

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0503.01 Thomas Morris x4218

HOUSE BILL 12-1176

HOUSE SPONSORSHIP

Ryden, Wilson, Hullinghorst, Jones, Todd

SENATE SPONSORSHIP

(None),

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING OIL AND GAS, AND, IN CONNECTION THEREWITH,
102 INCREASING THE COLORADO OIL AND GAS CONSERVATION
103 COMMISSION'S AUTHORITY TO REGULATE OIL AND GAS
104 OPERATIONS AND INCLUDING WITHIN THE TERM "SURFACE
105 OWNER" THE OWNERS OF LAND OVERLYING THAT PORTION OF
106 A GEOLOGIC FORMATION WITHIN WHICH HORIZONTAL
107 HYDRAULIC FRACTURING IS CONDUCTED.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

http://www.leg.state.co.us/bills/summaries.)

Section 1 of the bill specifies that the Colorado oil and gas conservation commission has authority to require:

! Increased setbacks from wells that will be treated with hydraulic fracturing. The commission must require setbacks of at least 1,000 feet from any school or residence but allow a surface owner who is not located in an urban area to request a shorter setback than would otherwise apply.

! That best management practices for new technologies be established by rule prior to use of the new technologies.

Section 2 includes the owners of land overlying that portion of a geologic formation within which horizontal hydraulic fracturing is conducted within the term "surface owner".

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 34-60-106, **add** (1)
3 (k) and (1) (l) as follows:

4 **34-60-106. Additional powers of commission - rules.** (1) The
5 commission also has authority to require:

6 (k) INCREASED SETBACKS FROM WELLS THAT WILL BE TREATED
7 WITH HYDRAULIC FRACTURING. THE COMMISSION SHALL REQUIRE
8 SETBACKS OF AT LEAST ONE THOUSAND FEET FROM A RESIDENCE OR
9 SCHOOL; EXCEPT THAT A SURFACE OWNER OF LAND THAT IS NOT LOCATED
10 IN AN URBAN AREA AND ON WHICH A WELL THAT IS OR WILL BE SUBJECT TO
11 HYDRAULIC FRACTURING MAY REQUEST A SHORTER SETBACK. FOR
12 PURPOSES OF THIS PARAGRAPH (k), "URBAN AREA" MEANS AN AREA
13 DETERMINED TO CONTAIN AN AVERAGE RESIDENTIAL DENSITY EQUAL TO
14 OR GREATER THAN ONE DWELLING UNIT PER TWO AND ONE-HALF ACRES OR
15 THAT HAS AT LEAST FIFTY THOUSAND SQUARE FEET OF GROSS FLOOR AREA
16 DEVOTED TO NONRESIDENTIAL STRUCTURES.

17 (l) THAT BEST MANAGEMENT PRACTICES FOR NEW TECHNOLOGIES

1 BE ESTABLISHED BY RULE PRIOR TO USE OF THE NEW TECHNOLOGIES.

2 **SECTION 2.** In Colorado Revised Statutes, 34-60-103, **amend**
3 (10.5) as follows:

4 **34-60-103. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (10.5) "Surface owner" means any person owning all or part of the
7 surface of land upon which oil and gas operations are conducted, as
8 shown by the tax records of the county in which the tract of land is
9 situated, or any person with such rights under a recorded contract to
10 purchase. FOR PURPOSES OF THIS SUBSECTION (10.5), "LAND UPON WHICH
11 OIL AND GAS OPERATIONS ARE CONDUCTED" INCLUDES LAND OVERLYING
12 THAT PORTION OF A GEOLOGIC FORMATION WITHIN WHICH HORIZONTAL
13 HYDRAULIC FRACTURING IS CONDUCTED.

14 **SECTION 3. Applicability.** The provisions of this act apply to
15 acts occurring on or after the effective date of this act.

16 **SECTION 4. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.