

States Take the Lead on Regulating Hydraulic Fracturing

Overview of 2012 State Legislation

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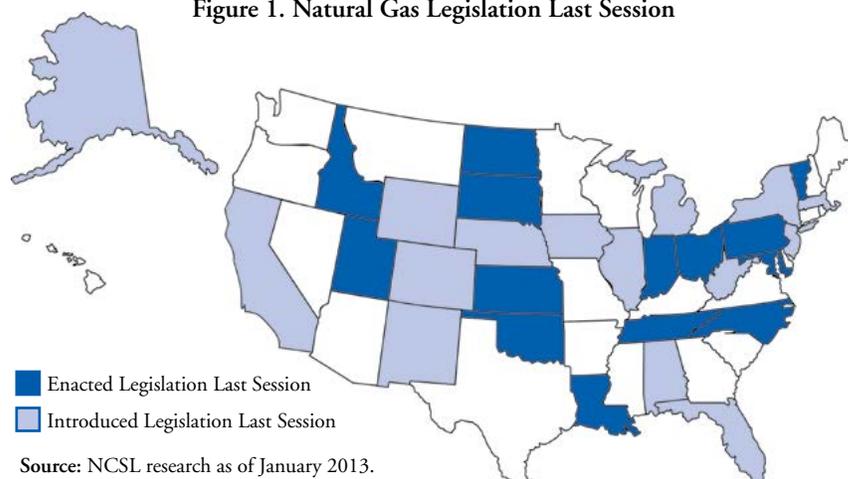
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Recent technological advances in hydraulic fracturing and horizontal drilling have opened up unconventional natural gas resources that were inaccessible or uneconomical to develop just a decade ago. Supplies have been expanded so much that some project current consumption levels could be sustained for another 90 years. This abundant domestic supply of a relatively cheap and clean-burning fossil fuel offers not only energy security and reliability benefits, but also tremendous economic potential to state and local economies through job creation, economic growth, tax revenues and lower natural gas prices.

Rapid expansion into sometimes densely populated regions and areas unfamiliar with resource extraction, however, has increased public concern about the potential effects on human health and the environment. In particular, heightened attention has focused on natural gas extraction impacts on public drinking water resources and air quality.

Although a number of federal regulations govern the hydraulic fracturing process, states have regulatory primacy. Many legislatures are examining how to ensure safe extraction of natural gas while also taking advantage of its tremendous economic potential. More than 170 bills in 29 states were introduced last legislative session (including those introduced in 2011-2012 for carry-over in some states or only those introduced in 2012 for other states). While this reflects a high level of state interest and activity, only 14 of the 29 states enacted legislation, suggesting that some states still may be exploring the level and type of regulation that may be most suitable for their unique needs. This activity is illustrated in Figure 1.

Figure 1. Natural Gas Legislation Last Session



Legislative Trends

Legislative proposals have spanned many areas of natural gas development, from exploring avenues for generating revenue to measures to help protect the environment and human health. Specific proposals addressed severance taxes, impact fees, well spacing and setback requirements, waste treatment and disposal regulations, hydraulic fracturing fluid additives and composition disclosure, and levels of governance regarding who should have authority to regulate.

Tables 1 through 4 in the appendix summarize legislation on specific topics; Table 5 lists enacted legislation, and Table 6 contains a full list of legislation introduced last session.

Disclosure of Hydraulic Fracturing Fluid Components

One of the most frequently addressed topics related to natural gas drilling relates to increasing transparency and monitoring of the fluids that are injected in the process by requiring disclosure of hydraulic fracturing fluid components. Both existing requirements and state legislative proposals vary significantly. Some states are considering

requiring lists of additives, while others are further requiring disclosure of fluid composition. Addressing trade secrets in this context has been of particular interest.

Wyoming was the first state to approve rules requiring public disclosure in June 2010, and Texas became the first state in 2011 to pass this requirement through legislation. As illustrated in Figure 2, at least 35 bills in 14 states were introduced on this issue last session, but bills passed in only three (see Enacted Legislation section and appendix Table 5).

Table 1 contains a full list of state legislation on this topic.

Figure 2. Hydraulic Fracturing Fluid Disclosure



Source: NCSL research as of January 2013.

Severance Taxes

One way for states to capture the economic benefits natural gas development offers is through severance taxes. These excise taxes on resources extracted from the earth have historically been a significant source of revenue for energy-rich states. Most natural gas-producing states have some form of severance tax (detailed in a 2012 NCSL article, [Oil and Gas Severance Taxes: States Work to Alleviate Fiscal Pressures Amid the Natural Gas Boom](#)). Revenues often are used to help localities offset the impacts of local drilling activities, fund environmental and conservation projects, or to help balance state budgets.

Twelve states introduced legislation last session that addressed severance taxes; two of the 12 enacted legislation (see Figure 3). The bills varied significantly. While some states are looking to either impose new taxes or amend existing tax structures, others are aiming to alter revenue allocation methods or introduce tax

exemptions and credits for certain wells. For instance, Idaho enacted H.B. 379 to impose a tax on oil and gas produced, saved, and sold or transported in the state.

Figure 3. Severance Tax Legislation



Source: NCSL research as of January 2013.

A few bills were introduced in Alaska to provide tax credits for oil and gas produced in specified basins. Further, some states are examining revenue allocation—Alabama’s H.B. 649 (failed—adjourned) would have allocated a portion of the oil and gas production tax proceeds to the State Oil and Gas Board of Alabama and the Geological Survey of Alabama.

Table 2 contains a full list of state legislation on this topic.

Levels of Governance

Ten states introduced and five states passed legislation addressing who should govern hydraulic fracturing, with most designating explicit authority to regulate to the states (see Figure 4). Five states—Idaho, Kansas, North Dakota, South Dakota and Utah—passed bills or resolutions delegating responsibility to the states. On the other hand, a bill in New York (S.B. 5830—failed/adjourned) would have authorized local governments to consider whether natural gas drilling should be allowed within their zoning ordinances. Similarly, Ohio’s S.B. 318 (failed—adjourned) would have prohibited drilling in an urbanized area unless it complied with zoning requirements of the township in which the well is located.

Table 3 contains a full list of state legislation on this topic.

Figure 4. Levels of Governance Legislation



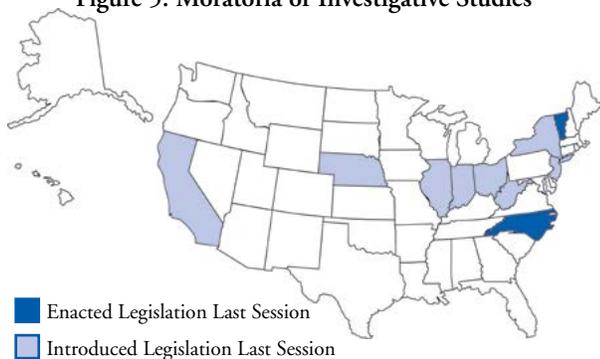
Source: NCSL research as of January 2013.

Moratoria or Studies to Investigate Impacts

Some states are considering natural gas drilling moratoria until more is learned about its potential impacts or are seeking to require investigative studies prior to pursuing extraction activities. Ten states introduced and two states passed related legislation (see Figure 5).

Table 4 contains a full list of state legislation on this topic.

Figure 5. Moratoria or Investigative Studies



Source: NCSL research as of January 2013.

Enacted Legislation

Fourteen states enacted legislation last session addressing natural gas development.

Five states addressed levels of governance:

- Idaho—H.B. 464—limited local restrictions relating to oil and gas production and provided legislative intent to regulate oil and gas exploration and production.
- Kansas—H.B. 2526—provided explicit authority for the Kansas Corporation Commission to regulate hydraulic fracturing.

- North Dakota—H.C.R. 3053—urged Congress to clearly limit U.S. EPA regulation of hydraulic fracturing.
- South Dakota—H.C.R. 1005—urged Congress to clearly delegate responsibility for regulating hydraulic fracturing to the states.
- Utah—S.C.R. 12—urged Congress to clearly delegate responsibility for regulating hydraulic fracturing to the states.

Three states addressed fluid disclosure:

- Indiana—H.B. 1107—required the Natural Resources Commission to adopt rules addressing reporting and disclosure of hydraulic fracturing treatments.
- Louisiana—H.B. 957—provided for the disclosure of hydraulic fracturing fluid composition within 20 days of hydraulically fracturing a well.
- Pennsylvania—H.B. 1950—addressed a number of topics—such as impact fees, well setbacks, local ordinances and well location restrictions—and included provisions pertaining to disclosure.

Other:

- Idaho—H.B. 379—provided for the levy and imposition of a tax on all oil and gas produced, saved and sold, or transported from the spot of production in the state.
- Maryland—H.B. 1123—established a presumptive impact area around gas wells and required certain water supplies to be replaced.
- North Carolina—S.B. 820—required the Mining and Energy Commission and other agencies to develop a modern regulatory program to manage horizontal drilling and hydraulic fracturing.
- Ohio—S.B. 315—made various changes to the state’s energy laws and included provisions related to horizontal well production training and employment.
- Oklahoma—S.B. 885—addressed the gross production tax and taxes on certain types of production.
- Tennessee—H.R. 98—encouraged a meeting to collaborate and propose regulations to oversee hydraulic fracturing methods.
- Vermont—H.B. 464—prohibited hydraulic fracturing in the state.

Table 5 contains more detailed information about enacted legislation.

Conclusion

Shale gas has transformed the domestic energy outlook. Natural gas development offers tremendous economic benefits such as jobs, generated revenue and lower gas prices. As development has moved into more densely populated regions, however, public concern has increased about its potential effects on human health and the environment. State legislatures are exploring how to ensure that this important domestic resource is developed safely, while also taking advantage of its economic potential.

