

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

\_\_\_\_\_  
April 19, 2023  
Date

Committee on Agriculture & Natural Resources.

After consideration on the merits, the Committee recommends the following:

SB23-285 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 5, after line 11 insert:

2 "SECTION 3. In Colorado Revised Statutes, 34-60-106, **amend**  
3 (7)(a); and **add** (22) as follows:

4 **34-60-106. Additional powers of commission - rules -**  
5 **definitions - repeal.** (7) (a) The commission may establish, charge, and  
6 collect docket fees for the filing of applications, petitions, protests,  
7 responses, and other pleadings. All fees shall be deposited in the ~~oil and~~  
8 ~~gas conservation and environmental response~~ ENERGY AND CARBON  
9 MANAGEMENT CASH fund ~~established by section 34-60-122~~ CREATED IN  
10 SECTION 34-60-122 (5) and are subject to appropriations by the general  
11 assembly for the purposes of this article 60.

12 (22) THE COMMISSION SHALL CREATE AND MAINTAIN A WEBSITE  
13 THAT SERVES AS THE STATE PORTAL FOR INFORMATION AND DATA  
14 REGARDING THE COMMISSION'S REGULATORY ACTIVITIES."

15 Renumber succeeding sections accordingly.

16 Page 6, line 12, strike "(I)".

17 Page 6, strike lines 17 through 25.

18 Page 10, after line 20 insert:

19 "(11) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY  
20 COUNTY, MUNICIPALITY, OR CITY AND COUNTY."

21 Renumber succeeding subsections accordingly.

- 1 Page 11, line 9, strike "(4)" and substitute "(4); and **add (5)**".
- 2 Page 11, after line 21 insert:  
3 "(5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
4 CONTRARY, GEOTHERMAL RESOURCES ASSOCIATED WITH NONTRIBUTARY  
5 GROUNDWATER SHALL NOT BE TRANSFERRED SEPARATELY FROM THE  
6 NONTRIBUTARY GROUNDWATER."
- 7 Page 12, lines 4 and 5, strike "THE OWNER OR OPERATOR OF THE WELL  
8 SHALL OBTAIN AN OPERATIONS PERMIT" and substitute "AN OPERATIONS  
9 PERMIT MUST BE OBTAINED".
- 10 Page 15, strike lines 5 and 6 and substitute "RESOURCES CONSISTENT WITH  
11 THE REQUIREMENTS DESCRIBED IN SECTION 37-90-137".
- 12 Page 15, line 9, strike "IN ACCORDANCE WITH SECTION 37-90-137 (4)" and  
13 substitute "CONSISTENT WITH THE REQUIREMENTS DESCRIBED IN SECTION  
14 37-90-137".
- 15 Page 15, strike line 12 and substitute "DETERMINATION MUST RELY ON  
16 THE DEFINITION OF NONTRIBUTARY GROUNDWATER PURSUANT TO SECTION  
17 37-90-103 (10.5) AS DETERMINED BY:".
- 18 Page 16, strike lines 2 through 4 and substitute "~~obtained from the state  
19 engineer. This requirement shall not apply to~~ Nondiversionary utilization  
20 methods DO NOT REQUIRE A USE PERMIT PURSUANT TO SUBSECTION (1) OF  
21 THIS SECTION BUT ARE SUBJECT TO THE RULES ADOPTED PURSUANT TO  
22 SECTION 37-90.5-106 (1)(a)(I) AND (1)(b)(I); however, ~~such exemption~~".
- 23 Page 16, line 10, strike "OPERATIONS." and substitute "OPERATIONS USING  
24 ALLOCATED GEOTHERMAL RESOURCES."
- 25 Page 16, line 24, after "RESOURCE" insert "ASSOCIATED WITH TRIBUTARY  
26 GROUNDWATER".
- 27 Page 21, line 4, strike "IMPACTS;" and substitute "IMPACTS, INCLUDING  
28 ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS;".
- 29 Page 22, line 5, strike "(1.5)" and substitute "(1.3), (1.5)".
- 30 Page 22, after line 10 insert:

1           "(1.3) "LOCAL GOVERNMENT" MEANS A HOME RULE OR  
2 STATUTORY COUNTY, MUNICIPALITY, OR CITY AND COUNTY."

3 Page 24, after line 26 insert:

4           "(5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
5 CONTRARY, NOTHING IN THIS SECTION ESTABLISHES, ALTERS, IMPAIRS, OR  
6 NEGATES THE ABILITY OF A LOCAL GOVERNMENT TO REGULATE LAND USE  
7 RELATED TO INTRASTATE UNDERGROUND NATURAL GAS STORAGE  
8 FACILITIES."

9 Page 28, line 3, strike "(1)(g) and (4)(d)" and substitute "(1)(g), (4)(d),  
10 and (4)(e)".

11 Page 29, line 3, strike "AND".

12 Page 29, line 5, strike "37-90.5-110." and substitute "37-90.5-110;".

13 Page 29, after line 6 insert:

14           "(e) TO CREATE AND MAINTAIN THE WEBSITE DESCRIBED IN  
15 SECTION 34-60-106 (22)."

16 Page 41, strike lines 7 through 16.

17 Renumber succeeding sections accordingly.

18 Page 43, line 16, strike "chief inspector of coal mines." and substitute  
19 "COAL MINING REGULATORY AUTHORITY."

20 Strike "RIGHTS," on: **Page 14**, lines 5, 9, 17, and 24.

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