

SUPREME COURT OF COLORADO
2 East 14th Avenue
Denver, CO 80203

DATE FILED: February 24, 2016 3:16 PM

Original Proceeding
Pursuant to Colo. Rev. Stat. § 1-40-107(2)
Appeal from the Ballot Title Board

In the Matter of the Title, Ballot Title, and
Submission Clause for Proposed Initiative 2015-
2016 #75 (“Local Government Authority to
Regulate Oil and Gas Development”)

**Petitioners: SHAWN MARTINI and SCOTT
PRESTIDGE**

v.

**Respondents: BRUCE MASON and KAREN
DIKE**

and

**Title Board: SUZANNE STAIERT;
FREDERICK YARGER; and JASON
GELENDER**

▲ COURT USE ONLY ▲

Attorneys for Petitioners:

Seth R. Belzley, No. 36661
Elizabeth H. Titus, No. 38070
Katy L. Bonesio, No. 48891
Hogan Lovells US LLP
1200 Seventeenth Street, Suite 1500
Denver, Colorado 80202
Phone: (303) 899-7300
Fax: (303) 899-7333

Case No. _____

**PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE
SETTING BOARD CONCERNING PROPOSED INITIATIVE 2015-
2016 #75 (“LOCAL GOVERNMENT AUTHORITY TO REGULATE OIL
AND GAS DEVELOPMENT”)**

Shawn Martini and Scott Prestidge (“Petitioners”), registered electors of the State of Colorado, through their undersigned counsel, respectfully petition the Court pursuant to C.R.S. § 1-40-107(2), to review the actions of the Title Setting Board (“Title Board”) with respect to the title, ballot title, and submission clause set for Initiative 2015-2016 #75 (“Local Government Authority to Regulate Oil and Gas Development”) (hereinafter “Proposed Initiative”).

STATEMENT OF THE CASE

A. Procedural History of Proposed Initiative 2015-2016 #75

Bruce Mason and Karen Dike (collectively “Proponents”) are the designated proponents of the Proposed Initiative. Proponents submitted the Proposed Initiative to the Offices of Legislative Council and Legislative Legal Services on January 8, 2016. Pursuant to C.R.S. §1-40-105(2), the Offices of Legislative Council and Legislative Legal Services waived the review and comment hearing required by C.R.S. § 1-40-105(1) on January 11, 2016. Proponents thereafter submitted a final version of the Proposed Initiative to the Secretary of State on January 21, 2016, for purposes of having the Title Board set title. The Secretary of State or his designee is a member of the Title Board.

The Title Board considered and set title for the Proposed Initiative at its February 3, 2016 meeting. On February 10, 2016, Petitioners timely filed a Motion for Rehearing pursuant to C.R.S. § 1-40-107(1)(a), alleging that the Board

lacked jurisdiction to set title because the Proposed Initiative violated the single-subject requirement. In the alternative, Petitioners argued that the title was misleading because it failed to describe important aspects of the measure. The Title Board considered Petitioners' Motion at its February 17, 2016 meeting, and it denied the Motion except to the extent that the Title Board made changes to the title.

B. Jurisdiction

Petitioners submit this matter to the Colorado Supreme Court for review pursuant to C.R.S. § 1-40-107(2). Petitioners timely filed a Motion for Rehearing with the Title Board pursuant to C.R.S. § 1-40-107(1) and timely filed this Petition for Review within seven days from the date of rehearing as required by C.R.S. § 1-40-107(2). Consistent with the requirements set forth in section 1-40-107(2), Petitioners have attached the following, certified by the Secretary of State: (1) the final version of the Proposed Initiative filed by the Proponents;¹ (2) the original and amended ballot title set for this measure; (3) the Petitioners' Motion for Rehearing; and (4) the Title Board's ruling on Petitioners' motion. Petitioners respectfully submit that the Title Board erred in denying their Motion for Rehearing and, therefore, this matter is properly before this Court.

¹ The final version reflects the original version. Proponents did not amend the original text of the Proposed Initiative.