Appendix

Table 1. Hydraulic Fracturing Fluid Disclosure Requirement Legislation

State	Bill	Introduced	Last Action	Status	Summary
California	A.B. 7	12/3/2012	To Assembly Committee on Natural Resources on 01/14/2013.	Pending	Would require data on hydraulic fracturing treatments to be recorded, including risks posed by potential seismicity. Would require an operator to file a notice of intention to hydraulically fracture with the supervisor or a district deputy, including chemical substances, and for this information to be posted on a specified website.
	S.B. 4	12/3/2012	To Senate Committees on Natural Resources and Water and Public Safety on 01/10/2013.	Pending	Would require data on hydraulic fracturing treatments to be recorded, including risk posed by potential seismicity. Would require an operator to file a notice of intention to hydraulically fracture with the supervisor or a district deputy, including chemical substances, and for this information to be posted on a specified website.
	A.B. 591	2/16/2011	Last amended 5/9/2012. To Senate Committee on Appropriations on 08/16/2012.	Failed - adjourned	Would have required a list of the chemical constituents and amount of water and fracturing fluid recovered from the well. Would have required the well history to include information on the amount and source of water used, as well as radiological components or tracers injected into the well.
Illinois	S.B. 3534	2/8/2012	Rereferred to Senate Committee on Assignments on 03/30/2012.	Failed - adjourned	Would have required the Department of Natural Resources to require well operators to complete forms indicating total volume of water used and each chemical ingredient in hydraulic fracturing.
	H.B. 5853	2/16/2012	To House Committee on Rules on 02/16/2012.	Failed - adjourned	Would have required the Department of Natural Resources to require well operators to complete forms indicating total volume of water used and each chemical ingredient in hydraulic fracturing subject to certain federal requirements.
	H.B. 6222	9/4/2012	To House Committee on Rules on 11/09/2012.	Failed - adjourned	Would have required the Department of Natural Resources to require well operators to complete forms indicating total volume of water used and each chemical ingredient in hydraulic fracturing subject to certain federal requirements, and to post the form on a specified website and submit the form to the department.
Indiana	H.B. 1085	1/9/2012	Referred to Committee on Natural Resources on 01/09/2012.	Failed - adjourned	Would have provided for an environmental review of hydraulic fracturing. Would have required the Natural Resources Commission to regulate the practice and would have required operators to disclose chemical constituents used.
	H.B. 1107	1/9/2012	Signed by governor on 02/29/2012. Effective 07/01/2012.	Enacted	Required the Natural Resources Commission to adopt rules addressing reporting and disclosure of hydraulic fracturing treatments. Requires volumes of additives to be disclosed as a maximum percentage of the total fracturing fluid volume.
Louisiana	H.B. 957	3/2/2012	Signed by governor on 06/13/2012.	Enacted	Provided for disclosure of the composition of hydraulic fracturing fluids within 20 days following hydraulic fracturing of a well. Reporting must include type and volume of the fluid; additives used, including the specific trade name and supplier of additive; and the maximum concentration of each ingredient in percentage by mass.

State	Bill	Introduced	Last Action	Status	Summary
Maryland	H.B. 1170	2/10/2012	Report by Environmental Matters on 03/14/2012	Failed - withdrawn	Would have required reporting of chemicals used and their concentrations, amount of water used, amount of flowback or waste generated, actions taken to dispose of flowback, and more. Records would have been updated weekly and made publicly accessible on the permit holder's website.
Massachusetts	H.B. 3055	1/21/2011	From Joint Committee on Telecommunications, Utilities and Energy on 10/04/2012.	Failed - adjourned	Would have required reporting of hydraulic fracturing processes.
Nebraska	L.B. 877	1/6/2012	Indefinitely postponed on 01/31/2012.	Failed - indefinitely postponed	Would have required disclosure of hydraulic fracturing treatment information.
New Mexico	H.B. 187	1/25/2012	Action postponed indefinitely.	Failed - adjourned	Would have required disclosure of hydraulic fracturing fluid composition.
New York	S.B. 425	1/5/2011	Withdrawn from Senate Committee on Environmental Conservation. To Senate Committee on Rules on 03/12/2012.	Failed - adjourned	Would have provided for the promulgation of rules and regulations to prohibit the use of fluids that contain a chemical substance that pose risks to human health. Would have required disclosure of all fluid components and would have placed a moratorium on well permits until such rules are adopted.
	A.B. 2922	1/21/2011	From Assembly Committee on Codes to Assembly Committee on Environmental Conservation on 01/04/2012.	Failed - adjourned	Would have provided for promulgation of rules and regulations to prohibit the use of fluids that contain a chemical substance that poses risks to human health. Would have required disclosure of all fluid components.
	S.B. 6894	4/4/2012	To Senate Committee on Environmental Conservation on 04/04/2012.	Failed - adjourned	Would have authorized creation of a geographic information system-based display that would provide high-volume hydraulic fracturing information to the public, such as locations of wells, location of public water supply wells and intakes, and the stage of operation for each well.
	S.B. 5879	9/12/2011	Amended in Senate Committee on Rules on 12/23/2011.	Failed - adjourned	Would have required disclosure of the composition of hydraulic fracturing fluids to the Department of Environmental Conservation. Additive and chemical concentrations would have to be disclosed and expressed as pounds per 1,000 gallons or gallons per 1,000 gallons, and expressed as a percentage by volume of the fracturing fluid used.
	A.B. 8805	1/4/2012	Amended in Assembly Committee on Environmental Conservation on 02/01/2012.	Failed - adjourned	Would have required disclosure of the composition of hydraulic fracturing fluids and provided that producers are liable for any and all damages arising from hydraulic fracturing.
	A.B. 10209	5/11/2012	To Assembly Committee on Environmental Conservation on 05/11/2012.	Failed - adjourned	Would have authorized creation of a geographic information system-based display that would provide high-volume hydraulic fracturing information to the public, such as locations of wells, location of public water supply wells and intakes, and the stage of operation for each well.
	A.B. 6426	3/17/2011	To Assembly Committee on Environmental Conservation on 03/17/2011.	Failed - adjourned	Would have required disclosure of hydraulic fracturing materials. Would have prohibited natural gas drilling near watersheds and would have required permits for water withdrawals of more than 5,000 gallons per day.

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State	Bill	Introduced	Last Action	Status	Summary
Ohio	S.B. 379	10/4/2012	To Committee on Agriculture, Environment and Natural Resources.	Pending	Would have revised requirements concerning oil and gas permit applications, completion records, and designations of trade secret protections for chemicals used to drill. Would have addressed disclosure of chemical information to a medical professional and would have required owners to report all chemicals brought to a well site.
Pennsylvania	H.B. 1950	11/1/2011	Enacted 02/14/2012.	Enacted	Addressed well permits, well location restrictions, protection of water supplies, well reporting requirements, bonding, civil penalties, local ordinances, containment, emergency response, impact fees and more.
	H.B. 24	10/6/2011	To House Committee on Environmental Resources and Energy on 10/06/2011.	Failed - adjourned	Would have required operators to disclose total volume of water used and chemical ingredients.
	S.B. 1514	5/7/2012	To Senate Committee on Environmental Resources and Energy.	Failed - adjourned	Would have provided for hydraulic fracturing chemical disclosure requirements.
	H.B. 2415	5/31/2012	To House Committee on Environmental Resources and Energy on 05/31/2012.	Failed - adjourned	Would have further provided for hydraulic fracturing chemical disclosure requirements.
	H.B. 1680	6/17/2011	To House Committee on Environmental Resources and Energy on 06/17/2011.	Failed - adjourned	Would have required hydraulic fracturing fluid disclosure to a specified department. Chemical constituents would have been disclosed, but not proprietary chemical formulas. The information would have been made available to the public.
	S.B. 1226	8/30/2011	Corrective reprint issues 09/15/2011.	Failed - adjourned	Would have provided for disclosure of the composition of hydraulic fracturing fluids and would have required the information to be posted on FracFocus.
	H.B. 234	1/26/2011	To House Committee on Environmental Resources and Energy on 1/26/2011.	Failed - adjourned	Would have required the amount of production and waste generated by each well to be reported.
Tennessee	H.B. 3204	1/26/2012	Assigned to Conservation Subcommittee on 02/01/2012.	Failed - adjourned	Would have defined trade secret relative to well drilling. Would have created a notice requirement and prior approval before chemicals are injected into wells, and would have established a disclosure process for injections that involve trade secrets.
	S.B. 3127	1/26/2012	Passed second consideration and referred to Senate E&E Committee on 01/30/2012.	Failed - adjourned	Would have defined trade secret relative to well drilling. Would have created a notice requirement and prior approval before chemicals are injected into wells, and would have established a disclosure process for injections that involve trade secrets.
West Virginia	H.B. 4066	1/13/2012	To House Judiciary Committee on 01/13/2012.	Failed - adjourned	Would have addressed groundwater contamination and spills associated with hydraulic fracturing and disclosure policies.
	H.B. 4266	1/23/2012	To House Judiciary Committee on 01/23/2012.	Failed - adjourned	Would have required material data safety sheets of hydraulic fracturing fluid components to be posted and provided to workers at the well sites, to emergency responders, to local emergency planning committees, and on the West Virginia Department of Environment's website.
Wyoming	S.F. 60	2/13/2012	Failed introduction on 02/14/2012.	Failed - withdrawn	Would have required disclosure of hydraulic fracturing fluids. Would have provided for trade secrets.

Source: NCSL, 2013.

Table 2. Legislation Addressing Severance Taxes

State	Bill	Introduced	Last Action	Status	Summary
Alaska	H.B. 17	1/18/2011	To House Committee on Resources and House Committee on Finance on 01/18/2011.	Failed - Adjourned	Would have provided for different oil and gas production tax rates based on the average production tax value of oil and gas produced during a calendar year.
	H.B. 110	1/18/2011	To Senate Committee on Labor and Commerce, Senate Committee on Resources and Senate Committee on Finance on 04/04/2011.	Failed - Adjourned	Related to the oil and gas production tax rate, monthly installment payments of estimated oil and gas production tax, and production tax credits for certain expenditures, including qualified capital credits for exploration, development and production.
	H.B. 231	4/7/2011	To House Committee on Resources and House Committee on Finance on 04/07/2011.	Failed - Adjourned	Related to oil and gas production tax credits based on capital expenditures, including capital expenditures incurred for a production facility for new oil and gas production; related to the alternative tax credit for oil and gas exploration and would have provided for an effective date.
	H.B. 263	1/17/2012	To House Committee on Resources on 01/17/2012.	Failed - Adjourned	Related to expenditures that must be provided to claim an oil and gas production tax credit and related to the public disclosure of that information.
	H.B. 268	1/17/2012	To House Committee on Labor and Commerce and House Committee on Finance on 01/17/2012.	Failed - Adjourned	Would have addressed reporting requirements for oil and gas production tax credits and oil and gas exploration, production and pipeline transportation property tax credits.
	H.B. 276	1/17/2012	Amended on Senate floor, passed Senate, and to House for concurrence on 04/14/2012.	Failed - Adjourned	Would have provided an oil and gas production tax credit for costs incurred in drilling certain oil or natural gas exploration wells in the Nenana Basin.
	H.B. 280	1/17/2012	To House Committee on Resources and House Committee on Finance on 01/17/2012.	Failed - Adjourned	Would have provided an oil and gas production tax credit for costs incurred in drilling certain oil and gas exploration wells in the Kotzebue Basin or the Selawik Basin.
	H.B. 328	2/17/2012	To House Committee on Resources and House Committee on Finance on 02/17/2012.	Failed - Adjourned	Would have addressed the oil and gas corporate income tax and the credits against the oil and gas corporate income tax. Would have provided for determination of taxable income from oil and gas production, from oil and gas pipeline transportation, and from other activities, and for assessment of income and taxes, credits, and disclosure or information.
	H.J.R. 3	1/18/2011	To House Committee on Judiciary and House Committee on Finance on 01/18/2011.	Failed - Adjourned	Would have amended the Constitution of the State of Alaska creating and relating to the gas revenue endowment fund and limiting appropriations from the fund based on an averaged percent of the fund market value.
	S.B. 49	1/19/2011	To Senate Committee on Resources and Senate Committee on Finance on 01/19/2011.	Failed - Adjourned	Related to the oil and gas production tax rate, monthly installment payments of estimated oil and gas production tax, and oil and gas production tax credits for certain expenditures, including qualified capital credits for exploration, development and production.
	S.B. 71	1/26/2011	To Senate Committee on Resources and Senate Committee on Finance on 01/26/2011.	Failed - Adjourned	Related to oil and gas production tax rates, a rebate of the production tax on oil and gas based on the employment of resident workers, credits against the oil and gas production tax, and the period in which oil and gas production taxes may be assessed.

