

CHAPTER 132

NATURAL RESOURCES

SENATE BILL 18-184

BY SENATOR(S) Coram, Cooke, Crowder, Gardner, Guzman, Jahn, Kefalas, Marble, Martinez Humenik, Neville T., Scott, Tate, Grantham;
also REPRESENTATIVE(S) McKean and Esgar, Leonard.

AN ACT**CONCERNING A NEW PERMIT FOR THE SHORT-TERM EXTRACTION OF CONSTRUCTION MATERIALS.**

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

SECTION 1. In Colorado Revised Statutes, 34-32.5-111, **amend** (1), (2)(c) introductory portion, and (2)(c)(VII) as follows:

34-32.5-111. Special permits - fifteen-calendar-day processing. (1) (a) An operator of a construction materials extraction operation ~~shall be~~ IS subject to this section if ~~such~~ THE operation is conducted solely to obtain materials for highway, road, utility, or similar construction purposes under a federal, state, county, city, town, or special district contract that requires work to commence within a specified short period of time and will affect no more than thirty acres of land.

(b) AN OPERATOR OF A ONE-TIME EXCAVATION PROJECT THAT IS NOT PERFORMED PURSUANT TO A FEDERAL, STATE, COUNTY, CITY, TOWN, OR SPECIAL DISTRICT CONTRACT IS SUBJECT TO THIS SECTION IF THE PROJECT GENERATES SMALL QUANTITIES OF CONSTRUCTION MATERIALS THAT ARE EXPORTED FROM THE EXTRACTION SITE AND ARE INCIDENTAL TO THE INTENT OF THE PROJECT. A ONE-TIME EXCAVATION PROJECT THAT RESULTS IN EXCESS CONSTRUCTION MATERIALS AND THAT INTRODUCES CONSTRUCTION MATERIALS INTO THE CONSTRUCTION MATERIALS MARKET MUST OBTAIN A PERMIT PURSUANT TO THIS SUBSECTION (1)(b). AN OPERATION THAT QUALIFIES FOR A PERMIT PURSUANT TO THIS SUBSECTION (1)(b) MUST BE CLEARLY DEFINED, OF SHORT DURATION AND SCOPE, AFFECT NO MORE THAN THIRTY ACRES, AND NOT EMPLOY MATERIAL PROCESSING ACTIVITIES TYPICALLY ASSOCIATED WITH MINING OPERATIONS. RECLAMATION OF ALL AFFECTED LANDS SHALL BE COMPLETED WITHIN TWELVE MONTHS AFTER ISSUANCE OF THE PERMIT. AN OPERATOR POSSESSING A PERMIT ISSUED PURSUANT TO THIS SUBSECTION

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(1)(b) MUST CONVERT TO THE APPROPRIATE REGULAR CONSTRUCTION MATERIALS PERMIT IF EXTRACTION AND EXPORT OF MATERIALS FROM THE SITE ARE NOT COMPLETED WITHIN TWELVE MONTHS AFTER ISSUANCE OF A PERMIT PURSUANT TO THIS SUBSECTION (1)(b).

(2) (c) Each application form ~~shall~~ MUST include:

(VII) The terms of the governmental contract ~~which~~ THAT make a special permit necessary OR A CLEAR DESCRIPTION OF THE ONE-TIME EXCAVATION PROJECT DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION;

SECTION 2. In Colorado Revised Statutes, 34-32.5-125, **amend** (1)(a)(III) and (1)(b)(III) as follows:

34-32.5-125. Mined land reclamation fund - fees. (1) Fees for fiscal year 2007-08 and for each subsequent year of operation shall be collected by the office for operations according to the following schedule:

(a) Applications pursuant to:

(III) (A) Section 34-32.5-111 **(1)(a)** \$ 898

(B) SECTION **34-32.5-111 (1)(b)** \$ **400**

(b) Annual fees for fiscal year 2007-08 and for each subsequent year for operations pursuant to:

(III) (A) Section 34-32.5-111 **(1)(a)** \$ 504

(B) SECTION **34-32.5-111 (1)(b)** \$ **200**

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

Approved: April 12, 2018