FOUNDATIONS FOR APPEAL

In violation of Colo. Const. art. V., § 1(5.5) and C.R.S. § 1-40-106.5, the Title Board set title for the Proposed Initiative despite the fact that it contains multiple, distinct and separate purposes that are not dependent upon or connected with each other. Moreover, in violation of Colo. Const. art. V., § 1(5.5) and C.R.S. §§ 1-40-106 and 107, the title and submission clause for the Proposed Initiative are misleading and confusing because they fail to describe important aspects of the measure.

The following is an advisory list of issues which will be fully discussed in Petitioners' brief:

1. The Title Board lacked jurisdiction to set title because the Proposed Initiative contains the following multiple, distinct and not interdependent subjects under a single umbrella category of local government regulation of oil and gas development, which include:
 - a. Granting local governments the authority to regulate oil and gas development in a way that is more restrictive than state law, but must not be less protective of the community's health, safety, general welfare, and environment than state law;
 - b. Authorizing local governments to completely ban oil and gas development within certain geographic areas;

- c. Exempting from preemption local laws intended to mitigate local impacts from oil and gas development; and
 - d. Curtailing the State's advancement of its own interests by prohibiting the State from impeding local governments' efforts to prevent and mitigate local impacts from oil and gas development.
2. Contrary to the constitutional and statutory requirements for ballot titles as set forth in Colo. Const. art. V, § 1 and C.R.S. §§ 1-40-106 and 107, the title and submission clause for the Proposed Initiative are misleading and confusing insofar as they:
- a. Fail to reflect that the measure declares on behalf of the people of Colorado that oil and gas development has “detrimental impacts on public health, safety, general welfare, and the environment;”
 - b. Fail to reflect that the measure increases the authority of local governments to enact laws that prohibit or limit oil and gas development; and
 - c. Fail to reflect that the measure prioritizes local control of oil and gas development over matters of state interest and matters of statewide concern.

PRAYER FOR RELIEF

Petitioners respectfully request that after consideration of the parties' briefs, this Court determine that the Title Board lacked jurisdiction to set title and order that title setting be denied. Alternatively, Petitioners request that the Court determine that the title as set is confusing, misleading, and not clearly reflective of measure's intent and remand the Proposed Initiative to the Title Board with instructions to redraft the title to accurately and fairly represent the text of the Proposed Initiative.

Respectfully submitted this 24th day of February, 2016 by:

HOGAN LOVELLS US LLP

s/ Elizabeth H. Titus

Seth R. Belzley, No. 36661

Elizabeth H. Titus, No. 38070

Katy L. Bonesio, No. 48891

Hogan Lovells US LLP

1200 Seventeenth Street, Suite 1500

Denver, Colorado 80202

Phone: (303) 899-7300

Fax: (303) 899-7333

Attorneys for Petitioners

CERTIFICATE OF SERVICE

I certify that on February 24, 2016, a true and correct copy of the above and foregoing **PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2015-2016 #75 (“Local Government Authority to Regulate Oil and Gas Development”)** was electronically filed with the Court and served via ICCES upon:

Martha Tierney, Esq.
Tierney Lawrence LLC
225 E. 16th Street,
Suite 350
Denver, Colorado 80202
Email: mtierney@tierneylawrence.com
Attorneys for Respondents

and served via and U.S. Mail, postage prepaid, addressed to the following:

Suzanne Staiert
Colorado Department of State
1700 Broadway, Suite 200
Denver, CO 80203

Jason Gelender
Office of Legislative Legal Svs.
200 E. Colfax, Rm 091
Denver, CO 80203

Frederick R. Yarger
Solicitor General
1300 Broadway
Denver, CO 80203

s/ D J McKune



DATE FILED: February 24, 2016 3:16 PM

STATE OF COLORADO

DEPARTMENT OF
STATE

CERTIFICATE

I, **WAYNE W. WILLIAMS**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the filed text, motion for rehearing, and the rulings thereon of the Title Board for Proposed Initiative "2015-2016 #75 'Local Government Authority to Regulate Oil and Gas Development'"

[A large, wavy red line representing a signature or scribble spans across the page.]

..... **IN TESTIMONY WHEREOF** I have unto set my hand
and affixed the Great Seal of the State of Colorado, at the
City of Denver this 18th day of February, 2016.

