

Initiative 88
2,000-foot Oil and Gas Setback Requirement

1 **Ballot Title:** Shall there be an amendment to the Colorado constitution concerning a statewide setback
2 requirement for new oil and gas wells, and, in connection therewith, changing existing setback
3 requirements to require any new oil or gas well to be located at least 2,000 feet from the nearest occupied
4 structure; and authorizing a landowner to waive the setback requirement for any structure located on the
5 owner's property?

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

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

8 **ARTICLE XXX**

9 **Mandatory Setback of Oil and Gas Wells**

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

11 (a) THAT THE CONDUCT OF OIL AND GAS OPERATIONS, INCLUDING THE USE OF HYDRAULIC FRACTURING,
12 MAY IMPACT PUBLIC HEALTH, SAFETY, WELFARE, AND THE ENVIRONMENT;

13 (b) THAT ANY IMPACTS ARE EXPERIENCED MOST DIRECTLY IN LOCAL COMMUNITIES;

14 (c) THAT SUCH IMPACTS ARE MINIMIZED AND MITIGATED BY LOCATING WELLS AWAY FROM OCCUPIED
15 STRUCTURES; AND

16 (d) THAT TO PRESERVE THE PUBLIC'S HEALTH, SAFETY, WELFARE, AND THE ENVIRONMENT, THE PEOPLE
17 DESIRE TO ESTABLISH A STATEWIDE SETBACK REQUIRING NEW OIL AND GAS WELLS BE LOCATED AWAY FROM
18 OCCUPIED STRUCTURES, INCLUDING HOMES, SCHOOLS AND HOSPITALS.

19 **Section 2. Grant of authority.** THE PEOPLE OF THE STATE OF COLORADO HEREBY ESTABLISH A
20 STATEWIDE SETBACK THAT ALL NEW OIL AND GAS WELLS REQUIRING A STATE OR LOCAL PERMIT, INCLUDING THOSE
21 USING HYDRAULIC FRACTURING, MUST BE LOCATED AT LEAST TWO THOUSAND FEET FROM OCCUPIED
22 STRUCTURES. FOR PURPOSES OF THIS ARTICLE, "OCCUPIED STRUCTURE" MEANS ANY BUILDING OR STRUCTURE
23 THAT REQUIRES A CERTIFICATE OF OCCUPANCY, OR BUILDING OR STRUCTURE INTENDED FOR HUMAN OCCUPANCY,
24 INCLUDING HOMES, SCHOOLS, AND HOSPITALS. FOR PURPOSES OF THIS ARTICLE, "OIL AND GAS OPERATIONS"
25 MEANS EXPLORATION FOR AND PRODUCTION OF COLORADO'S OIL, GAS, OTHER GASEOUS AND LIQUID
26 HYDROCARBONS, AND CARBON DIOXIDE. THE OWNER OF THE SURFACE ESTATE OF REAL PROPERTY MAY WAIVE
27 THIS SETBACK ONLY WITH REGARD TO AN OCCUPIED STRUCTURE LOCATED ON THE OWNER'S PROPERTY.

28 **Section 3. Self executing, severability, conflicting provisions.** ALL PROVISIONS OF THIS ARTICLE
29 ARE SELF-EXECUTING, ARE SEVERABLE, AND SHALL SUPERSEDE CONFLICTING STATE AND LOCAL LAWS AND
30 REGULATIONS. LAWS AND REGULATIONS MAY BE ENACTED TO FACILITATE THE OPERATION OF THIS ARTICLE, BUT
31 CANNOT IN ANY WAY REDUCE THE SETBACK STANDARD OR THE POWERS AND RIGHTS ESTABLISHED IN THIS
32 ARTICLE.