

STATE OF COLORADO

Colorado General Assembly

Natalie Castle, Director
Legislative Council Staff

Colorado Legislative Council
200 E. Colfax Ave., Room 029
Denver, Colorado 80203-1716
Telephone 303-866-3521
Facsimile 303-866-3855
Email: lcs.ga@coleg.gov



Sharon L. Eubanks, Director
Office of Legislative Legal Services

Office of Legislative Legal Services
200 E. Colfax Ave., Room 091
Denver, Colorado 80203-1716
Telephone 303-866-2045
Email: olls.ga@coleg.gov

MEMORANDUM

TO: Paul Culnan and Patricia Nelson

FROM: Legislative Council Staff and Office of Legislative Legal Services

DATE: April 28, 2023

SUBJECT: Proposed initiative measure 2023-2024 #47, concerning oil and gas permits that incorporate the use of fracking

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 Colorado 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 proposed initiative 2023-2024 #47 was submitted with another initiative addressing the same topic, proposed initiative 2023-2024 #46. The comments and questions raised in this memorandum will not include comments and questions that were addressed in the memorandum for proposed initiative 2023-2024 #46, except as necessary to fully understand the issues raised by the proposed initiative. Comments and questions addressed in that memorandum may also be relevant, and those questions and comments are hereby incorporated by reference in this memorandum.

Earlier versions of this proposed initiative, proposed initiatives 2023-2024 #44 and #45, were the subject of memoranda dated April 18, 2023, which were discussed at a public meeting on April 18, 2023. The substantive and technical comments and questions raised in this memorandum will not include comments and questions that were addressed at the earlier meeting, except as necessary to fully understand the issues raised by the revised proposed initiative. However, the prior comments and questions that are not restated here continue to be relevant and are hereby incorporated by reference in this memorandum.

Purposes

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be to require:

1. The oil and gas conservation commission (commission), by January 1, 2026, to promulgate rules discontinuing the issuance of new oil and gas permits that incorporate the use of fracking by December 31, 2030;
2. The commission to amend rules to prohibit the modification of and require the expiration of all previously issued oil and gas permits that incorporate the use of fracking by December 31, 2033, if drilling operations have not commenced by that date; and
3. The commission to transition its duties to primarily monitoring, plugging, and remediating oil and gas facilities that were permitted prior to December 31, 2030.

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?

Technical Comments

The technical comments set forth in the review and comment memorandum on proposed initiative 2023-2024 #46 are applicable to this proposed initiative and, as such, will not be repeated.