

SB19-181

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Froelich

1 Amend reengrossed bill, page 15, line 12, strike "**publication. (1)**" and
2 substitute "**publication - repeal. (1) (a)**".

3 Page 15, after line 14 insert:

4 "(b) THIS SECTION IS REPEALED ON THE EARLIER OF JULY 1, 2020,
5 OR THE DATE ON WHICH ALL RULES REQUIRED TO BE ADOPTED BY SECTION
6 34-60-106 (2.5)(a), (11)(c), AND (19) HAVE BECOME EFFECTIVE. THE
7 DIRECTOR SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE
8 DATE ON WHICH THE CONDITION SPECIFIED IN THIS SUBSECTION (1)(b) HAS
9 OCCURRED BY E-MAILING THE NOTICE TO
10 REVISOROFSTATUTES.GA@STATE.CO.US."

11 Page 15, line 15, strike "July 1, ~~2007~~ 2019," and substitute "~~July 1, 2007~~
12 ON THE EFFECTIVE DATE OF THIS SECTION (2)(a)(I), AS AMENDED,".

13 Page 16, strike lines 6 through 8 and substitute "WILDLIFE PROTECTION;
14 ONE MEMBER MUST HAVE TECHNICAL EXPERTISE RELEVANT TO THE ISSUES
15 CONSIDERED BY THE COMMISSION OR FORMAL TRAINING OR SUBSTANTIAL
16 EXPERIENCE IN soil conservation or".

17 Page 16, after line 24 insert:

18 "SECTION 9. In Colorado Revised Statutes, add 34-60-104.3 as
19 follows:

20 **34-60-104.3. Oil and gas conservation commission - report -**
21 **publication.** (1) THERE IS HEREBY CREATED, IN THE DEPARTMENT OF
22 NATURAL RESOURCES, THE OIL AND GAS CONSERVATION COMMISSION.

23 (2) (a) THE COMMISSION CONSISTS OF SEVEN MEMBERS, FIVE OF
24 WHOM SHALL BE APPOINTED BY THE GOVERNOR WITH THE CONSENT OF
25 THE SENATE. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL
26 RESOURCES AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
27 PUBLIC HEALTH AND ENVIRONMENT, OR THE EXECUTIVE DIRECTORS'
28 DESIGNEES, ARE EX OFFICIO NONVOTING MEMBERS. A MAJORITY OF THE
29 VOTING COMMISSIONERS CONSTITUTE A QUORUM FOR THE TRANSACTION
30 OF ITS BUSINESS.

31 (b) EACH APPOINTED COMMISSIONER MUST BE A QUALIFIED
32 ELECTOR OF THIS STATE. EACH APPOINTED COMMISSIONER, BEFORE
33 ENTERING UPON THE DUTIES OF OFFICE, SHALL TAKE THE CONSTITUTIONAL
34 OATH OF OFFICE. EXCLUDING THE EXECUTIVE DIRECTORS FROM

1 CONSIDERATION, NO MORE THAN THREE MEMBERS OF THE COMMISSION
2 MAY BE MEMBERS OF THE SAME POLITICAL PARTY. TO THE EXTENT
3 POSSIBLE, CONSISTENT WITH THIS SUBSECTION (2), THE MEMBERS SHALL
4 BE APPOINTED TAKING INTO ACCOUNT THE NEED FOR GEOGRAPHICAL
5 REPRESENTATION OF AREAS OF THE STATE WITH HIGH LEVELS OF CURRENT
6 OR ANTICIPATED OIL AND GAS ACTIVITY OR EMPLOYMENT. THE APPOINTED
7 MEMBERS OF THE COMMISSION SHALL DEVOTE THEIR ENTIRE TIME TO THE
8 DUTIES OF THEIR OFFICES TO THE EXCLUSION OF ANY OTHER EMPLOYMENT
9 AND ARE ENTITLED TO RECEIVE COMPENSATION AS DESIGNATED BY LAW.

