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Proposed Initiative  
Original #14

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ELECTIONS / LICENSING

SECRETARY OF STATE

Original draft submitted to Colorado Legislative Council  
Subsequently named Colorado Ballot Proposal #14

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

Article X of the Constitution of the State of Colorado is hereby amended BY THE  
ADDITION OF A NEW SECTION to read:

**SECTION 22. SEVERANCE TAX ON OIL AND GAS.**

(1) THE PEOPLE OF THE STATE OF COLORADO HEREBY FIND THAT NONRENEWABLE NATURAL RESOURCES ARE A PART OF COLORADO'S TREASURE AND LEGACY AND, WHEN REMOVED FROM THE EARTH, THE VALUE OF SUCH RESOURCES TO THE STATE OF COLORADO IS IRRETRIEVABLY LOST; AND THAT IT IS APPROPRIATE AND FITTING THAT THE STATE ASSESS A TAX UPON INCOME DERIVED FROM THE EXTRACTION AND SALE OF SUCH NONRENEWABLE RESOURCES, ELIMINATE THE AD VALOREM CREDIT AFFORDED PRODUCERS OF OIL AND GAS AND DEDICATE A PORTION OF THE REVENUES COLLECTED AS A RESULT FOR THE PURPOSE OF CREATING LONG-TERM SUSTAINABLE ASSETS FOR THE PEOPLE OF COLORADO.

(2) IN ADDITION TO ANY OTHER TAX, THERE SHALL BE LEVIED, COLLECTED, AND PAID FOR EACH TAXABLE YEAR COMMENCING ON OR AFTER JANUARY 1, 2008, A TAX UPON THE GROSS INCOME ATTRIBUTABLE TO THE SALE OF OIL AND GAS SEVERED FROM THE EARTH IN THIS STATE. THE TAX FOR OIL AND GAS SHALL BE AT THE FOLLOWING RATES OF THE GROSS INCOME:

UNDER THREE HUNDRED THOUSAND DOLLARS SHALL BE ZERO PERCENT; AND  
THREE HUNDRED THOUSAND DOLLARS AND OVER SHALL BE NO LESS THAN FIVE PERCENT.

(3) THERE SHALL NOT BE ALLOWED AS A CREDIT AGAINST THE TAX CREATED BY THIS SECTION ANY AMOUNT BASED ON AD VALOREM TAXES ASSESSED ON THE VALUE OF REAL OR PERSONAL PROPERTY.

(4) ALL REVENUES RECEIVED BY OPERATION OF THIS SECTION SHALL BE EXCLUDED FROM FISCAL YEAR SPENDING, AS THAT TERM IS DEFINED IN SECTION 20 OF ARTICLE X OF THIS CONSTITUTION, AND FROM THE SPENDING LIMITS CONTAINED WITHIN SECTION 20 OF ARTICLE X, OR WITHIN ANY OTHER LAW, UPON STATE GOVERNMENT AND ALL LOCAL GOVERNMENTS RECEIVING SUCH REVENUES.

(5) THE REVENUES GENERATED BY OPERATION OF THIS SECTION 22 SHALL BE APPROPRIATED ANNUALLY IN THE FOLLOWING PROPORTIONS:

(a) TWENTY-THREE PERCENT (23%) OF SUCH REVENUES SHALL BE APPROPRIATED TO THE CAPITAL CONSTRUCTION EXPENDITURES RESERVE ESTABLISHED IN ARTICLE 54 OF TITLE 22 OF THE COLORADO REVISED STATUTES, OR ANY SUCCESSOR ACT, FOR THE PURPOSES SET FORTH THEREIN.

(b) FIFTEEN PERCENT (15%) OF SUCH REVENUES SHALL BE APPROPRIATED TO THE STATE EDUCATION FUND CREATED PURSUANT TO ARTICLE IX, SECTION 17 OF THIS CONSTITUTION.

(c) FIFTEEN PERCENT (15%) OF SUCH REVENUES SHALL BE APPROPRIATED TO THE CAPITAL CONSTRUCTION FUND CREATED PURSUANT TO ARTICLE 75 OF TITLE 24 OF THE COLORADO REVISED STATUTES, OR ANY SUCCESSOR ACT.

(d) TWENTY-THREE PERCENT (23%) OF SUCH REVENUES SHALL BE APPROPRIATED AND DISTRIBUTED DIRECTLY TO ENERGY-IMPACTED COMMUNITIES IN COUNTIES AND MUNICIPALITIES SOCIALLY OR ECONOMICALLY IMPACTED BY THE DEVELOPMENT, PROCESSING, TRANSPORTATION OR ENERGY CONVERSION OF THE NONRENEWABLE NATURAL RESOURCES OF OIL AND GAS.

(e) TWENTY-FOUR PERCENT (24%) OF SUCH REVENUES SHALL BE APPROPRIATED AND DISTRIBUTED AS MAY BE DETERMINED BY THE GENERAL ASSEMBLY.

(6) SECTION 105 OF ARTICLE 29 OF TITLE OF 39 OF THE COLORADO REVISED STATUTES IS HEREBY REPEALED.

(7) THE GENERAL ASSEMBLY IS DIRECTED TO MAKE SUCH CONFORMING AMENDMENTS AND ADDITIONAL ENACTMENTS TO THE COLORADO REVISED STATUTES AS MAY BE NECESSARY AND APPROPRIATE TO REALIZE THE PURPOSES OF THIS SECTION.

(8) THIS SECTION IS EFFECTIVE JANUARY 1, 2008.