

**First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 25-0157.01 Richard Sweetman x4333

**SENATE BILL 25-054**

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**SENATE SPONSORSHIP**

**Simpson and Bridges**, Pelton B.

**HOUSE SPONSORSHIP**

**Martinez and McCormick**, Winter T.

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**Senate Committees**

Agriculture & Natural Resources  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE REGULATION OF MINING ACTIVITIES, AND, IN**  
102            **CONNECTION THEREWITH, CREATING A NEW PERMIT TYPE TO**  
103            **FACILITATE THE CLEANUP OF ABANDONED MINE WASTE PILES,**  
104            **UPDATING FORFEITURE AND WARRANTY PROCEDURES, AND**  
105            **RATIFYING COLORADO'S MEMBERSHIP IN THE "INTERSTATE**  
106            **MINING COMPACT" AND THE INTERSTATE MINING**  
107            **COMMISSION.**

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**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/>.)*

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

**Water Resources and Agriculture Review Committee.** The bill amends the "Colorado Mined Land Reclamation Act" and the "Colorado Land Reclamation Act for the Extraction of Construction Materials" to:

- Contemplate the expedited issuance of reclamation-only permits to persons desiring to conduct reclamation-only operations after July 1, 2025, on less than 5 acres; and
- Update restrictions and requirements concerning the posting and forfeiture of financial warranties relating to mine reclamation projects.

The office of mined land reclamation may not issue a reclamation-only permit to a designated mining operation.

The bill also enacts the "Interstate Mining Compact" and ratifies Colorado's membership in the associated Interstate Mining Commission.

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

2           **SECTION 1. Short title.** This short title of this act is the "Legacy  
3 Mining and Modernization Act".

4           **SECTION 2. Legislative declaration.** (1) The general assembly  
5 finds and declares that:

6           (a) The division of reclamation, mining, and safety within the  
7 department of natural resources estimates there are more than 23,000  
8 abandoned mines across the state;

9           ==  
10           (b) Many legacy mine features contribute heavy metals and acid  
11 mine drainage to Colorado watersheds, contaminating drinking water  
12 supplies, negatively impacting the health of aquatic ecosystems, and  
13 corroding essential infrastructure;

14           == ==  
15           (c) In addition to improvements in watershed health and water  
16 quality, a reclamation-only permitting system offers an opportunity to  
17 facilitate recovery of valuable metals, rare earths, and strategic minerals

1 without impacts associated with new mining activity; establish  
2 ecosystem-appropriate vegetation, including pollinator-friendly and  
3 drought-tolerant plants, where no vegetation exists today; and return land  
4 to a beneficial use for local communities;

5 (d) Financial warranties are required for all mining operations to  
6 ensure the completion of reclamation;

7 (e) Each financial warranty must be set and maintained at a level  
8 that reflects the actual current cost of fulfilling the requirements of the  
9 reclamation plan; and

10 (f) One hundred percent of the proceeds of all forfeited financial  
11 warranties must be deposited in a special account established by the  
12 mined land reclamation board for the purpose of reclaiming lands that  
13 were obligated to be reclaimed under the permits upon which such  
14 financial warranties have been forfeited.

15 (2) Therefore, the general assembly declares that a new permit  
16 type should be created to \_\_\_ facilitate the removal of waste piles while  
17 providing regulatory oversight and ensuring lands are returned to a  
18 beneficial use.

19 **SECTION 3.** In Colorado Revised Statutes, 34-32-103, **amend**  
20 the introductory portion and (8); and **add** (2.5) and (5.9) as follows:

21 **34-32-103. Definitions.** As used in this ~~article~~ ARTICLE 32, unless  
22 the context otherwise requires:

23 (2.5) "CERCLA" MEANS THE FEDERAL "COMPREHENSIVE  
24 ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF  
25 1980", 42 U.S.C. SEC. 9601 ET SEQ.

26 (5.9) "LEGACY MINE" MEANS A MINE WHERE PRE-LAW MINING  
27 OPERATIONS HAVE OCCURRED OR THE MINING OPERATIONS HAVE BEEN

1 ABANDONED, AND NO BOND OR OTHER FINANCIAL ASSURANCE OR  
2 RECLAMATION RESPONSIBILITY COVERING THE RECLAMATION OF THE LAND  
3 AFFECTED BY THE MINING OPERATIONS EXISTS.

4 (8) "Mining operation" means the development or extraction of a  
5 mineral from its natural occurrences OR WITHIN REFUSE on affected land.  
6 ~~The term~~ "Mining operation" includes, but is not limited to, open mining,  
7 in situ mining, in situ leach mining, surface operations, and the disposal  
8 of refuse from underground mining, in situ mining, and in situ leach  
9 mining. ~~The term~~ "Mining operation" also includes the following  
10 operations on affected lands: Transportation, concentrating, milling,  
11 evaporation, REMOVAL OF WASTE PILES AND REFUSE, and other  
12 processing. ~~The term~~ "Mining operation" does not include: The  
13 exploration and extraction of natural petroleum in a liquid or gaseous  
14 state by means of wells or pipe; the development or extraction of coal; the  
15 extraction of geothermal resources; smelting, refining, cleaning,  
16 preparation, transportation, and other off-site operations not conducted on  
17 affected land; or the extraction of construction material where there is no  
18 development or extraction of any mineral.

19 **SECTION 4.** In Colorado Revised Statutes, 34-32-110, **add** (9)  
20 as follows:

21 **34-32-110. Limited impact operations - expedited process -**  
22 **reclamation-only permits - rules.** (9) (a) AN OPERATOR DESIRING TO  
23 CONDUCT RECLAMATION-ONLY OPERATIONS AT A LEGACY MINE PURSUANT  
24 TO AN APPLICATION SUBMITTED AFTER SEPTEMBER 1, 2025, ON LESS THAN  
25 FIVE ACRES MAY APPLY FOR THE EXPEDITED PROCESSING OF THE  
26 OPERATOR'S PERMIT. IN ORDER TO OBTAIN A RECLAMATION-ONLY PERMIT  
27 PURSUANT TO THIS SUBSECTION (9), AN OPERATOR SHALL FILE WITH THE

1 OFFICE:

2 (I) EVIDENCE OF THE SOURCE OF THE OPERATOR'S LEGAL RIGHT TO  
3 ENTER AND INITIATE A RECLAMATION OPERATION ON THE AFFECTED LAND;

4 (II) A FINANCIAL WARRANTY AND FEE THAT COMPLIES WITH  
5 SUBSECTION (3) OF THIS SECTION;

6 (III) THE ADDRESS AND TELEPHONE NUMBER OF THE OPERATOR'S  
7 GENERAL OFFICE AND THE OPERATOR'S LOCAL ADDRESS OR ADDRESSES  
8 AND TELEPHONE NUMBER;

9 (IV) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE  
10 OWNER OF THE SURFACE OF THE AFFECTED LAND AND THE SOURCE OF THE  
11 OPERATOR'S LEGAL RIGHT TO ENTER AND INITIATE A RECLAMATION  
12 OPERATION ON THE AFFECTED LAND;

13 (V) A STATEMENT THAT THE OPERATOR WILL CONDUCT THE  
14 OPERATIONS PURSUANT TO THE TERMS AND CONDITIONS LISTED ON THE  
15 APPLICATION AND IN ACCORDANCE WITH THIS ARTICLE 32 AND THE RULES  
16 ADOPTED PURSUANT TO THIS ARTICLE 32 AND IN EFFECT AT THE TIME THE  
17 PERMIT WAS APPROVED OR AMENDED;

18 (VI) A MAP SHOWING INFORMATION SUFFICIENT TO DETERMINE  
19 THE LOCATION OF THE AFFECTED LAND AND EXISTING AND PROPOSED  
20 ROADS OR ACCESS ROUTES TO BE USED IN CONNECTION WITH THE  
21 RECLAMATION OPERATION;

22 (VII) THE APPROXIMATE SIZE OF THE AFFECTED LAND;

23 (VIII) INFORMATION SUFFICIENT TO DESCRIBE OR IDENTIFY THE  
24 TYPE OF RECLAMATION OPERATION PROPOSED, HOW THE OPERATOR  
25 INTENDS TO CONDUCT THE RECLAMATION OPERATION, AND THE NAME AND  
26 LOCATION OF THE MILL OR FACILITY ACCEPTING THE MATERIALS BEING  
27 EXCAVATED;

1 (IX) A STATEMENT THAT THE OPERATOR HAS APPLIED FOR  
2 NECESSARY LOCAL GOVERNMENT APPROVALS; AND

3 (X) A DESCRIPTION OF MEASURES TO BE TAKEN TO RECLAIM ANY  
4 AFFECTED LAND CONSISTENT WITH THE REQUIREMENTS OF SECTION  
5 34-32-116.

6 (b) THE OFFICE SHALL NOT ISSUE A RECLAMATION-ONLY PERMIT  
7 TO A DESIGNATED MINING OPERATION.

