***AN INITIATED PROPOSAL FOR STATUTORY MODIFICATIONS OF PROVISIONS WITHIN*:**

C. R. S. 34-32-101, ET. SEQ. - COLORADO MINED LAND RECLAMATION ACT - CONCERNING THE REGULATORY AUTHORITY OF THE MINED LAND RECLAMATION BOARD OVER MINING, AND, IN CONNECTION THEREWITH, ENSURING THE PROTECTION OF GROUND WATER AND PUBLIC HEALTH;

AND

C. R. S. 24-4-101, ET. SEQ. – COLORADO STATE ADMINISTRATIVE PROCEDURES ACT.

Be It Enacted by the People of the State of Colorado:

SECTION 1. 34-32-101 et. seq., COLORADO REVISED STATUTES, IS AMENDED TO READ.

34-32-102. Legislative declaration.

(1) It is declared to be the policy of this state that the EXPLORATION FOR AND THE extraction of minerals and the reclamation of land affected by such extraction AND EXPLORATION are ~~both~~ necessary and proper activities. It is further declared to be the policy of this state that ~~both~~ such activities should be and are compatible. It is the intent of the general assembly by the enactment of this article to foster and encourage the development of an economically sound and stable mining and minerals industry and to encourage the orderly development of the state's natural resources, while requiring those ~~persons~~ involved in mining operations to reclaim land affected by such operations so that the affected land may be put to a use beneficial to the people of this state. It is the further intent of the general assembly by the enactment of this article to conserve natural resources, to aid in the protection of wildlife and aquatic resources, to establish agricultural, recreational, residential, and industrial sites, and to protect and promote the health, safety, and general welfare of the people of this state.

(2) The general assembly further declares that it is the intent of this article to require the development of a mined land reclamation regulatory program in which the economic costs of reclamation measures utilized bear a reasonable relationship to the environmental benefits derived from such measures. The mined land reclamation board or the office, when

considering the requirements of reclamation measures, shall evaluate the benefits expected to result from the use of such measures. It is also the intent of the general assembly that consideration be given to the economic reasonableness of the action of the mined land reclamation board or the office. In considering economic reasonableness, the financial condition of an operator shall not be a factor.

(A) IN CONJUNCTION WITH STATE AND LOCAL GOVERNMENT LICENSING PROCESSES FOR THE DEVELOPMENT AND OPERATION OF ANY URANIUM IN-SITU SOLUTION LEACHING OPERATION OR OF ANY AND ALL URANIUM IN-SITU SOLUTION MINING EXPLORATION EFFORTS; AND IN COORDINATION WITH THE COLORADO DEPARTMENT OF NATURAL RESOURCES MINED LAND RECLAMATION BOARD'S RULES FOR OPERATION OR INVESTIGATION INTO ANY AND ALL ACTIVITIES RELATED TO URANIUM IN-SITU SOLUTION LEACH MINERAL EXTRACTION AND URANIUM MINERAL EXTRACTION TECHNOLOGIES; AND RELATING TO THE NECESSITY FOR COMPLETE AND COMPREHENSIVE PROTECTION OF PUBLIC INTERESTS IN, AND FOR COMPREHENSIVE PUBLIC NOTICE OF, ANY URANIUM IN-SITU RELATED ACTIVITIES ; AND RECOGNIZING THE NECESSITY TO ABSOLUTELY EMPOWER PUBLIC HEALTH PROTECTION GUARANTEES RELATING TO THE EXTRACTION OF THE URANIUM MINERAL VIA A SOLUTION MINING FORM OF MINERAL EXTRACTION, EVERY AND ANY URANIUM IN-SITU SOLUTION LEACH MINING OPERATOR AND EVERY AND ANY URANIUM IN-SITU SOLUTION LEACH MINING EXPLORATION INTEREST WILL BE REQUIRED BY LAW TO SIGN AND OBTAIN A PERFORMANCE AGREEMENT AND A SURETY BOND IN FAVOR OF THE STATE OF COLORADO THAT WILL GUARANTEE FINANCIAL RESPONSIBILITY PERFORMANCE BY THE URANIUM MINING INTEREST AND WILL INSURE TO THE PEOPLE OF THE STATE OF COLORADO THAT A COMPREHENSIVE PERFORMANCE BOND WAS A PRIOR CONDITION TO THE ISSUANCE OF ANY IN-SITU MINERAL EXTRACTION PERMIT OR URANIUM MINERAL IN-SITU SOLUTION MINING EXPLORATION PERMIT WITH SUCH BOND BEING ENTIRELY BINDING, IRREVOCABLE IN TIME OR IN COST, AS A TOTAL AND COMPREHENSIVE OBLIGATION UPON THE OPERATOR AND UPON ANY OPERATOR'S SUCCESSOR-IN-INTEREST AND UPON ANY OPERATOR OR SUCCESSOR-IN-INTEREST ACTING AS ANY TYPE OF CAPITAL INVESTOR ASSOCIATED IN ANY MANNER WITH THE IN-SITU URANIUM EXPLORATION, OPERATION, CLOSURE, OR RECOVERY, AND THAT ANY AND ALL COSTS ASSOCIATED, IN ANY MANNER, WITH ANY MISHAP IN THE EXTRACTION OF OR THE EXPLORATION FOR URANIUM EITHER IN THE MINING OPERATIONS PHASE OR IN A POST-OPERATION MINING PERIOD USING OR CONTEMPLATING USING IN-SITU SOLUTION MINING METHODS NEEDING CAUSING ANY FORM OF REMEDIATION, BE A COST OF THE MINING EXTRACTION OR OPERATION ENTITY AND OF THAT URANIUM MINING ENTITY'S ASSOCIATED CAPITAL AND INVESTOR INTERESTS, WITH PREJUDICE, AND THAT NO COSTS OF ANY REMEDIATION, COSTS OF CLEAN-UP, OR COSTS OF ANY RESPONSE BE BORNE BY THE PEOPLE OR THE PUBLIC OF THE STATE OF COLORADO. FURTHER, IT IS EXPRESSLY PRONOUNCED THAT NO FUNDS SHALL BE APPROPRIATED OR EXPENDED BY THE STATE OF COLORADO, OR SHALL BE MADE AVAILABLE FROM ANY PUBLICALLY-FUNDED ENTITY WITHIN THE STATE OF COLORADO, FOR ANY IN-SITU SOLUTION URANIUM-RELATED CLEAN-UP OR REMEDIATION COSTS.

(I) TO THAT END, AND IN CONNECTION THEREWITH, AN OPERATION SURETY AND A REMEDIATION PERFORMANCE BOND, OR AN EXPLORATION PERFORMANCE BOND, IN THE TOTAL AMOUNT OF THE MOST COMPREHENSIVE INDEPENDENT ESTIMATE OF ANY INDIVIDUAL MINE-SITE AREA AND AREA GROUNDWATER CLEAN-UP, INCLUDING AN ESTIMATE OF COSTS OF

TOTAL REMEDIATION, EFFECTING THE COMPLETE AND TOTAL ELIMINATION OF AND REMEDIATION OF ANY AND ALL ENVIRONMENTAL EFFECTORS IMPACTING THE NATURAL ENVIRONMENT OR THE WATER, AND RELATED AS WELL TO THE TOTAL COSTS OF ANY AND ALL INCIDENT-RELATED HARM TO INDIVIDUAL DOMESTIC WELLS IN THE URANIUM MINERAL EXTRACTION LOCALITY AS WELL AS ANY IMPACT TO PUBLIC WATER SUPPLIES IN SAID AREA, SHALL BE PRESENTED TO THE STATE OF COLORADO, AND SHALL BE HELD AT THE COLORADO STATE TREASURER'S OFFICE, IN A DESIGNATED ACCOUNT FOR SUCH PURPOSE, FOR A PERIOD OF FIFTY (50) YEARS, WITH A STATEMENT ATTACHED, ACKNOWLEDGED BY THE IN-SITU SOLUTION MINING ENTITY OR THE URANIUM MINERAL EXPLORATION ENTITY AND BINDING UPON ITS SUPPORTING ENTITIES AND ANY SUCCESSOR OR SUCCESSOR-IN-INTEREST ENTITY, THAT THE PEOPLE OF THE STATE ARE TO BE HELD HARMLESS IN ANY AND ALL MANNERS FOR THE COSTS OF ANY CONSEQUENCE OF ANY URANIUM IN-SITU PRODUCTION OR EXPLORATION ACTIVITY. FURTHER, IT IS EXPRESSLY PRONOUNCED THAT NO FUNDS SHALL BE APPROPRIATED OR EXPENDED BY THE STATE OF COLORADO, OR SHALL BE MADE AVAILABLE FROM ANY PUBLICALLY-FUNDED ENTITY WITHIN THE STATE OF COLORADO, FOR ANY IN-SITU SOLUTION URANIUM-RELATED CLEAN-UP OR REMEDIATION COSTS.

(B) A FURTHER, AND SEPARATE, PERFORMANCE BOND AND AN OPERATION SURETY BOND IS MANDATED, AND SHALL BE ISSUED, AND SHALL BE HELD AS AN CONVERTIBLE ALLOCATION APPLICABLE TO THE ESTIMATED COSTS OF REMEDIATION, COSTS OF CLEAN-UP, OR COSTS OF ANY RESPONSE RELATED TO ANY URANIUM MINERAL-BASED ENVIRONMENTAL OR WATER RESOURCE DEGRADING IMPACT ON, OR IN, THE WHOLE-AREA OF THE OF THE MINERAL-BEARING GEOLOGIC BASIN AND FORMATION THE LOCATION OF WHICH IS THE AREA OF THE URANIUM MINERAL BEING, OR PROPOSED TO BEING, MINED OR EXPLOITED BY THE IN-SITU SOLUTION MINING METHOD FOR URANIUM MINERALS. THE CHARACTER OF THIS WHOLE-AREA PERFORMANCE AND SURETY BOND SHALL BE BASED UPON A SEPARATE AND COMPREHENSIVE ASSESSMENT BY AN INDEPENDENT CONSULTANT OF THE TOTAL AMOUNT OF COSTS CALCULATED ON THE MOST COMPREHENSIVE ESTIMATE OF THE WHOLE MINERAL RESOURCE BASIN CUMULATIVE URANIUM MINING OPERATION PHYSICAL AND CHEMICAL CLEAN-UP COSTS, COSTS OF REMEDIATION, WITH THE CALCULATION RELATED AS WELL TO THE TOTAL COSTS OF ANY AND ALL INCIDENT-RELATED HARM TO INDIVIDUAL DOMESTIC WELLS AS WELL AS TO PUBLIC WATER SUPPLIES AND WITH ESTIMATES OF POTENTIAL TOTAL OF COSTS OF ANY AND ALL RESPONSE INCIDENTS NEEDED TO EFFECT THE COMPLETE AND TOTAL ELIMINATION OF ANY AND ALL ENVIRONMENTAL EFFECTORS IMPACTING THE NATURAL ENVIRONMENT OR ANY WATER SOURCE IN THE GEOLOGIC BASIN OF CONCERN.

