

CHAPTER 353

NATURAL RESOURCES

SENATE BILL 08-169

BY SENATOR(S) Isgar, and Tapia;
 also REPRESENTATIVE(S) Buescher, Fischer, Kefalas, Labuda, Madden, Merrifield, Pommer, and Stephens.

AN ACT

CONCERNING HARD ROCK MINING FEES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 34-32-127 (2) (a) (I) (N), Colorado Revised Statutes, is amended, and the said 34-32-127 (2) (a) (I) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, 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:

(C.5) SECTION 34-32-110 RELATING TO RECLAMATION PERMIT AMENDMENTS § 661

(N) Oil shale application, ~~and~~ amendment, AND REVISION TO A PERMIT OTHER THAN AN AMENDMENT fee: If the costs to review and process an oil shale application, ~~or~~ amendment, OR REVISION TO A PERMIT OTHER THAN AN AMENDMENT exceeds twice the value of the fee for a new application, ~~or~~ amendment, OR REVISION TO A PERMIT OTHER THAN AN 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, AMENDMENT, OR REVISION TO A PERMIT

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

OTHER THAN AN AMENDMENT. 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, OR REVISION TO A PERMIT OTHER THAN AN 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.

SECTION 2. 34-32-127 (2) (a) (I), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH 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:

(O) IN SITU URANIUM APPLICATION, AMENDMENT, AND REVISION TO A PERMIT OTHER THAN AN AMENDMENT FEE: IF THE COSTS TO REVIEW AND PROCESS AN IN SITU URANIUM APPLICATION, AMENDMENT, OR REVISION TO A PERMIT OTHER THAN AN AMENDMENT EXCEEDS TWICE THE VALUE OF THE FEE FOR A NEW APPLICATION, AMENDMENT, OR REVISION TO A PERMIT OTHER THAN AN 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 IN SITU URANIUM PERMIT APPLICATION, AMENDMENT, OR REVISION TO A PERMIT OTHER THAN AN AMENDMENT. 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, AMENDMENT, OR REVISION TO A PERMIT OTHER THAN AN 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.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the mined land reclamation fund created in section 34-32-127, Colorado Revised Statutes, not otherwise appropriated, to the department of natural resources, for the fiscal year beginning July 1, 2008, the sum of thirty-two thousand four hundred sixty dollars (\$32,460) cash funds, or so much thereof as may be necessary, for costs related to reviewing in situ uranium mining permits. Of said sum, fifteen thousand seven hundred forty-three dollars (\$15,743) shall be allocated to the division of reclamation mining and safety, four thousand nine hundred thirty-four dollars (\$4,934) shall be allocated to the division of wildlife, seven thousand eight hundred fifty-five dollars (\$7,855) shall be allocated to the division of water resources, and three thousand nine hundred twenty-eight dollars (\$3,928) shall be allocated to the Colorado geological survey.

SECTION 4. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final

adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to in situ uranium applications and permit amendments filed on or after the applicable effective date of this act.

Approved: May 29, 2008