

## SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Priola

1 Amend printed bill, page 10, strike lines 24 and 25 and substitute:

2 "(5.3) "LOCAL GOVERNMENT" MEANS A:".

3 Page 13, strike line 18 and substitute "(1) and (2)(a) as follows:".

4 Page 13, line 22, after the period add "EFFECTIVE JULY 1, 2019, THE  
5 COMMISSION CONSISTS OF FIVE MEMBERS TO BE APPOINTED BY THE  
6 GOVERNOR WITH THE CONSENT OF THE SENATE. THE TERM OF TWO OF THE  
7 MEMBERS EXPIRES ON THE MONDAY PRECEDING THE SECOND TUESDAY OF  
8 JANUARY 2022. THE TERM OF THE OTHER MEMBERS EXPIRES ON THE  
9 MONDAY PRECEDING THE SECOND TUESDAY OF JANUARY 2023, ALL AS  
10 THE GOVERNOR MAY DESIGNATE. THEREAFTER, APPOINTMENTS WILL BE  
11 MADE FOR TERMS OF FOUR YEARS, AND ANY APPOINTMENT TO FILL A  
12 VACANCY WILL BE FOR THE UNEXPIRED TERM. MEMBERS MAY BE  
13 REAPPOINTED FOR AN ADDITIONAL TERM. NO MORE THAN TWO MEMBERS  
14 OF THE COMMISSION MAY BE AFFILIATED WITH THE SAME POLITICAL  
15 PARTY."

16 Page 13, strike lines 23 through 27.

17 Page 14, strike lines 1 through 20 and substitute:

18 "~~(2) (a) (I) Effective July 1, 2007, the commission shall consist of~~  
19 ~~nine members, seven of whom shall be appointed by the governor with~~  
20 ~~the consent of the senate and two of whom, the executive director of the~~  
21 ~~department of natural resources and the executive director of the~~  
22 ~~department of public health and environment, shall be ex officio voting~~  
23 ~~members. At least two members shall be appointed from west of the~~  
24 ~~continental divide, and, to the extent possible, consistent with this~~  
25 ~~paragraph (a), the other members shall be appointed taking into account~~  
26 ~~the need for geographical representation of other areas of the state with~~  
27 ~~high levels of oil and gas activity or employment. Three members shall~~  
28 ~~be individuals with substantial experience in the oil and gas industry, and~~  
29 ~~at least two of said three members shall have a college degree in~~  
30 ~~petroleum geology or petroleum engineering; one member shall be a local~~  
31 ~~government official; one member shall have formal training or substantial~~  
32 ~~experience in environmental or wildlife protection; one member shall~~  
33 ~~have formal training or substantial experience in soil conservation or~~  
34 ~~reclamation; and one member shall be actively engaged in agricultural~~  
35 ~~production and also be a royalty owner. Excluding the executive directors~~

1 ~~from consideration, no more than four members of the commission shall~~  
2 ~~be members of the same political party.~~ THE MEMBERS MUST HAVE THE  
3 FOLLOWING QUALIFICATIONS BASED ON EDUCATION, TRAINING, AND  
4 EXPERIENCE:

5 (A) ONE MEMBER MUST BE A PROFESSIONAL IN THE FIELD OF  
6 ENVIRONMENTAL PROTECTION;

7 (B) ONE MEMBER MUST BE A PROFESSIONAL IN HEALTH SCIENCE  
8 OR INDUSTRIAL SAFETY;

9 (C) ONE MEMBER MUST BE AN OIL AND GAS ROYALTY OWNER  
10 EXPERIENCED IN FARMING OR RANCHING OPERATIONS;

11 (D) ONE MEMBER MUST HAVE A PROFESSIONAL DEGREE IN  
12 PETROLEUM GEOLOGY OR PETROLEUM ENGINEERING; AND

13 (E) ONE MEMBER MUST HAVE SUBSTANTIAL EXPERIENCE IN THE  
14 OIL AND GAS INDUSTRY IN A MANAGEMENT, TECHNICAL, OR LEGAL  
15 CAPACITY.

16 (II) TO THE EXTENT POSSIBLE, THE MEMBERS SHALL BE APPOINTED  
17 TAKING INTO ACCOUNT THE NEED FOR GEOGRAPHIC REPRESENTATION OF  
18 AREAS OF THE STATE WITH HIGH LEVELS OF OIL AND GAS ACTIVITY.

19 (III) THE GOVERNOR SHALL DESIGNATE ONE OF THE MEMBERS AS  
20 CHAIR OF THE COMMISSION, WHO SHALL REPORT TO THE EXECUTIVE  
21 DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES AT SUCH TIMES  
22 AND ON SUCH MATTERS AS THE EXECUTIVE DIRECTOR MAY REQUIRE.

23 (IV) THE MEMBERS SHALL DEVOTE THEIR ENTIRE TIME TO THE  
24 DUTIES OF THEIR OFFICE TO THE EXCLUSION OF ANY OTHER EMPLOYMENT  
25 AND SHALL RECEIVE SUCH COMPENSATION AS IS DESIGNATED BY LAW.

26 (V) A MAJORITY OF THE COMMISSION CONSTITUTES A QUORUM FOR  
27 THE TRANSACTION OF ITS BUSINESS. THE COMMISSION SHALL HOLD  
28 REGULAR MEETINGS ON AT LEAST A MONTHLY BASIS AND SHALL RETAIN  
29 A QUALIFIED PERSON AS COMMISSION SECRETARY TO OVERSEE ITS  
30 OPERATIONS, INCLUDING THE SCHEDULING OF, AND AGENDA FOR, ITS  
31 MEETINGS AND HEARINGS."

32 Page 14, line 21, strike "(II)" and substitute "~~(II)~~ (VI)".

33 Page 17, line 27, strike "DETERMINES" and substitute "DETERMINES,  
34 PURSUANT TO OBJECTIVE CRITERIA DEVELOPED FOLLOWING A COMMENT  
35 PERIOD TO BE PUBLISHED BY THE DIRECTOR WITHIN THIRTY DAYS AFTER  
36 THE EFFECTIVE DATE OF THIS SUBSECTION (1)(f)(III)(A),".

37 Page 18, line 3, after the period add "NOTWITHSTANDING THIS  
38 SUBSECTION (1)(f)(III)(A), THE DIRECTOR SHALL NOT REFUSE TO ISSUE  
39 AND WILL TIMELY AND EFFICIENTLY PROCESS A PENDING OIL AND GAS  
40 LOCATION OR DRILLING PERMIT APPLICATION IF THE OPERATOR HAS A

1 MEMORANDUM OF UNDERSTANDING OR SIMILAR AGREEMENT  
2 SPECIFICALLY GOVERNING OPERATIONS, HAS OBTAINED A LAND USE  
3 PERMIT FROM THE RELEVANT LOCAL GOVERNMENT, OR IS OPERATING IN  
4 CONFORMANCE WITH A FEDERAL RESOURCE MANAGEMENT PLAN FOR THE  
5 PROPOSED LOCATION, WELL, OR WELLS."

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