

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0424.01 Thomas Morris x4218

SENATE BILL 12-088

SENATE SPONSORSHIP

Harvey, Grantham, Renfroe

HOUSE SPONSORSHIP

(None),

Senate Committees
Local Government

House Committees

A BILL FOR AN ACT

101 CONCERNING THE PREEMPTION OF LOCAL REGULATION OF OIL AND
102 GAS OPERATIONS.

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://www.leg.state.co.us/billsummaries.>)

The bill specifies that the regulation of oil and gas operations is a matter of statewide concern, the Colorado oil and gas conservation commission has exclusive jurisdiction to regulate oil and gas operations, and local regulation of oil and gas operations is preempted by state law.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 34-60-105, **amend**
3 (1) as follows:

4 **34-60-105. Powers of commission.** (1) (a) The commission has
5 jurisdiction over all persons and property, public and private, necessary
6 to enforce ~~the provisions of this article~~ and has the power to make and
7 enforce rules ~~regulations~~, and orders pursuant to this article and to do
8 whatever may BE reasonably be necessary to carry out ~~the provisions of~~
9 this article. Any delegation of authority to any other state officer, board,
10 or commission to administer any other laws of this state relating to the
11 conservation of oil or gas ~~or either of them~~, is hereby rescinded and
12 withdrawn, and such authority is unqualifiedly conferred upon the
13 commission, as provided in this section. THE REGULATION OF OIL AND GAS
14 OPERATIONS IS A MATTER OF STATEWIDE CONCERN. THE COMMISSION HAS
15 EXCLUSIVE JURISDICTION TO REGULATE OIL AND GAS OPERATIONS, AND
16 LOCAL REGULATION OF OIL AND GAS OPERATIONS IS PREEMPTED BY STATE
17 LAW.

18 (b) Any person, or the attorney general on behalf of the state, may
19 apply for any hearing before the commission, or the commission may
20 initiate proceedings upon any question relating to the administration of
21 this article, and jurisdiction is conferred upon the commission to hear and
22 determine the ~~same~~ MATTER and enter its rule ~~regulation~~, or order with
23 respect ~~thereto~~ TO THE MATTER.

24 **SECTION 2. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August

1 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2012 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.