8 (c) THE OFFICE SHALL NOT ISSUE A RECLAMATION-ONLY PERMIT  
9 FOR A PERIOD THAT EXCEEDS THREE YEARS FROM THE INITIATION OF  
10 EXCAVATION TO COMPLETION OF ALL RECLAMATION WORK.

11 (d) A RECLAMATION-ONLY PERMIT SHALL NOT BE CONVERTED INTO  
12 ANY OTHER TYPE OF PERMIT.

13 (e) NOTHING IN THIS SUBSECTION (9) RELIEVES A PERMITTEE OF  
14 THE DUTY TO COMPLY WITH APPLICABLE SURFACE WATER OR  
15 GROUNDWATER QUALITY OR RADIATION CONTROL REQUIREMENTS.

16 (f) NOTHING IN THIS SUBSECTION (9) APPLIES TO RESPONSE  
17 ACTIONS SUBJECT TO OR REQUIRED BY CERCLA.

18 (g) THE BOARD MAY ADOPT RULES THAT DEFINE WHAT TYPES OF  
19 RECLAMATION ACTIVITIES ARE PERMISSIBLE AND PROHIBITED UNDER THIS  
20 SECTION.

21 **SECTION 5.** In Colorado Revised Statutes, 34-32-112, **amend**  
22 (1) introductory portion; and **repeal** (1)(a) as follows:

23 **34-32-112. Application for reclamation permit - changes in**  
24 **permits - fees - notice.** (1) ~~Any~~ AN operator desiring to obtain a  
25 reclamation permit shall make written application to the board or to the  
26 office for a permit on forms provided by the board. The reclamation  
27 permit or the renewal of an existing permit, if approved, ~~shall~~ MUST

1 authorize the operator to engage in such mining operation upon the  
2 affected land described in ~~such~~ THE application for the life of the mine.  
3 ~~Such~~ THE application shall ~~consist~~ BE FILED THROUGH BOARD-APPROVED  
4 METHODS AND CONSISTS of the following:

5 (a) ~~Five copies of the application;~~

6 **SECTION 6.** In Colorado Revised Statutes, 34-32-115, **amend**  
7 (2) as follows:

8 **34-32-115. Action by board - appeals.** (2) ~~Prior to the~~ BEFORE  
9 holding of ~~any such~~ A hearing AS DESCRIBED IN SUBSECTION (1) OF THIS  
10 SECTION, the board or the office shall provide notice to ~~any~~ A person WHO  
11 previously ~~filing~~ FILED a protest or petition for a hearing or statement in  
12 support of an application pursuant to section 34-32-114 and shall publish  
13 notice of the time, date, and location of the hearing ON THE DIVISION  
14 WEBSITE AND in a newspaper of general circulation in the locality of the  
15 proposed mining operation once a week for two consecutive weeks  
16 immediately prior to the hearing. The hearing shall be conducted ~~as a~~  
17 ~~proceeding~~ pursuant to article 4 of title 24. ~~C.R.S.~~ A final decision on the  
18 application shall be made within one hundred twenty days after the  
19 receipt of the application. In the event of complex applications, serious  
20 unforeseen circumstances, or significant snow cover on the affected land  
21 that prevents a necessary on-site inspection, the board or the office may  
22 reasonably extend the maximum time FOR A FINAL DECISION BY sixty  
23 days. In the event of in situ leach mining operations, a final decision on  
24 the application ~~will~~ SHALL be made within two hundred forty days.

25 **SECTION 7.** In Colorado Revised Statutes, 34-32-116, **amend**  
26 (7)(e) as follows:

27 **34-32-116. Duties of operators - reclamation plans.**

1 (7) Reclamation plans and the implementation of reclamation plans must  
2 conform to the following general requirements:

3 (e) In those areas where revegetation is part of the reclamation  
4 plan, land shall be revegetated in such a way as to establish a diverse,  
5 effective, and long-lasting vegetative cover that is capable of  
6 self-regeneration and at least equal in extent of cover to the natural  
7 vegetation of the surrounding area. Native PLANT species THAT  
8 ENCOURAGE POLLINATORS should receive first consideration, but  
9 introduced species may be used in the revegetation process when found  
10 desirable by the board.

11 **SECTION 8.** In Colorado Revised Statutes, 34-32-117, **amend**  
12 (3)(b), (3)(d)(II), (3)(f)(IV), (3)(f)(V)(A), (4)(c)(II), (6)(a), (6)(b)(I),  
13 (6)(c), (6)(e), (6)(f), and (6)(g); and **repeal** (3)(f)(V)(C), (3)(f)(V)(D),  
14 (3)(f)(V)(E), and (8) as follows:

15 **34-32-117. Warranties of performance - warranties of**  
16 **financial responsibility - release of warranties - applicability.**

17 (3) (b) The board may accept interests in real and personal property as  
18 financial warranties ~~to~~ WHERE THE AMOUNT OF THE RECLAMATION  
19 LIABILITY EXCEEDS THIRTY MILLION DOLLARS. THE BOARD MAY  
20 DETERMINE the extent of a specified percentage of the ~~estimated~~  
21 APPRAISED value of ~~any such~~ THE property, ~~Any~~ NOT TO EXCEED  
22 SEVENTY-FIVE PERCENT OF THE APPRAISED VALUE. A person offering such  
23 financial warranty shall submit THE information necessary to show clear  
24 title to and the value of ~~such~~ THE property.

25 (d) For nondesignated mining operations:

26 (II) This subsection (3) ~~shall be~~ IS applicable on January 1, 1996,  
27 to:



1 (A) Deeds of trust existing as of July 1, 1993, and subsequent  
2 updates of ~~these same~~ THE deeds of trust used as collateral for financial  
3 warranties. ~~and~~

4 (B) ~~Any financial warranty completed before July 1, 1993, if the~~  
5 ~~value of any such financial warranty includes any mineral value or if~~  
6 ~~mineral value is used to update any such financial warranty. The value of~~  
7 ~~any financial warranty described in this sub-subparagraph (B) shall~~  
8 ~~include mineral value for the life of the warranty.~~

9 (f) Proof of financial responsibility may consist of any one or  
10 more of the following, subject to approval by the board:

11 (IV) A deed of trust or security agreement encumbering real or  
12 personal property and creating a first lien in favor of the state FOR  
13 LIABILITIES EXCEEDING THIRTY MILLION DOLLARS;

14 (V) Assurance, in such form as the board may require, that:

15 (A) Upon commencement of production OR WHEN SITE  
16 CONDITIONS AND LIABILITIES CHANGE, the operator will establish an  
17 individual reclamation fund, to be held by an independent trustee for the  
18 board, upon such terms and conditions as the board may prescribe, which  
19 trust fund shall be funded by periodic cash payments representing such  
20 fraction of receipts as will, in the opinion of the board, provide assurance  
21 that ~~funds~~ MONEY will be available for reclamation; AND

22 (C) ~~Project-related fixtures and equipment (excluding rolling~~  
23 ~~stock) owned or to be owned by the financial warrantor within the permit~~  
24 ~~area will have a salvage value at least equal to the amount of the financial~~  
25 ~~warranty, or the appropriate portion thereof;~~

26 (D) ~~Existing liens and encumbrances applicable to said fixtures~~  
27 ~~and equipment, other than liens in favor of the United States or this state;~~

1 any other state, and any political subdivisions, will be subordinated to the  
2 lien described in section 34-32-118 (4)(b); and

3 (E) Said fixtures and equipment will be maintained in good  
4 operating condition and will not be removed from the permit area without  
5 the prior consent of the board;

6 (4) (c) (II) ~~A~~ AN OPERATOR OR A financial warrantor shall have  
7 HAS sixty days after the date of notice of ~~any such~~ AN adjustment to fulfill  
8 all THE new requirements.

9 (6) (a) Financial warranties shall be maintained in good standing  
10 for the entire life of any permit issued under this article. ~~Financial~~  
11 ~~warrantors~~ ARTICLE 32. AN OPERATOR OR A FINANCIAL WARRANTOR shall  
12 immediately notify the board of ~~any~~ AN event ~~which~~ THAT may impair  
13 ~~their~~ THE OPERATOR'S OR THE FINANCIAL WARRANTOR'S warranties.

14 (b) (I) Each OPERATOR AND financial warrantor providing proof  
15 of financial responsibility in a form described in subsection ~~(3)(f)(IV);~~  
16 (3)(f)(V) or (8) of this section shall annually cause to be filed with the  
17 board a certification by an independent auditor that, as of the close of the  
18 ~~financial warrantor's~~ OPERATOR'S most recent fiscal year, the OPERATOR  
19 AND THE financial warrantor continued to meet all applicable  
20 requirements of the applicable subsection. ~~Financial warrantors~~ AN  
21 OPERATOR OR A FINANCIAL WARRANTOR that no longer ~~meet~~ MEETS the  
22 requirements shall instead cause to be filed an alternate form of financial  
23 warranty.

24 (c) Each OPERATOR AND financial warrantor providing proof of  
25 financial responsibility in a form described in subsection ~~(3)(f)(IV);~~  
26 (3)(f)(V) or (8) of this section shall notify the board within sixty days of  
27 ~~any~~ A net loss incurred in ~~any~~ A quarterly period.

