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Colorado General Assembly

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MEMORANDUM

TO: Diane Schwenke and David Davia
FROM: Legislative Council Staff and Office of Legislative Legal Services
DATE: April 1, 2020
SUBJECT: Proposed initiative measure 2019-2020 #309, concerning the Colorado Independent Oil and Gas Board

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of the Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

This initiative was submitted with a series of initiatives, including proposed initiatives 2019-2020 #307 and #308 and #310 to #313. The comments and questions raised in this memorandum will not include comments and questions that are addressed in the memoranda for proposed initiative 2019-2020 #307 and #308 and #310 to #313, except as necessary to fully understand the issues raised by this proposed initiative. Comments and questions addressed in those other memoranda may also be relevant,

and those questions and comments are hereby incorporated by reference in this memorandum. Only new comments and questions are included in this memorandum.

Purposes

The major purposes of the proposed amendment to the Colorado Constitution and Colorado Revised Statutes appear to be as stated in the memorandum for proposed initiative 2019-2020 #307, except that the Colorado independent oil and gas board (hereafter, the "independent board") is not prohibited from repealing or making less stringent certain listed rules.

Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. Proposed initiative 2019-2020 #307 included a provision, section 17 (11)(g) of article XVIII, that would prohibit the Colorado independent oil and gas board from repealing certain listed rules or amending them to make them less stringent; this proposed initiative does not include that provision. The two proposed initiatives appear to be otherwise identical. What is the proponents' intent in not including that provision in this proposed initiative?

Technical Comments

No new technical comments were raised by this proposed initiative.