(C) THE MAINTENANCE OF THE PRISTINE-NATURE OF THE WATER OF THE PEOPLE OF THE STATE OF COLORADO BEING THE SUBJECT OF THE PUBLIC HEALTH PROTECTION HERE BEING IMPLORED AND OBLIGED, IT IS THE INTENT OF THE PEOPLE THAT UPON ADOPTION OF THE ACTIONS HERE REQUIRED, THAT THE PROVISIONS OF THIS SECTION ARE TO BE CONSIDERED AS ENTIRE AND COMPLETE AFFAIRS WITHIN THE AUTHORITIES OF THE STATE OF COLORADO AND THE STATE OF COLORADO'S POLITICAL SUBDIVISIONS, AND THAT THE STATE OF COLORADO IS DIRECTED TO ACT AS A QUASI-SOVEREIGN ON BEHALF OF THE PUBLIC TO INSURE WELL-BEING RELATING TO THE PROTECTION OF WATER. IT IS THE INTENT OF PUBLIC, EXPRESSED BY THE ADOPTION OF THESE STATUTORY MEASURES, THAT THE WATER OF THE PEOPLE OF COLORADO BE PROTECTED IN AN ABSOLUTE MANNER WHEN ANY ACTIVITY OF URANIUM MINERAL IN-SITU

EXTRACTION OR URANIUM MINERAL IN-SITU EXPLORATION IS UNDERTAKEN, AND THAT THE TOTAL COSTS OF ANY ENVIRONMENTAL CORRECTION OF ANY INCIDENT-RELATED MISHAP RELATING TO URANIUM MINERAL RESOURCE IN-SITU MINING OR EXPLORATION BE BORNE BY THE MINERAL RESOURCE DEVELOPMENT OPERATOR, OR THE OPERATOR'S INVESTORS, OR THE OPERATOR'S SUCCESSORS-IN-INTEREST. IT IS PRONOUNCED THAT STATE AND LOCAL GOVERNMENT REGULATION OF URANIUM MINERAL IN-SITU RESOURCE EXTRACTION OR URANIUM MINERAL IN-SITU RESOURCE MINERAL EXPLORATION ARE NOT TO BE IMPRESSED OR CONSTRAINED BY ANY ACTION THE UNITED STATES, OR BY ANY PRIOR FEDERAL PRONOUNCEMENT, ACT, OR DECISION UNLESS, AND UNTIL, THE CONGRESS OF THE UNITED STATES STIPULATES THAT THE FEDERAL AUTHORITY OF THE UNITED STATES INTENDS TO OCCUPY THE ENTIRE FIELD RELATING TO LAWS AND REGULATIONS CONCERNING THE IN-SITU SOLUTION MINING OR EXPLORATION OF URANIUM.

(3) The general assembly further finds, determines, and declares that:

(a) It is the policy of this state to recognize that mining operations are conducted by government and private entities;

(b) All people of the state benefit from the reclamation of mined land;

(c) WITH THE EXCEPTION OF ANY URANIUM IN-SITU SOLUTION MINING OPERATION'S MISHAP REQUIRING INCIDENT-RELATED REMEDIATION COSTS, AND WITH THE EXCEPTION OF THE COSTS OF ANY REMEDIATION RELATING TO ANY URANIUM IN-SITU SOLUTION MINING EXPLORATION ACTIVITY, THE FUNDING OF WHICH FOR ALL COSTS OF ANY ENVIRONMENTAL CLEAN-UP AND REMEDIATION SHALL BE THE SOLE RESPONSIBILITY OF THE URANIUM MINING ENTITY OR THE URANIUM MINING ENTITY'S SUCCESSOR-IN-INTEREST, ~~T~~ the funding to ensure that reclamation is achieved should be borne equitably by both the public and private sectors;

(d) The funding for enforcement ~~and other activity~~ that is conducted for the benefit of the general public should be supported by the general fund UPON GENERAL APPROPRIATION OF THE GENERAL ASSEMBLY ;

(e) It is the policy of this state to allocate resources adequate to accomplish the purposes of this article WITH THE EXCEPTIONS CODIFIED IN C.R.S. 34-32-102 (2) BEING NON-MODIFIABLE BY ANY ADMINISTRATIVE ACTIONS OF THE BOARD, AND BEING NON-MODIFIABLE BY ANY LOCAL GOVERNMENT.

34-32-103. Definitions.

As used in this article, unless the context otherwise requires:

(1) "Acid or toxic producing materials" means natural or reworked earth materials having acid or toxic chemical and physical characteristics.

(1.5) "Affected land" means the surface of an area within the state where a mining operation is being, or IS CONTEMPLATED TO BE ~~will be~~ conducted, which surface is disturbed AND WHICH GROUNDWATER MAY BE CONTAMINATED as a result of such operation. Affected lands include but shall not be limited to private ways, roads, except those roads excluded pursuant to this subsection (1.5), and railroad lines appurtenant to any such area; land excavations; prospecting sites; drill sites or workings; refuse banks or spoil piles; evaporation or settling ponds; leaching dumps; placer areas; tailings ponds or dumps; work, parking, storage, or waste discharge areas; and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from or are used in such operations are situated. WITH THE EXCEPTION OF LANDS IMPACTED BY URANIUM IN-SITU SOLUTION LEACH MINING OR IN-SITU EXPLORATION, WHICH SHALL BE NOT RELEASED FROM FINAL RECLAMATION REVIEW AND REMEDIATION FOR A PERIOD OF FIFTY (50) YEARS FROM THE END OF THE LIFE OF THE MINE, AND SHALL REMAIN BONDED FOR REMEDIATION NEEDS PURSUANT TO 34-32-117 (5.6), ~~A~~ ALL lands shall be excluded that would be otherwise included as land affected but which have been reclaimed in accordance with an approved plan or otherwise, as may be approved by the board. Affected land shall not include off-site roads which existed prior to the date on which notice was given or permit application was made to the office OR LOCAL GOVERNMENT and which were constructed for purposes unrelated to the proposed mining operation and which will not be substantially upgraded to support the mining operation or off-site groundwater monitoring wells.

(2) "Board" means the mined land reclamation board established by section 34-32-105.

(3) "Department" means the department of natural resources or such department, commission, or agency as may lawfully succeed to the powers and duties of such department.

(3.5) (a) "Designated mining operation" means a mining operation at which:

(I) Toxic or acidic chemicals used in extractive metallurgical processing are present on site;

(II) Acid- or toxic-forming materials will be exposed or disturbed as a result of mining operations; or

(III) Uranium is developed or extracted OR AT WHICH LANDS ARE DISTURBED BY ANY MANNER OF URANIUM MINERAL IN-SITU EXPLORATION, either by in situ leach mining or by conventional underground or open mining techniques. ~~A uranium mining operation may seek an exemption from designated mining operation status in accordance with section 34-32-112.5 (2).~~

(b) The various types of designated mining operations are identified in section 34-32-112.5. Except as provided in subparagraph (III) of paragraph (a) of this subsection (3.5), such mining operations exclude operations that do not use toxic or acidic chemicals in processing for purposes of extractive metallurgy and that will not cause acid mine drainage.

(4) "Development" means the work performed in relation to a deposit, following the 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~~,~~ AND defining further the ore deposit by drilling or other means, conducting pilot plant operations, constructing roads or ancillary facilities, and other related activities~~.~~

(4.5) "Director" means the director of the division of reclamation, mining, and safety or such officer as may lawfully succeed to the powers and duties of such director.

(4.7) "Division" means the division of reclamation, mining, and safety or such agency as may lawfully succeed to the powers and duties of such division.

(4.9) "Environmental protection plan" means a plan submitted by a designated mining operation for approval as part of the operator's or applicant's permit for such operation pursuant to rules promulgated by the board for protection of human health or property or the environment AND AS REQUIRED IN ANY MINED LAND IN -SITU URANIUM LOCAL GOVERNMENT PERMIT APPLICATION in conformance with the duties of operators as prescribed by this article.

(5) "Executive director" means the executive director of the department of natural resources or such officer as may lawfully succeed to the powers and duties of such executive director.

(5.5) "Financial warranty" means a warranty of the type described in section 34-32-117 (3) and (4) AND INCLUDES BONDING REQUIREMENTS AT C.R.S. 34-32-117 (5.6) AS REQUIRED FOR THE SURETY THAT ANY ENVIRONMENTAL REMEDIATION NECESSITATED BY ANY URANIUM IN-SITU MINING OPERATION OR ANY URANIUM IN-SITU MINERAL RESOURCE EXPLORATION IS THE SOLE OBLIGATION OF, AND IS FINANCIALLY GUARANTEED BY, AN OPERATOR OR AN OPERATOR'S SUCCESSORS-IN-INTEREST OR AN OPERATOR'S CAPITAL INVESTORS .

(5.7) "In situ leach mining" means in situ mining for uranium through the in-place dissolution of mineral components of an ore deposit by causing a chemical leaching solution, usually aqueous, to penetrate or to be pumped down wells through the ore body and then removing the mineral-containing solution. ~~for development or extraction of the mineral values.~~

(5.8) "In situ mining" means the in-place development or extraction of a mineral by means

other than open mining or underground mining.

(6) (a) "Life of the mine" means that a permit granted pursuant to section 34-32-110 or 34-32-115 may continue in effect as long as:

(I) An operator continues to engage in the extraction of minerals and complies with the provisions of this article;

(II) Mineral reserves are shown by the operator to remain in the mining operation and the operator plans to, or does, temporarily cease production for one hundred eighty days or more if he files a notice thereof with the board stating the reasons for nonproduction, a plan for the resumption thereof, and the measures taken to comply with reclamation and other necessary activities as established by the board to maintain the mine in a nonproducing state. The requirement of a notice of temporary cessation shall not apply to operators who resume operating within one year and have included, in their permit applications, a statement that the affected lands are to be used for less than one hundred eighty days per year.