Wayne W. Williams

SECRETARY OF STATE



RECEIVED

JAN 21 2016

S. WARD
9:12 A.M.

Clean
Initiative 2015-2016 #75

Colorado Secretary of State

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

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

ARTICLE XXX

Local Government Control of Oil and Gas Development

Section 1. Purposes and findings. (1) THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT:

(a) OIL AND GAS DEVELOPMENT, INCLUDING THE USE OF HYDRAULIC FRACTURING, HAS DETRIMENTAL IMPACTS ON PUBLIC HEALTH, SAFETY, GENERAL WELFARE, AND THE ENVIRONMENT;

(b) THESE DETRIMENTAL IMPACTS ARE EXPERIENCED MOST DIRECTLY IN LOCAL COMMUNITIES;

(c) THE STATE OF COLORADO HAS A COMPELLING INTEREST TO PREVENT AND MITIGATE DETRIMENTAL IMPACTS ON PUBLIC HEALTH, SAFETY, GENERAL WELFARE, AND THE ENVIRONMENT, AND MUST NOT IMPEDE EFFORTS BY LOCAL GOVERNMENTS TO PREVENT AND MITIGATE THESE DETRIMENTAL IMPACTS;

(d) LOCAL GOVERNMENTS HAVE BROAD AUTHORITY TO PLAN FOR AND REGULATE LAND USE WITHIN THEIR JURISDICTIONS, INCLUDING THE AUTHORITY TO REGULATE LAND USE TO LIMIT ANY DETRIMENTAL IMPACT ON THEIR COMMUNITY;

(e) IMPLIED OR EXPRESSED THREATS OF LEGAL ACTION TO INVOKE STATE PREEMPTION RESTRICT THE ABILITY OF LOCAL GOVERNMENTS TO PREVENT AND MITIGATE THE DETRIMENTAL IMPACTS ON PUBLIC HEALTH, SAFETY, GENERAL WELFARE, AND THE ENVIRONMENT IN LOCAL COMMUNITIES, AND TO PROTECT THE NATURAL, ESSENTIAL AND INALIENABLE RIGHTS ESTABLISHED IN THIS CONSTITUTION; AND

(f) TO PRESERVE THE PUBLIC HEALTH, SAFETY, GENERAL WELFARE, AND THE ENVIRONMENT, THE PEOPLE DESIRE TO EXPRESSLY GRANT TO LOCAL GOVERNMENTS THE AUTHORITY TO PREVENT OR MITIGATE DETRIMENTAL IMPACTS ON PUBLIC HEALTH, SAFETY, GENERAL WELFARE, AND THE ENVIRONMENT, WITHOUT RISK OF STATE PREEMPTION, EVEN IF SUCH ACTS IMPOSE RESTRICTIONS ON OIL AND GAS DEVELOPMENT.

Section 2. Definitions. FOR PURPOSES OF THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "LOCAL GOVERNMENT" MEANS ANY STATUTORY OR HOME RULE COUNTY, CITY AND COUNTY, CITY, OR TOWN, LOCATED IN THE STATE OF COLORADO, NOTWITHSTANDING ANY PROVISION OF ARTICLE XX OR SECTION 16 OF ARTICLE XIV OF THE COLORADO CONSTITUTION.

(2) "OIL AND GAS DEVELOPMENT" MEANS EXPLORATION FOR, AND DRILLING, PRODUCTION, AND PROCESSING OF OIL, GAS, OTHER GASEOUS AND LIQUID HYDROCARBONS, AS WELL AS THE TREATMENT AND DISPOSAL OF WASTE ASSOCIATED WITH SUCH EXPLORATION, DRILLING, STORAGE, PRODUCTION AND PROCESSING. "OIL AND GAS DEVELOPMENT" INCLUDES THE USE OF HYDRAULIC FRACTURING.

