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MEMORANDUM

TO: David Davia and Cody Davis

FROM: Legislative Council Staff and Office of Legislative Legal Services

DATE: April 5, 2022

SUBJECT: Proposed initiative measure 2021-2022 #137, concerning the Colorado Independent Oil and Gas Commission

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of the Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

This initiative was submitted with another proposed initiative; that is, 2021-2022 #136. The comments and questions raised in this memorandum will not include comments and questions that were addressed in the memorandum for proposed initiative 2021-2022 #136, except as necessary to fully understand the issues raised by this proposed initiative. Comments and questions addressed in the other memorandum may also be relevant, and those questions and comments are hereby incorporated by reference in this memorandum.

Purposes

The major purposes of the proposed amendments to the Colorado Revised Statutes appear to be:

1. To replace the existing Colorado oil and gas conservation commission with a newly established Colorado independent oil and gas commission (hereafter, "independent commission");
2. To remove the independent commission from partisan, political, and interest group pressure as far as is practicable; and
3. To require that the independent commission:
 - a. In general, balance the protection of the public health, safety, and welfare of citizens with the responsible development of oil and gas resources;
 - b. Consist of members who satisfy certain qualifications and descriptions;
 - c. Regulate oil and gas operations in a reasonable manner to minimize adverse impacts to public health, safety, and welfare; the environment; and wildlife resources and to protect against adverse environmental impacts on any air, water, soil, or biological resource; and
 - d. Adopt rules and regulations for the issuance, denial, and administration of permits by the director of the independent commission.

Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. The substantive comments and questions set forth in the review and comment memorandum on proposed initiative 2021-2022 #136 are applicable to proposed initiative 2021-2022 #137 and, as such, will not be repeated.

Technical Comments

The following comments address technical issues raised by the form of the proposed initiative. These comments will be read aloud at the public meeting only if the proponents so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as suggested below.

The technical comments set forth in the review and comment memorandum on proposed initiative 2021-2022 #136 are applicable to proposed initiative 2021-2022 #137 and, as such, will not be repeated. However, the following new technical comments have arisen:

1. In section 34-60-104.7 (3)(c), change "an lobbyist" to "a lobbyist".
2. In section 34-60-104.7 (9), delete "Colorado Revised Statutes".
3. In section 34-60-105:
 - a. The word "and" should be added to the end of subsection (1)(b)(III) because it is now, under the changes in the proposed initiative, the second-to-last provision following the introductory portion in subsection (1)(b); and
 - b. In subsection (1)(b)(IV)(B), "operations; and" should be changed to "operations." because it is now, under the changes in the proposed initiative, the last provision following the introductory portion in subsection (1)(b).