(III) Production is resumed within five years of the date production ended, AND UPON A COMPLETE RE-APPLICATION FOR A MINING PERMIT FROM THE DIVISION COMPLIANT WITH ALL TERMS AND CONDITIONS ACKNOWLEDGED AND BONDED FOR THEM MINE- SITE TO THE LOCAL GOVERNMENT OF JURISDICTION, or the operator files a report requesting an extension of the period of temporary cessation of production with the board AND LOCAL GOVERNMENT OF JURISDICTION stating the reasons for the continuation of nonproduction and those factors necessary to, and his plans for, resumption of production. In no case shall temporary cessation of production be continued for more than ten years without terminating the operation and fully complying with the reclamation requirements of this article.

(IV) The board does not take action to declare termination of the life of the mine, which action shall require a sixty-day notice to the operator alleging a violation of, or that inadequate reasons are provided in an operator's report under subparagraph (I), (II), or (III) of this paragraph (a). In such cases, the board shall provide a reasonable opportunity for the operator to meet with the board to present the full case and further provide reasonable time for the operator to bring violations into compliance.

(b) "Life of the mine" includes that period of time after cessation of production ~~necessary~~ to complete reclamation of disturbed lands as required by ~~the board and~~ this article, AND, FOR URANIUM IN-SITU SOLUTION MINING OR URANIUM IN-SITU SOLUTION EXPLORATION, THE LIFE OF THE MINE DEFINITION SHALL COINCIDE WITH THE TERMS AND CONDITIONS OF THE PERFORMANCE AND SURETY BONDING REQUIREMENTS OF 34-32-117 (5.6), OR until such time as the board releases, AFTER REVIEW AND COMMENT AND AGREEMENT AS TO THE SATISFACTORY NATURE OF THE LAND RECLAMATION FROM THE LOCAL GOVERNMENT OF THE JURISDICTION WHERE THE MINERAL EXTRACTION OPERATION WAS LOCATED, in writing, the

operator from further reclamation obligations regarding the affected land, declares the operation terminated, and releases all applicable performance and financial warranties.

(6.5) "LOCAL GOVERNMENT" MEANS ANY UNIT OF LOCAL GOVERNMENT, WHICH FOR PURPOSES OF THIS ARTICLE INCLUDES COUNTIES, MUNICIPALITIES, SCHOOL AND SPECIAL DISTRICTS, AND EVERY OTHER TYPE OF LOCAL GOVERNMENT HAVING THE POWER TO OWN PROPERTY, THAT MAY OBLIGE PERFORMANCE BONDS AND SURETY BONDS AND THAT HAS THE AUTHORITY OF CONVERTIBILITY OF SURETY BONDS OR PERFORMANCE BONDS AND ANY OTHER INSTRUMENTS WHICH ARE ISSUED TO GUARANTEE ITS PROPERTY AGAINST ALL TYPES OF RISK OR LOSS FOR WHICH SUCH INSURANCE OR BONDING MAY HAVE BEEN REQUIRED.

(7) "Mineral" means an inanimate constituent of the earth in a solid, liquid, or gaseous state which, when extracted from the earth, is useable in its natural form or is capable of conversion into a useable form as a metal, a metallic compound, a chemical, an energy source, or a raw material for manufacturing or construction material. For the purposes of this article, this definition does not include coal, surface or subsurface water, geothermal resources, or natural oil and gas together with other chemicals recovered therewith, but does include oil shale.

(8) "Mining operation" means the development or extraction of a mineral from its natural occurrences on affected land. The term "mining operation" includes, but is not limited to, open mining, in situ mining, in situ leach mining, surface operations, and the disposal of refuse from underground mining, in situ mining, and in situ leach mining. The term "mining operation" also includes the following operations on affected lands: Transportation; concentrating; milling; evaporation; and other processing. The term "mining operation" does not include: The exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe; the development or extraction of coal; the extraction of geothermal resources; smelting, refining, cleaning, preparation, transportation, and other off-site operations not conducted on affected land; or the extraction of construction material where there is no development or extraction of any mineral.

(8.5) "Office" means the office of mined land reclamation, created in section 34-32-105.

(9) "Open mining" means the mining of minerals by removing the overburden lying above such deposits and mining directly from the deposits thereby exposed. The term includes mining directly from such deposits where there is no overburden. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying, and dredging.

(10) "Operator" means any person, firm, partnership, association, or corporation, or any department, division, or agency of federal, state, county, or municipal government engaged in or controlling a mining operation.

(11) "Overburden" means all of the earth and other materials which lie above natural minerals and also means such earth and other materials disturbed from their natural state in the process of mining.

(11.5) "Performance warranty" means a warranty of the type described in section 34-32-117 (2) AND 34-32-117 (5.6).

(12) "Prospecting" means the act of searching for or investigating a mineral deposit. "Prospecting" includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes and digging pits or cuts and other works for the purpose of extracting samples prior to commencement of development or extraction operations, and the building of roads, access ways, and other facilities related to such work. The term does not include those activities which cause no or very little surface disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand carried or otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work which causes no greater land disturbance than is caused by ordinary lawful use of the land by persons not prospecting. EXCEPT FOR PROSPECTING FOR URANIUM THAT IS PROPOSED TO BE MINED BY A SOLUTION LEACH IN-SITU PROCESS , ~~T~~ the term also does not include any single activity which results in the disturbance of a single block of land totaling one thousand six hundred square feet or less of the land's surface, not to exceed two such disturbances per acre; except that the cumulative total of such disturbances will not exceed five acres statewide in any prospecting operation extending over twenty-four consecutive months.

(13) "Reclamation" means ACTIONS ~~means the~~ employED ~~ment~~ during and after a mining operation of procedures ~~reasonably~~ designed to REMEDIATE DISTURBED LANDS FROM ~~minimize as much as practicable~~ the disruption from the mining operation and to provide for the establishment of plant cover, stabilization of soil, the protection AND RESTORATION OF ALL ~~of~~ water resources, or other measures appropriate to the subsequent beneficial use of such affected AND DISTURBED lands. ~~Reclamation shall be conducted in accordance with the performance standards of this article~~.

(14) "Refuse" means all waste material directly connected with the cleaning and preparation of substances mined by a mining operation.

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

(1) Reclamation permits for mining operations shall be obtained as specified in this article.

(2) After June 30, 1976, any operator proposing to engage in a new mining operation must first obtain from the board or office a reclamation permit, WITH, HOWEVER, RESPECT TO

URANIUM IN-SITU SOLUTION MINING AND URANIUM EXPLORATION ACTIVITY PERMITS THAT MUST FIRST BE ISSUED BY THE LOCAL GOVERNMENT OF JURISDICTION, as specified in this article.

(3) (a) Applications for reclamation permits filed under the provisions of the "Colorado Open Mining Land Reclamation Act of 1973" prior to and pending on July 1, 1976, shall be processed in accordance with the provisions of this article. Reclamation permits granted under the provisions of the "Colorado Open Mining Land Reclamation Act of 1973" prior to July 1, 1976, are valid reclamation permits for the purposes of this article and are subject to the provisions of this article for the purpose of renewal. An application for renewal shall be filed at least ninety days prior to the expiration of the reclamation permit. Such applications shall be in accordance with section 34-32-112; except that the applicant need not supply information, materials, and undertakings previously supplied. The application for renewal of a reclamation permit shall show the area mined or disturbed and the area reclaimed since the original reclamation permit or the last renewal.

(b) (I) An operator with an existing reclamation permit granted under the provisions of the "Colorado Open Mining Land Reclamation Act of 1973" may apply for the conversion of his existing reclamation permit to a reclamation permit for the life of the mine under the provision for renewal set forth in this subsection (3) at any time on or after July 1, 1976. The fee for the conversion of such an existing reclamation permit shall not exceed two hundred dollars if the conversion is made during the first year of the reclamation permit.

(II) Thereafter, the provisions of section 34-32-127 (2) shall apply.

(4) Mining operations which were lawfully being conducted prior to July 1, 1976, without a reclamation permit may continue to be so conducted until October 1, 1977, if, between July 1, 1976, and October 1, 1977, the operators of such existing mining operations apply for a reclamation permit as specified in this article. Any such operator, having made application by October 1, 1977, but not having received a reclamation permit by that date, shall be permitted to continue his mining operation until such reclamation permit is either granted or denied. Any such operator who is denied a reclamation permit and continues operations after such denial or who has not applied for a reclamation permit by October 1, 1977, and continues operations after October 1, 1977, shall be considered in violation of this article and subject to the provisions of section 34-32-123. An operator of an existing operation who is in compliance with all requirements of the statutes in effect prior to July 1, 1976, and the rules, regulations, and orders issued thereunder, and any applicable stabilization and reclamation agreements shall not be denied a reclamation permit if he provides performance and financial warranties and undertakes such new reclamation program as may reasonably be required in relation to his existing operation, pursuant to the provisions of this article.

(5) (a) Reclamation permits granted pursuant to applications, including applications for renewal, filed after June 30, 1976, shall be effective for the life of the particular mining operation if the operator complies with the conditions of such reclamation permits and with

the provisions of this article and rules promulgated pursuant to this article which are in effect at the time the permit is issued or amended, except as provided in paragraph (b) of this subsection (5). Nothing in this article shall be construed to abrogate the duty of the operator to comply with other applicable statutes and rules and regulations.

(b) (I) This paragraph (b) shall apply to new statutory or regulatory requirements only and shall not serve to reopen the entire permit for technical review or for modification of the post-mining land use.

(II) The board may, where good cause is shown, determine that certain regulations not in effect at the time a permit is given should be applicable to such existing permits or to any specified class or category of existing permits, if:

(A) The board or office, OR, IN THE CASE OF A URANIUM IN-SITU SOLUTION MINING PERMIT OR A URANIUM EXPLORATION ACTIVITY PERMIT, THE LOCAL GOVERNMENT OF JURISDICTION ALSO provides individual notice of the subject matter of the proposed rule in such manner as the board may require and the time, date, and place of the rule-making hearing to operators with existing permits who may be affected by such rule;

(B) The board finds during the rule-making hearing that a failure to apply such proposed rule to existing permits or to an affected class or category of existing permits would pose a reasonable potential for danger to persons or property or the environment; and

(C) The board sets a schedule for existing permit-holding operators to comply which is reasonable in light of the gravity of the risk to be avoided, any technical considerations, the cost of compliance, and any other relevant factors.

(III) If the board makes a good faith effort to comply with the requirements of sub-subparagraph (B) of subparagraph (II) of this paragraph (b) and complies with the applicable provisions of article 4 of title 24, C.R.S., the adopted rule shall not be deemed invalid on the ground that notice to the affected parties was inadequate.

