

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0460.01 Jennifer Berman x3286

HOUSE BILL 17-1256

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HOUSE SPONSORSHIP

Foote,

SENATE SPONSORSHIP

(None),

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House Committees

Health, Insurance, & Environment

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING A CLARIFICATION OF THE MINIMUM DISTANCE FROM  
102 WHICH CERTAIN OIL AND GAS FACILITIES MUST BE LOCATED  
103 FROM ANY SCHOOL.

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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>.)*

As part of the Colorado oil and gas conservation commission's (commission) authority to regulate oil and gas operations to prevent and mitigate significant adverse environmental impacts to protect public health, safety, and welfare, the commission requires oil and gas production facilities and wells to be located at least 1,000 feet from

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

school buildings and other high occupancy buildings. The bill clarifies that the minimum 1,000-foot distance from which newly permitted oil and gas production facilities and wells must be located from any school applies to the school property line and not the school building. The bill further clarifies that it does not apply if a school commences operations near oil and gas facilities or wells that are already actively in use or permitted.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 34-60-131 as  
3 follows:

4 **34-60-131. Mandatory distance requirement from schools -**  
5 **legislative declaration - definitions.** (1) THE GENERAL ASSEMBLY  
6 HEREBY FINDS, DETERMINES, AND DECLARES THAT, AS PART OF THE PUBLIC  
7 INTEREST IN PROTECTING PUBLIC HEALTH, SAFETY, AND WELFARE, THE  
8 MANDATORY MINIMUM DISTANCE ESTABLISHED BY RULE BY THE  
9 COLORADO OIL AND GAS CONSERVATION COMMISSION FOR OIL AND GAS  
10 PRODUCTION FACILITIES AND WELLS FROM A SCHOOL SHOULD BE  
11 CALCULATED AS THE DISTANCE FROM THE SCHOOL PROPERTY LINE AND  
12 NOT THE DISTANCE FROM A SCHOOL BUILDING.

13 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
14 REQUIRES:

15 (a) "OIL AND GAS PRODUCTION FACILITY" MEANS THE  
16 STRUCTURES, APPURTENANT EQUIPMENT, AND LAND ASSOCIATED WITH OIL  
17 AND GAS OPERATIONS, INCLUDING STRUCTURES, EQUIPMENT, AND LAND  
18 USED FOR OIL OR GAS EXPLORATION, PRODUCTION, STORAGE, SEPARATION,  
19 OR TREATMENT, OR FOR WELL DRILLING, SITING, PUMPING, OR  
20 MONITORING.

21 (b) "SCHOOL" MEANS A SCHOOL, AS DEFINED IN SECTION 22-7-703  
22 (4), PRIVATE SCHOOL, AS DEFINED IN SECTION 22-30.5-103 (6.5), OR A

1 CHILD CARE CENTER, AS DEFINED IN SECTION 26-6-102 (5).

2 (c) "WELL" MEANS A WELL USED IN CONNECTION WITH OIL AND  
3 GAS OPERATIONS. "WELL" INCLUDES AN UNDERGROUND INJECTION WELL,  
4 A GAS STORAGE WELL, AND AN OBSERVATION WELL.

5 (3) (a) NEWLY PERMITTED OIL AND GAS PRODUCTION FACILITIES  
6 AND WELLS MUST BE LOCATED AT LEAST ONE THOUSAND FEET FROM ANY  
7 SCHOOL, AS CALCULATED BY THE DISTANCE FROM THE SCHOOL PROPERTY  
8 LINE, NOT FROM THE SCHOOL BUILDING, BY MEASURING THE DISTANCE  
9 FROM THE NEAREST PROPERTY LINE OF THE LAND USED FOR SCHOOL  
10 PURPOSES TO THE NEAREST PORTION OF THE OIL AND GAS FACILITY OR  
11 WELL.

12 (b) THE REQUIRED MINIMUM DISTANCE DESCRIBED IN SUBSECTION  
13 (3)(a) OF THIS SECTION DOES NOT APPLY TO ANY OIL AND GAS PRODUCTION  
14 FACILITIES OR WELLS ACTIVELY IN USE OR PERMITTED AT THE TIME THAT  
15 THE SCHOOL COMMENCES OPERATIONS.

16 **SECTION 2. Applicability.** This act applies to oil and gas  
17 production facilities and wells permitted on or after the effective date of  
18 this act.

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