1 (e) Whenever the board elects to convene a hearing pursuant to  
2 this subsection (6), it may hire an independent consultant to provide  
3 expert advice at the hearing. The fees of ~~any such~~ THE consultant shall be  
4 paid by the ~~financial warrantor~~ OPERATOR, and ~~no~~ A consultant shall NOT  
5 be hired until the ~~financial warrantor~~ OPERATOR signs a written fee  
6 agreement in such form as the board may prescribe. In the event that a  
7 ~~financial warrantor~~ AN OPERATOR refuses to sign such an agreement, the  
8 board may, without hearing, order the ~~financial warrantor~~ OPERATOR to  
9 provide an alternate form of financial warranty.

10 (f) At ~~any~~ A hearing held pursuant to this subsection (6), if the  
11 board finds that a financial warranty has been materially impaired, ~~it~~ THE  
12 BOARD may order the OPERATOR OR THE financial warrantor to provide an  
13 alternate form of financial warranty.

14 (g) ~~A~~ AN OPERATOR OR A financial warrantor ~~shall have~~ HAS  
15 ninety days to provide ~~any~~ AN alternate warranty required under this  
16 subsection (6).

17 (8) ~~(a) The board or office may, in its discretion, accept a first~~  
18 ~~priority lien in the amount of the financial warranty prescribed pursuant~~  
19 ~~to subsection (4) of this section on any project-related fixtures and~~  
20 ~~equipment that must remain on-site in order for the reclamation plan to~~  
21 ~~be performed in lieu of including the cost of acquiring and installing such~~  
22 ~~fixtures and equipment.~~

23 ~~(b) The board or office may accept a first priority lien on any~~  
24 ~~project-related fixtures and equipment that must be demolished or~~  
25 ~~removed from the site under the reclamation plan. The board or office~~  
26 ~~may, in its discretion, accept such a lien as a portion of the proof of~~  
27 ~~financial responsibility if the amount credited for such lien does not~~

1 exceed the cost of demolishing and removing the subject fixtures and  
2 equipment or the market value of such fixtures and equipment, whichever  
3 is less.

4 ~~(c) Any fixtures and equipment accepted pursuant to this~~  
5 ~~subsection (8) shall be insured and maintained in good operating~~  
6 ~~condition and shall not be removed from the permit area without the prior~~  
7 ~~consent of the board. Each financial warrantor providing a lien on such~~  
8 ~~equipment and fixtures shall file an annual report with the office in~~  
9 ~~sufficient detail to fully describe the condition, value, and location of all~~  
10 ~~pledged fixtures and equipment. Such financial warrantor shall not pledge~~  
11 ~~such equipment and fixtures to secure any other obligation and shall~~  
12 ~~immediately notify the office of any other interest that arises in the~~  
13 ~~pledged property.~~

14 **SECTION 9.** In Colorado Revised Statutes, 34-32-118, **amend**  
15 **(5); and repeal (4)(b) and (4)(c)** as follows:

16 **34-32-118. Forfeiture of financial warranties.** (4) (b) The  
17 amount of any forfeited financial warranty shall be a lien in favor of this  
18 state upon any project-related fixtures or equipment offered as proof of  
19 financial responsibility pursuant to section 34-32-117 (3)(f)(V).

20 ~~(c) Said lien shall have priority over all other liens and~~  
21 ~~encumbrances irrespective of the date of recordation, except liens of~~  
22 ~~record on June 19, 1981, and liens of the United States, the state, and~~  
23 ~~political subdivisions thereof for unpaid taxes, and shall attach and be~~  
24 ~~deemed perfected as of the date the board approves issuance of the~~  
25 ~~operator's permit.~~

26 (5) Funds MONEY recovered by the attorney general in  
27 proceedings brought pursuant to subsection (4) of this section shall be

1 held in the account described in section 34-32-122 and shall be used to  
2 reclaim lands covered by the forfeited warranties. ~~except that five percent~~  
3 ~~of the amount of the financial warranty shall be deposited in the mined~~  
4 ~~land reclamation fund, created in section 34-32-127, to cover the~~  
5 ~~administrative costs incurred by the office in performing reclamation.~~ The  
6 board ~~shall have~~ HAS a right of entry to reclaim ~~said~~ THE lands. Upon  
7 completion of ~~such~~ THE reclamation, the board shall present to the  
8 financial warrantor a full accounting and ~~shall~~ refund all unspent ~~moneys~~  
9 MONEY.

10 **SECTION 10.** In Colorado Revised Statutes, 34-32-122, **amend**  
11 (1)(a) and (2) as follows:

12 **34-32-122. Fees, civil penalties, and forfeitures - deposit -**  
13 **emergency response cash fund - created - definition.** (1) (a) All fees  
14 and assessments collected pursuant to this ~~article and five percent of the~~  
15 ~~proceeds of any financial warranty forfeited pursuant to section~~  
16 ~~34-32-118~~ ARTICLE 32 shall be deposited in the mined land reclamation  
17 fund ~~for administrative costs associated with reclaiming sites for which~~  
18 ~~the financial warranty has been revoked~~ CREATED IN SECTION 34-32-127.  
19 All civil penalties collected under ~~the provisions of this article~~ THIS  
20 ARTICLE 32 shall be deposited in the general fund. ~~Ninety-five~~ ONE  
21 HUNDRED percent of the proceeds of all financial warranties forfeited  
22 under ~~the provisions of section 34-32-118~~ shall be deposited in a special  
23 account in the general fund established by the board for the purposes of  
24 reclaiming lands ~~which~~ THAT were obligated to be reclaimed under the  
25 permits upon which ~~such~~ THE financial warranties have been forfeited.

26 (2) ~~Any~~ AN applicant that desires to utilize the self-insurance  
27 provisions listed in section 34-32-117 ~~(3)(f)(IV), (3)(f)(V), or (8)~~

1 (3)(f)(IV) OR (3)(f)(V) shall pay an annual fee to the office sufficient to  
2 defray the actual cost to the office of establishing and reviewing the  
3 financial warranty of the applicant. ~~These funds are hereby~~ MONEY  
4 COLLECTED AS SUCH FEES IS annually made available to the office, which  
5 shall utilize outside financial and legal services for this purpose.

6 **SECTION 11.** In Colorado Revised Statutes, 34-32-124.5,  
7 **amend** (1)(b) as follows:

8 **34-32-124.5. Emergencies endangering public health or**  
9 **welfare or environment.** (1) Following an investigation, an emergency  
10 response is justified pursuant to section 34-32-122 (3) if the board or  
11 office determines that:

12 (b) Circumstances exist, regardless of whether caused by a person,  
13 at a legacy mine site that create a danger to public health or welfare or the  
14 environment. ~~For purposes of this paragraph (b), "legacy mine site"~~  
15 ~~means a site where hard rock mining operations have been abandoned as~~  
16 ~~those terms are defined in section 34-34-101 (1)(b) and (4).~~

17 **SECTION 12.** In Colorado Revised Statutes, 34-32-127, **amend**  
18 (2)(a)(I)(A) as follows:

19 **34-32-127. Mined land reclamation fund - created - fees - fee**  
20 **adjustments - rules.** (2) (a) The office shall collect fees for fiscal year  
21 2014-15 and for each subsequent year of operation for operations  
22 according to the following schedule:

23 (I) Applications pursuant to:

24 (A) Section 34-32-110 ~~(1)~~ (1) AND (9) \$288

25 **SECTION 13.** In Colorado Revised Statutes, 34-32.5-112,  
26 **amend** (1)(b) introductory portion; and **repeal** (1)(b)(I) as follows:

27 **34-32.5-112. Application for reclamation permit - changes in**

1 **permits - fees - notice.** (1) (b) Each AN application shall consist SHALL  
2 BE FILED THROUGH BOARD-APPROVED METHODS AND CONSISTS OF:

3 (I) ~~Five copies of the application;~~

4 **SECTION 14.** In Colorado Revised Statutes, 34-32.5-115,  
5 **amend** (2) as follows:

6 **34-32.5-115. Action by board - appeals.** (2) ~~Prior to~~ BEFORE  
7 holding a hearing AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, the  
8 board or the office shall provide notice to ~~any~~ A person who filed a  
9 protest or petition for a hearing or statement in support of an application  
10 pursuant to section 34-32.5-114. Notice of the time, date, and location of  
11 the hearing shall be published ON THE DIVISION WEBSITE AND in a  
12 newspaper of general circulation in the locality of the proposed mining  
13 operation once a week for the two consecutive weeks immediately  
14 preceding the hearing. The hearing shall be conducted pursuant to article  
15 4 of title 24. ~~C.R.S.~~ A final decision on the application shall be made  
16 within one hundred twenty days after the receipt of the application. In the  
17 event of complex applications, serious unforeseen circumstances, or  
18 significant snow cover on the affected land that prevents a necessary  
19 on-site inspection, the board may reasonably extend the time in which a  
20 final decision must be made by sixty days.