State	Bill	Introduced	Last Action	Status	Summary
	S.B. 85	2/7/2011	To Senate Committee on Resources and Senate Committee on Finance on 02/07/2011.	Failed - Adjourned	Would have provided an oil and gas production tax credit based on the cost of developing new oil and gas production.
	S.B. 112	3/23/2011	To Senate Committee on Resources and Senate Committee on Finance on 03/23/2011.	Failed - Adjourned	Related to an oil and gas production tax credit for drilling certain exploration wells using a jack-up rig in the Cook Inlet sedimentary basin.
	S.B. 124	4/11/2011	To Senate Committee on Resources and Senate Committee on Finance on 04/11/2011.	Failed - Adjourned	Would have provided an oil and gas production tax credit based on the cost of building a year-round road to access an area of oil and gas exploration and development.
	S.B. 145	1/17/2012	From Senate Committee on Resources to Senate Committee on Rules on 04/04/2012.	Failed - Adjourned	Would have provided an oil and gas production tax credit for costs incurred in drilling certain oil or natural gas exploration wells in the Nenana Basin.
	S.B. 164	1/17/2012	To Senate Committee on Resources and Senate Committee on Finance on 01/17/2012.	Failed - Adjourned	Would have provided an oil and gas production tax credit for costs incurred in drilling certain oil and gas exploration wells in the Kotzebue basin or the Selawik basin.
	S.B. 177	1/27/2012	To Senate Committee on Resources on 01/27/2012.	Failed - Adjourned	Would have related to an oil and gas production tax credit for drilling certain exploration wells using a jack-up rig in the Cook Inlet sedimentary basin.
	S.B. 192	2/8/2012	To Senate Committee on Rules 04/12/2012.	Failed - Adjourned	Related to the oil and gas production tax.
	S.B. 201	2/17/2012	To Senate Committee on Finance on 02/17/2012.	Failed - Adjourned	Would have addressed the oil and gas corporate income tax and credits against it. Would have provided for determination of taxable income from oil and gas production, oil and gas pipeline transportation, and other activities.
	H.B. 3001	4/18/2012	To House Committee on Resources and House Committee on Finance on 04/18/2012.	Failed - Adjourned	Related to adjustments to oil and gas production tax values based on a percentage of gross value at the point of production for oil and gas produced from leases or properties north of 68 degrees North latitude; related to monthly installments payments of the oil and gas production tax; related to the determinations of oil and gas production tax values; and related to oil and gas production tax credits including capital credits for exploration, development or production.
	S.B. 3001	4/18/2012	To Senate Committee on Resources and Senate Committee on Finance on 04/18/2012.	Failed - Adjourned	Would have adjusted the oil and gas production tax values based on a percentage of gross value at the point of production for oil and gas produced from leases or properties north of 68 degrees North latitude. Would have related to monthly installment payments of the tax; tax credits, including capital credits for exploration, development or production; and more.
Alabama	H.B. 649	4/5/2012	To House Committee on Ways and Means General Fund on 04/05/2012.	Failed - Adjourned	Would have allocated a portion of the oil and gas production tax proceeds to the State Oil and Gas Board of Alabama and the Geological Survey of Alabama.
Colorado	H.B. 1356	4/27/2012	Reported favorably from House Committee on Appropriations and in House, second reading 05/08/2012.	Failed - Adjourned	Would have addressed a prohibition on local governments that impact oil and gas extraction from receiving any money from the local government severance tax fund.

State	Bill	Introduced	Last Action	Status	Summary
Florida	H.B. 87	1/10/2012	Died in Conference Committee 03/09/2012.	Failed	Related to oil and gas severance production tax. Would have provided exemptions from tax for certain wells that produce oil or gas on or after specified date.
Idaho	H.B. 379	1/18/2012	Signed by governor on 03/20/2012.	Enacted	Provided for the levy and imposition of a tax on all oil and gas produced, saved and sold or transported from the spot of production in the state. Provided that the State Tax Commission shall enforce collection of the tax and addressed distribution of collected money.
Maryland	H.B. 907	2/10/2012	Reassigned to Senate Committee on Budget and Taxation on 03/29/2012.	Failed - Adjourned	Would have imposed a severance tax on the extraction of natural gas through specified gas wells. Would have required revenue from the tax to be deposited in a separate account within the Oil and Gas Fund.
	S.B. 768	2/3/2012	To Senate Committee on Budget and Taxation on 02/03/2012.	Failed - Adjourned	Would have imposed a natural gas extraction tax. Would have provided for the tax calculation, rate, administration by the comptroller, and distribution of revenue. Would have established a Natural Gas Impact Fund.
North Dakota	D. 18	10/19/2012	Draft filed.	Pending	Relates to deposits of the state's share of oil and gas gross production taxes and property tax relief through allocation of state funding to school districts for mill levy reduction grants.
	D. 54	8/9/2012	Draft filed.	Pending	Relates to oil extraction tax rates and exemptions.
	D. 59	4/13/2012	Draft filed.	Pending	Relates to deposits of the state's share of oil and gas taxes and provides property tax relief through allocation of legislative appropriations among taxing districts.
	D. 188	9/19/2012	Draft filed.	Pending	Relates to deposits of the state's share of oil and gas taxes and property tax relief through allocation of state funding to school districts for mill levy reduction grants.
	D. 218	10/26/2012	Draft filed.	Pending	Relates to agreements with the Three Affiliated Tribes for taxation and regulation of oil and gas exploration and production within the boundaries of the Fort Berthold Indian Reservation.
New Mexico	H.B. 50	1/17/2012	To House Committee on Consumer and Public Affairs on 01/18/2012.	Failed - Adjourned	Would have increased revenue to the severance tax permanent fund by decreasing the percent of annual deposits to the severance tax bonding fund that may be used for debt service. Would have reduced severance tax bonding capacity allocated to the Colonias Infrastructure Project Fund and the Tribal Infrastructure Project Fund.
	H.B. 142	1/23/2012	To House Committee on Business and Industry on 01/23/2012.	Failed - Adjourned	Would have adjusted certain severance and natural resources taxes.
	H.B. 174	1/24/2012	To House Committee on Energy and Natural Resources on 01/24/2012.	Failed - Adjourned	Would have reduced certain deductions, credits and rate differentials of certain oil, natural gas and mineral taxes by 10 percent.

State	Bill	Introduced	Last Action	Status	Summary
Oklahoma	S.B. 885	2/7/2011	Chaptered on 05/02/2011.	Enacted	Related to the gross production tax and taxes on certain types of production. Provided for application of a tax for a specified time period on certain horizontally drilled wells and wells drilled to specified depths.
	S.B. 1234	2/6/2012	Senate refused to concur. In House for amendments 05/02/2012.	Failed - Adjourned	Would have related to gross production levy and exemptions, limited total refunds paid during a specified time period, and required the Oklahoma Tax Commission to determine proportionate share under certain circumstances.
Pennsylvania	H.B. 33	2/9/2011	Rereferred to House Committee on Finance on 05/25/2011.	Failed - adjourned	Would have provided for taxation of natural gas drilling and for revenue distribution.
	H.B. 833	3/1/2011	To House Committee on Environmental Resources and Energy on 03/01/2011.	Failed - adjourned	Would have imposed a natural gas extraction tax. Would have established a Natural Gas Severance Tax Account, a Local Government Services Account and an Oil and Gas Environmental Disaster Recovery Account.
	H.B. 1406	4/28/2011	To House Committee on Finance on 04/28/2011.	Failed-adjourned	Would have provided for imposition of a natural gas severance tax.
	H.B. 1671	6/15/2011	To House Committee on Finance on 06/15/2011.	Failed - adjourned	Would have provided for imposition of a natural gas severance tax.
	H.B. 1705	6/21/2011	To House Committee on Finance on 06/21/2011.	Failed - adjourned	Would have provided for imposition of a natural gas severance tax.
	H.B. 1804	8/22/2011	To House Committee on Environmental Resources and Energy on 08/22/2011.	Failed - adjourned	Would have provided for imposition of a natural gas severance tax, assessments of the tax, record-keeping and bonds.
	H.B. 1863	11/9/2011	To House Committee on Finance on 11/09/2011.	Failed - adjourned	Would have provided for imposition of a natural gas severance tax.
	S.B. 1176	6/30/2011	To Senate Committee on Finance on 06/30/2011.	Failed - adjourned	Would have imposed a natural gas drilling tax and proposed using revenue to reduce taxes to senior citizens.
	S.B. 1286	10/12/2011	To Senate Committee on Finance on 10/12/2011.	Failed - adjourned	Would have imposed natural gas severance tax, provided the procedures for tax rate determination and exemptions, provided penalties for fraudulent returns or failing to timely file and/or remit such tax, required a percentage of the tax revenue to be allocated to school districts and municipalities, created a municipal improvement tax credit to encourage private investment to assist with infrastructure, and more.
Utah	H.B. 210	1/23/2012	Failed to pass House 02/06/2012.	Failed	Would have amended provisions related to severance taxes to provide that certain revenue be deposited into the permanent state trust fund.

State	Bill	Introduced	Last Action	Status	Summary
West Virginia	H.B. 4129	1/19/2012	To House Committee on Energy, Industry and Labor, Economic Development and Small Business on 01/19/2012.	Failed - Adjourned	Would have reallocated and dedicated 3 percent of oil and gas severance tax revenues to the oil- and gas-producing counties of origin.
	H.B. 4446	2/7/2012	To House Committee on Judiciary on 02/07/2012.	Failed - Adjourned	Would have addressed severance taxes collected from oil and natural gas production.
	H.B. 4473	2/9/2012	To House Committee on Finance on 02/09/2012.	Failed - Adjourned	Would have dedicated a portion of natural gas severance tax proceeds.
	H.B. 4499	2/13/2012	To House Committee on Finance on 02/13/2012.	Failed - Adjourned	Would have addressed severance taxes collected from oil and natural gas production.
	H.C.R. 106	3/7/2012	To Senate Committee on Rules on 03/10/2012.	Failed - Adjourned	Would have requested a study on how to best use the additional severance tax collections attributed to natural gas production.
	S.B. 39	1/11/2012	To Senate Committee on Energy, Industry and Mining on 01/11/2012.	Failed - Adjourned	Would have increased the severance tax on gas from Marcellus Shale or gas produced through by fracturing if sold or transported out of the state. Would have addressed distribution of the taxes, with specified percentages allocated to county economic development, water and sewer, roads and bridges, post-employment benefits debt, and the general fund.

