

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

SECTION 1. In Colorado Revised Statutes, **add** section 34-60-140 as follows:

34-60-140. Private action to enforce oil and gas statutes and regulations. (1) THE PEOPLE OF COLORADO FIND AND DECLARE THAT EVERY PERSON HAS A SUBSTANTIAL INTEREST IN CLEAN AIR, PURE WATER, AND PROTECTING ECOSYSTEMS AND NATURAL RESOURCES IN THE STATE, AND THEREFORE IT IS IN THE PUBLIC INTEREST TO ENABLE ACCESS TO THE COURT TO REMEDY THE POLLUTION, IMPAIRMENT, AND DESTRUCTION OF SUCH RESOURCES.

(2) AS USED IN THIS SECTION, “PERSON” HAS THE SAME MEANING AS SET FORTH IN SECTION 34-60-103(8).

(3) ANY PERSON RESIDING WITHIN COLORADO, THE ATTORNEY GENERAL, AND ANY COUNTY, CITY, OR OTHER POLITICAL SUBDIVISION OF THE STATE AGGRIEVED BY THE VIOLATION OF ANY STATUTE IN TITLE 34, OR ANY RULE, OR PERMIT PROMULGATED OR ISSUED BY THE COMMISSION IN THIS ARTICLE 60, IN ORDER TO PROTECT THE PUBLIC HEALTH, AIR, WATER, LAND, WILDLIFE, OR OTHER NATURAL RESOURCES IN THE STATE FROM POLLUTION, IMPAIRMENT, OR DESTRUCTION, MAY COMMENCE A CIVIL ACTION IN THE APPROPRIATE DISTRICT COURT TO ENJOIN ANY PERSON FROM COMMITTING ANY ACT PROHIBITED BY STATUTE, RULE, OR PERMIT, TO ENFORCE SUCH STATUTE, RULE, REGULATION, OR PERMIT, OR TO RECOVER DAMAGES IN THE NAME OF THE STATE OF COLORADO, OR FOR BOTH ENFORCEMENT AND DAMAGES, AGAINST THE PERSON CAUSING THE ALLEGED POLLUTION, IMPAIRMENT, OR DESTRUCTION. MONEY DAMAGES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE ENVIRONMENTAL RESPONSE ACCOUNT IN THE ENERGY AND CARBON MANAGEMENT CASH FUND CREATED IN SECTION 34-60-122 (5).

(4) ANY PARTY WHO COMMENCES A CIVIL ACTION UNDER SUBSECTION (3) SHALL, WITHIN FOURTEEN CALENDAR DAYS OF FILING A COMPLAINT WITH THE APPLICABLE STATE COURT, PROVIDE NOTICE OF SUCH CIVIL ACTION BY REGULAR OR ELECTRONIC MAIL TO THE COMMISSION. THE COMMISSION SHALL HAVE AN UNCONDITIONAL RIGHT TO INTERVENE AS A PLAINTIFF IN THE CIVIL ACTION WITHIN NINETY CALENDAR DAYS AFTER RECEIVING THE REQUIRED NOTICE. A CIVIL ACTION BROUGHT UNDER THIS SECTION MUST COMMENCE WITHIN THREE YEARS AFTER THE CAUSE OF ACTION ACCRUES.

(5) IN ISSUING A FINAL JUDGMENT, RULING, OR ORDER IN A LAWSUIT DESCRIBED IN SUBSECTION (3) OF THIS SECTION, THE DISTRICT COURT SHALL AWARD THE COMPLAINING PARTY ANY COSTS THAT THE COMPLAINING PARTY INCURS IN LITIGATING THE LAWSUIT, INCLUDING REASONABLE ATTORNEY FEES, EXPERT WITNESS FEES, AND OTHER RELATED COSTS IF THE COURT DETERMINES THAT THE AWARD IS APPROPRIATE. AN AWARD IS APPROPRIATE IF, AS DETERMINED BY THE DISTRICT COURT:

- (a) THE COMPLAINING PARTY PREVAILS ON ONE OR MORE OF ITS CLAIMS;
- (b) THE LAWSUIT IS SUBSTANTIALLY RESPONSIBLE FOR STOPPING A VIOLATION OR BRINGING AN ALLEGED VIOLATOR INTO COMPLIANCE; OR
- (c) THE LAWSUIT HAS SERVED THE PUBLIC INTEREST.

(6) NOTHING CONTAINED IN THIS SECTION IS CONSTRUED TO IMPAIR, DEROGATE, OR DIMINISH ANY PROCEDURE OR REMEDY AUTHORIZED UNDER THE LAWS OF THIS STATE. THE CIVIL ACTION AUTHORIZED IN THIS SECTION SHALL BE IN ADDITION TO ANY OTHER RIGHT OR REMEDY.

SECTION 2. Effective date. This Act takes effect upon official declaration of the governor and is self-executing.