21 **SECTION 15.** In Colorado Revised Statutes, 34-32.5-116,  
22 **amend** (4) introductory portion and (4)(f) as follows:

23 **34-32.5-116. Duties of operators - reclamation plans.**

24 (4) Reclamation plans and their implementation are required on all  
25 affected lands and shall MUST conform to the following requirements:

26 (f) In those areas where revegetation is part of the reclamation  
27 plan, land shall be revegetated so that a diverse, effective, and

1 long-lasting vegetative cover is established that is capable of  
2 self-regeneration and is at least equal, with respect to the extent of cover,  
3 to the natural vegetation of the surrounding area. ~~Species chosen for~~  
4 NATIVE PLANT SPECIES THAT ENCOURAGE POLLINATORS SHOULD RECEIVE  
5 FIRST CONSIDERATION, BUT INTRODUCED SPECIES MAY BE USED IN THE  
6 REVEGETATION PROCESS WHEN FOUND DESIRABLE BY THE BOARD.  
7 Revegetation ~~shall~~ MUST be compatible for the proposed post-extraction  
8 land use and ~~shall~~ be of adequate diversity to establish successful  
9 reclamation.

10 **SECTION 16.** In Colorado Revised Statutes, 34-32.5-117,  
11 **amend** (3)(b), (3)(d)(II), (3)(f)(IV), (3)(f)(V)(A), (4)(c)(II), (6)(a), (6)(b),  
12 (6)(c), (6)(e), (6)(f), and (6)(g); and **repeal** (3)(f)(V)(C), (3)(f)(V)(D),  
13 (3)(f)(V)(E), (3)(f)(VI), (3)(f)(VII), and (8) as follows:

14 **34-32.5-117. Warranties of performance - warranties of**  
15 **financial responsibility - release of warranties - definitions.**

16 (3) (b) The board may accept interests in real and personal property as  
17 financial warranties ~~to~~ WHERE THE AMOUNT OF THE RECLAMATION  
18 LIABILITY EXCEEDS FIFTY MILLION DOLLARS. THE BOARD MAY DETERMINE  
19 the extent of a specified percentage of the ~~estimated~~ APPRAISED value of  
20 ~~such~~ THE property, NOT TO EXCEED SEVENTY-FIVE PERCENT OF THE  
21 APPRAISED VALUE. A person offering such a financial warranty shall  
22 submit information to show clear title to and the value of ~~such~~ THE  
23 property.

24 (d) For construction materials operations:

25 (II) This subsection (3) ~~shall be~~ IS effective on January 1, 1996,  
26 with respect to a:

27 (A) Financial warranty that is collateral for a deed of trust used as



1 collateral for a financial warranty in existence on July 1, 1993, and  
2 subsequent amendments of ~~such~~ THE deed of trust. ~~and~~

3 (B) ~~Financial warranty completed before July 1, 1993, if the value~~  
4 ~~of such financial warranty includes a construction material value or if~~  
5 ~~construction material value is used to update such warranty. The value of~~  
6 ~~a financial warranty described in this sub-subparagraph (B) shall include~~  
7 ~~the construction material value for the life of the warranty.~~

8 (f) Proof of financial responsibility may consist of one or more of  
9 the following, subject to approval by the board:

10 (IV) A deed of trust or security agreement encumbering real or  
11 personal property and creating a first lien in favor of this state FOR  
12 LIABILITIES EXCEEDING FIFTY MILLION DOLLARS;

13 (V) Assurance, in such form as the board may require, that:

14 (A) Upon commencement of production, OR WHEN SITE  
15 CONDITIONS AND LIABILITIES CHANGE, the operator will establish an  
16 individual reclamation fund to be held by an independent trustee for the  
17 board, upon such terms and conditions as the board may prescribe, and  
18 funded by periodic cash payments representing such fraction of receipts  
19 as will, in the opinion of the board, provide assurance that ~~funds~~ MONEY  
20 will be available for reclamation; AND

21 (C) ~~Project-related fixtures and equipment, excluding rolling~~  
22 ~~stock, owned or to be owned by the financial warrantor within the permit~~  
23 ~~area will have a salvage value at least equal to the amount of the financial~~  
24 ~~warranty or the appropriate portion of such warranty;~~

25 (D) ~~Existing liens and encumbrances applicable to project-related~~  
26 ~~fixtures and equipment shall be subordinated to the lien described in~~  
27 ~~section 34-32.5-118; except that liens in favor of the United States, a~~

1 state, or a political subdivision shall not be so subordinated;

2 (E) ~~Project-related fixtures and equipment shall be maintained in~~  
3 ~~good operating condition and will not be removed from the permit area~~  
4 ~~without the prior consent of the board;~~

5 (VI) ~~A certified financial statement for the financial warrantor's~~  
6 ~~most recent fiscal year and a certification by an independent auditor that:~~

7 (A) ~~The financial warrantor is the issuer of one or more currently~~  
8 ~~outstanding senior credit obligations that have been rated by a nationally~~  
9 ~~recognized rating organization;~~

10 (B) ~~The obligations enjoy a rating by such rating organization of~~  
11 ~~'A' or better;~~

12 (C) ~~The financial warrantor's net worth was at least twice the~~  
13 ~~amount of all financial warranties made by such warrantor as of the close~~  
14 ~~of the most recent fiscal year;~~

15 (VII) ~~A certified financial statement for the financial warrantor's~~  
16 ~~most recent fiscal year and a certification by an independent auditor that~~  
17 ~~as of the close of such year the financial warrantor's:~~

18 (A) ~~Net worth was at least ten million dollars and was equal to or~~  
19 ~~greater than twice the amount of all financial warranties;~~

20 (B) ~~Tangible fixed assets in the United States were worth at least~~  
21 ~~twenty million dollars;~~

22 (C) ~~Total liabilities-to-net-worth ratio was not more than two to~~  
23 ~~one;~~

24 (D) ~~Net income, excluding nonrecurring items, was positive.~~  
25 ~~Nonrecurring items that affect net income shall be stated in order to~~  
26 ~~determine if they materially affect self-bonding capacity.~~

27 (4) (c) (II) ~~A AN OPERATOR OR A financial warrantor shall have~~

1 HAS sixty days after the date of notice of an adjustment to fulfill the new  
2 requirements.

3 (6) (a) A financial warranty shall be maintained in good standing  
4 for the entire life of a permit issued under this ~~article~~. ~~A ARTICLE 32.5. AN~~  
5 OPERATOR OR A financial warrantor shall immediately notify the board of  
6 an event that may impair ~~its~~ THE OPERATOR'S OR THE FINANCIAL  
7 WARRANTOR'S warranty.

8 (b) Each OPERATOR AND financial warrantor ~~who~~ THAT provides  
9 proof of financial responsibility in a form described in subsection  
10 ~~(3)(f)(IV) to (3)(f)(VII) or subsection (8) (3)(f)(IV) OR (3)(f)(V) of this~~  
11 section shall cause to be filed with the board a certification by an  
12 independent auditor. ~~Such~~ THE certification shall be filed annually and  
13 ~~shall~~ MUST provide that, as of the close of the ~~financial warrantor's~~  
14 OPERATOR'S most recent fiscal year, ~~such~~ THE OPERATOR AND THE  
15 financial warrantor continued to meet all applicable requirements of ~~such~~  
16 ~~subparagraphs (IV) to (VII). A SUBSECTIONS (3)(f)(IV) AND (3)(f)(V) OF~~  
17 THIS SECTION. AN OPERATOR OR A financial warrantor ~~who~~ THAT no  
18 longer meets ~~such~~ THE requirements shall cause to be filed an alternate  
19 form of financial warranty.

20 (c) ~~A AN~~ OPERATOR OR A financial warrantor ~~who~~ THAT provides  
21 proof of financial responsibility in a form described in ~~paragraph (b) of~~  
22 ~~this subsection (6)~~ SUBSECTION (6)(b) OF THIS SECTION shall notify the  
23 board within sixty days after a net loss is incurred in a quarterly period.

24 (e) Whenever the board convenes a hearing pursuant to this  
25 subsection (6), it may hire an independent consultant to provide expert  
26 advice at the hearing. The fees of ~~any such~~ THE consultant shall be paid  
27 by the ~~financial warrantor~~ OPERATOR, and ~~no~~ A consultant shall NOT be

1 hired until the ~~financial warrantor~~ OPERATOR signs a written fee  
2 agreement in such form as the board may prescribe. If a ~~financial~~  
3 ~~warrantor~~ AN OPERATOR refuses to sign such an agreement, the board  
4 may, without hearing, order ~~such financial warrantor~~ THE OPERATOR to  
5 provide an alternate form of financial warranty.

6 (f) If the board finds, at ~~any~~ A hearing held pursuant to this  
7 subsection (6), that a financial warranty has been materially impaired, it  
8 may order the OPERATOR OR THE financial warrantor to provide an  
9 alternate form of financial warranty.