Source: NCSL, 2013.

Table 3. Levels of Governance Legislation

State	Bill	Introduced	Last Action	Status	Summary
Colorado	H.B. 1173	1/20/2012	To House Committee on Local Governance on 01/20/2012. Postponed indefinitely 02/06/2012.	Failed - adjourned	Concerned restrictions on use of open pits in connection with hydraulic fracturing. Would have increased the Colorado Oil and Gas Commission's authority to regulate operations.
Idaho	H.B. 464	2/2/2012	Signed by governor on 03/23/2012.	Enacted	Imposed local restrictions noting that it is the intent of the legislature to occupy oil and gas exploration and production regulation. No city, county or political subdivision, except a state agency with authority, can prohibit extraction of oil and gas. The extraction may be subject to reasonable local ordinance provisions.
Kansas	H.C.R. 5023	3/3/2011	Referred to Senate Committee on Utilities on 03/17/2011. Hearing in April 2011.	Failed - adjourned	Would have urged Congress to permit the Kansas Corporation Commission to regulate hydraulic fracturing.
	Senate Sub. for H.B. 2526	1/25/2012	Approved by governor on 04/12/2012. Effective 07/01/2012.	Enacted	Provided explicit authority for the Kansas Corporation Commission to regulate hydraulic fracturing.
New York	S.B. 5830	6/20/2011	Transferred to Senate Committee on Environmental Conservation on 01/04/2012.	Failed - adjourned	Would have authorized local governments to consider whether natural gas drilling should be allowed within their zoning ordinances.
North Dakota	H.C.R. 3053	11/8/2011	Filed with secretary of state on 11/10/2011.	Adopted	Urged Congress to clearly limit U.S. EPA regulation of hydraulic fracturing, under the Safe Drinking Water Act, to well stimulation treatments that use diesel fuel as the primary constituent of hydraulic fracturing fluid.
Ohio	S.B. 318	3/28/2012	To Senate Committee on Agriculture, Environment and Natural Resources on 04/17/2012.	Failed - adjourned	Would have prohibited wells from being drilled in an urbanized area unless it will comply with zoning requirements of the municipal corporation or township in which the well will be located.
Pennsylvania	H.R. 296	5/23/2011	To House Committee on Environmental Resources and Energy on 05/23/2011.	Failed - adjourned	Would have urged Congress to pass the FRAC Act.
South Dakota	H.C.R. 1005	2/1/2012	Enrolled 02/08/2012.	Adopted	Urged Congress to clearly delegate responsibility for regulating hydraulic fracturing to the states.
Utah	S.C.R. 12	2/27/2012	Signed by Governor on 03/22/2012.	Enacted	Urged Congress to clearly delegate responsibility for regulating hydraulic fracturing to the states.
West Virginia	H.B. 4352	1/31/2012	To House Judiciary Committee on 01/31/2012.	Failed - adjourned	Would have authorized counties and municipalities to enact zoning ordinances that regulate hydraulic fracturing.

Source: NCSL, 2013.

Table 4. Moratoria or Investigative Studies

State	Bill	Introduced	Last Action	Status	Summary
California	A.B. 972	2/18/2011	Last amended 06/29/2012. To Senate Committee on Appropriations 08/16/2012.	Failed - adjourned	Would have prohibited hydraulic fracturing until regulations governing the practice were adopted.
Illinois	S.B. 3280	2/7/2012	Last amended on 05/31/2012. Rereferred to House Committee on Rules on 01/08/2013.	Failed - adjourned	Would have delayed high-volume horizontal hydraulic fracturing operations. Also would have created a Hydraulic Fracturing Task Force to conduct a review of regulation of operations in the state and to gather information, review, evaluate and make recommendations about its regulation.
	H.B. 3939	12/22/2011	Rereferred to House Committee on Rules on 03/09/2012.	Failed-adjourned	Would have prohibited hydraulic fracturing for the extraction of natural gas from shale in designated state areas.
Indiana	H.B. 1085	1/9/2012	Referred to Committee on Natural Resources on 01/09/2012.	Failed - adjourned	Would have provided for an environmental review of hydraulic fracturing. Would have required the Natural Resources Commission to regulate the practice and would have required operators to disclose chemical constituents used.
North Carolina	H.B. 1064	5/22/2012	Referred to Committee on Environment on 05/23/2012.	Failed - adjourned	Would have extended the study of hydraulic fracturing and horizontal drilling in the state and would have directed the Department of Environment and Natural Resources to create legislative recommendations to regulate such practices.
	H.B. 1054	5/22/2012	Referred to Committee on Environment on 05/23/2012.	Failed - adjourned	Would have authorized the process of hydraulic fracturing in the state and placed a moratorium on permitting until July 1, 2014.
	S.B. 820	5/17/2012	Veto overridden on 07/02/2012.	Ch. SL 2012-143	Required the Mining and Energy Commission and other agencies to develop a modern regulatory program to manage horizontal drilling and hydraulic fracturing. Authorized such practices but prohibited issuance of permits pending further legislative action. Enhanced public protections and addressed presumptive liability for water contamination.
	H.B. 1185	5/29/2012	Referred to Committee on Environment on 05/30/2012.	Failed - adjourned	Would have noted that the General Assembly finds hydraulic fracturing to be a threat to health and public safety and would have made contracts or leases conveyed for the purpose of natural gas extraction using hydraulic fracturing as void and unenforceable.
Nebraska	L.R. 504	3/20/2012	Referred to Natural Resources Committee on 03/30/2012.	Failed - adjourned	Would have provided for a study to examine the state's regulations and statutes addressing hydraulic fracturing.

State	Bill	Introduced	Last Action	Status	Summary
New Jersey	A.B. 567	1/10/2012	To Assembly Committee on Environment and Solid Waste on 01/10/2012.	Pending	Would prohibit hydraulic fracturing in the state.
	S.B. 246	1/11/2012	From Senate Committee on Environment and Energy (02/09/2012).	Pending	Would prohibit hydraulic fracturing in the state.
	S.B. 247	1/10/2012	To Senate Committee on Environment and Energy on 01/10/2012.	Pending	Would establish a moratorium on hydraulic fracturing until certain conditions are met.
New York	A.B. 300	1/5/2011	Amended in Assembly Committee on Environmental Conservation on 04/06/2011.	Failed - adjourned	Would have established a moratorium on the disposal of fluids until 120 days after the U.S. EPA issues its report.
	S.B. 6097	1/4/2012	To Senate Committee on Environmental Conservation on 01/04/2012.	Failed - adjourned	Would have established a moratorium on the disposal of fluids until 120 days after the U.S. EPA issues its report.
	S.B. 6261	1/18/2012	To Senate Committee on Environmental Conservation on 01/18/2012.	Failed - adjourned	Would have suspended hydraulic fracturing in the state.
Ohio	S.B. 213	9/6/2011	To Senate Committee on Agriculture, Environment and Natural Resources on 09/20/2011.	Failed - adjourned	Would have established a moratorium on horizontal stimulation of wells until the U.S. EPA publishes its report and the chief of the Division of Oil and Gas Resources Management issues a report analyzing how Ohio's rules address the issues that are raised in the EPA report.
	H.B. 345	10/12/2011	To House Committee on Agriculture and Natural Resources on 09/11/2011.	Failed - adjourned	Would have established a moratorium on horizontal stimulation of wells until the U.S. EPA publishes its report and the chief of the Division of Oil and Gas Resources Management issues a report analyzing how Ohio's rules address the issues that are raised in the EPA report.

State	Bill	Introduced	Last Action	Status	Summary
Vermont	H.B. 464	1/3/2012	Signed by governor on 05/16/2012.	Enacted	Prohibited hydraulic fracturing in the state and prohibited collection, storage or treatment of wastewater from hydraulic fracturing within the state.
West Virginia	H.B. 4267	1/23/2012	To House Judiciary Committee on 01/23/2012.	Failed - adjourned	Would have required a study of the environmental and health impacts of shale gas development.

Source: NCSL, 2013.

Table 5. Enacted Legislation

State	Bill	Introduced	Last Action	Status	Summary
Idaho	H.B. 464	2/2/2012	Signed by governor on 03/23/2012.	Enacted	Imposed local restrictions noting that it is the intent of the legislature to occupy oil and gas exploration and production regulation. No city, county or political subdivision, except a state agency with authority, can prohibit extraction of oil and gas. The extraction may be subject to reasonable local ordinance provisions.
	H.B. 379	1/18/2012	Signed by governor on 03/20/2012.	Enacted	Provided for the levy and imposition of a tax on all oil and gas produced, saved, and sold or transported from the spot of production in the state. Provided that the State Tax Commission shall enforce collection of the tax and addressed distribution of collected money.
Indiana	H.B. 1107	1/9/2012	Signed by governor on 02/29/2012. Effective 07/01/2012.	Enacted	Required the Natural Resources Commission to adopt rules addressing reporting and disclosure of hydraulic fracturing treatments. Requires volumes of additives to be disclosed as a maximum percentage of the total fracturing fluid volume.
Kansas	Senate Sub. For H.B. 2526	1/25/2012	Approved by governor on 04/12/2012. Effective 07/01/2012.	Enacted	Provided explicit authority for the Kansas Corporation Commission to regulate hydraulic fracturing.
Louisiana	H.B. 957	3/2/2012	Signed by governor on 06/13/2012.	Enacted	Provided for disclosure of the composition of hydraulic fracturing fluids within 20 days following hydraulic fracturing of a well. Reporting must include type and volume of the fluid; additives used, including the specific trade name and supplier of additive; and the maximum concentration of each ingredient in percentage by mass.
Maryland	H.B. 1123	2/10/2012	Signed by governor on 05/22/2012	Enacted	Established a presumptive impact area around gas wells and required certain water supplies to be replaced. Generally related to contamination caused by certain gas exploration and production activities.
North Carolina	S.B. 820	5/17/2012	Veto overridden on 07/02/2012.	Ch. SL 2012-143	Required the Mining and Energy Commission and other agencies to develop a modern regulatory program to manage horizontal drilling and hydraulic fracturing. Authorized such practices but prohibited issuance of permits pending further legislative action. Enhanced public protections and addressed presumptive liability for water contamination.
North Dakota	H.C.R. 3053	11/8/2011	Filed with secretary of state on 11/10/2011.	Adopted	Urged Congress to clearly limit U.S. EPA regulation of hydraulic fracturing, under the Safe Drinking Water Act, to well stimulation treatments that use diesel fuel as the primary constituent of hydraulic fracturing fluid.
Ohio	S.B. 315	3/22/2012	Session Law No. 125.	Enacted on 06/11/2012	Made various changes to the state's energy and natural resource laws and included provisions related to horizontal well production training and employment.

