

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

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

Section 17: Local control of oil and gas development (1) Purpose and findings.

(a) 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) 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) Grant of authority. (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, LOCAL GOVERNMENTS MAY RESTRICT THE TIME, PLACE OR MANNER OF OIL AND GAS DEVELOPMENT, INCLUDING BUT NOT LIMITED TO PROHIBITIONS OR MORATORIA.

(b) SUCH RESTRICTIONS ARE DEEMED NOT TO BE IN CONFLICT WITH THE STATE'S INTERESTS.

(c) NO LOCAL GOVERNMENT MAY ENACT ANY RULE ON OIL AND GAS DEVELOPMENT THAT IS LESS PROTECTIVE OF ANY INTEREST, INCLUDING PUBLIC HEALTH, WELFARE, SAFETY, OR AIR OR WATER QUALITY, THAN ANY OTHER EXISTING COLORADO, FEDERAL, OR CONCURRENT LOCAL PROVISION.

(4) Self-executing and severability provisions. ALL PROVISIONS OF THIS SECTION ARE SELF EXECUTING AND SEVERABLE.

RECEIVED

MAR 17 2014

Colorado Secretary of State

S.WARD
Hand Delivered

Initiative #82

Proposal - final language

3/17/14

To:

[Scott Gessler](#)

Secretary of State
1700 Broadway, Suite 270
Denver, Colorado 80290
Phone: 303-894-2200

From:

Principal Proponents

Laura Fronckiewicz
3317 Alexander Way,
Broomfield, CO 80023,
312-533-0525
laurafronckiewicz@gmail.com

Kelly Giddens
PO Box 1695
Fort Collins, CO 80522
970-286-7974
kellygiddens@me.com

Alternate Proponent:

Suzanne Spiegel
11830 N 75th St, #117
Hygiene, CO 80533
720-336-9753
suzanne.spiegel2@gmail.com