

Proposed Initiative 2023-2024 #45 Redline

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

SECTION 1. Declaration of purpose. (1) The People of the State of Colorado find and declare that:

(a) ~~Protecting~~ Colorado's land, air, and water depends upon an expeditious transition from polluting fossil fuel energy sources to clean energy sources;

(b) Oil and gas operations in our state contribute significantly to water shortages and degradation, ozone pollution, and greenhouse gas emissions, which lead to increased drought, wildfires, and dangerous air quality; ~~This~~which results in significant harm to public health and safety, agriculture, winter sports, and other sectors of our economy; and

(c) Ending the expansion of oil and gas operations in an orderly and planned manner through a gradual phase out of new permits by 2030, and prioritizing permit reductions in disproportionately impacted communities will reduce greenhouse gas emissions and other pollution, protect lands and water, and enhance economic growth in the state as part of an ongoing transition to clean renewable energy.

SECTION 2. In Colorado Revised Statutes, 34-60-103, **add** (4.1) as follows:

34-60-103. Definitions.

(4.1) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE SAME MEANING AS PROVIDED IN SECTION 24-4-109(2)(b)(II), ~~C.R.S.~~

SECTION 3. In Colorado Revised Statutes, 34-60-106, **amend** ~~(1)(f) and (2.5)(b)~~ and **add** (1)(f)(IV) and (2220.5) as follows:

34-60-106. Additional powers of commission – rules – definitions – repeal.

(1) The commission also shall require:

~~(f) (IV) That no operations for the drilling of a well for oil and gas shall be commenced without~~

~~first:~~

~~(A) Applying for a permit to drill, which must include proof either that: The operator has filed an application with the local government with jurisdiction to approve the siting of the proposed oil and gas location and the local government's disposition of the application; or the local government with jurisdiction does not regulate the siting of oil and gas locations; and~~

~~(B) Obtaining a permit from the commission, under rules prescribed by the commission; and~~

~~(II) Paying to the commission a filing and service fee to be established by the commission for the purpose of paying the expense of administering this article 60 as provided in section 34-60-122, which fee may be transferable or refundable, at the option of the commission, if the permit is not used.~~

~~(III) Repealed.~~

~~(IV)~~ THIS SUBSECTION (1)(f) IS REPEALED EFFECTIVE DECEMBER 31, 2030.

~~(2.5)(a) In exercising the authority granted by this article 60, the commission shall regulate oil and gas operations to protect and minimize adverse impacts to public health, safety, and welfare, the environment, and wildlife resources and shall protect against adverse environmental impacts on any air, water, soil, or biological resource resulting from oil and gas operations.~~

(b) The nonproduction of oil and gas resulting from a conditional approval or denial authorized by this subsection (2.5), AND THE PHASING OUT AND DISCONTINUATION OF NEW OIL AND GAS OPERATION PERMITS REQUIRED BY SUBSECTION (~~2220.5~~), ~~does~~ DO not constitute waste.

~~(2220.5)~~ BY JANUARY 1, 2026, THE COMMISSION SHALL PROMULGATE RULES TO DISCONTINUE THE ISSUANCE OF NEW OIL AND GAS PERMITS BY DECEMBER 31, 2030 TO REDUCE WATER CONSUMPTION, LOWER GREENHOUSE GASSES AND OTHER POLLUTANTS, AND PROTECT LAND, AIR AND WATER. AT A MINIMUM, THE RULES SHALL ADDRESS:

(a) A TIMETABLE FOR THE ORDERLY SUBMISSION AND CONSIDERATION OF APPLICATIONS FOR NEW OIL AND GAS PERMITS BY OPERATORS BETWEEN JANUARY 1, 2026, AND DECEMBER 31, 2030, WITH CRITERIA FOR AN ITERATIVE AND CONSISTENT REDUCTION IN PERMITS APPROVED EACH YEAR DURING THAT TIME PERIOD, WHILE PRIORITIZING REDUCTIONS IN DISPROPORTIONATELY IMPACTED COMMUNITIES;

(b) THE REPEAL OF EXISTING COMMISSION RULES RELATED TO THE ISSUANCE OF NEW PERMITS AS DEFINED IN SECTION 34-60-103(7.5);

(c) THE AMENDMENT OF CURRENT COMMISSION RULES TO PROHIBIT THE MODIFICATION AND REQUIRE THE EXPIRATION OF ALL PREVIOUSLY ISSUED PERMITS BY DECEMBER 31, 2033, IF DRILLING OPERATIONS HAVE NOT COMMENCED BY THAT DATE;

~~(ed)~~ THE CONTINUATION OF COMMISSION RULES ENSURING THE PROTECTION OF PUBLIC HEALTH, SAFETY, WELFARE, THE ENVIRONMENT AND WILDLIFE FOR ALL EXISTING OIL AND GAS OPERATIONS, AND

~~(de)~~ TRANSITIONING THE COMMISSION’S DUTIES TO PRIMARILY THE MONITORING, PLUGGING, AND REMEDIATING OF FACILITIES PERMITTED PRIOR TO DECEMBER 31, 2030.

SECTION 4. In Colorado Revised Statutes, amend 29-20-104(1)(h)(II) as follows:

29-20-104. Powers of local governments – definition. (1) Except as expressly provided in section 29-20-104.5, the power and authority granted by this section does not limit any power or authority presently exercised or previously granted. Each local government within its respective jurisdiction has the authority to plan for and regulate the use of land by:

(h) Regulating the surface impacts of oil and gas operations in a reasonable manner to address matters specified in this subsection (1)(h) and to protect and minimize adverse impacts to public health, safety, and welfare and the environment. Nothing in this subsection (1)(h) is intended to alter, expand, or diminish the authority of local governments to regulate air quality under section 25-7-128. For purposes of this subsection (1)(h), “minimize adverse impacts” means, to the extent necessary and reasonable, to protect public health, safety, and welfare and the environment by avoiding adverse impacts from oil and gas operations and minimizing and mitigating the extent and severity of those impacts that cannot be avoided. The following matters are covered by this subsection (1)(h):

(II) The location and siting of oil and gas facilities and oil and gas locations, as those terms are defined in section 34-60-103 (6.2) and (6.4) UNTIL THE PERMITTING OF NEW OIL AND

GAS FACILITIES AND OIL AND GAS LOCATIONS BY THE COLORADO OIL AND GAS CONSERVATION COMMISSION IS PROHIBITED PURSUANT TO SECTION 34-60-106(20.5);

SECTION 45. Effective Date:

This act takes effect on the date of the proclamation of the Governor announcing the approval, by the registered electors of the state, of the proposed initiative.