

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013—14 REGULAR SESSION

ASSEMBLY BILL

No. 1301

Introduced by Assembly Member Bloom

February 22, 2013

An act to amend Section 75002 of *add Sections 3017 and 3203.5 to the Public Resources Code, relating to water resources oil and gas.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1301, as amended, Bloom. ~~The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.~~ *Oil and gas: hydraulic fracturing.*

Under existing law, the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation regulates the drilling, operation, maintenance, and abandonment of oil and gas wells in the state. The State Oil and Gas Supervisor supervises the drilling, operation, maintenance, and abandonment of wells and the operation, maintenance, and removal or abandonment of tanks and facilities related to oil and gas production within an oil and gas field regarding safety and environmental damage. Existing law requires an operator of a well, before commencing the work of drilling the well, to obtain approval from the supervisor or a district deputy. Under existing law, a person who violates any provision specific to the regulation of oil or gas operations is guilty of a misdemeanor.

This bill would define "hydraulic fracturing" and would prohibit hydraulic fracturing in oil and gas operations until the Legislature enacts subsequent legislation that determines whether and under what conditions hydraulic fracturing may be conducted while protecting the public health and safety and the natural resources of the state.

Because this bill would create a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, approved by the voters as Proposition 84 at the November 7, 2006, statewide general election, finds and declares that protecting the state’s drinking water and water resources is vital to the public health, the state’s economy, and the environment.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3017 is added to the Public Resources
2 Code, to read:

3 3017. “Hydraulic fracturing” means a technique used in
4 preparing a well that typically involves the pressurized injection
5 of water and chemicals, compounds, and materials into an
6 underground geologic formation in order to expand existing
7 fractures or create new fractures in that formation, thereby causing
8 or enhancing the production of oil or gas from a well. Hydraulic
9 fracturing shall include the terms “fracking,” “hydrofracking,”
10 “hydrofracturing,” “unconventional shale drilling,” and other
11 colloquial terms referencing this drilling technique.

12 SEC. 2. Section 3203.5 is added to the Public Resources Code,
13 to read:

14 3203.5. (a) Notwithstanding any other law, hydraulic
15 fracturing operations are prohibited.

16 (b) This section shall remain in effect until the Legislature enacts
17 subsequent legislation that determines whether and under what
18 conditions hydraulic fracturing may be conducted while protecting
19 the public health and safety and the natural resources of the state.

1 *SEC. 3. No reimbursement is required by this act pursuant to*
2 *Section 6 of Article XIII B of the California Constitution because*
3 *the only costs that may be incurred by a local agency or school*
4 *district will be incurred because this act creates a new crime or*
5 *infraction, eliminates a crime or infraction, or changes the penalty*
6 *for a crime or infraction, within the meaning of Section 17556 of*
7 *the Government Code, or changes the definition of a crime within*
8 *the meaning of Section 6 of Article XIII B of the California*
9 *Constitution.*

10 ~~SECTION 1. Section 75002 of the Public Resources Code is~~
11 ~~amended to read:~~

12 ~~75002. The people of California find and declare that protecting~~
13 ~~the drinking water and water resources of the state are vital to the~~
14 ~~public health, the economy of the state, and the environment.~~