

Initiative 2017-2018 #178: Regulation of Oil and Gas Development – Final Draft

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

SECTION 1. In the constitution of the state of Colorado, **add** article XXX as follows:

ARTICLE XXX

State and Local Government Control of Oil and Natural Gas Development

Section 1. Purposes and findings. (1) THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT:

(a) THE CONDUCT OF OIL AND NATURAL GAS DEVELOPMENT MAY IMPACT PUBLIC HEALTH, SAFETY AND WELFARE, AND THE ENVIRONMENT;

(b) LOCAL GOVERNMENTS HAVE JURISDICTION TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE, AND THE ENVIRONMENT THROUGH THE EXERCISE OF LAND USE AND POLICE POWER AUTHORITIES, AND HAVE THE AUTHORITY TO COLLECT FEES FOR INSPECTION, MONITORING, AND IMPACTS TO INFRASTRUCTURE; AND

(c) STATE AND LOCAL GOVERNMENTS SHOULD NOT UNREASONABLY RESTRICT ANY PROPERTY OWNER’S ACCESS TO THE OWNER’S SURFACE OR MINERAL PROPERTY.

Section 2. State and Local Governments. (1) THE PEOPLE OF THE STATE OF COLORADO HEREBY AFFIRM THAT LOCAL GOVERNMENTS HAVE THE AUTHORITY TO REGULATE CERTAIN SURFACE ASPECTS OF OIL AND NATURAL GAS DEVELOPMENT TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE, AND THE ENVIRONMENT, SO LONG AS THE LOCAL ORDINANCES OR REGULATIONS DO NOT CONFLICT WITH STATE LAW OR REGULATION.

(2) THE AUTHORITY FOR LOCAL GOVERNMENTS TO REGULATE CERTAIN ASPECTS OF OIL AND NATURAL GAS DEVELOPMENT INCLUDES THE AUTHORITY TO SET NONDISCRIMINATORY FEES TO PAY FOR INSPECTIONS AND MONITORING OF OIL AND NATURAL GAS DEVELOPMENT TO ENSURE COMPLIANCE WITH LOCAL PERMIT CONDITIONS. THE AMOUNT OF THE FEES MUST BE A FAIR AND REASONABLE ESTIMATE OF THE COSTS OF THE IMPACTS AND THE ADMINISTRATION AND ENFORCEMENT OF THE LOCAL REQUIREMENTS.

(3) IN THE REGULATION OF OIL AND NATURAL GAS DEVELOPMENT AND PRODUCTION, THE STATE AND LOCAL GOVERNMENTS SHALL NOT UNREASONABLY RESTRICT A PROPERTY OWNER FROM ACCESSING THE OWNER’S SURFACE OR MINERAL INTERESTS, BE ARBITRARY OR CAPRICIOUS, OR OTHERWISE IMPOSE CONDITIONS ON ACCESS OR DEVELOPMENT THAT ARE NOT TECHNICALLY FEASIBLE OR ECONOMICALLY PRACTICABLE.

(4) “LOCAL GOVERNMENT” MEANS A COUNTY, HOME RULE OR STATUTORY CITY, TOWN TERRITORIAL CHARTER CITY, OR CITY AND COUNTY.

Section 3. Self-executing, severability, conflicting provisions. ALL PROVISIONS OF THIS ARTICLE XXX ARE SELF-EXECUTING, SEVERABLE, AND SUPERSEDE CONFLICTING STATE OR LOCAL LAWS AND REGULATIONS.