

**Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 18-0451.01 Jennifer Berman x3286

**HOUSE BILL 18-1352**

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**HOUSE SPONSORSHIP**

**Foote and Gray,**

**SENATE SPONSORSHIP**

**Jones and Aguilar,**

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**House Committees**

Health, Insurance, & Environment  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING A CLARIFICATION OF THE MINIMUM DISTANCE FROM**  
102              **WHICH CERTAIN OIL AND GAS FACILITIES MUST BE LOCATED**  
103              **FROM ANY SCHOOL.**

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**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 <http://leg.colorado.gov>.)*

As part of the Colorado oil and gas conservation commission's (commission) authority to regulate oil and gas operations to prevent and mitigate significant adverse environmental impacts to protect public health, safety, and welfare, the commission requires oil and gas production facilities and wells to be located at least 1,000 feet from

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

HOUSE  
2nd Reading Unamended  
April 30, 2018

school buildings and other high occupancy buildings.

The bill clarifies that the minimum 1,000-foot distance from which newly permitted oil and gas production facilities and wells must be located from any school applies to the school property line and not the school building. The bill further clarifies that the minimum distance requirement does not apply if a school commences operations near oil and gas facilities or wells that are already actively in use or permitted; except that the minimum 1,000-foot distance applies to real property owned by a school district on which a future permanent or temporary school building is planned to be constructed within 5 years.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 34-60-131 as  
3 follows:

4           **34-60-131. Mandatory distance requirement from schools -**  
5 **legislative declaration - definitions.** (1) THE GENERAL ASSEMBLY  
6 HEREBY FINDS, DETERMINES, AND DECLARES THAT, AS PART OF THE PUBLIC  
7 INTEREST IN PROTECTING PUBLIC HEALTH, SAFETY, AND WELFARE, THE  
8 MANDATORY MINIMUM DISTANCE ESTABLISHED BY RULE BY THE  
9 COLORADO OIL AND GAS CONSERVATION COMMISSION FOR PRODUCTION  
10 FACILITIES AND WELLS FROM A SCHOOL SHOULD BE CALCULATED AS THE  
11 DISTANCE FROM THE SCHOOL PROPERTY LINE AND NOT THE DISTANCE  
12 FROM A SCHOOL BUILDING.

13           (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
14 REQUIRES:

15           (a) "PRODUCTION FACILITY" MEANS ANY STORAGE, SEPARATION,  
16 TREATING, DEHYDRATION, ARTIFICIAL LIFT, POWER SUPPLY, COMPRESSION,  
17 PUMPING, METERING, MONITORING, FLOWLINE, OR OTHER EQUIPMENT  
18 DIRECTLY ASSOCIATED WITH OIL WELLS, GAS WELLS, OR INJECTION WELLS.

19           (b) "SCHOOL" MEANS A SCHOOL, AS DEFINED IN SECTION 22-7-703  
20 (4), A PRIVATE SCHOOL, AS DEFINED IN SECTION 22-30.5-103 (6.5), OR A

1 CHILD CARE CENTER, AS DEFINED IN SECTION 26-6-102 (5).

2 (c) "WELL" MEANS A WELL USED IN CONNECTION WITH OIL AND  
3 GAS OPERATIONS. "WELL" INCLUDES AN OIL AND GAS WELL, A HOLE  
4 DRILLED FOR THE PURPOSE OF PRODUCING OIL AND GAS, A WELL INTO  
5 WHICH FLUIDS ARE INJECTED, A STRATIGRAPHIC WELL, A GAS STORAGE  
6 WELL, OR A WELL USED FOR THE PURPOSE OF MONITORING OR OBSERVING  
7 A RESERVOIR.

8 (3) (a) NEWLY PERMITTED PRODUCTION FACILITIES AND WELLS  
9 MUST BE LOCATED AT LEAST ONE THOUSAND FEET FROM ANY SCHOOL, AS  
10 CALCULATED BY THE DISTANCE FROM THE SCHOOL PROPERTY LINE, NOT  
11 FROM THE SCHOOL BUILDING, BY MEASURING THE DISTANCE FROM THE  
12 NEAREST PROPERTY LINE OF THE LAND USED FOR SCHOOL PURPOSES TO  
13 THE NEAREST PORTION OF THE PRODUCTION FACILITY OR WELL.

14 (b) EXCEPT AS PROVIDED IN SUBSECTION (4)(c) OF THIS SECTION,  
15 THE REQUIRED MINIMUM DISTANCE DESCRIBED IN SUBSECTION (3)(a) OF  
16 THIS SECTION DOES NOT APPLY TO ANY PRODUCTION FACILITIES OR WELLS  
17 ACTIVELY IN USE OR PERMITTED AT THE TIME THAT THE SCHOOL  
18 COMMENCES OPERATIONS.

19 (4) WITH RESPECT TO PROPERTY OWNED BY A SCHOOL DISTRICT,  
20 THIS SECTION APPLIES ONLY TO:

21 (a) A SCHOOL BUILDING THAT IS ACTIVELY USED FOR SCHOOL  
22 ACTIVITIES AND THE PARCEL OF PROPERTY ON WHICH IT IS LOCATED;

23 (b) OUTSIDE AREAS AND OTHER FACILITIES THAT ARE USED FOR  
24 SCHOOL ACTIVITIES, SUCH AS PLAYGROUNDS, ATHLETIC FIELDS, MODULAR  
25 CLASSROOMS, AND STUDENT LOADING AND UNLOADING AREAS; AND

26 (c) ANY PARCEL OF REAL PROPERTY ON WHICH A FUTURE  
27 PERMANENT OR TEMPORARY SCHOOL BUILDING IS PLANNED TO BE

1 CONSTRUCTED WITHIN FIVE YEARS AFTER AN OWNER OR OPERATOR FILES  
2 AN APPLICATION FOR A NEW PRODUCTION FACILITY LOCATION.

3 **SECTION 2. Applicability.** This act applies to production  
4 facilities and wells permitted on or after the effective date of this act.

5 **SECTION 3. Safety clause.** The general assembly hereby finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, and safety.