

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0990.01 Thomas Morris x4218

SENATE BILL 18-184

SENATE SPONSORSHIP

Coram,

HOUSE SPONSORSHIP

McKean and Esgar,

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING A NEW PERMIT FOR THE SHORT-TERM EXTRACTION OF
102 CONSTRUCTION MATERIALS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Section 1 of the bill creates a new class of limited impact construction materials permits for one-time activities that produce construction materials as a by-product and are not intended to be ongoing mining operations. **Section 2** authorizes an application fee of \$400 for the permit and an annual fee of \$200.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 34-32.5-111, **amend**
3 (1), (2)(c) introductory portion, and (2)(c)(VII) as follows:

4 **34-32.5-111. Special permits - fifteen-calendar-day processing.**

5 (1) (a) An operator of a construction materials extraction operation ~~shall~~
6 ~~be~~ IS subject to this section if ~~such~~ THE operation is conducted solely to
7 obtain materials for highway, road, utility, or similar construction
8 purposes under a federal, state, county, city, town, or special district
9 contract that requires work to commence within a specified short period
10 of time and will affect no more than thirty acres of land.

11 (b) AN OPERATOR OF A ONE-TIME EXCAVATION PROJECT IS
12 SUBJECT TO THIS SECTION IF THE PROJECT GENERATES SMALL QUANTITIES
13 OF CONSTRUCTION MATERIALS THAT ARE EXPORTED FROM THE
14 EXTRACTION SITE AND ARE INCIDENTAL TO THE INTENT OF THE PROJECT.
15 A ONE-TIME EXCAVATION PROJECT THAT RESULTS IN EXCESS
16 CONSTRUCTION MATERIALS OR THAT INTRODUCES CONSTRUCTION
17 MATERIALS INTO THE CONSTRUCTION MATERIALS MARKET MUST OBTAIN
18 A PERMIT PURSUANT TO THIS SUBSECTION (1)(b). AN OPERATION THAT
19 QUALIFIES FOR A PERMIT PURSUANT TO THIS SUBSECTION (1)(b) MUST BE
20 CLEARLY DEFINED, OF SHORT DURATION AND SCOPE, AFFECT NO MORE
21 THAN THIRTY ACRES, AND NOT EMPLOY MATERIAL PROCESSING ACTIVITIES
22 TYPICALLY ASSOCIATED WITH MINING OPERATIONS. RECLAMATION OF ALL
23 AFFECTED LANDS SHALL BE COMPLETED WITHIN TWELVE MONTHS AFTER
24 ISSUANCE OF THE PERMIT. AN OPERATOR POSSESSING A PERMIT ISSUED
25 PURSUANT TO THIS SUBSECTION (1)(b) MUST CONVERT TO THE
26 APPROPRIATE REGULAR CONSTRUCTION MATERIALS PERMIT IF EXTRACTION

1 AND EXPORT OF MATERIALS FROM THE SITE ARE NOT COMPLETED WITHIN
2 TWELVE MONTHS AFTER ISSUANCE OF A PERMIT PURSUANT TO THIS
3 SUBSECTION (1)(b).

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

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

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

10 **34-32.5-125. Mined land reclamation fund - fees.** (1) Fees for
11 fiscal year 2007-08 and for each subsequent year of operation shall be
12 collected by the office for operations according to the following schedule:

13 (a) Applications pursuant to:

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

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

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

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

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

20 **SECTION 3. Act subject to petition - effective date -**
21 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
22 the expiration of the ninety-day period after final adjournment of the
23 general assembly (August 8, 2018, if adjournment sine die is on May 9,
24 2018); except that, if a referendum petition is filed pursuant to section 1
25 (3) of article V of the state constitution against this act or an item, section,
26 or part of this act within such period, then the act, item, section, or part
27 will not take effect unless approved by the people at the general election

1 to be held in November 2018 and, in such case, will take effect on the
2 date of the official declaration of the vote thereon by the governor.

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