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

CONCERNING THE ESTABLISHMENT OF A MINIMUM SETBACK
REQUIREMENT FROM EXISTING OIL AND GAS FACILITIES FOR
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
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.

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

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

22-32-124. Building codes - zoning - planning - fees - rules - definitions. (1) (a.5) (I) The proposed school building site must be set back from an existing oil and gas facility by a distance, measured from the property line, of no less than:

(A) The setback distance required by the local government having land use jurisdiction over the site for siting new oil and gas facilities from existing school properties; or

(B) If there are no local government setback requirements, the setback distance required by the oil and gas conservation commission created in section 34-60-104.3 for siting new oil and gas facilities from existing school properties.

(II) As used in this subsection (1)(a.5), "existing oil and gas facility" means an oil and gas facility, as defined in section 34-60-103 (6.2), that has been permitted, regardless of whether it has been constructed, and:

(A) Includes shut-in wells; and

(B) Excludes plugged and abandoned wells.

(d) Except as provided in subsection (1)(a.5) of this section, nothing in this subsection (1) shall be construed to limit the authority of a board of education to finally determine the location of the
public schools of the school district and construct necessary buildings and structures.

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

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