Section 3. Grant of authority. (1) THE PEOPLE OF THE STATE OF COLORADO HEREBY VEST IN LOCAL GOVERNMENTS THE POWER AND AUTHORITY TO ADOPT LAWS, REGULATIONS, ORDINANCES OR CHARTER PROVISIONS CONCERNING OIL AND GAS DEVELOPMENT WITHIN THEIR GEOGRAPHIC BORDERS; THIS POWER, AND AUTHORITY INCLUDES THE ABILITY TO ENACT PROHIBITIONS, MORATORIA, OR LIMITS ON OIL AND GAS DEVELOPMENT. SUCH LOCAL LAWS, REGULATIONS, ORDINANCES, OR CHARTER PROVISIONS MAY BE MORE RESTRICTIVE OF OIL AND GAS DEVELOPMENT THAN LAWS ENACTED BY THE GENERAL ASSEMBLY OR REGULATIONS ADOPTED BY EXECUTIVE AGENCIES OF THE STATE, BUT SHALL NOT BE LESS PROTECTIVE OF A COMMUNITY'S HEALTH, SAFETY, GENERAL WELFARE, AND ENVIRONMENT THAN LAWS ENACTED BY THE GENERAL ASSEMBLY OR REGULATIONS ADOPTED BY EXECUTIVE AGENCIES OF THE STATE.

(2) IN MATTERS OF LOCAL, STATEWIDE, OR MIXED LOCAL AND STATE CONCERN, LOCAL LAWS, REGULATIONS, ORDINANCES OR CHARTER PROVISIONS THAT ARE ENACTED TO PREVENT OR MITIGATE LOCAL IMPACTS FROM OIL AND GAS DEVELOPMENT ARE NOT SUBJECT TO PREEMPTION BY THE STATE OR AN AGENCY OF THE STATE, EVEN IF SUCH LOCAL LAWS, REGULATIONS, ORDINANCES OR CHARTER PROVISIONS CONFLICT WITH A STATE STATUTE, ARE MORE RESTRICTIVE ON OIL AND GAS DEVELOPMENT THAN A STATE STATUTE, AND WOULD MATERIALLY IMPEDE A STATE INTEREST IN REGULATING OIL AND GAS DEVELOPMENT.

Section 4. Self-executing – severability - conflicting provisions. ALL PROVISIONS OF THIS ARTICLE ARE SELF-EXECUTING, ARE SEVERABLE, AND SUPERSEDE CONFLICTING STATE AND LOCAL LAWS AND REGULATIONS. LAWS, REGULATIONS, ORDINANCES OR CHARTER PROVISIONS MAY BE ENACTED TO FACILITATE THE OPERATION OF THIS ARTICLE, BUT MAY NOT LIMIT OR RESTRICT THE PROVISIONS OF THIS ARTICLE OR THE POWERS AND RIGHTS HEREIN GRANTED.

Ballot Title Setting Board

Proposed Initiative 2015-2016 #75¹

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado constitution concerning the local government regulation of oil and gas development and, in connection therewith, authorizing local governments to prohibit, limit, or impose moratoriums on oil and gas development; authorizing local laws and regulations that are more restrictive of oil and gas development and at least as protective of a community's health, safety, welfare, and environment as state law; and exempting from preemption by the state any local laws that prevent or mitigate local impacts from oil and gas development.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado constitution concerning the local government regulation of oil and gas development and, in connection therewith, authorizing local governments to prohibit, limit, or impose moratoriums on oil and gas development; authorizing local laws and regulations that are more restrictive of oil and gas development and at least as protective of a community's health, safety, welfare, and environment as state law; and exempting from preemption by the state any local laws that prevent or mitigate local impacts from oil and gas development?

Hearing February 3, 2016:

Single subject approved; staff draft amended; titles set.

Hearing adjourned 12:21 p.m.

¹ Unofficially captioned "**Local Government Authority to Regulate Oil and Gas Development**" by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

IN THE MATTER OF THE TITLE AND BALLOT TITLE AND SUBMISSION CLAUSE FOR INITIATIVE
2015-2016 #75

MOTION FOR REHEARING

Registered electors, Shawn Martini and Scott Prestidge, through their legal counsel, Hogan Lovells US LLP, request a rehearing of the Title Board for Initiative 2015-2016 #75. As set forth below, Mr. Martini and Mr. Prestidge respectfully object to the Title Board's setting of title and the ballot title and submission clause on the following grounds:

TITLE AND SUBMISSION CLAUSE

On February 3, 2016, the Board set the title as follows:

An amendment to the Colorado constitution concerning the local government regulation of oil and gas development and, in connection therewith, authorizing local governments to prohibit, limit, or impose moratoriums on oil and gas development; authorizing local laws and regulations that are more restrictive of oil and gas development and at least as protective of a community's health, safety, welfare, and environment as state law; and exempting from preemption by the state any local laws that prevent or mitigate local impacts from oil and gas development.