(6) WITH THE EXCEPTION OF URANIUM IN-SITU SOLUTION MINING PERMITS OR URANIUM IN-SITU EXPLORATION PERMITS THAT MUST BE ISSUED BY THE LOCAL GOVERNMENT OF JURISDICTION PRIOR TO THE BOARD ISSUING ANY PERMIT TO ANY OPERATOR FOR ANY URANIUM IN-SITU SOLUTION MINING ACTIVITY OR PRIOR TO THE BOARD ISSUING ANY URANIUM IN-SITU EXPLORATION ACTIVITY PERMIT, ~~N~~no governmental office of the state, other than the board, nor any political subdivision of the state shall have the authority to issue a reclamation permit pursuant to this article, EXCEPT FOR ANY LOCAL GOVERNMENT OF JURISDICTION'S REGULATIONS REQUIRING ABSOLUTE RECLAMATION TO LAND AND GROUNDWATER PREMINING CONDITIONS OF PHYSICAL AND CHEMICAL BACKGROUND CHARACTERIZATIONS WITHIN THE PROPOSED IN-SITU SOLUTION MINING AREA AND TO THE PREMINING PHYSICAL AND CHEMICAL GROUNDWATER

CHARACTERIZATION WITHIN THE PROPOSED AND ADJACENT URANIUM IN-SITU SOLUTION MINING AREA FOR RECLAMATION PERMITS FOR URANIUM IN-SITU SOLUTION MINING OR FOR URANIUM IN-SITU MINERAL EXPLORATION PERMITS, to require reclamation standards different than those established in this article, or to require any performance or financial warranty of any kind for mining operations, WHERE THE TERM FINANCIAL WARRANTY MEANS A WARRANTY OF THE TYPE DESCRIBED IN SECTION 34-32-117 (3) AND (4) AND 34-32-117 (5.6), AND WHICH FINANCIAL WARRANTY INCLUDES REMEDIATION BONDING AT 34-32-117 (5.6), AS REQUIRED HEREUNDER, FOR THE SURETY THAT ANY ENVIRONMENTAL REMEDIATION NEEDED DUE TO IMPACTS OR MISHAPS ASSOCIATED WITH URANIUM IN-SITU SOLUTION MINING OR WITH URANIUM IN-SITU MINERAL EXPLORATION IS FINANCIALLY GUARANTEED BY AN OPERATOR OR AN OPERATORS SUCCESSORS-IN-INTEREST OR AN OPERATOR'S CAPITAL INVESTORS IN THE MANNER PROSCRIBED THEREIN TO GUARANTEE TO THE PUBLIC OF COLORADO THAT ANY AND ALL COSTS ASSOCIATED WITH REMEDIATION OF ANY URANIUM IN-SITU SOLUTION MINING ACTIVITY IS THE SOLE RESPONSIBILITY OF, AND TOTAL COST OF, THE URANIUM IN-SITU SOLUTION MINING OPERATOR OR OPERATORS SUCCESSOR-IN-INTEREST. The operator shall be responsible for assuring that the mining operation and the postmining land use comply with city, town, county, or city and county land use regulations and any master plan for extraction adopted pursuant to section 34-1-304, WITH THE EXCEPTION OF ANY LOCAL GOVERNMENT OF JURISDICTION URANIUM IN-SITU SOLUTION MINING PERMIT APPLICATION OR FOR ANY URANIUM IN-SITU MINERAL EXPLORATION PERMIT APPLICATION THAT MUST ACCOMPANY A LOCAL GOVERNMENT OF JURISDICTION PHYSICAL AND CHEMICAL MINE SITE ANALYSIS PROVIDED TO THE LOCAL GOVERNMENT PURSUANT TO PROVISIONS AT C.R.S. 34-32-110 (2)(A)(X) AND 34-32-110 (2)(A)(XI), unless a prior declaration of intent to change or waive the prohibition is obtained by the applicant from the affected political subdivisions. Any mining operator subject to this article shall also be subject to zoning and land use authority and regulation by political subdivisions as provided by law.

(7) An operator shall obtain a reclamation permit from the board, AND, FOR ANY URANIUM IN-SITU SOLUTION MINING OPERATION OR FOR ANY URANIUM IN-SITU MINERAL EXPLORATION PERMIT, AN OPERATOR MUST FIRST OBTAIN THE NECESSARY PERMIT FROM THE LOCAL GOVERNMENT OF JURISDICTION, for each mining operation with the exception of those specified in section 34-32-110 (1) and (2).

(8) After the filing of any application for a reclamation permit under this article, the board shall notify each county in which the area proposed to be mined is located and each municipality located within two miles of the area to be mined of the filing of the application.

(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 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.

34-32-110. Limited impact operations - expedited process.

(1) (a) Any person desiring to conduct mining operations pursuant to an application submitted prior to July 1, 1993, on less than two acres which mining operations will result in the extraction of less than seventy thousand tons per year of mineral or overburden may apply for the expedited processing of such person's permit. On and after July 1, 1993, all applications for permits pursuant to this section shall be submitted in accordance with subsection (2) of this section.

(b) and (c) (Deleted by amendment, L. 93, p. 1178, § 4, effective July 1, 1993.)

(d) (I) A financial warranty may be required to be posted by the mine operator, which warranty shall not exceed one thousand five hundred dollars WITH THE EXCEPTION OF PERFORMANCE AND SURETY BONDS AS REQUIRED IN 34-32-117 (5.6) GUARANTEEING REMEDIATION FINANCIAL OBLIGATIONS FOR ANY URANIUM IN-SITU SOLUTION LEACH MINING OPERATIONS OR ANY URANIUM IN-SITU EXPLORATION ACTIVITY. Such warranty, if forfeited pursuant to section 34-32-118, may, AND IN THE SITUATION OF NECESSITATED REMEDIATION BY ANY URANIUM IN-SITU SOLUTION MINING OPERATION OR ANY URANIUM IN-SITU SOLUTION MINERAL EXPLORATION AND BONDED PURSUANT TO C.R.S. 34-32-117 (5.6) SHALL, be utilized by the board to reclaim AND REMEDIATE any mined land OR GROUNDWATER subject to this SECTION. ~~subsection (1).~~

(II) This paragraph (d) shall be applicable to financial warranties provided for permits applied for pursuant to this subsection (1) before July 1, 1993.

(e) (Deleted by amendment, L. 93, p. 1178, § 4, effective July 1, 1993.)

(2) (a) Any person desiring to conduct mining operations, OTHER THAN URANIUM IN-SITU SOLUTION LEACH MINING, on less than ten acres, which mining operations will result in the extraction of less than seventy thousand tons of mineral or overburden per calendar year, prior to commencement of mining, shall file with the office, on a form approved by the board, an application for a permit to conduct mining operations; except that applications for in situ leach mining shall be filed pursuant to section 34-32-112.5 (3) (d). This application shall contain the following:

(I) The address and telephone number of the general office and the local address or addresses and telephone number of the operator AND IN CONNECTION WITH THE MINING OPERATOR CHARACTERIZATION FOR ANY URANIUM IN-SITU SOLUTION MINING OR FOR ANY URANIUM MINERAL IN-SITU EXPLORATION, THE NAMES, ADDRESSES, CORPORATE RELATIONSHIPS , PORTIONED OWNERSHIPS AND LIMITS TO LIABILITY OF ANY AND ALL INVESTOR CORPORATIONS, NAMES OR OFFICERS AND DIRECTORS OF THOSE ORGANIZATIONS, AND IDENTIFICATION OF SUCCESSOR-IN-INTEREST PROVISIONS WITHIN LEGAL CORPORATION AGREEMENTS RELATING TO URANIUM IN-SITU SOLUTION MINING OPERATIONS OR URANIUM IN-SITU EXPLORATION ACTIVITIES, SUCH IDENTIFICATION NECESSARY FOR BOND SURETY AND

PERFORMANCE PURSUANT TO C.R.S. 34-32-117 (5.6) ;

(II) The name, address, and telephone number of the owner of the surface of the affected land;

(III) The name of the owner of the subsurface rights of the affected land;

(IV) A statement that the operations AND RECLAMATION AND REMEDIATION will be conducted pursuant to the terms and conditions listed on the application, AND THOSE DETAILED WITHIN THE SURETY AND PERFORMANCE BONDS AT 34-32-117 (5.6), AND THOSE PROVISIONS ENUMERATED AND REQUIRED AS ANY CONDITION OF A LOCAL GOVERNMENT REQUIREMENT FOR THE ISSUANCE OF A LOCAL GOVERNMENT URANIUM IN-SITU SOLUTION MINING OPERATION OR URANIUM IN-SITU SOLUTION MINING EXPLORATION PERMIT, and in accordance with the provisions of this article and the rules and regulations promulgated pursuant to this article. ~~at the time the permit was approved or amended;~~

(V) A map showing information sufficient to determine the location of the affected land AND GROUNDWATER and existing and proposed roads or access routes to be used in connection with the mining operation;

(VI) The approximate size of the affected land;

(VII) Information sufficient to describe or identify the type of mining operation proposed and how the operator intends to conduct it;

(VIII) A statement that the operator has applied for AND HAS RECEIVED necessary local government approval AND PERMITS AFTER CERTIFYING TO THE BOARD THAT COMPLIANCE WITH LOCAL LAND USE AND ZONING REGULATIONS HAS BEEN MET AND PERMITTED;

(IX) Measures to be taken to reclaim any affected land consistent with the requirements of section 34-32-116 AND OF THOSE DETAILED WITHIN THE SURETY AND PERFORMANCE BONDS AT 34-32-117 (5.6).

(X) APPLICATIONS FILED FOR URANIUM IN-SITU LEACH MINING PERMIT PURSUANT TO SECTION 34-32-112.5 (3) (D) SHALL BE ACCOMPANIED BY AN INDEPENDENT ANALYSIS OF THE GROUNDWATER CHARACTERIZING GROUNDWATER CHEMICAL CONSTITUENTS AND PHYSICAL CHARACTERISTICS AT THE SITE OF THE URANIUM MINERAL EXPLORATION; CHARACTERIZING THE GROUNDWATER AT THE SITE OF THE URANIUM MINERAL SOLUTION MINING OPERATION; AND CHARACTERIZING THE GROUNDWATER WITHIN THE OVERALL GEOLOGIC BASIN-AREA OF THE URANIUM MINERAL DEPOSIT. THE URANIUM IN-SITU SOLUTION MINING PERMIT APPLICATION TO THE BOARD AND TO THE LOCAL GOVERNMENT OF JURISDICTION SHALL PROVIDE A FULLY- DOCUMENTED GROUNDWATER REGISTRY OF ORIGINAL AND UNDISTURBED

CHEMICAL AND PHYSICAL PARAMETERS OF THE MINE-SITE LOCATION DOCUMENTING RADIOLOGIC ANALYSIS, HEAVY METAL CONSTITUENTS AND CONCENTRATIONS, OXYGEN CONCENTRATIONS, GENERAL AQUATIC CHEMISTRIES, RELATIONSHIPS TO PROXIMAL SURFACE WATERS, DIRECTION AND RATES OF FLOW OF GROUNDWATER TOWARD SURFACE WATER SHOWING PIEZIOMETRIC AND STRATIGRAPHIC HYDRO-GEOLOGIC UNITS, BY A SUBMITTED TECHNICAL SUPPLEMENT TO ANY URANIUM IN-SITU SOLUTION MINING OR ANY URANIUM IN-SITU MINERAL EXPLORATION APPLICATION WITH THE SUPPLEMENT CONTAINING A STEADY-FLOW MODEL OF FLOW AND TRANSIT VOLUMES OF GROUNDWATER.

