCIL OR ADVISORY GROUP OF A MEMBER OR OFFICER BY THE BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL NOT BE SUBJECT TO ANY MANNER OF LEGISLATIVE CONFIRMATION.

(3) THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION IS CREATED BY THE PEOPLE OF THE STATE OF COLORADO TO ENSURE PUBLIC RESOURCE CONSERVATION STEWARDSHIP, AND IN CONNECTION THEREWITH;

- (a) THE BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION MAY CONVENE, EITHER UPON THE INITIATIVE OF ANY DEPARTMENTAL DIVISION THEREOF, OR BY THE BOARD SITTING AS THE COLORADO LAND USE COMMISSION, AS AUTHORIZED IN ARTICLE 65 OF TITLE 24 OF THE COLORADO REVISED STATUTES, OR ANY ANALOGOUS SUCCESSOR STATUTE, EITHER INDEPENDENTLY OR UPON PETITION FROM A MEMBER OF THE PUBLIC, TO REVIEW, CONSIDER, AND HAVE THE AUTHORITY TO ISSUE COMPLIANCE PERMIT DIRECTIVES, AS AUTHORIZED WITHIN THE COLORADO LAND USE ACT, ARTICLE 65 AND ARTICLE 65.1 OF TITLE 24 OF THE COLORADO REVISED STATUTES, OR ANY ANALOGOUS SUCCESSOR STATUTE, THAT HAS AS PURPOSE THE DESIGNATING OF MATTERS OF STATE INTEREST AND ACTIVITIES OF STATE CONCERN THAT COULD INITIATE STATE GOVERNMENTAL, MULTI-AGENCY REVIEW AND PERMITTING UNDER AUTHORITY OF THE COLORADO JOINT REVIEW PROCESS OF ANY ACTIVITY THAT COULD IMPACT PUBLIC RESOURCE CONSERVATION STEWARDSHIP, OR THE PUBLIC'S OWNERSHIP OR PUBLIC VALUES IN PUBLIC NATURAL RESOURCES.
- (b) THE BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION MAY INITIATE IDENTIFICATION, REQUIRE DESIGNATION, AND MAY REQUIRE PROMULGATION AND ADOPTION OF GUIDELINES FOR PERMITTING OF ACTIVITIES REGARDING MATTERS OF STATE INTEREST AND ACTIVITIES OF STATE CONCERN WITHIN COLORADO. THE BOARD OF COMMISSIONERS OF THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL AUTHORIZE THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO REVIEW AND COMMENT ON LOCAL GOVERNMENT ARTICLE 65.1

OF TITLE 24 COLORADO REVISED STATUTES, OR ANY ANALOGOUS SUCCESSOR STATUTE, AUTHORITIES, AND MAY AUTHORIZE THE DEPARTMENT TO REQUIRE AN ELIGIBLE LOCAL GOVERNMENT, AS IDENTIFIED WITHIN ARTICLE 65.1 OF TITLE 24 COLORADO REVISED STATUTES, OR ANY ANALOGOUS SUCCESSOR STATUTE, TO ADOPT STATE-APPROVED DEPARTMENT OF ENVIRONMENTAL CONSERVATION GUIDELINES FOR REGULATION OF MATTERS OF STATE INTEREST AND ACTIVITIES OF STATE CONCERN.

Section 8. Licenses, fees, and revenues necessary for the operation and management of the Colorado department of environmental conservation.

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

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

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

(b) THE ANNUAL BUDGET FOR THE COLORADO DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE ADOPTED BY THE COLORADO GENERAL ASSEMBLY AS PART OF THE BUDGET ENACTING PROCESS ESTABLISHED FOR THE ENACTING OF BUDGETS FOR COLORADO STATE GOVERNMENT DEPARTMENTS.

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

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

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

Section 11. Provisions within article XXX are self-enacting and self-executing. PROVISIONS OF THIS ARTICLE ARE SELF-ENACTING AND SELF-EXECUTING.

Proposed Initiative 2007-2008 #17

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Ballot Title Setting Board

Proposed Initiative 2007-2008 #17¹

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado constitution concerning the creation of a new department of environmental conservation, and, in connection therewith, establishing an elected board of commissioners to supervise the department; specifying the department's duties and powers and declaring that conflict between economic interest and conservation stewardship responsibilities shall be resolved in favor of public ownerships and public values; transferring certain existing governmental programs and entities to the department, including the great outdoors Colorado program; transferring to the board of commissioners the authority to appoint members of certain boards and commissions relating to those programs and entities; vesting procedural management responsibility for the department in an executive director, subject to supervision by the board of commissioners; identifying revenue sources for the department; and exempting the department from the fiscal limits contained in section 20 of article X of the Colorado constitution.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado constitution concerning the creation of a new department of environmental conservation, and, in connection therewith, establishing an elected board of commissioners to supervise the department; specifying the department's duties and powers and declaring that conflict between economic interest and conservation stewardship responsibilities shall be resolved in favor of public ownerships and public values; transferring certain existing governmental programs and entities to the department, including the great outdoors Colorado program; transferring to the board of commissioners the authority to appoint members of certain boards and commissions relating to those programs and entities; vesting procedural management responsibility for the department in an executive director, subject to supervision by the board of commissioners; identifying revenue sources for the department; and exempting the department from the fiscal limits contained in section 20 of article X of the Colorado constitution?

Hearing June 6, 2007:

Single subject approved; staff draft amended; titles set.

Hearing adjourned 10:32 a.m.

Hearing June 20, 2007:

Motion for Rehearing denied.

Hearing adjourned 2:59 p.m.

¹ Unofficially captioned "New State Department and Elected Board for Public Resource Conservation" by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.