10 (g) ~~A~~ AN OPERATOR OR A financial warrantor ~~shall have~~ HAS  
11 ninety days to provide ~~any~~ AN alternate warranty required under this  
12 subsection (6).

13 (8) (a) ~~The board or office may accept a first-priority lien on~~  
14 ~~project-related fixtures and equipment that must remain on site for the~~  
15 ~~reclamation plan to be performed in lieu of including the cost of acquiring~~  
16 ~~and installing such fixtures and equipment in the amount of the financial~~  
17 ~~warranty prescribed pursuant to subsection (4) of this section.~~

18 (b) ~~The board or office may accept a first-priority lien on~~  
19 ~~project-related fixtures and equipment that must be demolished or~~  
20 ~~removed from the site under a reclamation plan and may, in its discretion,~~  
21 ~~accept such a lien as a portion of the proof of financial responsibility if~~  
22 ~~the amount credited does not exceed the cost of demolishing and~~  
23 ~~removing such fixtures and equipment or the market value of such~~  
24 ~~fixtures and equipment, whichever is less.~~

25 (c) ~~Any fixtures and equipment accepted pursuant to this~~  
26 ~~subsection (8) shall be insured and maintained in good operating~~  
27 ~~condition and shall not be removed from the permit area without the prior~~

1 consent of the board. A financial warrantor that provides a lien on such  
2 equipment and fixtures shall file an annual report with the office in  
3 sufficient detail to fully describe the condition, value, and location of all  
4 pledged fixtures and equipment. Such financial warrantor shall not pledge  
5 such equipment and fixtures to secure any other obligation and shall  
6 immediately notify the office of any other interest that arises in the  
7 pledged property.

8 **SECTION 17.** In Colorado Revised Statutes, 34-32.5-118,  
9 **amend (5); and repeal (4)(b) and (4)(c)** as follows:

10 **34-32.5-118. Forfeiture of financial warranties.** (4) (b) The  
11 amount of a forfeited financial warranty shall constitute a lien upon  
12 project-related fixtures or equipment offered as proof of financial  
13 responsibility pursuant to section 34-32.5-117. Such lien shall be in favor  
14 of this state.

15 (c) The lien described in paragraph (b) of this subsection (4) shall  
16 have priority over all other liens and encumbrances, irrespective of the  
17 date of recordation, except liens of record on June 19, 1981, and liens of  
18 the United States, this state, and political subdivisions of this state for  
19 unpaid taxes and shall attach and be deemed perfected as of the date the  
20 board approves issuance of the operator's permit.

21 (5) Funds MONEY recovered by the attorney general in  
22 proceedings brought pursuant to subsection (4) of this section shall be  
23 held in the special account described in section 34-32.5-122 and shall be  
24 used to reclaim lands covered by forfeited warranties. ~~except that five~~  
25 ~~percent of the amount of such forfeited warranties shall be deposited in~~  
26 ~~the mined land reclamation fund, created in section 34-32-127, to cover~~  
27 ~~administrative costs incurred by the office in performing reclamation. The~~

1 board ~~shall have~~ HAS a right of entry to reclaim ~~such~~ THE lands, and, upon  
2 completion of ~~such~~ THE reclamation, the board shall present a full  
3 accounting to the financial warrantor and ~~shall~~ refund all unspent ~~moneys~~  
4 MONEY.

5 **SECTION 18.** In Colorado Revised Statutes, **amend** 34-32.5-122  
6 as follows:

7 **34-32.5-122. Fees, civil penalties, and forfeitures - deposit.**

8 ~~(1) All fees and assessments collected pursuant to this article and five~~  
9 ~~percent of the proceeds of any financial warranty forfeited pursuant to~~  
10 ~~section 34-32.5-123 for administrative costs associated with reclaiming~~  
11 ~~sites for which the financial warranty has been revoked~~ ARTICLE 32.5  
12 shall be deposited in the mined land reclamation fund created in section  
13 34-32-127. All civil penalties collected pursuant to this ~~article~~ ARTICLE  
14 32.5 shall be deposited in the general fund. ~~Ninety-five~~ ONE HUNDRED  
15 percent of the proceeds of all financial warranties forfeited under section  
16 34-32.5-118 shall be deposited in a special account in the general fund  
17 established by the board for the purpose of reclaiming lands that were  
18 required to be reclaimed under permits upon which ~~such~~ THE financial  
19 warranties had been forfeited.

20 ~~(2) An applicant that desires to use the self-insurance provisions~~  
21 ~~in section 34-32.5-117 (3)(f)(IV) to (3)(f)(VII) or (8) shall pay an annual~~  
22 ~~fee to the office sufficient to defray the actual cost to the office of~~  
23 ~~establishing and reviewing the financial warranty of such applicant. Such~~  
24 ~~funds are hereby annually made available to the office, which shall utilize~~  
25 ~~outside financial and legal services for this purpose.~~

26 **SECTION 19.** In Colorado Revised Statutes, **add** part 50 to  
27 article 60 of title 24 as follows:

1 PART 50

2 INTERSTATE MINING COMPACT

3 **24-60-5001. Short title.** THE SHORT TITLE OF THIS PART 50 IS THE  
4 "INTERSTATE MINING COMPACT".

5 **24-60-5002. Ratification of interstate mining compact.** THE  
6 GENERAL ASSEMBLY RATIFIES AND ENTERS INTO THE INTERSTATE MINING  
7 COMPACT WITH ALL STATES THAT ENACT THE COMPACT IN THE FORM  
8 SUBSTANTIALLY CONTAINED IN SECTION 24-60-5003.

9 **24-60-5003. Text of interstate mining compact - legislative**  
10 **declaration - definitions. (1) Legislative declaration.** THE GENERAL  
11 ASSEMBLY FINDS THAT:

12 (a) MINING AND THE CONTRIBUTIONS OF MINING TO THE ECONOMY  
13 AND WELL-BEING OF EVERY STATE ARE OF BASIC SIGNIFICANCE;

14 (b) THE EFFECTS OF MINING ON THE AVAILABILITY OF LAND,  
15 WATER, AND OTHER RESOURCES FOR OTHER USES PRESENT SPECIAL  
16 PROBLEMS THAT PROPERLY CAN BE APPROACHED ONLY WITH DUE  
17 CONSIDERATION FOR THE RIGHTS AND INTERESTS OF THOSE ENGAGED IN  
18 MINING, THOSE USING OR PROPOSING TO USE THESE RESOURCES FOR OTHER  
19 PURPOSES, AND THE PUBLIC;

20 (c) MEASURES FOR THE REDUCTION OF THE ADVERSE EFFECTS OF  
21 MINING ON LAND, WATER, AND OTHER RESOURCES MAY BE COSTLY, AND  
22 THE DEVISING OF MEANS TO DEAL WITH THEM ARE OF BOTH PUBLIC AND  
23 PRIVATE CONCERN;

24 (d) VARIABLES INCLUDING SOIL STRUCTURE AND COMPOSITION,  
25 PHYSIOGRAPHY, CLIMATIC CONDITIONS, AND THE NEEDS OF THE PUBLIC  
26 MAKE IMPRACTICABLE THE APPLICATION TO ALL MINING AREAS OF A  
27 SINGLE STANDARD FOR THE CONSERVATION, ADAPTATION, OR

1 RESTORATION OF MINED LAND OR THE DEVELOPMENT OF MINERAL AND  
2 OTHER NATURAL RESOURCES, BUT JUSTIFIABLE REQUIREMENTS OF LAW  
3 AND PRACTICE RELATING TO THE EFFECTS OF MINING ON LANDS, WATER,  
4 AND OTHER RESOURCES MAY BE REDUCED IN EQUITY OR EFFECTIVENESS  
5 UNLESS THEY PERTAIN SIMILARLY FROM STATE TO STATE FOR ALL MINING  
6 OPERATIONS SIMILARLY SITUATED; AND

7 (e) THE STATES ARE IN A POSITION AND HAVE THE RESPONSIBILITY  
8 TO ASSURE THAT MINING IS CONDUCTED IN ACCORDANCE WITH SOUND  
9 CONSERVATION PRINCIPLES AND WITH DUE REGARD FOR LOCAL  
10 CONDITIONS.