(XI) URANIUM IN- SITU LEACH MINING PERMIT APPLICATIONS FILED PURSUANT TO SECTION 34-32-112.5 (3) (D), SHALL BE ACCOMPANIED BY GEOLOGIC CROSS-SECTION MAPPING ANALYSIS USING GROUND PENETRATING RADAR (GPR) GENERATING HIGH RESOLUTION REFLECTION SEISMIC DATA COMPARED WITH CONE PENETROMETER (CPT) TESTING FOR PRODUCTION OF A SEISMIC MODEL DEMONSTRATING POTENTIALS FOR ANTICIPATED LOCAL FAULTING STYLES. A SEISMIC MAP SHOWING SMALL-SCALE, SHALLOW FAULTS IN UNCONSOLIDATED SEDIMENTS SHALL ILLUSTRATE THE POTENTIALS FOR GROUND-WATER FLOW REGIMES CALCULATING FLOW IN VOLUME AND DIRECTION.

(b) The application required by this subsection (2) shall be sent to the office AND TO THE LOCAL GOVERNMENT OFFICE THE BOARD OF COUNTY COMMISSIONERS AND TO THE LOCAL GOVERNMENT OFFICE OF PUBLIC HEALTH. IF THE LOCAL GOVERNMENT DENIES THE APPLICATION, THE APPLICANT MAY APPEAL THE DENIAL OF PERMIT TO THE DISTRICT COURT IN AND FOR THE LOCAL GOVERNMENT JURISDICTION. If the office denies the application, the applicant may appeal to the board for final determination.

(3) A fee as specified in section 34-32-127 (2), and a financial warranty in an amount the board shall determine pursuant to section 34-32-117 (4) AND AN APPLICABLE SURETY AND PERFORMANCE BONDS REQUIRED PURSUANT TO SECTION 34-32-117 (5.6), shall accompany the application and shall be paid by the applicant.

(4) The operator, at any time after the completion of reclamation, may notify the board that the land has been reclaimed. Upon receipt of the notice that the affected land or a portion of it has been reclaimed, the board shall cause the land to be inspected, AND SHALL REQUIRE THAT GROUNDWATER ASSOCIATED WITH URANIUM IN-SITU SOLUTION LEACH MINING HAS BEEN ANALYZED BY AN INDEPENDENT ANALYSIS TO DETERMINE POST-MINE CHEMICAL AND PHYSICAL CHARACTERISTICS TO BE USED AS COMPARISONS WITH ORIGINAL GROUNDWATER BACKGROUND, and shall release the ~~performance and~~ financial warranties, or appropriate portions thereof, within thirty days after the board finds the reclamation to be satisfactory and in accordance with a plan agreed upon by the board and the operator. THE PERFORMANCE AND SURETY BONDS HELD PURSUANT TO SECTION 34-32-117 (5.6) HELD FOR ANY IN-SITU URANIUM SOLUTION LEACH MINING SHALL BE RETAINED BY THE STATE OF COLORADO FOR A PERIOD OF NOT LESS THAN FIFTY (50) YEARS FROM THE DATE OF BOARD DETERMINATION OF FINAL RECLAMATION, AND SHALL BE HELD AS A FINANCIAL GUARANTEE THAT ANY POST-OPERATION REMEDIATION EFFORT THAT SHOULD BE NEEDED DUE TO GROUNDWATER CHEMICAL OR PHYSICAL CHANGES WOULD BE THE SOLE FINANCIAL

RESPONSIBILITY OF THE OPERATOR OR THE OPERATOR'S SUCCESSOR-IN-INTEREST.

(5) After July 1, 1988, any operator proposing to engage in a mining operation as provided in this section shall file a permit application to engage in mining prior to the start of the mining operation.

(5.5) IMMEDIATELY UPON APPROVAL OF THE MODIFICATIONS TO THE MINED LAND RECLAMATION ACT BY THE VOTERS OF PROVISIONS IN THIS SECTION, ANY OPERATOR PROPOSING TO ENGAGE IN URANIUM MINERAL PROSPECTING OR PROPOSING TO ENGAGE IN ANY URANIUM IN-SITU SOLUTION LEACH MINING SHALL FILE A PERMIT APPLICATION WITH THE LOCAL GOVERNMENT HAVING LEGAL JURISDICTION OVER LANDS TO BE SO MINED OR PROSPECTED, SUCH PERMIT APPLICATION SHALL BE PUBLISHED THREE TIMES IN 14 POINT BOLD-FACED TYPE IN A LEGAL NEWSPAPER FOR THE LOCAL GOVERNMENT JURISDICTION. THE ISSUANCE OR DENIAL OF THE LOCAL GOVERNMENT PERMIT SHALL PRECEDE THE ISSUANCE OF THE MINED LAND RECLAMATION BOARD PERMIT, SHALL BE BINDING, AND SHALL NOT BE AUTOMATICALLY GRANTED TO THE APPLICANT. ALL URANIUM IN-SITU SOLUTION MINING OPERATIONS ARE TO BE CONSIDERED TO BE MATTERS OF STATE INTEREST AND ACTIVITIES OF STATE CONCERNS. ALL COSTS ASSOCIATED WITH THE APPLICATION FOR, THE REVIEW OF, THE APPEAL OF, AND THE ISSUANCE OF A PERMIT, OR PERMITS, FOR A LOCAL GOVERNMENT URANIUM IN-SITU SOLUTION LEACH MINING, OR PROSPECTING, PERMIT UNDER THIS SECTION SHALL BE BORNE BY THE PERMIT APPLICANT.

(6) Applications for permits made pursuant to subsection (2) of this section shall be processed and final action taken BY THE BOARD thereon within thirty days of the filing of such application. If action upon the application is not completed within thirty days, the permit shall be deemed approved and shall be promptly issued upon presentation by the applicant of a financial warranty in the amount provided in subsection (3) of this section. The provisions of sections 34-32-112, 34-32-114, and 34-32-115 concerning publication, notice, written objections, petitions, and supporting documents shall, so far as practicable, apply to this section, but the board shall, by regulation, provide simplified and reduced procedures and requirements which are applicable to the thirty-day period. Within the thirty-day period, the board may make a determination on an application as provided in sections 34-32-114 and 34-32-115.

(7) (a) Any operator conducting an operation under a permit issued under this section who has held the permit for two consecutive years or more and who subsequently desires to expand it to a size in excess of the limitation set forth in subsection (1) or (2) of this section may request the conversion of his permit by filing an application for a permit pursuant to subsection (2) of this section or section 34-32-112; except that the applicant need not supply information, materials, and other data and undertakings previously supplied, including any additional materials provided to the board during the course of his current operation, or resulting from the board's inspections thereof.

(b) Applications for conversion of a permit under this subsection (7) shall be processed and

final action taken thereon in accordance with subsection (2) of this section or section 34-32-115, as appropriate. If action upon the conversion of the permit is taken in accordance with the time limits of this subsection (7) or section 34-32-115, the conversion shall be deemed approved, and a permit for the life of the mine shall be promptly issued upon presentation by the applicant of a financial warranty subject to the limitations provided in subsection (3) of this section, section 34-32-115 (3), or section 34-32-117 (4).

(c) The provisions of sections 34-32-112, 34-32-114, ~~and~~ 34-32-115, AND 34-32-110 (5.5) concerning publication, notice, written objections, petitions, and supporting documents shall so far as practicable apply to this section.

(d) The board or office shall not deny the conversion of a permit for any reason other than those set forth in section 34-32-115 (4).

(8). Repealed.

34-32-112. Application for reclamation permit - changes in permits - fees - notice.

(1) Any operator desiring to obtain a reclamation permit shall make written application to the board or to the office for a permit on forms provided by the board. ANY URANIUM IN-SITU SOLUTION MINING RECLAMATION PERMIT APPLICATION AUTHORIZED IN THIS SECTION SHALL FIRST BE SUBJECT TO A HEARING AT, AND HAVE THE APPROVAL OF, THE LOCAL GOVERNMENT OF JURISDICTION AS DEMONSTRATED BY THE ISSUANCE OF A PERMIT FROM THE LOCAL GOVERNMENT FOR THE RECLAMATION ACTIVITY PROPOSED. SUCH PERMIT APPLICATION SHALL BE PUBLISHED THREE TIMES IN 14 POINT BOLD-FACED TYPE IN A LEGAL NEWSPAPER FOR THE LOCAL GOVERNMENT JURISDICTION. THE ISSUANCE OF THE LOCAL GOVERNMENT PERMIT SHALL PRECEDE THE ISSUANCE OF THE MINED LAND RECLAMATION BOARD PERMIT, AND SHALL NOT BE AUTOMATICALLY GRANTED TO THE APPLICANT. The reclamation permit or the renewal of an existing permit, if approved BY THE LOCAL GOVERNMENT AND THEREAFTER THE BOARD, shall authorize the operator to engage in such mining operation upon the affected land described in such application for the life of the mine. Such application shall consist of the following:

(a) Five copies of the application;

(b) A reclamation plan submitted with each of the applications;

(c) An accurate map of the affected land AND GROUNDWATER submitted with each of the applications;

(d) The application fee as specified in section 34-32-127 (2) AND SHALL BE ACCOMPANIED

BY PERFORMANCE AND SURETY BOND GUARANTEES PURSUANT 34-32-117 (5.6.).

