

HB1217\_L.003

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government.HB14-1217 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 30-11-302, amend  
4 (3) as follows:

5 **30-11-302. Oil, gas, and mineral rights - reservation of - sale.**  
6 (3) Mineral rights, ~~other than~~ INCLUDING oil and gas reserved, as  
7 provided in this section may be leased for exploration, development, and  
8 production purposes upon such terms and conditions as may be prescribed  
9 and contracted by the board of county commissioners in the exercise of  
10 its best judgment and as such board deems to be for the best interests of  
11 the county. ~~Any such lease of mineral rights, other than oil and gas, shall~~  
12 ~~be for a term not to exceed twenty-five years and as long thereafter as~~  
13 ~~such minerals are produced.~~ Leases of any such mineral rights,  
14 INCLUDING OIL AND GAS, made or entered into by the board in conformity  
15 with the provisions of this section prior to ~~February 25, 1955~~ JANUARY 1,  
16 2014, are hereby confirmed, validated, and declared to be legal, and valid,  
17 insofar as AND WITHIN the authority of ~~any such~~ THE board is concerned  
18 OF COUNTY COMMISSIONERS.

19 SECTION 2. In Colorado Revised Statutes, amend 30-11-303 as  
20 follows:

21 **30-11-303. Oil and gas rights - leases - royalties.** (1) Any  
22 county acting by its board of county commissioners may lease any real  
23 estate or any interest therein owned by the county for oil and gas  
24 exploration, development, and production, AND REVENUE GENERATION  
25 purposes upon such terms and conditions as may be prescribed and  
26 contracted APPROVED by the board of county commissioners in the  
27 exercise of its best judgment, and as such board deems to be for the best  
28 interests of the county.

29 (2) ~~Any such lease of oil and gas rights shall be for a term not to~~  
30 ~~exceed five years and as long thereafter as oil or gas is produced and shall~~  
31 ~~provide for a royalty of not less than twelve and one-half percent of all oil~~  
32 ~~and gas produced, saved, and marketed, or the equivalent market value~~  
33 ~~thereof, which royalty may be reduced proportionately under appropriate~~  
34 ~~provision in such lease if the interest of the county is less than a full~~  
35 ~~interest in the land or oil and gas rights in the land described in such~~  
36 ~~lease.~~

37 (3) ~~When, in the opinion of the board of county commissioners~~



1 and because of the size, shape, or current use of any tract of county real  
2 estate, the public interest so requires, any lease of such tract may provide  
3 that no drilling shall be conducted on the land covered thereby, in which  
4 case such lease shall be for a term not to exceed ten years and so long  
5 thereafter as the county may share in royalties payable on account of  
6 production of oil or gas from lands adjacent to such tract of county land  
7 so leased.

8 **SECTION 3.** In Colorado Revised Statutes, **amend** 31-23-107 as  
9 follows:

10 **31-23-107. Public property dedicated.** All streets, parks, and  
11 other places designated or described as for public use on the map or plat  
12 of any city, or town, CITY AND COUNTY, OR COUNTY or of any addition  
13 made to such city, or town, CITY AND COUNTY, OR COUNTY are public  
14 property and the fee title thereto IS vested in such city, or town, CITY AND  
15 COUNTY, OR COUNTY.

16 **SECTION 4.** In Colorado Revised Statutes, **amend** 38-30-107 as  
17 follows:

18 **38-30-107. Estate granted deemed fee simple unless limited.**  
19 Every estate in land which is granted, conveyed, or devised, ~~to one~~  
20 although other words necessary to transfer an estate of inheritance are not  
21 added, ~~shall be deemed~~ IS a fee simple estate of inheritance if a lesser  
22 estate is not limited by express words or ~~does not appear to be granted,~~  
23 ~~devised, or conveyed~~ IS NOT LIMITED BY THE GRANT, DEVISE, OR  
24 CONVEYANCE by operation of law.