The Board set the ballot title and submission clause as follows:

Shall there be an amendment to the Colorado constitution concerning the local government regulation of oil and gas development and, in connection therewith, authorizing local governments to prohibit, limit, or impose moratoriums on oil and gas development; authorizing local laws and regulations that are more restrictive of oil and gas development and at least as protective of a community's health, safety, welfare, and environment as state law; and exempting from preemption by the state any local laws that prevent or mitigate local impacts from oil and gas development?

GROUND FOR RECONSIDERATION

I. The Initiative Impermissibly Contains Multiple Subjects.

The Colorado Constitution requires that a citizen initiated measure contain only a single subject, which shall be clearly expressed in its title. Colo. Const. art. V., § 1(5.5); *see also* C.R.S. § 1-40-106.5. The single-subject requirement prevents proponents from combining multiple subjects to attract a "yes" vote from voters who might otherwise vote "no" on one or more of the subjects if proposed separately. *Matter of Title, Ballot Title, & Submission Clause for 2013-2014 #76*, 333 P.3d 76, 79 (Colo. 2014). Accordingly, an initiative's subject matter "must be

necessarily and properly connected rather than disconnected or incongruous.” *Id.* (citing *In re Proposed Initiative for 2011–2012 # 45*, 274 P.3d 576, 579 (Colo.2012)). Titles containing general “umbrella proposals” to unite separate subject are unconstitutional. *Id.* (citing *In re Proposed Initiative for 2011–2012 # 45*, 274 P.3d 576, 579 (Colo. 2012)).

Contrary to the requirement that every constitutional amendment proposed by initiative be limited to a single subject, which shall be clearly expressed in its title, the Board set title for initiative #75 despite the fact that it contains multiple, distinct and separate purposes that are not dependent upon or connected with each other. Specifically, under the umbrella of “local government regulation of oil and gas development” the initiative actually includes the following several, unrelated subjects:

- (1) Granting local governments the authority to regulate oil and gas development in a way that is more restrictive than state laws, but must not be less protective of the community’s health, safety, general welfare, and environment than state laws (#75 § 3(1));
- (2) Authorizing local governments to completely ban oil and gas development within certain geographic areas (#75 § 3(1));
- (3) Exempting from preemption by the state any local laws intended to “mitigate local impacts from oil and gas development,” irrespective of whether such laws are enacted pursuant to the authority conferred upon local governments in Subsection 3(1) or are otherwise connected to the initiative’s central purpose of regulating oil and gas development (#75 § 3(2)); and
- (4) Curtailing the State’s advancement of its own interests by prohibiting the State from impeding local governments’ efforts to prevent and mitigate local impacts from oil and gas development (#75 § 1(c)).

Each of these subjects is not interdependent or connected to the other. The Title Board therefore lacks jurisdiction to set title and title setting should be denied.

II. The Title and Submission Clause as Drafted Fail to Describe Important Aspects of the Measure.

A measure’s title and submission clause must “correctly and fairly express the true intent and meaning” of the measure. C.R.S. § 1-40-106(3)(b). The title and submission clause should enable the electorate, whether familiar or unfamiliar with the subject matter of a particular proposal, to determine intelligently whether to support or oppose such a proposal. *In re Title, Ballot Title & Submission Clause for 2009–2010 No. 45*, 234 P.3d 642, 648 (Colo. 2010) “[A] material omission can create misleading titles.” *In re Title, Ballot and Submission Clause 1999–2000 #258A*, 4 P.3d 1094, 1098 (Colo. 2000).

The title and submission clause for measure #75 are misleading and confusing because they fail to describe important aspects of the measure. Among other defects, the title and submission clause:

(1) Fail to reflect that the measure increases the authority of local governments to enact laws that prohibit or limit oil and gas development;

(2) Fail to state that the measure declares on behalf of the people of Colorado that oil and gas development has “detrimental impacts on public health, safety, general welfare, and the environment” (#75 § 1(a));

(3) Fail to make clear that the measure prohibits local laws and regulations that are “less protective” of a community’s health, safety, welfare, and environment than state law (#75 § 3(1)); and

(4) Fail to reflect that the measure prioritizes local control of oil and gas development over matters of state interest and matters of statewide concern (#75 § 1(c)).

