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S. WARD

1:58 P.M.

Colorado Secretary of State

Original

Initiative 2015-2016 #62

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

SECTION 1. In the constitution of the state of Colorado, add article XXX as follows:

## ARTICLE XXX

### Ban on Hydraulic Fracturing

**Section 1. Purposes and findings.** THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE:

(a) THAT OIL AND GAS DEVELOPMENT USING HYDRAULIC FRACTURING, HAS DETRIMENTAL IMPACTS ON PUBLIC HEALTH, SAFETY, WELFARE, AND THE ENVIRONMENT;

(b) THAT THE PROTECTION OF PUBLIC HEALTH, SAFETY, WELFARE, AND THE ENVIRONMENT HAS PRIORITY OVER THE RIGHTS OF OIL AND GAS DEVELOPMENT; AND

(c) THAT TO SAFEGUARD AND DEFEND PUBLIC HEALTH, SAFETY, WELFARE, AND THE ENVIRONMENT, THE PEOPLE DESIRE TO PROHIBIT THE USE OF HYDRAULIC FRACTURING IN OIL AND GAS DEVELOPMENT WITHIN THE GEOGRAPHIC BOUNDARIES OF THE STATE OF COLORADO, EXCLUDING FEDERAL LAND AND INDIAN RESERVATIONS.

(d) SUCH PROHIBITION IS DEEMED NECESSARY TO THEIR SAFETY AND HAPPINESS AND WILL NOT BE REPUGNANT TO THE CONSTITUTION OF THE UNITED STATES.

**Section 2. Definitions.** (a) "OIL AND GAS DEVELOPMENT" MEANS EXPLORATION FOR AND PRODUCTION AND PROCESSING OF OIL, GAS, OTHER GASEOUS AND LIQUID HYDROCARBONS, AND CARBON DIOXIDE, AS WELL AS THE TREATMENT AND DISPOSAL OF WASTE ASSOCIATED WITH SUCH EXPLORATION AND PRODUCTION.

(b) "HYDRAULIC FRACTURING" MEANS THE WELL STIMULATION PROCESS USED TO EXTRACT DEPOSITS OF OIL, GAS, AND OTHER HYDROCARBONS THROUGH THE INJECTION OF WATER, SAND, AND CHEMICALS UNDER HIGH PRESSURE INTO GEOLOGIC FORMATION(S).

(c) "ENVIRONMENT" INCLUDES AIR, WATER, LAND, AND HEALTH, AND ECOLOGICAL SYSTEMS.

**Section 3. Prohibition of Hydraulic Fracturing.** THE USE OF HYDRAULIC FRACTURING IS PROHIBITED IN OIL AND GAS DEVELOPMENT IN ALL LANDS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE STATE OF COLORADO, EXCLUDING FEDERAL LAND AND INDIAN RESERVATIONS.

**Section 4. Not a taking.** THE PROHIBITION OF HYDRAULIC FRACTURING IS NOT A TAKING OF PRIVATE PROPERTY AND DOES NOT REQUIRE THE PAYMENT OF COMPENSATION PURSUANT TO SECTIONS 14 AND 15 OF ARTICLE II OF THE COLORADO CONSTITUTION.

**Section 5. Enforcement and Damages.** ANY PERSON(S) OR GOVERNMENTAL ENTITY MAY ENFORCE THIS ARTICLE THROUGH AN ACTION BROUGHT IN A COURT OF COMPETENT JURISDICTION. SUCH PERSON(S) OR GOVERNMENTAL ENTITY SHALL HAVE THE RIGHT TO SEEK DECLARATORY RELIEF, EQUITABLE RELIEF INCLUDING WITHOUT LIMITATION INJUNCTIVE RELIEF, AND/OR DAMAGES. UPON DETERMINATION THAT A VIOLATION OF THIS ARTICLE HAS OCCURRED, PENALTIES MAY BE ASSESSED BY THE COURT OR JURY TO BE PAID INTO THE REGISTRY OF THE PRESIDING COURT AND DISTRIBUTED BY SUCH COURT TO THE LOCAL COMMUNITY WHERE THE VIOLATION(S)

OCCURRED. THE PLAINTIFFS IN SUCH ACTION SHALL BE ENTITLED TO RECOVER ALL REASONABLE COSTS OF LITIGATION, INCLUDING, WITHOUT LIMITATION, ATTORNEYS' FEES AND COSTS.

**Section 6. Self executing, severability, conflicting provisions.** ALL PROVISIONS OF THIS ARTICLE ARE SELF-EXECUTING, ARE SEVERABLE, AND SUPERSEDE CONFLICTING STATE AND LOCAL LAWS AND REGULATIONS. LAWS AND REGULATIONS MAY BE ENACTED TO FACILITATE THE OPERATION OF THIS ARTICLE, BUT IN NO WAY LIMITING OR RESTRICTING THE PROVISIONS OF THIS ARTICLE.