11 (2) **Purposes.** THE PURPOSES OF THIS COMPACT ARE TO:

12 (a) ADVANCE THE PROTECTION AND RESTORATION OF LAND,  
13 WATER, AND OTHER RESOURCES AFFECTED BY MINING;

14 (b) ASSIST IN THE REDUCTION OR ELIMINATION OR  
15 COUNTERACTING OF POLLUTION OR DETERIORATION OF LAND, WATER, AND  
16 AIR ATTRIBUTABLE TO MINING;

17 (c) ENCOURAGE, WITH DUE RECOGNITION OF RELEVANT REGIONAL,  
18 PHYSICAL, AND OTHER DIFFERENCES, PROGRAMS IN EACH OF THE PARTY  
19 STATES THAT WILL ACHIEVE COMPARABLE RESULTS IN PROTECTING,  
20 CONSERVING, AND IMPROVING THE USEFULNESS OF NATURAL RESOURCES,  
21 TO THE END THAT THE MOST DESIRABLE CONDUCT OF MINING AND  
22 RELATED OPERATIONS MAY BE UNIVERSALLY FACILITATED;

23 (d) ASSIST THE PARTY STATES IN THEIR EFFORTS TO FACILITATE  
24 THE USE OF LAND AND OTHER RESOURCES AFFECTED BY MINING, SO THAT  
25 THE USE MAY BE CONSISTENT WITH SOUND LAND USE, PUBLIC HEALTH,  
26 AND PUBLIC SAFETY, AND TO THIS END TO STUDY AND RECOMMEND,  
27 WHEREVER DESIRABLE, TECHNIQUES FOR THE IMPROVEMENT,



1 RESTORATION, OR PROTECTION OF THE LAND AND OTHER RESOURCES; AND

2 (e) ASSIST IN ACHIEVING AND MAINTAINING AN EFFICIENT AND  
3 PRODUCTIVE MINING INDUSTRY AND IN INCREASING ECONOMIC AND OTHER  
4 BENEFITS ATTRIBUTABLE TO MINING.

5 (3) **Definitions.** AS USED IN THIS PART 50, UNLESS THE CONTEXT  
6 OTHERWISE REQUIRES:

7 (a) "COMMISSION" MEANS THE INTERSTATE MINING COMMISSION  
8 ESTABLISHED IN SUBSECTION (6) OF THIS SECTION.

9 (b) "MINING" MEANS THE BREAKING OF THE SURFACE SOIL IN  
10 ORDER TO FACILITATE OR ACCOMPLISH THE EXTRACTION OR REMOVAL OF  
11 MINERALS, ORES, OR OTHER SOLID MATTER; ANY ACTIVITY OR PROCESS  
12 CONSTITUTING ALL OR PART OF A PROCESS FOR THE EXTRACTION OR  
13 REMOVAL OF MINERALS, ORES, OR OTHER SOLID MATTER FROM ITS  
14 ORIGINAL LOCATION; AND THE PREPARATION, WASHING, CLEANING, OR  
15 OTHER TREATMENT OF MINERALS, ORES, OR OTHER SOLID MATTER SO AS  
16 TO MAKE THEM SUITABLE FOR COMMERCIAL, INDUSTRIAL, OR  
17 CONSTRUCTION USE. "MINING" DOES NOT INCLUDE:

18 (I) ASPECTS OF DEEP MINING THAT DO NOT HAVE SIGNIFICANT  
19 EFFECT ON THE SURFACE; OR

20 (II) EXCAVATION OF GRADING WHEN CONDUCTED SOLELY IN AID  
21 OF ON-SITE FARMING OR CONSTRUCTION.

22 (c) "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT  
23 OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, OR A TERRITORY  
24 OR POSSESSION OF THE UNITED STATES.

25 (4) **State programs.** EACH PARTY STATE AGREES THAT WITHIN A  
26 REASONABLE TIME IT WILL FORMULATE AND ESTABLISH AN EFFECTIVE  
27 PROGRAM FOR THE CONSERVATION AND USE OF MINED LAND BY THE

1 ESTABLISHMENT OF STANDARDS, THE ENACTMENT OF LAWS, OR THE  
2 CONTINUING OF THE SAME IN FORCE, TO ACCOMPLISH:

3 (a) THE PROTECTION OF THE PUBLIC AND THE PROTECTION OF  
4 ADJOINING AND OTHER LANDOWNERS FROM DAMAGE TO THEIR LANDS AND  
5 THE STRUCTURES AND OTHER PROPERTY ON THAT LAND RESULTING FROM  
6 THE CONDUCT OF MINING OPERATIONS OR THE ABANDONMENT OR  
7 NEGLECT OF LAND AND PROPERTY FORMERLY USED IN THE CONDUCT OF  
8 THOSE OPERATIONS;

9 (b) THE CONDUCT OF MINING AND THE HANDLING OF REFUSE AND  
10 OTHER MINING WASTES IN WAYS THAT WILL REDUCE ADVERSE EFFECTS ON  
11 THE ECONOMIC, RESIDENTIAL, RECREATIONAL, OR AESTHETIC VALUE AND  
12 UTILITY OF LAND AND WATER;

13 (c) THE INSTITUTION AND MAINTENANCE OF SUITABLE PROGRAMS  
14 OF ADAPTATION, RESTORATION, AND REHABILITATION OF MINED LANDS;  
15 AND

16 (d) THE PREVENTION, ABATEMENT, AND CONTROL OF WATER, AIR,  
17 AND SOIL POLLUTION RESULTING FROM MINING IN THE PAST, PRESENT, AND  
18 FUTURE.

19 (5) **Powers.** IN ADDITION TO ANY OTHER POWERS CONFERRED  
20 UPON THE INTERSTATE MINING COMMISSION ESTABLISHED BY SUBSECTION  
21 (6) OF THIS SECTION, THE COMMISSION SHALL HAVE POWER TO:

22 (a) STUDY MINING OPERATIONS, PROCESSES, AND TECHNIQUES FOR  
23 THE PURPOSE OF GAINING KNOWLEDGE CONCERNING THE EFFECTS OF THE  
24 OPERATIONS, PROCESSES, AND TECHNIQUES ON LAND, SOIL, WATER, AIR,  
25 PLANT AND ANIMAL LIFE, RECREATION, AND PATTERNS OF COMMUNITY OR  
26 REGIONAL DEVELOPMENT OR CHANGE;

27 (b) STUDY THE CONSERVATION, ADAPTATION, IMPROVEMENT, AND

1 RESTORATION OF LAND AND RELATED RESOURCES AFFECTED BY MINING;

2 (c) MAKE RECOMMENDATIONS CONCERNING ANY ASPECT OR  
3 ASPECTS OF LAW OR PRACTICE AND GOVERNMENTAL ADMINISTRATION  
4 DEALING WITH MATTERS WITHIN THE PURVIEW OF THIS COMPACT;

5 (d) GATHER AND DISSEMINATE INFORMATION RELATING TO ANY OF  
6 THE MATTERS WITHIN THE PURVIEW OF THIS COMPACT;

7 (e) COOPERATE WITH THE FEDERAL GOVERNMENT AND ANY PUBLIC  
8 OR PRIVATE ENTITIES HAVING INTERESTS IN ANY SUBJECT COMING WITHIN  
9 THE PURVIEW OF THIS COMPACT;

10 (f) CONSULT, UPON THE REQUEST OF A PARTY STATE AND WITHIN  
11 AVAILABLE RESOURCES, WITH THE OFFICIALS OF THE STATE IN RESPECT TO  
12 ANY PROBLEM WITHIN THE PURVIEW OF THIS COMPACT;

13 (g) STUDY AND MAKE RECOMMENDATIONS WITH RESPECT TO ANY  
14 PRACTICE, PROCESS, TECHNIQUE, OR COURSE OF ACTION THAT MAY  
15 IMPROVE THE EFFICIENCY OF MINING OR THE ECONOMIC YIELD FROM  
16 MINING OPERATIONS; AND

17 (h) STUDY AND MAKE RECOMMENDATIONS RELATING TO THE  
18 SAFEGUARDING OF ACCESS TO RESOURCES THAT ARE OR MAY BECOME THE  
19 SUBJECT OF MINING OPERATIONS TO THE END THAT THE NEEDS OF THE  
20 ECONOMY FOR THE PRODUCTS OF MINING MAY NOT BE ADVERSELY  
21 AFFECTED BY UNPLANNED OR INAPPROPRIATE USE OF LAND AND OTHER  
22 RESOURCES CONTAINING MINERALS OR OTHERWISE CONNECTED WITH  
23 ACTUAL OR POTENTIAL MINING SITES.

24 (6) **The commission.** (a) THE INTERSTATE MINING COMMISSION  
25 IS COMPOSED OF ONE COMMISSIONER FROM EACH PARTY STATE WHO IS THE  
26 GOVERNOR OF THAT STATE. PURSUANT TO THE LAWS OF EACH PARTY  
27 STATE, EACH GOVERNOR SHALL HAVE THE ASSISTANCE OF AN ADVISORY

1 BODY, WHICH INCLUDES MEMBERSHIP FROM MINING INDUSTRIES,  
2 CONSERVATION INTERESTS, AND OTHER PUBLIC AND PRIVATE INTERESTS  
3 AS MAY BE APPROPRIATE, IN CONSIDERING PROBLEMS RELATING TO MINING  
4 AND IN DISCHARGING THE RESPONSIBILITIES AS A COMMISSIONER ON THE  
5 COMMISSION. IN ANY INSTANCE WHERE A GOVERNOR IS UNABLE TO  
6 ATTEND A MEETING OF THE COMMISSION OR PERFORM ANY OTHER  
7 FUNCTION IN CONNECTION WITH THE BUSINESS OF THE COMMISSION, THE  
8 GOVERNOR SHALL DESIGNATE AN ALTERNATE FROM AMONG THE MEMBERS  
9 OF THE ADVISORY BODY REQUIRED BY THIS SUBSECTION (6), WHO SHALL  
10 REPRESENT THE GOVERNOR AND ACT IN THE GOVERNOR'S PLACE AND  
11 STEAD. THE DESIGNATION OF AN ALTERNATE SHALL BE COMMUNICATED  
12 BY THE GOVERNOR TO THE COMMISSION AS PROVIDED IN ITS BYLAWS.