State	Bill	Introduced	Last Action	Status	Summary
Oklahoma	S.B. 885	02/07/2011	Chaptered on 05/02/2011.	Enacted	Related to the gross production tax and taxes on certain types of production. Provided for application of a tax for a specified time period on certain horizontally drilled wells and wells drilled to specified depths.
Pennsylvania	H.B. 1950	11/1/2011	Enacted 02/14/2012.	Enacted	Addressed well permits, well location restrictions, protection of water supplies, well reporting requirements, bonding, civil penalties, local ordinances, containment, emergency response, impact fees and more.
South Dakota	H.C.R. 1005	2/1/2012	Enrolled 02/08/2012.	Adopted	Urged Congress to clearly delegate responsibility for regulating hydraulic fracturing to the states.
Tennessee	H.R. 98	4/21/2011	Signed by speaker on 05/09/2011.	Adopted	Encouraged a meeting to collaborate and propose regulations to oversee hydraulic fracturing methods.
Utah	S.C.R. 12	2/27/2012	Signed by governor on 03/22/2012.	Enacted	Urged Congress to clearly delegate responsibility for regulating hydraulic fracturing to the states.
Vermont	H.B. 464	1/3/2012	Signed by governor on 05/16/2012.	Enacted	Prohibited hydraulic fracturing in the state and prohibited collection, storage or treatment of wastewater from hydraulic fracturing within the state.

Source: NCSL, 2013.

Table 6. Compilation of All Introduced Legislation Addressing Hydraulic Fracturing Last Session

Note: This does not include severance tax legislation, which is detailed in Table 2.

State	Bill	Introduced	Last Action	Status	Summary
California	A.B. 7	12/3/2012	To Assembly Committee on Natural Resources 01/14/2013.	Pending	Would require data on hydraulic fracturing treatments to be recorded, including risks posed by potential seismicity. Would require an operator to file a notice of intention to hydraulically fracture with the supervisor or a district deputy, including chemical substances and for this information to be posted on a specified website.
	S.B. 4	12/3/2012	To Senate Committees on Natural Resources and Water and Public Safety on 01/10/2013.	Pending	Would require data on hydraulic fracturing treatments to be recorded, including risk posed by potential seismicity. Would require an operator to file a notice of intention to hydraulically fracture with the supervisor or a district deputy, including chemical substances and for this information to be posted on a specified website.
	S.B. 1054	2/9/2012	Last amended 05/29/2012.	Failed	Would have required well owners or operators to notify surface property owners before hydraulic fracturing operations near their properties commenced.
	A.B. 972	2/18/2011	Last amended 06/29/2012. To Senate Committee on Appropriations 08/16/2012.	Failed - adjourned	Would have prohibited hydraulic fracturing until regulations governing the practice were adopted.
	A.B. 591	2/16/2011	Last amended 5/9/2012. To Senate Committee on Appropriations 08/16/2012.	Failed - adjourned	Would have required a list of the chemical constituents and amount of water and fracturing fluid recovered from the well. Would have required the well history to include information on the amount and source of water used, as well as radiological components or tracers injected into the well.
Colorado	H.B. 1173	1/20/2012	To House Committee on Local Governance on 01/20/2012. Postponed indefinitely (02/06/2012).	Failed - adjourned	Concerned restrictions on use of open pits in connection with hydraulic fracturing. Would have increased the Colorado Oil and Gas Commission's authority to regulate operations.
	H.B. 1176	1/20/2012	Postponed Indefinitely	Failed - adjourned	Would have increased the Colorado Oil and Gas Commission's authority to regulate operations.
	S.B. 107	1/31/2012	Senate Committee on Judiciary Refer Amended to Appropriations on 05/02/2012. Senate Committee on Appropriations postponed indefinitely (05/09/2012).	Failed - adjourned	Would have created additional protections for water relating to hydraulic fracturing. Would have enacted the Water Rights Protection Act, under which rules for hydraulic fracturing near radioactive materials and sites listed on the national priority list pursuant to the federal superfund law would be required.
	H.B. 1277	2/7/2012	Postponed indefinitely.	Failed-adjourned	Concerned strengthening local governments' regulation of oil and gas and zoning and land use authority, and would have clarified that oil and gas operations are subject to local governments' authority as well as that of the oil and gas conservation commission.
Iowa	S.B. 2175	2/13/2012	Referred to Natural Resources and Environment Committee on 02/13/2012.	Failed - adjourned	Would have set requirements for issuance of a permit for extraction of oil or gas.

State	Bill	Introduced	Last Action	Status	Summary
Idaho	H.B. 464	2/2/2012	Signed by governor on 03/23/2012.	Enacted	Imposed local restrictions noting that it is the intent of the Legislature to occupy oil and gas exploration and production regulation. No city, county or political subdivision, except a state agency with authority, can prohibit extraction of oil and gas. The extraction may be subject to reasonable local ordinance provisions.
Illinois	S.B. 3534	2/8/2012	Referred to Senate Committee on Assignments on 03/30/2012.	Failed - adjourned	Would have required the Department of Natural Resources to require well operators to complete forms indicating total volume of water used and each chemical ingredient in hydraulic fracturing.
	H.B. 5853	2/16/2012	To House Committee on Rules on 02/16/2012.	Failed - adjourned	Would have required the Department of Natural Resources to require well operators to complete forms indicating total volume of water used and each chemical ingredient in hydraulic fracturing subject to certain federal requirements.
	S.B. 3280	2/7/2012	Last amended on 05/31/2012. Referred to House Committee on Rules on 01/08/2013.	Failed - adjourned	Would have delayed high-volume horizontal hydraulic fracturing operations. Would have created a Hydraulic Fracturing Task Force to conduct a review of the regulation of operations in the state and to gather information, review, evaluate and make recommendations about its regulation in the state.
	H.B. 6222	9/4/2012	To House Committee on Rules on 11/09/2012.	Failed - adjourned	Would have required the Department of Natural Resources to require well operators to complete forms indicating total volume of water used and each chemical ingredient in hydraulic fracturing subject to certain federal requirements, and to post the form on a specified website and submit the form to the Department
	H.B. 3897	12/5/2011	Referred to House Committee on Rules on 03/09/2012.	Failed - adjourned	Would have provided that the director of natural resources must adopt rules to require mechanical integrity tests of the casing or of the casing-tubing annulus, or other mechanical integrity test methods prior to hydraulic fracturing.
	H.B. 3939	12/22/2011	Referred to House Committee on Rules on 03/09/2012.	Failed - adjourned	Would have prohibited hydraulic fracturing for the extraction of natural gas from shale in designated state areas.
Indiana	H.B. 1085	1/9/2012	Referred to Committee on Natural Resources on 01/09/2012.	Failed - adjourned	Would have provided for an environmental review of hydraulic fracturing. Would have required the Natural Resources Commission to regulate the practice and would have required operators to disclose chemical constituents used.
	H.B. 1107	1/9/2012	Signed by governor on 02/29/2012. Effective 07/01/2012.	Enacted	Required the Natural Resources Commission to adopt rules addressing reporting and disclosure of hydraulic fracturing treatments. Requires volumes of additives to be disclosed as a maximum percentage of the total fracturing fluid volume.
Kansas	H.B. 2642	2/7/2012	Referred to Committee on Energy and Utilities on 02/08/2012.	Failed - adjourned	Would have required that operators file applications of intent to drill prior to drilling.
	H.C.R. 5023	3/3/2011	Referred to Senate Committee on Utilities on 03/17/2011. Hearing in April 2011.	Failed - adjourned	Would have urged Congress to permit the Kansas Corporation Commission to regulate hydraulic fracturing.
	Senate Sub. For H.B. 2526	1/25/2012	Approved by governor on 04/12/2012. Effective 07/01/2012.	Enacted	Provided explicit authority for the Kansas Corporation Commission to regulate hydraulic fracturing.

State	Bill	Introduced	Last Action	Status	Summary
Louisiana	H.B. 957	3/2/2012	Signed by governor on 06/13/2012.	Enacted	Provided for disclosure of the composition of hydraulic fracturing fluids within 20 days following hydraulic fracturing of a well. Reporting must include type and volume of fluid; additives used, including the specific trade name and supplier of additive; and the maximum concentration of each ingredient in percentage by mass.
Maryland	H.B. 296	1/27/2012	Report by Environmental Matters on 03/14/2012.	Failed - withdrawn	Would have prohibited shipping or transportation, storing, treating or discharging hydraulic fracturing wastewater in the state from activities occurring in another state.
	S.B. 798	2/3/2012	First reading Education Health and Environmental Affairs 02/03/2012.	Failed - adjourned	Would have changed the amount of a performance bond. Would have required owners of certain gas interests to pay the department an amount of money on or before certain dates, and would have required funds from the Oil and Gas Fund to be used for a study.
	H.B. 1170	2/10/2012	Report by Environmental Matters on 03/14/2012.	Failed - withdrawn	Would have required reporting of chemicals used and their concentrations, amount of water used, amount of flowback or waste generated, actions taken to dispose of flowback and more. Records would have been updated weekly and made publicly accessible on the permit holder's website.
	H.B. 1204	2/10/2012	Passed House on 03/17/2012. To Senate Education, Health and Environmental Affairs Committee on 03/18/2012.	Failed - adjourned	Would have changed the amount of a performance bond. Would have required owners of certain gas interests to pay the department an amount of money on or before certain dates, and would have required funds from the Oil and Gas Fund to be used for a study.
	H.B. 1123	2/10/2012	Signed by governor on 05/22/2012.	Enacted	Established a presumptive impact area around gas wells and required certain water supplies to be replaced. Generally related to contamination caused by certain gas exploration and production activities.
Massachusetts	H.B. 3055	1/21/2011	From Joint Committee on Telecommunications, Utilities and Energy on 10/04/2012.	Failed - adjourned	Would have required reporting of hydraulic fracturing processes.
Michigan	HB 5565	4/24/2012	To House Committee on Energy and Technology 04/24/2012.	Failed - adjourned	Would have required authorization from the Department of Environmental Quality for hydraulic fracturing.
	H.B. 5150	11/3/2011	To House Committee on Energy and Technology on 11/03/2011.	Failed - adjourned	Would have prohibited hydraulic fracturing under certain circumstances.
	H.B. 5151	11/3/2011	To House Committee on Energy and Technology on 11/03/2011.	Failed - adjourned	Would have provided for a study of hydraulic fracturing by the Department of Environmental Quality.
	H.B. 4736	6/14/2011	To House Committee on Judiciary on 06/14/2011.	Failed - adjourned	Would have created a presumption of liability for contamination of groundwater caused by chemicals used in hydraulic fracturing.

