

CHAPTER 244

NATURAL RESOURCES

SENATE BILL 07-185

BY SENATOR(S) Isgar;
also REPRESENTATIVE(S) Curry, and Madden.

AN ACT

CONCERNING AN INCREASE IN MINING FEES.

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

SECTION 1. 34-32-127 (2) (a), Colorado Revised Statutes, is amended to read:

34-32-127. Mined land reclamation fund - created - fees - fee adjustments - rules. (2) (a) 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:

(I) Applications pursuant to:

(A) Section 34-32-110 (1) ~~250~~ \$ 288

(B) Section 34-32-110 (2) ~~875~~ \$ 1,006

(C) Section 34-32-110 (7) ~~1500~~ \$ 1,725

(D) Repealed.

(E) Section 34-32-112, except for applications relating to the mining operations specified in sub-subparagraphs (F) and (G) of this subparagraph (I) ~~1875~~ \$ 2,156

(F) Section 34-32-112 relating to quarries ~~2325~~ \$ 2,674

(G) Section 34-32-112 relating to mining operations, other than designated

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

mining operations, where chemical or thermal processing is used for milling of an ore ~~3100~~ \$ 3,565

(H) Section 34-32-112 (8) relating to reclamation permit amendments, EXCEPT AS SPECIFIED IN SUB-SUBPARAGRAPH (N) OF THIS SUBPARAGRAPH (I) ~~1550~~ \$ 1,783

(I) Section 34-32-112 (8) relating to revisions to permits other than amendments ~~150~~ \$ 173

(J) Section 34-32-112 (8) relating to temporary cessations of operations ~~100~~ \$ 115

(K) Section 34-32-113 ~~75~~ \$ 86

(L) Section 34-32-119 ~~100~~ \$ 115

(M) Section 34-32-112 relating to designated mining operations: The board may designate an application fee by rule based upon the estimated cost to the office for processing certification and administrative review of such permits ~~which~~ THAT shall not be less than ~~\$875~~ \$1,000 or more than ~~\$9,000~~ \$10,350 for such operation, EXCEPT AS SPECIFIED IN SUB-SUBPARAGRAPH (N) OF THIS SUBPARAGRAPH (I)

(N) OIL SHALE APPLICATION AND AMENDMENT FEE: IF THE COSTS TO REVIEW AND PROCESS AN OIL SHALE APPLICATION OR AMENDMENT EXCEEDS TWICE THE VALUE OF THE FEE FOR A NEW APPLICATION OR AMENDMENT PURSUANT TO SUB-SUBPARAGRAPH (H) OR (M) OF THIS SUBPARAGRAPH (I), THE APPLICANT SHALL PAY THE ADDITIONAL COSTS. THE COSTS SHALL INCLUDE THOSE OF THE DIVISION, ANOTHER DIVISION OF THE DEPARTMENT INVOLVED IN THE REVIEW, AND ANY CONSULTANTS OR OTHER NONGOVERNMENTAL AGENTS THAT HAVE SPECIFIC EXPERTISE ON THE ISSUE IN QUESTION ACTING AT THE REQUEST OF THE DIVISION IN THE REVIEW OF THE OIL SHALE PERMIT APPLICATION. THE DIVISION SHALL INFORM THE APPLICANT THAT THE ACTUAL FEE MAY EXCEED TWICE THE VALUE OF THE LISTED FEE AND SHALL PROVIDE THE APPLICANT WITH AN ESTIMATE OF THE ACTUAL CHARGES FOR THE REVIEW OF THE APPLICATION OR AMENDMENT WITHIN TEN DAYS AFTER RECEIPT OF THE APPLICATION. AN APPEAL OF THIS ESTIMATE SHALL BE MADE TO THE BOARD WITHIN TEN DAYS AFTER THE APPLICANT'S RECEIPT OF THE ESTIMATE.

(II) and (III) (Deleted by amendment, L. 95, p. 1189, § 5, effective July 1, 1995.)

(IV) Annual fees for fiscal year ~~1993-94~~ 2007-08 and ~~all~~ FOR EACH subsequent ~~years~~ YEAR for operations pursuant to:

(A) Section 34-32-110 (1) (excluding designated mining operations) ~~75~~ \$ 86

(B) Section 34-32-110 (2) (excluding designated mining operations) ~~225~~ \$ 259

(C) Repealed.

- (D) Section 34-32-112 (excluding designated mining operations) . . . 550 \$ 633
- (E) Section 34-32-112 (for designated mining operations) ~~1000~~ \$ 1,150
- (F) Section 34-32-110 (for designated mining operations) ~~450~~ \$ 518
- (G) SECTION 34-32-113 \$ 86

(V) Fees to the public for services such as copying, making copies of and mailing board minutes, computer printouts, compilation reports, or other services shall be the same as the cost to the office for providing such services.

SECTION 2. The introductory portion to 34-32.5-125 (1) and 34-32.5-125 (1) (a) and (1) (b), Colorado Revised Statutes, are amended to read:

34-32.5-125. Mined land reclamation fund - fees. (1) Fees for fiscal year ~~2000-2001~~ 2007-08 and ~~all~~ FOR EACH subsequent ~~years~~ YEAR of operation shall be collected by the office for operations according to the following schedule:

(a) Applications pursuant to:

- (I) Section 34-32.5-110 (2) \$ ~~1,094~~ 1,258
- (II) Section 34-32.5-110 (2) relating to permit amendments \$ ~~719~~ 827
- (III) Section 34-32.5-111 \$ ~~781~~ 898
- (IV) Section 34-32.5-112, except for applications relating to the mining operations specified in subparagraph (I) of this paragraph (a) \$ ~~2,344~~ 2,696
- (V) Section 34-32.5-112 relating to quarries \$ ~~2,906~~ 3,342
- (VI) Section 34-32.5-112 (8) relating to reclamation permit amendments \$ ~~1,938~~ 2,229
- (VII) Sections 34-32.5-110 to 34-32.5-112 relating to revisions to permits other than amendments \$ ~~188~~ 216
- (VIII) Section 34-32.5-103 (11) relating to temporary cessations of operations \$ ~~125~~ 144
- (IX) Section 34-32.5-113 \$ ~~94~~ 108
- (X) Section 34-32.5-119 \$ ~~125~~ 144

(b) Annual fees for fiscal year ~~2000-2001~~ 2007-08 and ~~all~~ FOR EACH subsequent ~~years~~ YEAR for operations pursuant to:

- (I) Section 34-32.5-110 (2) \$ ~~281~~ 323
- (II) Section 34-32.5-112 \$ ~~688~~ 791

(III) Section 34-32.5-111 \$ ~~438~~ 504

(IV) Section 34-32.5-113 \$ ~~75~~ 86

SECTION 3. Effective date. This act shall take effect July 1, 2007.

SECTION 4. 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: May 17, 2007