

**Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 08-1123.01 Thomas Morris

SENATE BILL 08-228

SENATE SPONSORSHIP

Schwartz, Bacon, Isgar, and Shaffer

HOUSE SPONSORSHIP

Curry, and Scanlan

Senate Committees

Agriculture, Natural Resources & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASED PUBLIC DISCLOSURE OF THE CONTENTS OF A**
102 **NOTICE OF INTENT TO CONDUCT MINING OPERATIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Specifies that all information provided to the mined land reclamation board in a notice of intent to conduct prospecting, or a modification of such notice, is a matter of public record subject to the open records act with the exception of information, as determined by the board, relating to the location, size, or nature of the mineral deposit and other information designated by the operator as proprietary or trade secrets. Requires the person filing such a notice or modification to give

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
April 25, 2008

an electronic version of the notice or modification, except for that information exempted from public disclosure, to the board in a format determined by the board. Requires the board to post such version of the notice or modification on its web site.

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

2 **SECTION 1.** 34-32-113 (3), (5.5) (d), (5.5) (e), and (5.5) (f),
3 Colorado Revised Statutes, are amended, and the said 34-32-113 is
4 further amended BY THE ADDITION OF A NEW SUBSECTION, to
5 read:

6 **34-32-113. Prospecting notice - reclamation requirements -**
7 **rules.** (3) All information provided TO the board in a notice of intent to
8 conduct prospecting OR A MODIFICATION OF SUCH A NOTICE IS A MATTER
9 OF PUBLIC RECORD SUBJECT TO THE OPEN RECORDS ACT, PART 2 OF
10 ARTICLE 72 OF TITLE 24, C.R.S., INCLUDING, IN THE CASE OF A
11 MODIFICATION, THE ORIGINAL NOTICE OF INTENT; EXCEPT THAT
12 INFORMATION RELATING TO THE MINERAL DEPOSIT LOCATION, SIZE, OR
13 NATURE AND, AS DETERMINED BY THE BOARD, OTHER INFORMATION
14 DESIGNATED BY THE OPERATOR AS PROPRIETARY OR TRADE SECRETS OR
15 THAT WOULD CAUSE SUBSTANTIAL HARM TO THE COMPETITIVE POSITION
16 OF THE OPERATOR shall be protected as confidential information by the
17 board and SHALL not be a matter of public record in the absence of a
18 written release from the operator or until a finding by the board that
19 reclamation is satisfactory. SUCH INFORMATION DESIGNATED AS EXEMPT
20 SHALL REMAIN CONFIDENTIAL UNTIL A FINAL DETERMINATION BY THE
21 BOARD. THE BOARD SHALL PROMULGATE RULES IMPLEMENTING THIS
22 SUBSECTION (3) AND SHALL CONSIDER INFORMATION INCLUDING THE
23 TIMING OF THE DISCLOSURE OF THE OPERATOR'S IDENTITY OR OTHER

1 INFORMATION THAT IS A MATTER OF PUBLIC RECORD AS DETERMINED BY
2 THE BOARD.

3 (5.5) (d) No later than sixty days after the completion of the
4 abandonment pursuant to paragraph (b) of this subsection (5.5) of any
5 drill hole ~~which~~ THAT has artesian flow at the surface, the person
6 conducting the prospecting shall submit to the head of the office a report
7 containing the location of such hole to within two hundred feet of its
8 actual location, the estimated rate of flow of such artesian flow, if such
9 is known, and the facts of the technique used to plug such hole. ~~Such~~
10 ~~report and all information contained therein shall be confidential in nature~~
11 ~~and shall not be a matter of public record.~~

12 (e) No later than twelve months after the completion of the
13 abandonment of any drill hole pursuant to paragraph (b) of this subsection
14 (5.5), there shall be filed by the person conducting the prospecting with
15 the head of the office a report containing the location of the hole to the
16 nearest forty-acre legal subdivision and the facts of the technique used to
17 plug, seal, or cap the hole. ~~Such report and all information contained~~
18 ~~therein shall be confidential in nature and shall not be a matter of public~~
19 ~~record.~~

20 (f) The head of the office may NOT waive any of the
21 administrative provisions of this subsection (5.5). ~~which pertain to~~
22 ~~aquifers upon written application filed with the director.~~

23 (9) UPON THE SUBMITTAL OF A NOTICE OF INTENT TO CONDUCT
24 PROSPECTING OPERATIONS OR A MODIFICATION OF SUCH A NOTICE, THE
25 PERSON SUBMITTING SUCH NOTICE OR MODIFICATION SHALL GIVE AN
26 ELECTRONIC VERSION OF THE NOTICE OR MODIFICATION, EXCEPT FOR THAT
27 INFORMATION EXEMPTED FROM PUBLIC DISCLOSURE UNDER SUBSECTION

1 (3) OF THIS SECTION AND THAT INFORMATION DESIGNATED BY THE PERSON
2 AS EXEMPT FROM DISCLOSURE UNDER SUBSECTION (3) OF THIS SECTION, TO
3 THE BOARD IN A FORMAT DETERMINED BY THE BOARD. THE DIVISION
4 SHALL POST SUCH VERSION OF THE NOTICE OR MODIFICATION ON ITS WEB
5 SITE.

6 **SECTION 2. Applicability.** This act shall apply to notices of
7 intent to conduct prospecting activities or modifications thereto submitted
8 or approved on or after the effective date of this act.

9 **SECTION 3. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.