(2) The application forms shall state:

(a) The legal description and area of affected land;

(b) The owner of the surface of the area of affected land;

(c) The owner of the substance to be mined;

(d) The source of the applicant's legal right to enter and initiate a mining operation on the affected land;

(e) The address and telephone number of the general office and the local address and telephone number of the applicant operator , AND, IN CONNECTION WITH THE MINING OPERATOR CHARACTERIZATION FOR ANY URANIUM IN-SITU SOLUTION MINING OR FOR ANY URANIUM MINERAL IN-SITU EXPLORATION, THE NAMES, ADDRESSES, CORPORATE RELATIONSHIPS , PORTIONED OWNERSHIPS AND LIMITS TO LIABILITY OF ANY AND ALL INVESTOR CORPORATIONS, NAMES OR OFFICERS AND DIRECTORS OF THOSE ORGANIZATIONS, AND IDENTIFICATION OF SUCCESSOR-IN-INTEREST PROVISIONS WITHIN LEGAL CORPORATION AGREEMENTS RELATING TO URANIUM IN-SITU SOLUTION MINING OPERATIONS OR URANIUM IN-SITU EXPLORATION ACTIVITIES, SUCH IDENTIFICATION NECESSARY FOR BOND SURETY AND PERFORMANCE PURSUANT TO C.R.S. 34-32-117 (5.6) ;

(f) Information sufficient to describe or identify the type of mining operation proposed and how the operator, in his sole discretion, intends to conduct it;

(g) The size of the area to be worked at any one time;

(h) The timetable estimating the periods of time which will be required for the various stages of the mining operation. The operator shall not be required to meet the timetable, nor shall the timetable be subject to independent review by the board or the office.

(i) For in situ leach mining operations, a certification by the applicant that no violations exist as described in section 34-32-115 (5) (d). If the applicant is not able to so certify, the applicant shall describe the circumstances as may be relevant to section 34-32-115 (5) (d) and provide the board or office any additional information reasonably requested regarding any such circumstances.

(j) For in situ leach mining operations, a description of at least five in situ leach mining

operations that demonstrates the ability of the applicant to conduct the proposed mining operation without any leakage, vertical or lateral migration, or excursion of any leaching solutions or groundwater-containing minerals, radionuclides, or other constituents mobilized, liberated, or introduced by the in situ leach mining process into any groundwater outside of the permitted in situ leach mining area. The fact that the applicant was not involved in any of the five operations shall not preclude the applicant from making the demonstration required by this paragraph (j).

(3) The reclamation plan shall include provisions for, or satisfactory explanation of, all general requirements for the type of reclamation proposed to be implemented by the operator. Reclamation shall be required on all the affected land AND GROUNDWATER. The reclamation plan shall include:

(a) A description of the types of reclamation the operator proposes to achieve in the reclamation of the affected land AND GROUNDWATER, why each was chosen, and the amount of acreage accorded to each;

(b) A description of how the reclamation plan will be implemented to meet the requirements of section 34-32-116;

(c) A proposed plan or schedule indicating when and how reclamation will be implemented. Such plan or schedule shall not be tied to any date specific, but shall be tied to the implementation or completion of different stages of the mining operation.

(d) Repealed.

(e) A map of all of the proposed affected land AND GROUNDWATER by all phases of the total scope of the mining operation. It shall indicate the following:

(I) The expected physical appearance of the area of the affected land, correlated to the proposed timetables required by paragraph (h) of subsection (2) of this section and the plan or schedule required by paragraph (c) of this subsection (3); and

(II) Portrayal of the proposed final land use for each portion of the affected lands AND GROUNDWATER.

(4) The accurate map of the affected lands shall:

(a) Be made by a professional land surveyor, professional engineer, or other qualified person;

(b) Identify the area AND GROUNDWATER AQUIFERS which corresponds with the application;

(c) Show adjoining surface owners of record;

(d) Be made to a scale of not less than one hundred feet to the inch and not more than six hundred sixty feet to the inch;

(e) Show the name and location of all creeks, GROUNDWATER AQUIFERS, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land and within two hundred feet of all boundaries of such area;

(f) Show the total area to be involved in the operation, including the area to be mined and the area of affected land;

(I) WITH REGARD TO URANIUM IN-SITU SOLUTION MINING THE APPLICATION SHALL SHOW THE RANGE AND EXTENT OF THE GROUNDWATER BASIN WHERE THE MINING OPERATION IS PROPOSED. THE URANIUM IN-SITU SOLUTION MINING PERMIT APPLICATION SHALL PROVIDE A FULLY- DOCUMENTED GROUNDWATER REGISTRY OF ORIGINAL CHARACTERISTICS DETAILING THE UNDISTURBED CHEMICAL AND PHYSICAL PARAMETERS OF THE MINE-SITE LOCATION BY DOCUMENTING RADIOLOGIC ANALYSIS, HEAVY METAL CONSTITUENTS AND CONCENTRATIONS, OXYGEN CONCENTRATIONS, GENERAL AQUATIC CHEMISTRIES, RELATIONSHIPS TO PROXIMAL SURFACE WATERS, DIRECTION AND RATES OF FLOW OF GROUNDWATER TOWARD SURFACE WATER SHOWING PIEZIOMETRIC AND STRATIGRAPHIC HYDRO-GEOLOGIC UNITS. A SEISMIC MAP SHOWING SMALL-SCALE, SHALLOW FAULTS IN UNCONSOLIDATED SEDIMENTS SHALL ILLUSTRATE THE POTENTIALS FOR GROUND-WATER FLOW REGIMES, CALCULATING POTENTIAL FLOW IN VOLUME AND DIRECTION, AND SUBMITTED AS A TECHNICAL SUPPLEMENT TO ANY URANIUM IN-SITU SOLUTION MINING APPLICATION WITH THE SUPPLEMENT CONTAINING A STEADY-FLOW MODEL OF FLOW DIRECTION AND TRANSIT VOLUMES OF GROUNDWATER.

(g) Show the topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land in question;

(h) Indicate on a map or by a statement the general type, thickness, and distribution of soil over the area in question, including the affected land;

(i) Show the type of present vegetation covering the affected land.

(5) The reclamation plan shall also show by statement or map the depth and thickness of the ore body or deposit to be mined and the thickness and type of the overburden to be removed.

(6) An application fee as specified in section 34-32-127 (2) shall be paid AND SHALL BE ACCOMPANIED BY PERFORMANCE AND SURETY BOND GUARANTEES PURSUANT 34-32-117 (5.6).

(7) Each phase of reclamation is to be completed within five years after the date the operator advises the board that such phase has commenced, as provided in the introductory portion of section 34-32-116 (7) (q); except that such period may be extended by the board upon a finding that additional time is necessary for the completion of the terms of the reclamation plan.

(8) An operator may, within the term of a reclamation permit, apply to the board or to the office, OR, FOR MODIFICATION OF ANY PERMIT REGARDING A URANIUM IN-SITU SOLUTION MINE OPERATION TO THE LOCAL GOVERNMENT OF THE JURISDICTION OF THE LOCATION OF THE MINE, for a reclamation permit amendment increasing the acreage to be affected or otherwise revising the reclamation plan. ANY URANIUM IN-SITU SOLUTION MINING RECLAMATION PERMIT APPLICATION AUTHORIZED IN THIS SECTION SHALL FIRST BE SUBJECT TO A HEARING AT, AND HAVE THE APPROVAL OF, THE LOCAL GOVERNMENT OF JURISDICTION AS DEMONSTRATED BY THE ISSUANCE OF A PERMIT FROM THE LOCAL GOVERNMENT FOR THE RECLAMATION ACTIVITY PROPOSED. SUCH PERMIT APPLICATION SHALL BE PUBLISHED THREE TIMES IN 14 POINT BOLD-FACED TYPE IN A LEGAL NEWSPAPER FOR THE LOCAL GOVERNMENT JURISDICTION. THE ISSUANCE OF THE LOCAL GOVERNMENT PERMIT SHALL PRECEDE THE ISSUANCE OF THE MINED LAND RECLAMATION BOARD PERMIT, AND SHALL NOT BE AUTOMATICALLY GRANTED TO THE APPLICANT. Where applicable, there shall be filed with any application for amendment a map and an application with the same content as required for an original application. The amended application shall be accompanied by a fee as specified in section 34-32-127 (2) AND, WHERE APPLICABLE, SHALL BE ACCOMPANIED BY PERFORMANCE AND SURETY BOND GUARANTEES PURSUANT 34-32-117 (5.6). Where an operator files a notice of temporary cessation pursuant to section 34-32-103 (6) (a) (II), such notice shall be accompanied by a fee as specified in section 34-32-127 (2). In addition, supplemental performance and financial warranties, as determined by the board or office AND ESTABLISHED PURSUANT TO 34-32-117 (5.6) for any additional acreage shall be submitted. If the area of the original application is reduced, the amount of the financial warranty, as determined by the board or office, shall be, EXCEPT FOR ANY URANIUM IN-SITU SOLUTION MINING PERMIT, proportionately ~~be~~ reduced. Renewal applications shall contain the information required in the original application if different from that in the original application or renewal. The renewal reclamation permit shall show the area mined or disturbed and the area reclaimed since the original permit or the last renewal. Applications for renewal or amendment of a reclamation permit shall be reviewed by the board or the office AND IN THE CASE OF A URANIUM IN-SITU SOLUTION MINE BY THE LOCAL GOVERNMENT OF THE JURISDICTION CONTAINING THE MINE OPERATION, in the same manner as applications for new reclamation permits.

(9) Information provided the board or the office, WITH THE EXCEPTION OF URANIUM IN-SITU SOLUTION MINE OPERATION INFORMATION THAT IS REQUIRED TO BE PROVIDED TO A LOCAL GOVERNMENT AS A MATTER OF STATE INTEREST AND AN ACTIVITY OF STATE CONCERN

SUBJECT TO CONSTANT OPEN PUBLIC DOCUMENT DISCLOSURE REQUIREMENTS, in an application for a reclamation permit relating to the location, size, or nature of the deposit or information required by subsection (5) of this section and marked confidential by the operator shall be protected as confidential information by the board and the office and not be a matter of public record in the absence of a written release from the operator or until such mining operation has been terminated. A person who willfully and knowingly violates the provisions of this subsection (9) or section 34-32-113 (3) commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

34-32-112.5. Designated mining operation - rules.

(1) This section shall apply only to designated mining operations as defined in section 34-32-103 (3.5). All nondesignated mining operations are exempt from this section. The board may propose that the general assembly enact specific requirements for exempted operations as set forth in subsection (2) of this section.

(2) If an operator demonstrates to the board at the time of applying for a permit or at a subsequent hearing that toxic or acidic chemicals are not stored or used on-site and that acid- or toxic-producing materials will not be used, stored, or disturbed in quantities sufficient to adversely affect any person, any property, or the environment, the board shall exempt such operations whether conducted pursuant to section 34-32-110. ~~or otherwise~~. The board may promulgate rules governing the conduct of mining operations which are exempted pursuant to this subsection (2) BUT MAY NOT REDUCE, RESCIND, OR RESTRUCTURE IN ANY MANNER THE 34-32-117 (5.6) PERFORMANCE AND SURETY BONDS FOR REMEDIATION ASSOCIATED WITH AND NECESSITATED BY URANIUM IN-SITU SOLUTION MINING OR EXPLORATION.

