A BILL FOR AN ACT

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

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

**SECTION 1.** In Colorado Revised Statutes, 34-60-102, **amend**

(1)(a)(I) as follows:

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

(I) **Foster** REGULATE 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. **AS SPECIFIED IN SECTION 34-60-104.7, THE BALANCED
DEVELOPMENT OF OIL AND GAS RESOURCES MUST BE IMPLEMENTED IN A
MANNER CONSISTENT WITH SUCH PROTECTION.**

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

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

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

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