

Testimony by Neil Ray NARO Colorado Board Member HB1119

News reporters have asked our members why this bill is necessary, why not wait for the Governor's Task Force recommendations?

NARO members attended all of the task force meetings, and many of them listened to the streamed audio. None of us heard strong support of our private property rights. What we heard was chilling.

We heard a Boulder County Commissioner plead to shield her and fellow Commissioners from any lawsuit for their decision to impose a long term moratorium.

We heard a Law professor from the Environmental Law Clinic at the University of Denver put forward a fanciful theory of property law that bore no resemblance to what he was taught in law school, or what 200 years of case law has established as precedent.

We heard testimony from special interest groups calling for total bans.

Other special interest groups called for cessation of permitting until studies prove fracking safe. They cite the precautionary principle. They hope no one reasons through the failure of this principle. You cannot study something you ban. You certainly will never prove it safe, or prove anything with this principle.

Fortunately here in the U.S. you have ample data to study fracking. Hundreds of thousands of oil field workers, and millions of wells fracked over decades provide data for risk assessment, health studies, econometric studies, every factor associated with oil and gas extraction is available to study from a long history.

We have heard advocates call for the state police power of eminent domain to be illegally delegated to private groups and even individual citizens. This would give adjacent property owners the right to prohibit our use and enjoyment of our private property. They advocate upending the reasonable accommodation doctrine, and the legal concept of correlative right, resulting in the waste of a valuable resource.

Contrast this to what we witnessed at each meeting. We saw overwhelming support from the agriculture and business communities of an industry important to the State. County Commissioners and members of city governments where the most extensive oil and gas development is ongoing stated that they did not need more regulatory power than what they already have.

And now, what we have seen proposed since the adjournment of the last task force session does not give us any confidence that our private property is protected from being taken without just compensation.

That is why this bill is necessary.