

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 18-0078.01 Thomas Morris x4218

HOUSE BILL 18-1071

HOUSE SPONSORSHIP

Salazar,

SENATE SPONSORSHIP

Moreno,

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF OIL AND GAS OPERATIONS IN A**
102 **MANNER CONSISTENT WITH THE PROTECTION OF PUBLIC**
103 **SAFETY.**

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>.)

Current law declares that it is in the public interest to "[f]oster the responsible, balanced development, production, and utilization of the natural resources of oil and gas in the state of Colorado in a manner consistent with protection of public health, safety, and welfare, including protection of the environment and wildlife resources". The Colorado

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
3rd Reading Unamended
February 9, 2018

HOUSE
2nd Reading Unamended
February 8, 2018

court of appeals, in *Martinez v. Colo. Oil & Gas Conservation Comm'n*, 2017 COA 37, has construed this language to mean that oil and gas development is not balanced with the protection of public health, safety, and welfare, including protection of the environment and wildlife resources. Rather, that development must occur in a manner consistent with such protection.

The bill codifies the result reached in *Martinez*.

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

2 **SECTION 1.** In Colorado Revised Statutes, 34-60-102, **amend**
3 (1)(a)(I) as follows:

4 **34-60-102. Legislative declaration.** (1) (a) It is declared to be in
5 the public interest to:

6 (I) ~~Foster~~ REGULATE the responsible, balanced development,
7 production, and utilization of the natural resources of oil and gas in the
8 state of Colorado in a manner consistent with protection of public health,
9 safety, and welfare, including protection of the environment and wildlife
10 resources. AS SPECIFIED IN SECTION 34-60-104.7, THE BALANCED
11 DEVELOPMENT OF OIL AND GAS RESOURCES MUST BE IMPLEMENTED IN A
12 MANNER CONSISTENT WITH SUCH PROTECTION.

13 **SECTION 2.** In Colorado Revised Statutes, **add** 34-60-104.7 as
14 follows:

15 **34-60-104.7. Duties of commission - protection of environment,**
16 **health, and climate.** IN EXERCISING THE POWERS CONFERRED ON IT
17 UNDER THIS ARTICLE 60 AND IN ADMINISTERING AND ENFORCING THIS
18 ARTICLE 60, THE COMMISSION SHALL REGULATE OIL AND GAS OPERATIONS
19 SO AS TO PREVENT AND MITIGATE SIGNIFICANT ADVERSE ENVIRONMENTAL
20 IMPACTS ON ANY AIR, WATER, SOIL, OR BIOLOGICAL RESOURCE RESULTING
21 FROM OIL AND GAS OPERATIONS TO THE EXTENT NECESSARY TO PROTECT
22 PUBLIC HEALTH, SAFETY, AND WELFARE, INCLUDING PROTECTION OF THE

1 ENVIRONMENT AND WILDLIFE RESOURCES.

2 **SECTION 3. Applicability.** This act applies to conduct occurring
3 on or after the effective date of this act.

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