(3) When promulgating rules governing designated mining operations, WITH THE EXCEPTION OF URANIUM IN-SITU SOLUTION LEACH MINING OR REGARDING ANY EXPLORATION FOR URANIUM MINERALS, the board shall consider the economic reasonableness, the technical feasibility, and the level or degree of any environmental concerns which may result from:

(a) Designated mining operations which qualify for permits under section 34-32-110 which shall be referred to as "110d" permits;

(b) Designated mining operations which qualify for permits under section 34-32-112, but which affect less than fifty acres and extract less than one million tons per year which shall be referred to as "112d-1" permits;

(c) Designated mining operations which qualify for permits under section 34-32-112 which do not qualify as 112d-1 permits but which affect less than one hundred acres and which

extract less than five million tons per year which shall be referred to as "112d-2" permits; or

(d) Any other designated mining operation which shall be referred to as "112d-3" permits.

(4) (a) By rule or as a condition of issuing a permit, the board or office OR THE LOCAL GOVERNMENT OF JURISDICTION may require an operator to have an inspection and certification of any new environmental protection facility during its construction at a designated mining operation. IF THE MODIFICATION OF ANY MINE-SITE ENVIRONMENTAL PROTECTION FACILITY, OR THE MODIFICATION OF EQUIPMENT FOR ANY URANIUM IN-SITU SOLUTION MINING OPERATION OR FOR ANY URANIUM EXPLORATION ACTIVITY, IS PROPOSED SUCH THAT THE BOARD OR OFFICE REQUIRES ANY MANNER OF RE-PERMITTING, OR CERTIFICATION, OF AN ENVIRONMENTAL CONTROL FACILITY, THE LOCAL GOVERNMENT OF JURISDICTION SHALL FIRST REVIEW AND PERMIT THE MODIFICATION OF THE ENVIRONMENTAL PROTECTION FACILITY AND CERTIFY THE FACILITY BY THE ISSUANCE OF A LOCAL GOVERNMENT PERMIT IN AN OPEN HEARING REGARDING THE ENVIRONMENTAL CONTROL MODIFICATION. FAILURE TO COMPLY WITH THE LOCAL GOVERNMENT PERMITTING REQUIREMENTS FOR AN ENVIRONMENTAL PROTECTION FACILITY MODIFICATION PERMIT SHALL LEAD TO PERFORMANCE AND SURETY BONDING CONVERSION AND FUTURE REVOCATION. Any such rule or condition may include a prohibition on subsequent phases of construction or operation until any required inspections have been performed and the requisite certification has been obtained.

(b) (I) An inspection and certification shall be conducted by a properly qualified INDEPENDENT professional.

(II) The office ~~may~~ AND A LOCAL GOVERNMENT APPOINTED ENVIRONMENTAL PROFESSIONAL SHALL be present during any inspection and certification conducted pursuant to subparagraph (I) of this paragraph (b) and may require the operator to take any corrective actions necessary to obtain and verify certification.

(III) Any inspection and certification conducted by or under the supervision of the office shall be conducted promptly after the office is notified that the facility is ready to be inspected and shall not unduly delay the construction or operation schedule.

(5) (a) An application for ~~an~~ A URANIUM in situ leach mining operation shall include a baseline site characterization and a plan for ongoing monitoring of the affected land, COINCIDENT GROUNDWATER REGIMES, and affected surface WATER. ~~and groundwater~~. Prior to submitting an application, the prospective applicant shall confer with the office concerning the baseline characterization and plan for ongoing monitoring of the affected land and affected surface and groundwater. The board or the office may retain, OR THE LOCAL GOVERNMENT MAY REQUIRE THAT THE APPLICANT RETAIN, an independent third-party professional expert to oversee baseline site characterization, monitor field operations, or review any portion of the information collected, developed, or submitted by an applicant or

prospective applicant pursuant to this subsection (5). The prospective applicant shall pay the ~~reasonable~~ costs incurred by the board or office OR BY THE LOCAL GOVERNMENT and the expert selected by the board or office; except that the board or office shall define the scope of work to be accomplished by the expert and shall review and approve all invoices to be paid by the prospective applicant. The prospective applicant may object to the selection of any such expert if the prospective applicant has knowledge or information that the expert lacks the professional qualifications to accomplish the scope of work, has a conflict of interest with the prospective applicant or the project that will be the subject of the application, or has a bias that could influence the objectivity of the work to be accomplished. If the board or office concurs with the prospective applicant, a new expert shall be selected by the board or office.

(b) Prior to submitting an application, a prospective applicant for in situ leach mining shall design and conduct a scientifically defensible groundwater, surface water, and environmental baseline characterization and monitoring plan for the proposed mining operation. This plan shall be designed in such a manner as to:

(I) Thoroughly characterize premining site conditions INCLUDING PROVISIONS PURSUANT TO C.R.S. 34-32-110 (2)(a)(x),(xI) and 34-32-112 (4)(f)(I).

(II) Detect any subsurface excursions of groundwater containing chemicals used in or mobilized by in situ leach mining during the mining operations; and

(III) Evaluate the effectiveness of postmining reclamation and groundwater reclamation plans.

(c) The design and operation of the baseline characterization and monitoring plan for in situ leach mining, together with all information collected in accordance with the plan, shall be a matter of public record WITH COPIES OF THE PREMINING APPLICATION AND ALL ASSOCIATED DOCUMENTS BEING MADE AVAILABLE AT THE OFFICES OF THE LOCAL GOVERNMENT OF JURISDICTION regardless of whether such activities are conducted pursuant to a notice of intent to conduct prospecting operations under section 34-32-113.

(d) (I) Notwithstanding section 34-32-103 (6), in the case of in situ leach mining, reclamation of groundwater shall begin in accordance with the reclamation plan approved by the board AND BY THE LOCAL GOVERNMENT OF JURISDICTION immediately when either of the following occur:

(A) Detection pursuant to the baseline characterization and monitoring plan approved by the board of any subsurface excursion of groundwater outside of the affected land containing chemicals used in or mobilized by in situ leach mining during the mining operations or groundwater outside of the affected land that otherwise fails to meet the standards established in section 34-32-116 (8);

(B) Cessation of production operations.

(II) If the operator plans to cease operation on a temporary basis, the operator shall notify the board at least thirty days prior to such temporary cessation setting forth both the reasons for the temporary cessation and the expected duration of the temporary cessation. The operator shall maintain a groundwater monitoring and pumping regime satisfactory to the board during any period of temporary cessation of operations; AND WITH ANY URANIUM IN-SITU SOLUTION MINING OPERATION, THE PERFORMANCE AND SURETY BOND GUARANTEES SHALL PERSIST, PURSUANT TO 34-32-117 (5.6) FOR A PERIOD OF FIFTY (50) YEARS TO INSURE THAT ANY NECESSARY REMEDIATION THAT SHOULD BE INCURRED SHALL BE THE SOLE FINANCIAL RESPONSIBILITY OF THE MINE OPERATOR, OR THE MINE OPERATOR'S SUCCESSOR-IN-INTEREST. If, in the judgment of the board, the expected duration of any temporary cessation will be of such length that the board believes that groundwater reclamation should commence, it shall so order.

34-32-113. Prospecting notice - reclamation requirements - rules**.**

(1) Any person desiring to conduct prospecting shall, prior to entry upon the lands, file with the board AND THE LOCAL GOVERNMENT OF JURISDICTION a notice of intent to conduct prospecting operations on a form approved by the board. THE APPLICATION TO CONDUCT PROSPECTING FOR ANY URANIUM IN-SITU MINERAL EXPLORATION SHALL BE FORWARDED TO THE LOCAL GOVERNMENT WHERE THE URANIUM MINERAL PROSPECTING IS PROPOSED TO OCCUR. Such notice shall be accompanied by a fee as specified in section 34-32-127 (2) AND 34-32-117 (5.6).

(2) The notice form shall contain the following:

(a) The name of the person or organization doing the prospecting;

(b) A statement that prospecting will be conducted pursuant to the terms and conditions listed on the approved form;

(c) A brief description of the type of operations which will be undertaken;

(d) A description of the lands to be prospected by township and range;

(e) An approximate date of commencement of operations; and

(F) THE ADDRESS AND TELEPHONE NUMBER OF THE GENERAL OFFICE AND THE LOCAL ADDRESS AND TELEPHONE NUMBER OF THE APPLICANT OPERATOR , AND, IN CONNECTION WITH THE MINING OPERATOR IDENTIFICATION AND CHARACTERIZATION FOR ANY URANIUM IN-SITU SOLUTION MINING OR FOR ANY URANIUM MINERAL IN-SITU EXPLORATION, THE NAMES, ADDRESSES, CORPORATE RELATIONSHIPS , PORTIONED OWNERSHIPS AND LIMITS TO LIABILITY OF ANY AND ALL INVESTOR CORPORATIONS, NAMES OR OFFICERS AND DIRECTORS OF THOSE ORGANIZATIONS, AND IDENTIFICATION OF SUCCESSOR-IN-INTEREST PROVISIONS WITHIN LEGAL CORPORATION AGREEMENTS RELATING TO URANIUM IN-SITU SOLUTION MINING OPERATIONS OR URANIUM IN-SITU EXPLORATION ACTIVITIES, SUCH IDENTIFICATION NECESSARY FOR BOND SURETY AND PERFORMANCE PURSUANT TO C.R.S. 34-32-117 (5.6) ;

(3) All information provided to the board in a notice of intent to conduct prospecting or a modification of such a notice is a matter of public record subject to the "Colorado Open Records Act", part 2 of article 72 of title 24, C.R.S., including, in the case of a modification, the original notice of intent; BUT, WITH THE EXCEPTION OF ANY URANIUM IN-SITU SOLUTION LEACH MINING OR PROSPECTING NOTICE OF INTENT THAT IS FILED AT ANY LOCAL GOVERNMENT OFFICES, URANIUM IN-SITU MINING OPERATION DOCUMENTS SHALL BE HELD AS OPEN RECORDS NOT SUBJECT TO CONFIDENTIAL ANTI-DISCLOSURE PROVISIONS IN ANY MANNER. ~~,~~ Information relating to the mineral deposit location, size, or nature and, as determined by the board, other information designated by the operator as proprietary or trade secrets or that would cause substantial harm to the competitive position of the operator shall be protected as confidential information by the board and shall not be a matter of public record in the absence of a written release from the operator or until a finding by the board that reclamation is satisfactory. Such information designated as exempt shall remain confidential until a final determination by the board. The board shall promulgate rules implementing this subsection (3) and shall consider information including the timing of the disclosure of the operator's identity.