State	Bill	Introduced	Last Action	Status	Summary
North Carolina	H.B. 1064	5/22/2012	Referred to Committee on Environment on 05/23/2012.	Failed - adjourned	Would have extended the study of hydraulic fracturing and horizontal drilling in the state and would have directed the Department of Environment and Natural Resources to create legislative recommendations to regulate such practices.
	H.B. 1054	5/22/2012	Referred to Committee on Environment on 05/23/2012.	Failed - adjourned	Would have authorized the process of hydraulic fracturing in the state and placed a moratorium on permitting until July 1, 2014.
	S.B. 820	5/17/2012	Veto overridden on 07/02/2012.	Ch. SL 2012-143	Required the Mining and Energy Commission and other agencies to develop a modern regulatory program to manage horizontal drilling and hydraulic fracturing. Authorized such practices but prohibited issuance of permits pending further legislative action. Enhanced public protections and addressed presumptive liability for water contamination.
	H.B. 1185	5/29/2012	Referred to Committee on Environment on 05/30/2012.	Failed - adjourned	Would have noted that the General Assembly finds hydraulic fracturing to be a threat to health and public safety and would have made contracts or leases conveyed for the purpose of natural gas extraction using hydraulic fracturing as void and unenforceable.
Nebraska	L.B. 877	1/6/2012	Indefinitely postponed on 01/31/2012.	Failed - indefinitely postponed	Would have required disclosure of hydraulic fracturing treatment information.
	L.R. 504	3/20/2012	Referred to Natural Resources Committee on 03/30/2012.	Failed - adjourned	Would have provided for a study to examine the state's regulations and statutes addressing hydraulic fracturing.
New Jersey	A.B. 567	1/10/2012	To Assembly Committee on Environment and Solid Waste on 01/10/2012.	Pending	Would prohibit hydraulic fracturing in the state.
	S.B. 246	1/11/2012	From Senate Committee on Environment and Energy (02/09/2012).	Pending	Would prohibit hydraulic fracturing in the state.
	S.B. 247	1/10/2012	To Senate Committee on Environment and Energy on 01/10/2012.	Pending	Would establish a moratorium on hydraulic fracturing until certain conditions are met.
	S.J.R. 13	1/10/2012	To Senate Committee on Environment and Energy on 01/10/2012.	Pending	Would urge Delaware, New York and Pennsylvania to enact moratorium against hydraulic fracturing until the U.S. EPA concludes its study and issues its findings.
	S.J.R. 22	1/17/2012	To Senate Committee on Environment and Energy on 01/17/2012.	Pending	Would urge Delaware, New York and Pennsylvania to disapprove requests for withdrawing water for hydraulic fracturing and enacting hydraulic fracturing bans.
	S.B. 253	1/10/2012	Substituted by A.B. 575 on 06/25/2012.	Pending	Would prohibit hydraulic fracturing wastewater shipping or transporting into, or treatment in, the state.
	A.B. 575	1/10/2012	Vetoed on 09/24/2012.	Vetoed	Prohibited treatment, discharge, disposal or storage of hydraulic fracturing wastewater and other byproducts.
New Mexico	H.B. 187	1/25/2012	Action postponed indefinitely.	Failed - adjourned	Would have required disclosure of hydraulic fracturing fluid composition.

State	Bill	Introduced	Last Action	Status	Summary
New York	S.B. 6097	1/4/2011	To Senate Committee on Environmental Conservation on 01/04/2012.	Failed - adjourned	Would have established a moratorium on the disposal of fluids until 120 days after the U.S. EPA issues its report.
	A.B. 300	1/5/2011	Amended in Assembly Committee on Environmental Conservation on 04/06/2011.	Failed - adjourned	Would have established a moratorium on the disposal of fluids until 120 days after the U.S. EPA issues its report.
	S.B. 4793	4/25/2011	Senate Committee on Environmental Conservation on 04/25/2011.	Failed - adjourned	Would have established a New York indigenous natural gas value-added task force to report on the value-added opportunities of Marcellus shale natural gas.
	S.B. 5830	6/20/2011	Transferred to Senate Committee on Environmental Conservation on 01/04/2012.	Failed - adjourned	Would have authorized local governments to consider whether natural gas drilling is permissible within their zoning ordinances.
	S.B. 6097	1/4/2012	To Senate Committee on Environmental Conservation on 01/04/2012.	Failed - adjourned	Would have established a moratorium on the disposal of fluids until 120 days after the U.S. EPA issues its report.
	S.B. 6261	1/18/2012	To Senate Committee on Environmental Conservation on 01/18/2012.	Failed - adjourned	Would have suspended hydraulic fracturing in the state.
	S.B. 425	1/5/2011	Withdrawn from Senate Committee on Environmental Conservation. To Senate Committee on Rules on 03/12/2012.	Failed - adjourned	Would have provided for the promulgation of rules and regulations to prohibit the use of fluids that contain a chemical substance that pose risks to human health. Would have required disclosure of all fluid components and would have placed a moratorium on well permits until such rules are adopted.
	A.B. 2922	1/21/2011	From Assembly Committee on Codes to Assembly Committee on Environmental Conservation on 01/04/2012.	Failed - adjourned	Would have provided for promulgation of rules and regulations to prohibit the use of fluids that contain a chemical substance that pose risks to human health. Would have required disclosure of all fluid components.
	A.B. 1265	1/5/2011	To Assembly Committee on Environmental Conservation on 01/05/2011.	Failed - adjourned	Would have prohibited use of toxic solutions during hydraulic fracturing.
	A.B. 7072	4/11/2011	To Assembly Committee on Environmental Conservation on 4/11/2011.	Failed - adjourned	Would have directed the commissioner of the DEC to promulgate rules and regulations requiring screening of hydraulic fracturing wastewater to prevent harm to sewage treatment works.
	A.B. 7400	5/3/2011	Amended on Assembly Floor on 01/18/2012.	Failed - adjourned	Would have suspended hydraulic fracturing in the state.
	S.B. 2697	1/28/2011	Amended in Senate Committee on Environmental Conservation on 01/17/2012.	Failed - adjourned	Would have enacted various provisions to ensure that natural gas development practices are sustainable and safe.

State	Bill	Introduced	Last Action	Status	Summary
	S.B. 5879	9/12/2011	Amended in Senate Committee on Rules on 12/23/2011.	Failed - adjourned	Would have required disclosure of the composition of hydraulic fracturing fluids to the Department of Environmental Conservation. Additive and chemical concentrations would have to be disclosed and expressed as pounds per 1,000 gallons or gallons per 1,000 gallons and expressed as a percentage by volume of the fracturing fluid used.
	A.B. 8805	1/4/2012	Amended in Assembly Committee on Environmental Conservation on 02/01/2012.	Failed - adjourned	Would have required disclosure of the composition of hydraulic fracturing fluids and provided that producers are liable for any and all damages arising from hydraulic fracturing.
	A.B. 9200	2/3/2012	To Assembly Committee on Environmental Conservation on 02/03/2012.	Failed - adjourned	Would have required that 10 percent of the oil and gas produced using hydraulic fracturing be contributed to a state reserve.
	A.B. 9409	2/29/2012	To Assembly Committee on Environmental Conservation on 02/29/2012.	Failed - adjourned	Would have required an assessment by a geologist prior to issuing a permit for a well that will be hydraulically fractured.
	A.B. 9419	2/29/2012	To Assembly Committee on Environmental Conservation on 02/29/2013.	Failed - adjourned	Would have prohibited high-volume hydraulic fracturing in reforestation areas.
	S.B. 6703	3/12/2012	To Senate Committee on Environmental Conservation on 03/12/2012.	Failed - adjourned	Would have created a "Look Before You Leap Act of 2012" to establish a five-year moratorium on high-volume hydraulic fracturing.
	A.B. 6541	3/21/2011	Amended in Assembly Committee on Environmental Conservation on 03/13/2012.	Failed - adjourned	Would create a "Look Before You Leap Act of 2011" to establish a five-year moratorium on high-volume hydraulic fracturing.
	S.B. 6772	3/20/2012	To Senate Committee on Environmental Conservation on 03/20/2012.	Failed - adjourned	Would have required a health impact assessment for horizontal drilling and high-volume hydraulic fracturing. Would have established a moratorium on these activities until a final health impact assessment is implemented.
	A.B. 9759	4/2/2012	To Assembly Committee on Environmental Conservation on 04/02/2012.	Failed - adjourned	Would have required hydraulic fracturing permit applicants to pay costs associated with monitoring operations.
	S.B. 6891	4/4/2012	To Senate Committee on Environmental Conservation.	Failed - adjourned	Would have required notification of natural gas production discharges within two hours, and required the department to notify the general public within 48 hours through its website.
	A.B. 10208	5/11/2012	To Assembly Committee on Environmental Conservation on 05/11/2012.	Failed - adjourned	Would have required notification of natural gas production discharges within two hours, and required the department to notify the general public within 48 hours through its website.
	S.B. 6892	4/4/2012	To Senate Committee on Finance on 06/05/2012.	Failed - adjourned	Would have created a high-volume hydraulic fracturing waste tracking program and would have required tracking the generation, transportation and receipt of oil and gas production wastewater.

State	Bill	Introduced	Last Action	Status	Summary
	A.B. 10211	5/11/2012	To Assembly Committee on Environmental Conservation.	Failed - adjourned	Would have created a high-volume hydraulic fracturing waste tracking program and would have required tracking the generation, transportation and receipt of oil and gas production wastewater.
	S.B. 6893	4/4/2012	To Senate Committee on Finance on 06/05/2012.	Failed - adjourned	Would have prohibited publicly owned treatment works from accepting wastewater that is associated with high-volume hydraulic fracturing.
	A.B. 10210	5/11/2012	To Assembly Committee on Environmental Conservation on 05/11/2012.	Failed - adjourned	Would have prohibited publicly owned treatment works from accepting wastewater that is associated with high-volume hydraulic fracturing.
	S.B. 6894	4/4/2012	To Senate Committee on Environmental Conservation on 04/04/2012.	Failed - adjourned	Would have authorized creation of a geographic information system-based display that would provide high-volume hydraulic fracturing information to the public, such as location of wells, location of public water supply wells and intakes, and the stage of operation for each well.
	A.B. 10209	5/11/2012	To Assembly Committee on Environmental Conservation on 05/11/2012.	Failed - adjourned	Would have authorized creation of a geographic information system-based display that would provide high-volume hydraulic fracturing information to the public, such as location of wells, location of public water supply wells and intakes, and the stage of operation for each well.
	S.B. 6895	4/4/2012	To Senate Committee on Finance on 06/05/2012.	Failed - adjourned	Would have prohibited the use of high-volume hydraulic fracturing wastewater for road and land spreading, or for dust control and de-icing.
	S.B. 6903	4/9/2012	To Senate Committee on Environmental Conservation on 04/09/2012.	Failed - adjourned	Would have required a seismological impact study for hydraulic fracturing.
	S.B. 7012	4/20/2012	To Senate Committee on Environmental Conservation on 04/20/2012.	Failed - adjourned	Would have prohibited the purchase, use or sale of any liquid waste from hydraulic fracturing and would have required the Department of Environmental Conservation to establish regulations for proper disposal of waste products generated from hydraulic fracturing.
	S.B. 4220	3/23/2011	Amended in Senate Committee on Environmental Conservation on 05/01/2012.	Failed - adjourned	Would have prohibited hydraulic fracturing in the state.
	A.B. 7218	4/19/2011	Amended in Assembly Committee on Environmental Conservation on 05/07/2012.	Failed - adjourned	Would have prohibited hydraulic fracturing in the state.
	A.B. 10224	5/15/2012	To Assembly Committee on Environmental Conservation on 05/15/2012.	Failed - adjourned	Would have prohibited transportation of hydraulic fracturing fluids and waste within New York City and within 25 miles of the city.
	A.B. 10234	5/15/2012	Passed Assembly on 06/20/2012. To Senate Committee on Rules.	Failed - adjourned	Would have required a health impact assessment for horizontal gas drilling and high-volume hydraulic fracturing in the state.