13 (b) EACH COMMISSIONER IS ENTITLED TO ONE VOTE. AN ACTION OF  
14 THE COMMISSION MAKING A RECOMMENDATION PURSUANT TO SUBSECTION  
15 (5)(c), (5)(g), OR (5)(h) OF THIS SECTION OR REQUESTING, ACCEPTING, OR  
16 DISPOSING OF FUNDS, SERVICES, OR OTHER PROPERTY PURSUANT TO THIS  
17 SUBSECTION (6)(b) OR SUBSECTION (6)(g), (6)(h), OR (8) OF THIS SECTION  
18 SHALL NOT BE VALID UNLESS IT IS TAKEN AT A MEETING AT WHICH A  
19 MAJORITY OF THE TOTAL NUMBER OF VOTES ON THE COMMISSION IS CAST  
20 IN FAVOR OF THE ACTION. ALL OTHER ACTIONS SHALL BE BY A MAJORITY  
21 OF THOSE PRESENT AND VOTING, PROVIDED THAT ANY ACTION OF THE  
22 COMMISSION MAY OCCUR ONLY AT A MEETING AT WHICH A MAJORITY OF  
23 THE COMMISSIONERS, OR THEIR ALTERNATES, IS PRESENT. THE  
24 COMMISSION MAY ESTABLISH AND MAINTAIN FACILITIES AS MAY BE  
25 NECESSARY FOR THE TRANSACTION OF ITS BUSINESS. THE COMMISSION  
26 MAY ACQUIRE, HOLD, AND CONVEY REAL AND PERSONAL PROPERTY AND  
27 ANY INTEREST IN THAT PROPERTY.

1 (c) THE COMMISSION SHALL HAVE A SEAL.

2 (d) THE COMMISSION SHALL ELECT ANNUALLY, FROM AMONG ITS  
3 MEMBERS, A PRESIDING OFFICER, A VICE-PRESIDING OFFICER, AND A  
4 TREASURER. THE COMMISSION SHALL APPOINT AN EXECUTIVE DIRECTOR  
5 AND FIX THE EXECUTIVE DIRECTOR'S DUTIES AND COMPENSATION. THE  
6 EXECUTIVE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE  
7 COMMISSION. THE EXECUTIVE DIRECTOR, THE TREASURER, AND OTHER  
8 PERSONNEL AS THE COMMISSION DESIGNATES SHALL BE BONDED. THE  
9 AMOUNTS OF THE BONDS ARE DETERMINED BY THE COMMISSION.

10 (e) NOTWITHSTANDING THE CIVIL SERVICE, PERSONNEL, OR OTHER  
11 MERIT SYSTEM LAWS OF ANY OF THE PARTY STATES, THE EXECUTIVE  
12 DIRECTOR, WITH THE APPROVAL OF THE COMMISSION, SHALL APPOINT,  
13 REMOVE, OR DISCHARGE PERSONNEL AS MAY BE NECESSARY FOR THE  
14 PERFORMANCE OF THE COMMISSION'S FUNCTIONS AND SHALL FIX THE  
15 DUTIES AND COMPENSATION OF PERSONNEL.

16 (f) THE COMMISSION MAY ESTABLISH AND MAINTAIN,  
17 INDEPENDENTLY OR IN CONJUNCTION WITH A PARTY STATE, A SUITABLE  
18 RETIREMENT SYSTEM FOR ITS EMPLOYEES. EMPLOYEES OF THE  
19 COMMISSION ARE ELIGIBLE FOR SOCIAL SECURITY COVERAGE IN RESPECT  
20 OF OLD AGE AND SURVIVOR'S INSURANCE PROVIDED THAT THE  
21 COMMISSION TAKES STEPS NECESSARY PURSUANT TO THE LAWS OF THE  
22 UNITED STATES TO PARTICIPATE IN A PROGRAM OF INSURANCE AS A  
23 GOVERNMENTAL AGENCY OR UNIT. THE COMMISSION MAY ESTABLISH AND  
24 MAINTAIN OR PARTICIPATE IN ADDITIONAL PROGRAMS OF EMPLOYEE  
25 BENEFITS AS IT DEEMS APPROPRIATE.

26 (g) THE COMMISSION MAY BORROW, ACCEPT, OR CONTRACT FOR  
27 THE SERVICES OF PERSONNEL FROM ANY STATE, THE UNITED STATES, OR

1 ANY OTHER GOVERNMENTAL AGENCY OR FROM ANY PERSON, FIRM,  
2 ASSOCIATION, OR CORPORATION.

3 (h) THE COMMISSION MAY ACCEPT FOR ANY OF ITS PURPOSES AND  
4 FUNCTIONS UNDER THIS COMPACT ANY AND ALL DONATIONS, AND GRANTS  
5 OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES,  
6 CONDITIONAL OR OTHERWISE, FROM ANY STATE, THE UNITED STATES, OR  
7 ANY OTHER GOVERNMENTAL AGENCY, OR FROM ANY PERSON, FIRM,  
8 ASSOCIATION, OR CORPORATION, AND MAY RECEIVE, UTILIZE, AND DISPOSE  
9 OF THE SAME. ANY DONATION OR GRANT ACCEPTED BY THE COMMISSION  
10 PURSUANT TO THIS SUBSECTION (6)(h) OR SERVICES BORROWED PURSUANT  
11 TO SUBSECTION (6)(g) OF THIS SECTION SHALL BE REPORTED IN THE  
12 ANNUAL REPORT OF THE COMMISSION. THE REPORT SHALL INCLUDE THE  
13 NATURE, AMOUNT, AND CONDITIONS, IF ANY, OF THE DONATION, GRANT,  
14 OR SERVICES BORROWED AND THE IDENTITY OF THE DONOR OR LENDER.

15 (i) THE COMMISSION SHALL ADOPT BYLAWS FOR THE CONDUCT OF  
16 ITS BUSINESS AND HAS THE POWER TO AMEND AND RESCIND THESE  
17 BYLAWS. THE COMMISSION SHALL PUBLISH ITS BYLAWS IN CONVENIENT  
18 FORM AND FILE A COPY OF ITS BYLAWS AND A COPY OF ANY AMENDMENT  
19 TO THE BYLAWS WITH THE APPROPRIATE AGENCY OR OFFICER IN EACH OF  
20 THE PARTY STATES.

21 (j) THE COMMISSION ANNUALLY SHALL MAKE TO EACH PARTY  
22 STATE'S GOVERNOR, LEGISLATURE, AND ADVISORY BODY REQUIRED BY  
23 SUBSECTION (6)(a) OF THIS SECTION A REPORT COVERING THE ACTIVITIES  
24 OF THE COMMISSION FOR THE PRECEDING YEAR AND EMBODYING THE  
25 RECOMMENDATIONS MADE BY THE COMMISSION. THE COMMISSION MAY  
26 MAKE ADDITIONAL REPORTS AS IT DEEMS DESIRABLE.

27 (7) **Advisory, technical, and regional committees.** THE

1 COMMISSION SHALL ESTABLISH ADVISORY, TECHNICAL, AND REGIONAL  
2 COMMITTEES AS IT DEEMS NECESSARY, MEMBERSHIP ON WHICH INCLUDES  
3 PRIVATE PERSONS AND PUBLIC OFFICIALS, AND SHALL COOPERATE WITH  
4 THE USE AND SERVICES OF ANY COMMITTEES AND THE ORGANIZATIONS  
5 THAT THE MEMBERS REPRESENT IN FURTHERING ANY OF ITS ACTIVITIES.  
6 THE COMMITTEES MAY BE FORMED TO CONSIDER PROBLEMS OF SPECIAL  
7 INTEREST TO ANY PARTY STATES, PROBLEMS DEALING WITH PARTICULAR  
8 COMMODITIES OR TYPES OF MINING OPERATIONS, PROBLEMS RELATED TO  
9 RECLAMATION, DEVELOPMENT, OR USE OF MINED LAND, OR ANY OTHER  
10 MATTERS OF CONCERN TO THE COMMISSION.

11 (8) **Finance.** (a) THE COMMISSION SHALL SUBMIT TO THE  
12 GOVERNOR OR DESIGNATED OFFICER OR OFFICERS OF EACH PARTY STATE  
13 A BUDGET OF ITS ESTIMATED EXPENDITURES FOR SUCH PERIOD AS MAY BE  
14 REQUIRED BY THE LAWS OF THAT PARTY STATE FOR PRESENTATION TO THE  
15 LEGISLATURE.

