2017-2018 #_____

State and Local Government Control of Oil and Natural Gas Development

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

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

SECTION 1. PURPOSES AND FINDINGS. THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT: (a) THE CONDUCT OF OIL AND NATURAL GAS DEVELOPMENT MAY IMPACT PUBLIC HEALTH, SAFETY AND WELFARE, AND THE ENVIRONMENT;

(b) LOCAL GOVERNMENTS HAVE JURISDICTION TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE AND THE ENVIRONMENT THROUGH THE EXERCISE OF LAND USE AND POLICE POWER AUTHORITIES; AND

(c) STATE AND LOCAL GOVERNMENTS SHOULD NOT UNREASONABLY RESTRICT ANY PROPERTY OWNERS' ACCESS TO THEIR SURFACE OR MINERAL PROPERTY.

SECTION 2. In the constitution of the state of Colorado, **add** Section 2 of article XXX as follows:

SECTION 2. (a). THE PEOPLE OF THE STATE OF COLORADO HEREBY AFFIRM THAT LOCAL GOVERNMENTS HAVE THE AUTHORITY TO REGULATE CERTAIN SURFACE ASPECTS OF OIL AND NATURAL GAS DEVELOPMENT TO PROTECT PUBLIC HEALTH, SAFETY, WELFARE, AND THE ENVIRONMENT, SO LONG AS THE LOCAL ORDINANCES OR REGULATIONS DO NOT CONFLICT WITH STATE LAW OR REGULATION.

(b) IN THE REGULATION OF OIL AND NATURAL GAS DEVELOPMENT AND PRODUCTION, THE STATE AND LOCAL GOVERNMENTS SHALL NOT UNREASONABLY RESTRICT A PROPERTY OWNER FROM ACCESSING THE OWNER'S SURFACE OR MINERAL INTERESTS, BE ARBITRARY OR CAPRICIOUS, OR OTHERWISE IMPOSE CONDITIONS ON ACCESS OR DEVELOPMENT THAT ARE NOT TECHNICALLY FEASIBLE OR ECONOMICALLY PRACTICABLE.

(c) "LOCAL GOVERNMENT" MEANS A STATUTORY OR HOME RULE ENTITY LOCATED IN THE STATE OF COLORADO THAT IS A:
　　(I) COUNTY;
　　(II) CITY AND COUNTY;
　　(III) CITY; OR
　　(IV) TOWN.

SECTION 3. In the constitution of the state of Colorado, **add** Section 3 of article XXX as follows:

SECTION 3. SELF-EXECUTING, SEVERABILITY, CONFLICTING PROVISIONS. ALL PROVISIONS OF THIS ARTICLE ARE SELF-EXECUTING, SEVERABLE, AND SUPERSEDE CONFLICTING STATE OR LOCAL LAWS AND REGULATIONS.