10 (c) ONE APPOINTED MEMBER MUST BE AN INDIVIDUAL WITH
11 SUBSTANTIAL EXPERIENCE IN THE OIL AND GAS INDUSTRY; ONE APPOINTED
12 MEMBER MUST HAVE SUBSTANTIAL EXPERTISE IN PLANNING OR LAND USE;
13 ONE APPOINTED MEMBER MUST HAVE FORMAL TRAINING OR SUBSTANTIAL
14 EXPERIENCE IN ENVIRONMENTAL PROTECTION, WILDLIFE PROTECTION, OR
15 RECLAMATION; ONE APPOINTED MEMBER MUST HAVE PROFESSIONAL
16 EXPERIENCE DEMONSTRATING AN ABILITY TO CONTRIBUTE TO THE
17 COMMISSION'S BODY OF EXPERTISE THAT WILL AID THE COMMISSION IN
18 MAKING SOUND, BALANCED DECISIONS; AND ONE APPOINTED MEMBER
19 MUST HAVE FORMAL TRAINING OR SUBSTANTIAL EXPERIENCE IN PUBLIC
20 HEALTH.

21 (d) NO PERSON MAY BE APPOINTED TO SERVE ON THE COMMISSION
22 OR HOLD THE OFFICE OF COMMISSIONER IF THE PERSON HAS A CONFLICT OF
23 INTEREST WITH OIL AND GAS DEVELOPMENT IN COLORADO. EXAMPLES OF
24 CONFLICTS OF INTEREST INCLUDE BEING REGISTERED AS A LOBBYIST AT
25 THE LOCAL OR STATE LEVELS, SERVING IN THE GENERAL ASSEMBLY WITHIN
26 THE PRIOR THREE YEARS, OR SERVING IN AN OFFICIAL CAPACITY WITH AN
27 ENTITY THAT EDUCATES OR ADVOCATES FOR OR AGAINST OIL AND GAS
28 ACTIVITY. THIS SUBSECTION (2)(d) SHALL BE CONSTRUED REASONABLY
29 WITH THE OBJECTIVE OF DISQUALIFYING FROM THE COMMISSION ANY
30 PERSON WHO MIGHT HAVE AN IMMEDIATE CONFLICT OF INTEREST OR WHO
31 MAY NOT BE ABLE TO MAKE BALANCED DECISIONS ABOUT OIL AND GAS
32 REGULATION IN COLORADO. A PERSON WHO HAS WORKED WITH OR FOR AN
33 ENERGY OR ENVIRONMENTAL ENTITY NEED NOT BE DISQUALIFIED IF THE
34 PERSON'S EXPERIENCE SHOWS SUBJECT MATTER KNOWLEDGE COUPLED
35 WITH AN ABILITY TO RENDER INFORMED, THOROUGH, AND BALANCED
36 DECISION-MAKING.

37 (e) MEMBERS OF THE COMMISSION SHALL BE APPOINTED FOR
38 TERMS OF FOUR YEARS EACH. THE GOVERNOR SHALL DESIGNATE ONE
39 MEMBER OF THE COMMISSION AS CHAIR OF THE COMMISSION. THE CHAIR
40 SHALL DELEGATE ROLES AND RESPONSIBILITIES TO COMMISSIONERS AND
41 THE DIRECTOR. THE GOVERNOR MAY AT ANY TIME REMOVE ANY
42 APPOINTED MEMBER OF THE COMMISSION, AND BY APPOINTMENT THE
43 GOVERNOR SHALL FILL ANY VACANCY ON THE COMMISSION. IN CASE ONE

1 OR MORE VACANCIES OCCUR ON THE SAME DAY, THE GOVERNOR SHALL
2 DESIGNATE THE ORDER OF FILLING VACANCIES.

3 (3) THE COMMISSION SHALL REPORT TO THE EXECUTIVE DIRECTOR
4 OF THE DEPARTMENT OF NATURAL RESOURCES AT SUCH TIMES AND ON
5 SUCH MATTERS AS THE EXECUTIVE DIRECTOR MAY REQUIRE.

6 (4) PUBLICATIONS OF THE COMMISSION CIRCULATED IN QUANTITY
7 OUTSIDE THE EXECUTIVE BRANCH ARE SUBJECT TO THE APPROVAL AND
8 CONTROL OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL
9 RESOURCES.

10 (5) THIS SECTION TAKES EFFECT ON THE EARLIER OF JULY 1, 2020,
11 OR THE DATE ON WHICH ALL RULES REQUIRED TO BE ADOPTED BY SECTION
12 34-60-106 (2.5)(a), (11)(c), AND (19) HAVE BECOME EFFECTIVE. THE
13 DIRECTOR SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE
14 DATE ON WHICH THE CONDITION SPECIFIED IN THIS SUBSECTION (5) HAS
15 OCCURRED BY E-MAILING THE NOTICE TO
16 REVISOROFSTATUTES.GA@STATE.CO.US."

17 Renumber succeeding sections accordingly.

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