State	Bill	Introduced	Last Action	Status	Summary
	A.B. 10630	6/12/2012	To Assembly Committee on Judiciary on 06/12/2012.	Failed - adjourned	Would have prohibited inclusion of non-disclosure agreements in settlements of hydraulic fracturing actions when there is evidence of a public health or safety threat.
	A.B. 2108	1/13/2011	From Assembly Committee on Codes to Assembly Committee on Environmental Conservation on 01/04/2012.	Failed - adjourned	Would have established a Natural Gas Exploration and Extraction Liability Act.
	S.B. 893	1/5/2011	Withdrawn from Senate Committee on Environmental Conservation. To Senate Committee on Rules on 03/12/2012.	Failed - adjourned	Would have established a Natural Gas Exploration and Extraction Liability Act.
	A.B. 7172	4/14/2011	To Assembly Committee on Environmental Conservation on 4/14/2011.	Failed - adjourned	Would have created a temporary state commission on the economic implications of hydraulic fracturing in the state.
	S.B. 5592	6/3/2011	To Senate Committee on Environmental Conservation on 06/03/2011.	Failed - adjourned	Would have suspended hydraulic fracturing in the state.
	A.B. 3579	1/25/2011	From Assembly Committee on Rules to Assembly Committee on Environmental Conservation on 01/04/2012.	Failed - adjourned	Would have addressed expected water use, potential water conservation measures, fluid storage and disposal measures, and site-specific biological and water quality data.
	S.B. 3483	2/23/2011	To Senate Committee on Environmental Conservation on 02/23/2011.	Failed - adjourned	Would have required groundwater testing prior to and after drilling wells for oil and gas.
	A.B. 6540	3/21/2011	To Assembly Committee on Environmental Conservation on 03/21/2011.	Failed - adjourned	Would have required certificates of competence for using a derrick or other drilling equipment.
	A.B. 6488	3/21/2011	To Assembly Committee on Environmental Conservation on 03/21/2011.	Failed - adjourned	Would have required treatment works to refuse industrial waste that contains high levels of radium from hydraulic fracturing operations. Would have required testing for radioactive containments and provided for scheduled discharges of wastewater.
	A.B. 7987	5/25/2011	Amended 05/30/2012. From Assembly Committee on Rules on 06/06/2012.	Failed - adjourned	Would have prohibited wastewater treatment facilities from accepting hydraulic fracturing wastewater unless they met certain performance requirements. Would have required the DEC to promulgate regulations to establish performance standards for the discharge of pollutants from facilities that treat hydraulic fracturing wastewater.
	S.B. 4251	3/25/2011	Amended in Senate Committee on Environmental Conservation on 03/29/2011.	Failed - adjourned	Would have required the promulgation of regulations to require treatment works to test hydraulic fracturing waste for radioactivity.
	A.B. 7283	4/27/2011	Amended 05/02/2011 in Assembly Committee on Environmental Conservation.	Failed - adjourned	Would have required the promulgation of regulations to require treatment works to test hydraulic fracturing waste for radioactivity.

State	Bill	Introduced	Last Action	Status	Summary
	A.B. 7986	5/25/2011	To Assembly Committee on Environmental Conservation on 01/04/2012.	Failed - adjourned	Would have required groundwater testing prior to and after drilling wells for oil and gas.
	A.B. 2924	1/21/2011	To Assembly Committee on Environmental Conservation on 01/21/2011.	Failed - adjourned	Would have required an environmental impact statement to be prepared for any natural gas or oil drilling involving use of hydraulic fracturing.
	A.B. 5547	2/23/2011	To Assembly Committee on Environmental Conservation on 02/23/2011.	Failed - adjourned	Would have established a moratorium until 120 days after the U.S. EPA issues its report on the effects of hydraulic fracturing.
	A.B. 5677	2/25/2011	To Assembly Committee on Environmental Conservation on 02/25/2011.	Failed - adjourned	Would have prohibited hydraulic fracturing and horizontal drilling on, and within one mile thereof, land operated by the Office of Parks, Recreation and Historic Preservation.
	S.B. 1230	1/6/2011	To Senate Committee on Environmental Conservation on 01/06/2011.	Failed - adjourned	Would have prohibited drilling within two miles of the New York City water supply infrastructure and would have established a moratorium on permit issuance for drilling.
	A.B. 4237	2/2/2011	To Assembly Committee on Environmental Conservation on 02/02/2011.	Failed - adjourned	Would have prohibited drilling within 10 miles of the New York City water supply infrastructure.
	S.B. 1234	1/6/2011	To Senate Committee on Environmental Conservation on 01/06/2011.	Failed - adjourned	Would have aimed to protect local resources, regulate water withdrawals and prohibit certain activities near watersheds.
	S.B. 3765	3/3/2011	Withdrawn from Senate Committee on Commerce, Economic Development and Small Business to Senate Committee on Judiciary on 01/04/2012.	Failed - adjourned	Would have prohibited hydraulic fracturing-related contracts from prohibiting disclosure of chemicals used in the process.
	AB 6426	3/17/2011	To Assembly Committee on Environmental Conservation on 03/17/2011.	Failed - adjourned	Would have required disclosure of hydraulic fracturing materials. Would have prohibited natural gas drilling near watersheds and would have required permits for water withdrawals of more than 5,000 gallons per day.
North Dakota	H.C.R. 3053	11/8/2011	Filed with secretary of state on 11/10/2011.	Adopted	Urged Congress to clearly limit U.S. EPA regulation of hydraulic fracturing, under the Safe Drinking Water Act, to well stimulation treatments that use diesel fuel as the primary constituent of hydraulic fracturing fluid.
Ohio	S.B. 318	3/28/2012	To Senate Committee on Agriculture, Environment and Natural Resources on 04/17/2012.	Failed - adjourned	Would have prohibited wells from being drilled in an urbanized area unless it would comply with zoning requirements of the municipal corporation or township in which the well would be located.
	H.B. 345	10/12/2011	To House Committee on Agriculture and Natural Resources on 11/09/2011.	Failed - adjourned	Would have established a moratorium on horizontal drilling until the U.S. EPA publishes its study of the relationship between hydraulic fracturing and drinking water resources and until Ohio's rules addressing the issues raised in the EPA report are addressed.
	S.B. 212	9/6/2011	To Senate Committee on Agriculture, Environment and Natural Resources on 09/20/2011.	Failed - adjourned	Would have addressed brine disposal, water use in state land drilling, royalties, waste documentation, and baseline testing of surface and groundwater before well drilling.

State	Bill	Introduced	Last Action	Status	Summary
	S.B. 213	9/6/2011	To Senate Committee on Agriculture, Environment and Natural Resources on 09/20/2011.	Failed - adjourned	Would have established a moratorium on horizontal stimulation of wells until the U.S. EPA publishes its report and the chief of the Division of Oil and Gas Resources Management issues a report analyzing how Ohio's rules address the issues that are raised in the EPA report.
	H.B. 345	10/12/2011	To House Committee on Agriculture and Natural Resources on 09/11/2011.	Failed - adjourned	Would have established a moratorium on horizontal stimulation of wells until the U.S. EPA publishes its report and the chief of the Division of Oil and Gas Resources Management issues a report analyzing how Ohio's rules address the issues that are raised in the EPA report.
	S.B. 315	3/22/2012	Session Law No. 125.	Enacted on 06/11/2012	Made various changes to the state's energy and natural resource laws and included provisions related to horizontal well production training and employment.
	H.C.R. 50	5/23/2012	To House Committee on Agriculture and Natural Resources on 05/23/2012.	Failed - adjourned	Would have urged Congress to request the U.S. Government Accountability Office to update its 1989 study and report on injection wells and drinking water contamination.
	S.B. 379	10/4/2012	To Committee on Agriculture, Environment and Natural Resources.	Pending	Would have revised requirements concerning oil and gas permit applications, completion records, and designations of trade secret protections for chemicals used to drill. Would have addressed disclosure of chemical information to a medical professional and would have required owners to report all chemicals brought to a well site.
Pennsylvania	H.B. 1950	11/1/2011	Enacted 02/14/2012.	Enacted	Addressed well permits, well location restrictions, protection of water supplies, well reporting requirements, bonding, civil penalties, local ordinances, containment, emergency response, impact fees and more.
	H.B. 2350	4/16/2012	To House Committee on Environmental Resources and Energy on 04/16/2012.	Failed - adjourned	Would have provided for the Injection Well Safe Water Act and the disposal of waste in injection wells.
	S.B. 1514	5/7/2012	To Senate Committee on Environmental Resources and Energy.	Failed - adjourned	Would have provided for hydraulic fracturing chemical disclosure requirements.
	S.B. 1346	11/21/2011	Last amended on 05/23/2012. To House Committee on Environmental Resources and Energy on 10/16/2012.	Failed - adjourned	Would have provided for use of mine drainage water in hydraulic fracturing.
	H.B. 2415	5/31/2012	To House Committee on Environmental Resources and Energy on 05/31/2012.	Failed - adjourned	Would have further provided for hydraulic fracturing chemical disclosure requirements.
	H.R. 745	5/31/2012	To House Committee on Environmental Resources and Energy on 05/31/2012.	Failed - adjourned	Would have urged the Department of Environmental Protection to establish an evaluation and approval process for use of acid mine drainage in natural gas extraction.
	H.B. 2556	7/7/2012	To House Committee on Environmental Resources and Energy on 07/17/2012.	Failed - adjourned	Would have addressed water supply protection and provided for landowners to request a pre-drilling or pre-alteration survey in writing, within a certain distance of a proposed gas well using hydraulic fracturing.

