

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

Agriculture, Livestock, & Natural Resources

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.

SENATE
3rd Reading Unamended
March 14, 2018

SENATE
2nd Reading Unamended
March 13, 2018

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

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

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

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

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

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

14 (a) Applications pursuant to:

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

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

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

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

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

21 **SECTION 3. Act subject to petition - effective date -**

22 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
23 the expiration of the ninety-day period after final adjournment of the
24 general assembly (August 8, 2018, if adjournment sine die is on May 9,
25 2018); except that, if a referendum petition is filed pursuant to section 1
26 (3) of article V of the state constitution against this act or an item, section,
27 or part of this act within such period, then the act, item, section, or part

1 will not take effect unless approved by the people at the general election
2 to be held in November 2018 and, in such case, will take effect on the
3 date of the official declaration of the vote thereon by the governor.

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