16 (b) EACH OF THE COMMISSION'S BUDGETS OF ESTIMATED  
17 EXPENDITURES SHALL CONTAIN SPECIFIC RECOMMENDATIONS OF THE  
18 AMOUNT OR AMOUNTS TO BE APPROPRIATED BY EACH OF THE PARTY  
19 STATES. THE TOTAL AMOUNT OF APPROPRIATIONS REQUESTED UNDER ANY  
20 BUDGET SHALL BE APPORTIONED AMONG THE PARTY STATES AS FOLLOWS:  
21 ONE-HALF IN EQUAL SHARES AND THE REMAINDER IN PROPORTION TO THE  
22 VALUE OF MINERALS, ORES, AND OTHER SOLID MATTER MINED. IN  
23 DETERMINING THE VALUES, THE COMMISSION SHALL EMPLOY AVAILABLE  
24 PUBLIC SOURCES OF INFORMATION AS, IN ITS JUDGMENT, PRESENT THE  
25 MOST EQUITABLE AND ACCURATE COMPARISONS AMONG THE PARTY  
26 STATES. EACH OF THE COMMISSION'S BUDGETS OF ESTIMATED  
27 EXPENDITURES AND REQUESTS FOR APPROPRIATIONS SHALL INDICATE THE

1 SOURCE OR SOURCES USED IN OBTAINING INFORMATION CONCERNING THE  
2 VALUE OF MINERALS, ORES, AND OTHER SOLID MATTER MINED.

3 (c) THE COMMISSION SHALL NOT PLEDGE THE CREDIT OF ANY  
4 PARTY STATE. THE COMMISSION MAY MEET ANY OF ITS OBLIGATIONS IN  
5 WHOLE OR IN PART WITH FUNDS AVAILABLE TO IT UNDER SUBSECTION  
6 (6)(h) OF THIS SECTION; PROVIDED THAT THE COMMISSION TAKES SPECIFIC  
7 ACTION SETTING ASIDE THE FUNDS PRIOR TO INCURRING ANY OBLIGATION  
8 TO BE MET IN WHOLE OR IN PART IN SUCH MANNER. EXCEPT WHERE THE  
9 COMMISSION MAKES USE OF FUNDS AVAILABLE TO IT UNDER SUBSECTION  
10 (6)(h) OF THIS SECTION, THE COMMISSION SHALL NOT INCUR ANY  
11 OBLIGATION PRIOR TO THE ALLOTMENT OF FUNDS BY THE PARTY STATES  
12 ADEQUATE TO MEET THE SAME.

13 (d) THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL  
14 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF  
15 THE COMMISSION ARE SUBJECT TO THE AUDIT AND ACCOUNTING  
16 PROCEDURES ESTABLISHED UNDER ITS BYLAWS. ALL RECEIPTS AND  
17 DISBURSEMENTS OF FUNDS HANDLED BY THE COMMISSION SHALL BE  
18 AUDITED YEARLY BY A QUALIFIED PUBLIC ACCOUNTANT, AND THE REPORT  
19 OF THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL  
20 REPORT OF THE COMMISSION.

21 (e) THE ACCOUNTS OF THE COMMISSION SHALL BE OPEN AT ANY  
22 REASONABLE TIME FOR INSPECTION BY DULY CONSTITUTED OFFICERS OF  
23 THE PARTY STATES AND BY ANY PERSONS AUTHORIZED BY THE  
24 COMMISSION.

25 (f) THIS COMPACT SHALL NOT BE CONSTRUED TO PREVENT  
26 COMMISSION COMPLIANCE WITH LAWS RELATING TO THE AUDIT OR  
27 INSPECTION OF ACCOUNTS BY OR ON BEHALF OF ANY GOVERNMENT



1 CONTRIBUTING TO THE SUPPORT OF THE COMMISSION.

2 (9) **Entry into force and withdrawal.** (a) THIS COMPACT SHALL  
3 ENTER INTO FORCE WHEN ENACTED INTO LAW BY ANY FOUR OR MORE  
4 STATES. AFTER THAT ENACTMENT, THIS COMPACT BECOMES EFFECTIVE AS  
5 TO ANY OTHER STATE UPON ITS ENACTMENT OF THE COMPACT.

6 (b) ANY PARTY STATE MAY WITHDRAW FROM THIS COMPACT BY  
7 ENACTING A STATUTE REPEALING THE COMPACT, BUT WITHDRAWAL DOES  
8 NOT TAKE EFFECT UNTIL ONE YEAR AFTER THE GOVERNOR OF THE  
9 WITHDRAWING STATE HAS GIVEN NOTICE IN WRITING OF THE WITHDRAWAL  
10 TO THE GOVERNORS OF ALL OTHER PARTY STATES. A WITHDRAWAL DOES  
11 NOT AFFECT ANY LIABILITY ALREADY INCURRED BY OR CHARGEABLE TO  
12 A PARTY STATE PRIOR TO THE TIME OF WITHDRAWAL.

13 (10) **Effect on other laws.** THIS COMPACT DOES NOT LIMIT,  
14 REPEAL, OR SUPERSEDE ANY OTHER LAW OF ANY PARTY STATE.

15 (11) **Construction and severability.** THIS COMPACT SHALL BE  
16 LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE PURPOSES OF THE  
17 COMPACT. THE PROVISIONS OF THIS COMPACT ARE SEVERABLE AND IF ANY  
18 PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT IS DECLARED  
19 TO BE CONTRARY TO THE CONSTITUTION OF ANY STATE OR OF THE UNITED  
20 STATES, OR THE APPLICABILITY OF THE COMPACT TO ANY GOVERNMENT,  
21 AGENCY, PERSON, OR CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF  
22 THE REMAINDER OF THIS COMPACT AND THE APPLICABILITY OF THE  
23 COMPACT TO ANY GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE IS  
24 NOT AFFECTED. IF THIS COMPACT IS HELD CONTRARY TO THE  
25 CONSTITUTION OF ANY STATE PARTICIPATING IN THE COMPACT, THE  
26 COMPACT REMAINS IN FULL FORCE AND EFFECT AS TO THE REMAINING  
27 PARTY STATES AND IN FULL FORCE AND EFFECT AS TO THE STATE

1       AFFECTED AS TO ALL SEVERABLE MATTERS.

2               **24-60-5004. Membership and applicability.** (1) THE GOVERNOR  
3       MAY APPOINT A DESIGNEE TO SERVE AS THE GOVERNOR'S OFFICIAL  
4       REPRESENTATIVE TO THE COMPACT AND TO PERFORM ALL FUNCTIONS IN  
5       CONNECTION WITH THE BUSINESS OF THE COMPACT.

6               (2) PROVISIONS AND POLICIES OF THE INTERSTATE MINING  
7       COMPACT MAY NOT BE CONSTRUED TO LIMIT, REPEAL, OR SUPERSEDE ANY  
8       LAW OF THE STATE OF COLORADO.

9               (3) (a) THE GOVERNOR AND THE LEGISLATURE, OR AGENTS OF  
10      EITHER, MAY INSPECT THE BOOKS AND ACCOUNTS OF THE COMMISSION AT  
11      ANY REASONABLE TIME WHILE THE STATE IS A MEMBER.

12              (b) A COPY OF THE BYLAWS OF THE COMMISSION MUST BE PLACED  
13      ON FILE WITH THE DEPARTMENT OF NATURAL RESOURCES AND BE  
14      AVAILABLE FOR INSPECTION AT ANY REASONABLE TIME BY THE  
15      LEGISLATURE OR ANY INTERESTED CITIZEN.

16              (4) THE STATE OF COLORADO IS NOT LIABLE FOR THE OBLIGATIONS  
17      OR SOLVENCY OF:

18              (a) THE RETIREMENT SYSTEM DESCRIBED IN SECTION 24-60-5003  
19      (6)(f); OR

20              (b) A PROGRAM OF EMPLOYEE BENEFITS DESCRIBED IN SECTION  
21      24-60-5003 (6)(f).

22              **24-60-5005. Expenses.** THE DEPARTMENT OF NATURAL  
23      RESOURCES MAY PAY ANNUALLY THE ANNUAL MEMBERSHIP DUES  
24      PAYABLE TO THE COMMISSION FOR THE MEMBERSHIP OF THE STATE OF  
25      COLORADO IN THAT ORGANIZATION. THE MEMBERSHIP DUES SHALL BE  
26      PAID FROM MONEY COLLECTED FROM MINING FEES, ABANDONED MINE  
27      LAND FEES AND FUNDS, OR NATURAL RESOURCE OPERATIONS OR FROM

1 MONEY GRANTED TO THE STATE BY THE FEDERAL OFFICE OF SURFACE  
2 MINING RECLAMATION AND ENFORCEMENT.

3           **SECTION 20. Act subject to petition - effective date.** This act  
4 takes effect at 12:01 a.m. on the day following the expiration of the  
5 ninety-day period after final adjournment of the general assembly; except  
6 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
7 of the state constitution against this act or an item, section, or part of this  
8 act within such period, then the act, item, section, or part will not take  
9 effect unless approved by the people at the general election to be held in  
10 November 2026 and, in such case, will take effect on the date of the  
11 official declaration of the vote thereon by the governor.