State	Bill	Introduced	Last Action	Status	Summary
	H.B. 2701	10/17/2012	To House Committee on Environmental Resources and Energy on 10/17/2012.	Failed - adjourned	Would have provided for well location restrictions.
	S.B. 127	1/12/2011	To Senate Committee on Environmental Resources and Energy on 1/12/2011.	Failed - adjourned	Would have addressed fracturing chemicals, surface impoundments and fluid monitoring. Would have required operators to maintain records of the volume of fracturing fluids used for operations and the volume of fluids that return to the surface.
	S.B. 425	2/7/2011	To Senate Committee on Environmental Resources and Energy on 02/07/2011.	Failed - adjourned	Would have addressed well permits, well location restrictions, groundwater protection and casing requirements. Would have provided for hydraulic fracturing chemicals and surface impoundments, and fluid monitoring, and for use of surface impoundments for temporary flowback storage. Further would have provided for bonding, penalties and well plugging funds.
	H.B. 971	3/9/2011	To House Committee on Consumer Affairs on 03/09/2011.	Failed - adjourned	Would have addressed well permits, well location restrictions, groundwater protection and casing requirements. Would have provided for hydraulic fracturing chemicals and surface impoundments, and fluid monitoring, and for the use of surface impoundments for temporary flowback storage. Further would have provided for bonding, penalties and well plugging funds.
	S.B. 596	2/18/2011	To Senate Committee on Environmental Resources and Energy on 02/18/2011.	Failed - adjourned	Would have established an Emergency Drinking Water Support Fund to support testing of well water to determine whether chemicals known to be used in hydraulic fracturing are present.
	H.B. 1645	6/8/2011	To House Committee on Environmental Resources and Energy on 06/08/2011.	Failed - adjourned	Would have aimed to protect fresh groundwater and water supplies and provide for casing requirements.
		5/23/2011	To House Committee on Environmental Resources and Energy on 05/23/2011.	Failed - adjourned	Would have provided for chemical analysis of recycled wastewater during storage and of wastewater generated by oil and gas activities, and for electronic tracking of wastewater from oil and gas activities.
	H.B. 1741	6/25/2011	To House Committee on Transportation on 06/25/2011.	Failed - adjourned	Would have addressed hydraulic fracturing wastewater transportation by requiring any vehicle carrying wastewater to show a placard on the outside of the vehicle.
	H.B. 1800	7/26/2011	To House Committee on Environmental Resources and Energy.	Failed - adjourned	Would have addressed water protection, use of surface impoundments and hydraulic fracturing fluids, emergency response, well reporting, bonding and a severance tax.
	S.B. 1100	5/6/2011	Last amended 11/14/2011. To House Committee on Finance on 11/28/2011.	Failed - adjourned	Would have amended impact fees, severance taxes, well location restrictions, water supply protections, well reporting requirements, containment, transportation regulations and more.
	H.B. 1887	10/4/2011	To House Committee on Environmental Resources and Energy on 10/04/2011.	Failed - adjourned	Would have addressed well location restrictions, groundwater protection, casing requirements, well reporting and more.
	H.B. 24	10/6/2011	To House Committee on Environmental Resources and Energy on 10/06/2011.	Failed - adjourned	Would have required operators to disclose total volume of water used and chemical ingredients.

State	Bill	Introduced	Last Action	Status	Summary
	H.B. 230	1/26/2011	To House Committee on Environmental Resources and Energy on 1/26/2011.	Failed - adjourned	Would have prohibited wells from being drilled within the surface or subsurface area of, or using hydraulic fracturing or horizontal drilling within 2,500 feet of a water well, lake, reservoir, impoundment, spring, etc. or anything that is the primary source for a community water system.
	H.B. 1975	11/3/2011	To House Committee on Environmental Resources and Energy on 11/03/2011.	Failed - adjourned	Would have addressed water supply protection, wastewater, well location restrictions and more.
	H.B. 232	1/26/2011	To House Committee on Environmental Resources and Energy on 1/26/2011.	Failed - adjourned	Would have provided for well permits, well location restrictions and disposal of wastewater requirements.
	H.B. 1211	3/28/2011	To House Committee on Environmental Resources and Energy on 03/28/2011.	Failed - adjourned	Would have provided for well spacing requirements.
	H.B. 1680	6/17/2011	To House Committee on Environmental Resources and Energy on 06/17/2011.	Failed - adjourned	Would have required hydraulic fracturing fluid disclosure to a specified department. Chemical constituents would have been disclosed, but not proprietary chemical formulas. The information would have been made available to the public.
	S.B. 1226	8/30/2011	Corrective reprint issues 09/15/2011.	Failed - adjourned	Would have provided for disclosure of the composition of hydraulic fracturing fluids and would have required the information to be posted on FracFocus.
	S.B. 680	3/28/2011	To Senate Committee on Environmental Resources and Energy on 03/28/2011.	Failed - adjourned	Would have provided for location restrictions, water protection, use of surface impoundments for temporary flowback storage, well reporting requirements and more.
	H.B. 1346	11/21/2011	Last amended on 05/23/2012. To House Committee on Environmental Resources and Energy on 10/16/2012.	Failed - adjourned	Would have provided for use of mine drainage water in hydraulic fracturing. Also addressed project liability limitations.
	H.B. 234	1/26/2011	To House Committee on Environmental Resources and Energy on 1/26/2011.	Failed - adjourned	Would have required the amount of production and waste generated by each well to be reported.
	H.R. 296	5/23/2011	To House Committee on Environmental Resources and Energy on 05/23/2011.	Failed - adjourned	Would have urged Congress to pass the FRAC Act.
South Dakota	H.B. 1231	1/25/2012	Referred to House Agriculture and Natural Resources Committee and schedule for a hearing.	Failed - adjourned	Would have provided that hydraulic fracturing is acceptable in the state.
	H.C.R. 1005	2/1/2012	Enrolled 02/08/2012.	Adopted	Urged Congress to clearly delegate responsibility for regulating hydraulic fracturing to the states.
	S.B. 97	1/23/2012	To Senate Committee on Commerce and Energy on 02/07/2012.	Failed - adjourned	Would have required payment of a surface access fee for oil and gas exploration and production.

State	Bill	Introduced	Last Action	Status	Summary
Tennessee	H.B. 3204	1/26/2012	Assigned to Conservation Subcommittee on 02/01/2012.	Failed - adjourned	Would have defined trade secrets relative to well drilling. Would have created a notice requirement and prior approval before chemicals are injected into wells, and would have established a disclosure process for injections that involve trade secrets.
	S.B. 3127	1/26/2012	Passed second consideration and referred to Senate E&E Committee on 01/30/2012.	Failed - adjourned	Would have defined trade secrets relative to well drilling. Would have created a notice requirement and prior approval before chemicals are injected into wells, and would have established a disclosure process for injections that involve trade secrets.
	H.B. 3205	1/26/2012	Assigned to Conservation Subcommittee on 02/01/2012.	Failed - adjourned	Would have created well construction and integrity guidelines.
	S.B. 3125	1/26/2012	Passed second consideration and referred to Senate Energy and Environment Committee on 01/30/2012.	Failed - adjourned	Would have created well construction and integrity guidelines.
	H.R. 98	4/21/2011	Signed by speaker on 05/09/2011.	Adopted	Encouraged a meeting to collaborate and propose regulations to oversee hydraulic fracturing methods.
Utah	S.C.R. 12	2/27/2012	Signed by governor on 03/22/2012.	Enacted	Urged Congress to clearly delegate responsibility for regulating hydraulic fracturing to the states.
Vermont	H.B. 464	1/3/2012	Signed by governor on 05/16/2012.	Enacted	Prohibited hydraulic fracturing in the state and prohibited collection, storage or treatment of wastewater from hydraulic fracturing within the state.
West Virginia	H.B. 3042	1/11/2012	To House Judiciary Committee on 01/11/2012.	Failed - adjourned	Would have addressed oil and gas production damage compensation, civil penalties, and the pooling of gas from horizontal shallow wells.
	H.B. 4066	1/13/2012	To House Judiciary Committee on 01/13/2012.	Failed - adjourned	Would have addressed groundwater contamination and spills associated with hydraulic fracturing and disclosure policies.
	H.B. 4067	1/13/2012	To House Judiciary Committee on 01/13/2012.	Failed - adjourned	Would have required gas well drillers or owners who contaminate a groundwater aquifer to remediate it until it meets Clean Water Act standards.
	H.B. 4265	1/23/2012	To House Judiciary Committee on 01/23/2012.	Failed - adjourned	Would have required flowback plans. Would have required a flowback tank with a closed loop system to prevent release of compounds and pollutants, and would have allowed use of flowback pits only in certain conditions. Also would have required proper disposal of drilling mud.
	H.B. 4266	1/23/2012	To House Judiciary Committee on 01/23/2012.	Failed - adjourned	Would have required material data safety sheets of hydraulic fracturing fluid components to be posted and provided to workers at the well sites, to emergency responders, to local emergency planning committees, and on the West Virginia Department of Environment's website.
	H.B. 4267	1/23/2012	To House Judiciary Committee on 01/23/2012.	Failed - adjourned	Would have required a study of the environmental and health impacts of shale gas development.
	H.B. 4352	1/31/2012	To House Judiciary Committee on 01/31/2012.	Failed - adjourned	Would have authorized counties and municipalities to enact zoning ordinances that regulate hydraulic fracturing.

State	Bill	Introduced	Last Action	Status	Summary
	H.B. 4386	2/1/2012	To House Judiciary Committee on 02/01/2012.	Failed - adjourned	Would have required the secretary to order operators of oil and gas operations whose operations have resulted in contamination or interruption of water supply for domestic or agricultural purposes to provide an emergency water supply and pay associated costs. Would have required pretesting of water wells within 3,500 feet of a well prior to drilling.
	H.B. 4637	2/20/2012	To House Judiciary Committee on 02/20/2012.	Failed - adjourned	Would have prohibited drilling of horizontal wells beneath abandoned wells and hydraulic fracturing within 500 feet of an abandoned well.
	H.C.R. 148	3/10/2012	To House Rules Committee on 03/10/2012.	Failed - adjourned	Would have requested the Joint Committee on Government and Finance to authorize a study on the use of "green" liquefied gas fracturing processes as opposed to water-based technologies.
	H.B. 4362	1/31/2012	To House Judiciary Committee.	Failed - adjourned	Would have required that the center of all new wells to be more than 1,000 feet from water wells or 625 feet from the edge of the well pad.
	H.B. 4394	2/12/2012	To House Judiciary Committee.	Failed - adjourned	Would have provided for the study of injection-induced seismic activity associated with horizontal well drilling and waste injection.
Wyoming	S.F. 60	2/13/2012	Failed introduction on 02/14/2012.	Failed - withdrawn	Would have required disclosure of hydraulic fracturing fluids. Would have provided for trade secrets.

Source: NCSL, 2013.

Natural Gas Fracking Operation photo on cover courtesy of Richard Waite, World Resources Institute.



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