

## CHAPTER 55

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**NATURAL RESOURCES**

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SENATE BILL 96-037

BY SENATORS Bishop, Ament, Norton, and Tebedo;  
also REPRESENTATIVES Anderson, Chlouber, George, and Schwarz.

**AN ACT**

**CONCERNING THE REGULATION OF CONSTRUCTION MATERIAL MINING OPERATIONS BY THE MINED LAND RECLAMATION BOARD, AND, IN CONNECTION THEREWITH, CORRECTING CONFLICTING PROVISIONS ARISING AS A RESULT OF THE ENACTMENT OF THE "COLORADO LAND RECLAMATION ACT FOR THE EXTRACTION OF CONSTRUCTION MATERIALS".**

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

**SECTION 1.** 34-32-103 (4), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

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

(4) "Development" means the work performed in relation to a deposit, following the ~~exploration~~ PROSPECTING required to prove minerals are in existence in commercial quantities but prior to production activities, aimed at, but not limited to, preparing the site for mining, defining further the ore deposit by drilling or other means, conducting pilot plant operations, constructing roads or ancillary facilities, and other related activities.

**SECTION 2.** 34-32-109, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**34-32-109. Necessity of reclamation permit - application to existing permits.**

(9) ALL MINING OPERATIONS FOR CONSTRUCTION MATERIALS, AS DEFINED IN SECTION 34-32.5-103 (3), SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLE 32.5 OF THIS TITLE AND NOT THIS ARTICLE. CONSTRUCTION MATERIALS MINING OPERATIONS OPERATING UNDER PERMITS ISSUED PRIOR TO JULY 1, 1995, UNDER THE PROVISIONS

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

OF THIS ARTICLE, SHALL CONTINUE TO OPERATE UNDER SUCH PERMITS AND SUCH PERMITS SHALL BE DEEMED TO BE PERMITS ISSUED UNDER THE PROVISIONS OF ARTICLE 32.5 OF THIS TITLE.

**SECTION 3.** 34-32-110 (8), Colorado Revised Statutes, 1995 Repl. Vol., is repealed as follows:

~~(8) If the operator is a department, division, or agency of federal, state, county, or municipal government, the operator may, at its discretion, submit one composite application and annual report for all similarly situated sand, gravel, or quarry operations. Such composite application and annual report shall comply with subsections (2) to (7) of this section. Financial warranty under subsection (3) of this section shall not be required of the operator if it is a unit of county or municipal government or the department of transportation and the operator submits a written guarantee, in lieu of financial warranty, stating that the affected lands will be reclaimed in accordance with the terms of the permit and section 34-32-116.~~

**SECTION 4.** 34-32-127 (2) (a) (I) (D), (2) (a) (IV) (C), and (2) (c), Colorado Revised Statutes, 1995 Repl. Vol., are repealed as follows:

**34-32-127. Mined land reclamation fund - created - fees - fee adjustments.**

(2) (a) Fees shall be collected by the office according to the following schedule:

(I) Applications pursuant to:

(D) ~~Section 34-32-111~~ 625

(IV) Annual fees for fiscal year 1993-94 and all subsequent years for operations pursuant to:

(C) ~~Section 34-32-111~~ 350  
(excluding designated mining operations)

~~(c) If an operator is a department, division, or agency of federal, state, county, or municipal government and submits a composite application and annual report, such operator may submit a composite fee therewith if such composite fee includes the requisite fee pursuant to this subsection (2) for each operation referenced in such operator's composite application and annual report.~~

**SECTION 5.** 34-32.5-109 (1), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**34-32.5-109. Reclamation permit required - existing permits.** (1) Before engaging in a new operation, an operator shall first obtain from the board or office a reclamation permit pursuant to section 34-32.5-110, 34-32.5-111, or 34-32.5-112. Notwithstanding this subsection (1), an operator who obtained a permit under section 34-32-110, 34-32-111, or 34-32-112 before July 1, 1995, which permit was valid as of such date, ~~may~~ SHALL continue to operate under such permit, AND SUCH PERMIT SHALL BE DEEMED TO BE A PERMIT ISSUED UNDER THE PROVISIONS OF THIS ARTICLE.

**SECTION 6.** 34-32.5-116 (3), Colorado Revised Statutes, 1995 Repl. Vol., is

amended to read:

**34-32.5-116. Duties of operators - reclamation plans.** (3) (a) Each year, on the anniversary date of the permit, an operator shall submit the annual fee specified in section ~~34-32-127(2)~~ 34-32.5-125, a report and map showing the extent of current disturbances to affected land, reclamation accomplished to date and during the preceding year, new disturbances that are anticipated to occur during the upcoming year, reclamation that will be performed during the coming year, the dates for the beginning of active operations, and the date active operations ceased for the year, if any.

(b) Notwithstanding any provision of paragraph (a) of this subsection (3), an operator who has filed an application pursuant to this article shall submit the annual fee specified in section 34-32.5-125 in addition to the map and plan. Where an operator is late in payment of the annual fee by greater than sixty days, the office shall set the matter for a hearing before the board for permit revocation and forfeiture of the financial warranty.

**SECTION 7.** 34-32.5-119, Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**34-32.5-119. Operators - succession.** When one operator succeeds another at an uncompleted operation, the board shall release the first operator from all liability as to that operation and shall release all applicable performance and financial warranties as to such operation if the successor operator assumes all liability for the reclamation of the affected land and such obligation is covered by appropriate performance and financial warranties. The fee specified in section ~~34-32-127(2)~~ 34-32.5-125 (1) (a) (X) shall be paid to the board by the successor operator before the first operator is released from liability and before any financial warranties are released.

**SECTION 8.** 34-32.5-125 (1) (b) and (1) (c), Colorado Revised Statutes, 1995 Repl. Vol., are amended to read:

**34-32.5-125. Mined land reclamation fund - fees.** (1) Fees shall be collected by the office according to the following schedule:

(b) Annual fees for fiscal year 1993-94 and all subsequent years for operations pursuant to:

(I) Section 34-32.5-110 (2) (~~excluding designated mining operations~~) . . \$ 225

(II) Section 34-32.5-112 (~~excluding designated mining operations~~) . . . . \$ 550

(c) Annual fees for fiscal year 1993-94 and all subsequent years for operations pursuant to section 34-32.5-111 (~~excluding designated mining operations~~) \$ 350

**SECTION 9. Repeal.** 34-32-111, Colorado Revised Statutes, 1995 Repl. Vol., is repealed.

**SECTION 10. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 8, 1996