25 **SECTION 5.** In Colorado Revised Statutes, **amend** 43-1-203 as  
26 follows:

27 **43-1-203. Definitions.** As used in this part 2, unless the context  
28 otherwise requires:

29 (1) "Highway" includes bridges, ~~on the roadway and~~ culverts,  
30 sluices, drains, ditches, waterways, embankments, retaining walls, trees,  
31 shrubs, and fences WITHIN, along, or upon the ~~same and within the~~  
32 ROADWAY LAND OR right-of-way, and any subsurface support acquired in  
33 accordance with section 43-1-209.

34 **SECTION 6.** In Colorado Revised Statutes, **amend** 43-1-209 as  
35 follows:

36 **43-1-209. Subsurface support deemed acquired.** Whenever real  
37 property is acquired for road, highway, or mass transit purposes, whether  
38 such acquisition is by purchase, lease, or other means or by eminent  
39 domain, REGARDLESS OF WHETHER A FEE, LIMITED FEE, OR RIGHT-OF-WAY  
40 IS ACQUIRED, the right to subsurface support of ~~such real property~~ THE  
41 LAND SURFACE is deemed to be acquired therewith; except that no right



1 to oil, natural gas, or other mineral resources beneath such real property  
2 shall be acquired by a governmental entity through condemnation OR  
3 PRESCRIPTION unless the acquiring authority determines that such  
4 acquisition is required for subsurface support. In the event the acquiring  
5 authority determines that public convenience, necessity, and safety do not  
6 require such subsurface support or determines that only a part of such  
7 subsurface support is required for public convenience, necessity, and  
8 safety, such acquiring authority may specifically exclude OR REMOVE such  
9 subsurface support, either in whole or in part, in such acquisition in  
10 accordance with said determination.

11 **SECTION 7.** In Colorado Revised Statutes, **amend** 43-2-201 (1)  
12 (a) and (1) (b) as follows:

13 **43-2-201. Public highways.** (1) The following are declared to be  
14 public highways:

15 (a) All ~~roads over private~~ lands dedicated to the public use by  
16 deed ~~to that effect~~ CONVEYING A FEE SIMPLE, LIMITED FEE, EASEMENT, OR  
17 RIGHT-OF-WAY, filed with the county clerk and recorder of the county in  
18 which such ~~roads are~~ LAND IS situate, when such dedication has been  
19 accepted by the board of county commissioners AND, NOTWITHSTANDING  
20 THE FEE OR OTHER ESTATE CONVEYED, THE SURFACE OF THE LAND IS  
21 ACCEPTED BY THAT BOARD FOR USE AS A PUBLIC ROAD. THE FEE OR OTHER  
22 ESTATE CONVEYED FROM THE GRANTOR TO THE GRANTEE IS  
23 CONCLUSIVELY ESTABLISHED BY THE LANGUAGE IN THE DEED OF  
24 CONVEYANCE THAT IS PRE-PRINTED OR INSERTED BY THE GRANTOR OR THE  
25 GRANTEE. A certificate of the county clerk and recorder with whom such  
26 deed is filed, showing the date of the dedication and the lands so  
27 dedicated, shall be filed with the county assessor of the county in which  
28 such ~~roads are~~ ROAD IS situate.

29 (b) All ~~roads over private or~~ other lands dedicated to public ROAD  
30 uses by due process of law and not heretofore vacated by an order of the  
31 board of county commissioners duly entered of record in the proceedings  
32 of said board;

33 **SECTION 8. Act subject to petition - effective date.** This act  
34 takes effect September 1, 2014; except that, if a referendum petition is  
35 filed pursuant to section 1 (3) of article V of the state constitution against  
36 this act or an item, section, or part of this act within the ninety-day period  
37 after final adjournment of the general assembly, then the act, item,  
38 section, or part will not take effect unless approved by the people at the  
39 general election to be held in November 2014 and, in such case, will take  
40 effect on the date of the official declaration of the vote thereon by the  
41 governor."

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