

Proposed Initiative 2023-2024 #47 Redlined Corrected

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) The use of fracking during oil and gas operations in our state contributes significantly to water shortages and degradation, ozone pollution, and greenhouse gas emissions, which lead to increased drought, wildfires, and dangerous air quality, 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 using fracking 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) and ~~(5-14.7)~~ as follows:

34-60-103. Definitions. As used in this article 60, unless the context otherwise requires;

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(4.1) “DISPROPORTIONATELY IMPACTED COMMUNITY” HAS THE SAME MEANING AS PROVIDED IN SECTION 24-4-109(2)(b)(II).

(4.7) “FRACKING₂” OTHERWISE KNOWN AS “HYDRAULIC FRACTURING₂” MEANS AN OIL AND GAS EXTRACTION PROCESS IN WHICH FRACTURES IN ROCKS BELOW THE EARTH’S SURFACE ARE OPENED AND WIDENED BY INJECTING PROPPANTS, WATER, AND CHEMICALS AT HIGH PRESSURE.

SECTION 3. In Colorado Revised Statutes, 34-60-106, **amend** (2.5)(b)₂; and **add** ~~(1)(f)(IV)~~ and (20.5) as follows:

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

~~(1) The commission also shall require:
(f)(IV) THIS SUBSECTION (1)(f) IS REPEALED EFFECTIVE DECEMBER 31, 2030.~~

(2.5)(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 (20.5) OF THIS SECTION, ~~does~~ DO not constitute waste.

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

(a) A TIMETABLE FOR THE ORDERLY SUBMISSION AND CONSIDERATION OF APPLICATIONS FOR NEW OIL AND GAS PERMITS INCORPORATING THE USE OF FRACKING 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), THAT INCORPORATE THE USE OF FRACKING ~~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 THAT INCORPORATE THE USE OF FRACKING BY DECEMBER 31, 2033, IF DRILLING OPERATIONS HAVE NOT COMMENCED BY THAT DATE;

(d) 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

(e) TRANSITIONING THE COMMISSION'S DUTIES TO PRIMARILY THE MONITORING, PLUGGING, AND REMEDIATING OF FACILITIES PERMITTED PRIOR TO DECEMBER 31, 2030, AND THE PERMITTING OF ANY NEW OIL AND GAS FACILITIES AND OIL AND GAS LOCATIONS THAT ARE NOT PROHIBITED BY SECTION 34-60-106(20.5).

SECTION 4. In Colorado Revised Statutes, ~~amend~~ 29-20-104, amend (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); EXCEPT FOR THOSE OIL AND GAS FACILITIES AND OIL AND GAS LOCATIONS PROHIBITED BY SECTION 34-60-106(20.5).

SECTION 5. 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.

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