Therefore, in the alternative, opponents request a title and submission clause that reflect these important aspects of the measure as set forth in the proposed title and submission clause, attached as Exhibit A.

CONCLUSION

Based on the foregoing, Mr. Martini and Mr. Prestidge request a rehearing of the Title Board for Initiative 2015-2016 #75. The initiative is incapable of being expressed in a single subject that clearly reflects the intent of the proponents, and therefore the Title Board lacks jurisdiction to set a title and should reject the measure. Alternatively, Mr. Martini and Mr. Prestidge respectfully request that the Title Board amend the title and submission clause consistent with the concerns set forth above and as set forth in Exhibit A.

Respectfully submitted this 10th day of February, 2016 by:

HOGAN LOVELLS US LLP



Seth R. Belzley, No. 36661

Elizabeth H. Titus, No. 38070

Hogan Lovells US LLP

1200 Seventeenth Street, Suite 1500

Denver, Colorado 80202

Phone: (303) 899-7300

Fax: (303) 899-7333

Attorneys for Scott Prestidge and Shawn Martini

Objectors' addresses:

Scott Prestidge
2885 Quebec Street
Denver, CO 80207

Shawn Martini
3043 South Indiana Street
Lakewood, CO 80228

EXHIBIT A

Ballot Title Setting Board

Proposed Initiative 2015-2016 #75

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado constitution ~~concerning increasing the local governments' authority to regulation-regulate~~ of oil and gas development and, in connection therewith, ~~declaring that oil and gas development has detrimental impacts on public health, safety, general welfare, and the environment;~~ authorizing local governments to prohibit, limit, or impose moratoriums on oil and gas development; authorizing local laws and regulations that are more restrictive of oil and gas development; ~~prohibiting such local laws and regulations that are less and at least as protective of a community's health, safety, welfare, and environment as than state law; and exempting from preemption by the state any local laws and regulations that prevent or mitigate local impacts from oil and gas development even as to matters of statewide concern and even if the local laws materially impede a state interest; and preventing state government from impeding the efforts of local governments to prevent and mitigate impacts from oil and gas development.~~

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado constitution ~~concerning increasing the local governments' authority to regulation-regulate~~ of oil and gas development and, in connection therewith, ~~declaring that oil and gas development has detrimental impacts on public health, safety, general welfare, and the environment;~~ authorizing local governments to prohibit, limit, or impose moratoriums on oil and gas development; authorizing local laws and regulations that are more restrictive of oil and gas development; ~~prohibiting such local laws and regulations that are less and at least as protective of a community's health, safety, welfare, and environment as than state law; and exempting from preemption by the state any local laws and regulations that prevent or mitigate local impacts from oil and gas development even as to matters of statewide concern and even if the local laws materially impede a state interest; and preventing state government from impeding the efforts of local governments to prevent and mitigate impacts from oil and gas development?~~

Ballot Title Setting Board

Proposed Initiative 2015-2016 #75¹

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado constitution concerning local government regulation of oil and gas development and, in connection therewith, authorizing local governments to prohibit, limit, or impose moratoriums on oil and gas development; authorizing local laws and regulations that are more restrictive of oil and gas development and at least as protective of a community's health, safety, welfare, and environment as state law; and prohibiting the state from preempting any local laws or regulations that prevent or mitigate local impacts from oil and gas development.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado constitution concerning local government regulation of oil and gas development and, in connection therewith, authorizing local governments to prohibit, limit, or impose moratoriums on oil and gas development; authorizing local laws and regulations that are more restrictive of oil and gas development and at least as protective of a community's health, safety, welfare, and environment as state law; and prohibiting the state from preempting any local laws or regulations that prevent or mitigate local impacts from oil and gas development?

Hearing February 3, 2016:

Single subject approved; staff draft amended; titles set.

Hearing adjourned 12:21 p.m.

Rehearing February 17, 2016:

Motion for Rehearing granted only to the extent that the Board made changes to the titles; denied in all other respects.

Hearing adjourned 10:33 a.m.

¹ Unofficially captioned “**Local Government Authority to Regulate Oil and Gas Development**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.