

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0630.01 Thomas Morris x4218

SENATE BILL 21-114

SENATE SPONSORSHIP

Kirkmeyer,

HOUSE SPONSORSHIP

(None),

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING THE ESTABLISHMENT OF A MINIMUM SETBACK
102 REQUIREMENT FROM EXISTING OIL AND GAS FACILITIES FOR
103 NEW PUBLIC SCHOOL BUILDING SITES.

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>.)

The bill requires that proposed public school building sites be set back from existing oil and gas facilities a distance that is no less than:

- The setback distance required by the local government having land use jurisdiction over the site for locating new oil and gas facilities from public school properties; or

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.

- If there are no local government setback requirements, the setback distance required by the oil and gas conservation commission for siting new oil and gas facilities from existing public school properties.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-32-124, **amend**
3 (1)(d); and **add** (1)(a.5) as follows:

4 **22-32-124. Building codes - zoning - planning - fees - rules -**
5 **definitions.** (1) (a.5) (I) THE PROPOSED SCHOOL BUILDING SITE MUST BE
6 SET BACK FROM AN EXISTING OIL AND GAS FACILITY BY A DISTANCE,
7 MEASURED FROM THE PROPERTY LINE, OF NO LESS THAN:

8 (A) THE SETBACK DISTANCE REQUIRED BY THE LOCAL
9 GOVERNMENT HAVING LAND USE JURISDICTION OVER THE SITE FOR SITING
10 NEW OIL AND GAS FACILITIES FROM EXISTING SCHOOL PROPERTIES; OR

11 (B) IF THERE ARE NO LOCAL GOVERNMENT SETBACK
12 REQUIREMENTS, THE SETBACK DISTANCE REQUIRED BY THE OIL AND GAS
13 CONSERVATION COMMISSION CREATED IN SECTION 34-60-104.3 FOR SITING
14 NEW OIL AND GAS FACILITIES FROM EXISTING SCHOOL PROPERTIES.

15 (II) AS USED IN THIS SUBSECTION (1)(a.5), "EXISTING OIL AND GAS
16 FACILITY" MEANS AN OIL AND GAS FACILITY, AS DEFINED IN SECTION
17 34-60-103 (6.2), THAT HAS BEEN PERMITTED, REGARDLESS OF WHETHER
18 IT HAS BEEN CONSTRUCTED, AND:

19 (A) INCLUDES SHUT-IN WELLS; AND

20 (B) EXCLUDES PLUGGED AND ABANDONED WELLS.

21 (d) EXCEPT AS PROVIDED IN SUBSECTION (1)(a.5) OF THIS SECTION,
22 nothing in this subsection (1) ~~shall be construed to limit~~ LIMITS the
23 authority of a board of education to finally determine the location of the

1 public schools of the school district and construct necessary buildings and
2 structures.

3 **SECTION 2. Effective date - applicability.** This act takes effect
4 August 1, 2021, and applies to the acquisition of land or any contracting
5 for the purchase of land for public schools occurring on or after said date.

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