

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

SECTION 1. Article XVIII of the constitution of the state of Colorado, Article XVIII is amended by the addition of a new section, Section 17, to read as follows:

Section 17: Local Control of Oil and Gas Development (1) Purpose and findings. (a) THE COLORADO CONSTITUTION CONFERS CERTAIN RIGHTS ON THE CITIZENS OF THE STATE, INCLUDING INALIENABLE RIGHTS UNDER ARTICLE II, SECTION 3. THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT THE DEVELOPMENT OF OIL AND GAS, INCLUDING THE USE OF HYDRAULIC FRACTURING, MAY IMPACT LOCAL INTERESTS SUCH AS AIR QUALITY, PUBLIC HEALTH, SAFETY, WELFARE, PROPERTY VALUES, AND THE CHARACTER OF OUR COMMUNITIES; THAT THE PUBLIC HAS HISTORICALLY RELIED UPON LOCAL GOVERNMENTS TO REGULATE CERTAIN LOCAL LAND USES AND TO MINIMIZE POTENTIAL CONFLICTS BETWEEN INDUSTRIAL DEVELOPMENT AND THE INTERESTS OF THE LOCAL COMMUNITY; THAT LOCAL GOVERNMENTS ARE ENTITLED TO PROTECT THEIR PEOPLE AND THEIR COMMUNITIES USING THE PRECAUTIONARY PRINCIPLE; THAT TO PROTECT THESE INTERESTS THE PEOPLE DESIRE TO EXPAND THE AUTHORITY OF LOCAL GOVERNMENTS BY VESTING IN THEM THE RIGHT TO IMPOSE LOCAL RESTRICTIONS ON OIL AND GAS DEVELOPMENT WITHOUT FEAR OF STATE PREEMPTION.

(b) LOCAL GOVERNMENTS IN THE STATE OF COLORADO MAY ENACT LOCAL CHARTER AMENDMENTS, LAWS, ORDINANCES AND/OR REGULATIONS INTENDED TO PROTECT THE INALIENABLE RIGHTS OF ITS CITIZENS. THE PURPOSE OF THIS AMENDMENT IS TO EMPOWER ALL OF COLORADO'S LOCAL GOVERNMENTS TO ADOPT RULES, SUCH AS CHARTER AMENDMENTS, LAWS, ORDINANCES, OR REGULATIONS, TO PROTECT THEIR PUBLIC, THEIR COMMUNITIES, AND THEIR AIR, WATER, AND LAND THROUGH ADDITIONAL LOCAL RESTRICTIONS ON OIL AND GAS DEVELOPMENT, INCLUDING BANS OR MORATORIA ON HYDRAULIC FRACTURING.

(2) Definitions. (a) "LOCAL GOVERNMENT" MEANS ANY COUNTY, CITY AND COUNTY, CITY, OR TOWN, WHETHER STATUTORY OR HOME RULE, LOCATED IN THE STATE OF COLORADO.

(b) "OIL AND GAS DEVELOPMENT" INCLUDES ALL PHYSICAL OR CHEMICAL PROCESSES OR PROCEDURES USED TO EXPLORE FOR, EXTRACT, PROCESS, PRODUCE, STORE, OR TRANSPORT PETROLEUM PRODUCTS, INCLUDING NATURAL GAS, BYPRODUCTS SUCH AS ASPHALT, OR WASTE. RETAILERS OF PETROLEUM PRODUCT CONSUMER GOODS ARE NOT DEVELOPERS.

(3) Local Control of Oil and Gas Development Grant of authority. (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, LOCAL GOVERNMENTS IN COLORADO MAY PLACE RESTRICTIONS ON, RESTRICT THE TIME, PLACE OR METHOD MANNER OF OIL AND GAS DEVELOPMENT, INCLUDING BUT NOT LIMITED TO PROHIBITIONS AND MORATORIA, THE USE OF HYDRAULIC FRACTURING, THAT ARE INTENDED TO PROTECT THEIR COMMUNITIES AND CITIZENS.

(c) (b) ANY SUCH RESTRICTIONS PLACED BY LOCAL GOVERNMENTS ON OIL AND GAS DEVELOPMENT ARE DEEMED NOT TO BE IN CONFLICT WITH THE STATE'S INTERESTS.

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Colorado Secretary of State

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Proposal as revised with changes highlighted

~~(b), (c) NO LOCAL GOVERNMENT MAY ENACT ANY LIMITATIONS, RULES OR REGULATIONS ON OIL AND GAS DEVELOPMENT THAT ARE LESS STRINGENT THAN PROTECTIVE OF ANY INTEREST, INCLUDING PUBLIC HEALTH, WELFARE, SAFETY, OR AIR OR WATER QUALITY, THAN ANY OTHER EXISTING STATE, COLORADO, AND FEDERAL, OR CONCURRENT LOCAL PROVISIONS.~~

~~(4) Self-executing and severability, conflict provisions. All provisions of this SECTION ARE SELF-EXECUTING AND SEVERABLE.~~

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3/17/14~~

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