(4) (a) Upon filing the notice of intent to conduct prospecting, the person shall provide financial warranty in the amount of two thousand dollars per acre of the land to be disturbed or such other amount as determined by the board AND AS SHALL BE REQUIRED AS A PERFORMANCE AND SURETY BOND PROVIDED PURSUANT TO 34-32-117 (5.6).

(b) A person may submit statewide warranties for prospecting if such warranties are in an amount fixed by the board by rule and such person otherwise complies with the provisions of this section for every area to be prospected.

(5) Upon completion of the prospecting, there shall be filed with the board a notice of completion of prospecting operations. Within ninety days after the filing of the notice of completion, the board shall notify THE LOCAL GOVERNMENT AND the person OR URANIUM MINERAL EXPLORATION OPERATING ENTITY who had conducted the prospecting operations of

the steps necessary to reclaim the land.

(5.5) (a) Without regard to the one thousand six hundred square foot limitation of section 34-32-103 (12), all drill holes sunk for the purpose of prospecting for locatable or leasable minerals on any land within the state of Colorado shall be plugged, sealed, or capped pursuant to this subsection (5.5) by the person OR THE URANIUM MINERAL EXPLORATION OPERATING ENTITY conducting the prospecting. This subsection (5.5) shall not apply to holes drilled in conjunction with a mining operation, WITH THE EXCEPTION OF ANY URANIUM IN-SITU SOLUTION LEACH MINING PROSPECT HOLES, for which the board has issued a permit nor to wells or holes regulated pursuant to section 34-33-117 and to article 60 of this title or article 80, 90, 91, or 92 of title 37, C.R.S.

(b) Drill holes sunk for the purpose of prospecting shall be abandoned in the following manner:

(I) Any artesian flow of groundwater to the surface shall be eliminated by a plug made of cement or similar material or by a procedure sufficient to prevent such artesian flow.

(II) Drill holes which have encountered any aquifer in volcanic or sedimentary rock, as aquifer is defined in section 37-90-103 (2), C.R.S., shall be sealed utilizing a sealing procedure which is adequate to prevent fluid communication between aquifers.

(III) Each drill hole shall be securely capped at a minimum depth compatible with local cultivation practices or at a minimum of two feet below either the original land surface or the collar of the hole, whichever is the lower elevation. The cap is to be made of concrete or other material which is satisfactory for such capping. The site shall be backfilled above the cap to the original land surface.

(IV) If any drill hole is to be ultimately used as or converted to a water well, the user shall comply with the applicable provisions of title 37, C.R.S.

(V) Each drill site shall be reclaimed pursuant to section 34-32-116, including, if necessary, reseeding if grass or any other crop was destroyed.

(c) Abandonment in the manner provided in paragraph (b) of this subsection (5.5) shall occur immediately following the drilling of the hole and the probing for minerals in the prospecting process. ~~However, a drill hole may be maintained as temporarily abandoned without being plugged, sealed, or capped. However, no drill hole which is to be temporarily abandoned without being plugged, sealed, or capped shall be left in such a condition as to allow fluid communication between aquifers. Such temporarily abandoned drill holes shall be securely covered in a manner which will prevent injury to persons and animals.~~

(d) No later than sixty days after the completion of the abandonment pursuant to paragraph (b) of this subsection (5.5) of any drill hole that has artesian flow at the surface, the person conducting the prospecting shall submit to the head of the office a report containing the location of such hole to within two hundred feet of its actual location, the estimated rate of flow of such artesian flow, if such is known, and the facts of the technique used to plug such hole.

(e) No later than twelve months after the completion of the abandonment of any drill hole pursuant to paragraph (b) of this subsection (5.5), there shall be filed AT THE PUBLIC HEALTH OFFICE FOR THE LOCAL JURISDICTION by the person conducting the prospecting AND with the head of the office a report containing the location of the hole to the nearest forty-acre legal subdivision and the facts of the technique used to plug, seal, or cap the hole.

(f) The head of the office may not waive any of the administrative provisions of this subsection (5.5).

(6) The board AND A REPRESENTATIVE OF THE LOCAL GOVERNMENT JURISDICTION shall inspect the lands prospected within thirty days after the person prospecting the lands completes the reclamation and notifies the board that the reclamation is finished. If the board AND THE LOCAL GOVERNMENT JURISDICTION finds the reclamation satisfactory, the board shall release applicable performance and financial warranties WITH THE EXCEPTION OF URANIUM IN-SITU SOLUTION LEACH MINING AND URANIUM IN-SITU SOLUTION MINERAL EXPLORATION PERFORMANCE AND SURETY BONDS REQUIRED PURSUANT TO 34-32-117 (5.6).

(7) The financial warranty shall not be held for more than thirty days after the completion of the reclamation.

(8) The board OR THE LOCAL GOVERNMENT JURISDICTION is authorized to inspect any ongoing prospecting operation or any prospecting operation prior to the request for release of performance and financial warranties, in order to determine compliance with the terms of this article.

(9) Upon the submittal of a notice of intent to conduct prospecting operations or a modification of such a notice, the person OR THE URANIUM MINERAL EXPLORATION OPERATING ENTITY submitting such notice or modification shall give an electronic version of the notice or modification, except for that information exempted from public disclosure under subsection (3) of this section and that information designated by the person as exempt from disclosure under subsection (3) of this section, to the board AND TO THE LOCAL GOVERNMENT JURISDICTION in a format determined by the board. The division AND THE LOCAL GOVERNMENT JURISDICTION shall post such version of the notice or modification on A PUBLICALLY AVAILABLE web site.

34-32-115. Action by board - appeals.

(2) Prior to the holding of any such hearing, the board or the office OR THE LOCAL GOVERNMENT OF JURISDICTION shall provide notice to any person previously filing a protest or petition for a hearing or statement in support of an application pursuant to section 34-32-114 and shall publish notice IN 14 POINT TYPE of the time, date, and location of the hearing in a newspaper of general circulation in the locality of the proposed mining operation once a week for two consecutive weeks immediately prior to the hearing. The hearing shall be conducted as a proceeding pursuant to article 4 of title 24, C.R.S. WITH THE EXCEPTION OF A URANIUM IN-SITU SOLUTION LEACH MINING PERMIT APPLICATION OR A URANIUM IN-SITU MINERAL EXPLORATION APPLICATION FOR A PERMIT, APPLICATIONS FILED FOR SUCH URANIUM IN-SITU LEACH MINING PERMIT FILED PURSUANT TO SECTION 34-32-112.5 (3) (D), ~~A~~ A final decision on the application shall be made BY THE BOARD within one hundred twenty days after the receipt of the application. In the event of complex applications, serious unforeseen circumstances, or significant snow cover on the affected land that prevents a necessary on-site inspection, the board or the office may reasonably extend the maximum time sixty days. In the event of in situ leach mining operations, a final decision on the application will be made BY THE BOARD within two hundred forty days. PERMIT APPLICATION ACTIONS BY THE BOARD SHALL BE MADE SUBJECT TO C.R.S 34-32-112(1).

(A) NO ACTION OF THE BOARD SHALL COMPEL A LOCAL GOVERNMENT TO APPROVE A 34-32-112.5 (3) (D), OR SUCCESSOR STATUTE, LOCAL GOVERNMENT URANIUM IN-SITU SOLUTION LEACH MINE OR URANIUM EXPLORATION PERMIT. THE BOARD, AND ALL STATE WATER USERS IMPLICATED IN ANY URANIUM IN-SITU SOLUTION MINING OR EXPLORATION PERMIT OR PERMIT APPLICATION PROCESS, SHALL HAVE STANDING AT ANY LOCAL GOVERNMENT HEARING OR APPEAL HEARING CONSIDERING ALL PERTINENT URANIUM IN-SITU SOLUTION MINING PERMIT APPLICATION MATERIALS AND DECISIONS. A LOCAL GOVERNMENT SHALL PERMIT A 34-32-112.5 (3) (D) LOCAL GOVERNMENT URANIUM IN-SITU SOLUTION LEACH MINE OR URANIUM EXPLORATION PERMIT UNDER AUTHORITY FOR LOCAL GOVERNMENT LAND USE REGULATION PURSUANT TO THE LOCAL GOVERNMENT LAND USE CONTROL ENABLING ACT, C. R. S. 29-20-101 ET.SEQ.

(3) If action upon the application is not completed within the period specified in subsection (2) of this section, the permit shall be considered to be approved BY THE BOARD and shall be promptly issued upon presentation by the applicant of a financial warranty in the amount of two thousand dollars per acre affected or such other amount as determined by the board.

(4) The board or the office shall not deny a permit if the operator demonstrates compliance with the following:

(a)(I) The applicant has paid the required fee.

(II) THE APPLICANT HAS PROVIDED PURSUANT TO 34-32-117 (5.6) REQUIRED SURETY AND PERFORMANCE BONDS FOR URANIUM IN-SITU MINERAL RESOURCES DEVELOPMENT REMEDIATION GUARANTEES.

(b) (I) No part of the proposed mining operation, the reclamation program, or the proposed future use is or may be contrary to the laws or regulations of THE LOCAL GOVERNMENT, this state or the United States, including but not limited to all federal, state, and local permits, licenses, and approvals, as applicable to the specific operation.

(II) The board may require a statement by the applicant identifying which permits, licenses, and approvals the applicant holds or will be seeking for the proposed mining and reclamation activities.

(e) The mining operation will not adversely affect the stability of any significant, valuable, and permanent manmade structures located within two hundred feet of the affected land, except where there is an agreement between the operator and the persons having an interest in the structure that damage to the structure is to be compensated for by the operator.

(e) Repealed.

(f) The mining operation is not located upon lands:

(I) Where mining operations are prohibited by law or regulation within the boundaries of units of the national park system, the national wildlife refuge system, the national system of trails, the national wilderness preservation system, the wild and scenic rivers system, or national recreation OR NATIONAL HERITAGE areas OR A COLORADO NATURAL HERITAGE AREA;

(II) Which are within or without the boundaries of, and are owned, leased, or have been developed by, any recreational facility established pursuant to article 7 of title 29, C.R.S., unless otherwise authorized by the appropriate governing body or unless the operation will not create any surface disturbance therein;

(III) Which are within the boundaries of, and are owned, leased, or have been developed by,

any park and recreation district established pursuant to article 1 of title 32, C.R.S., unless otherwise authorized by the board of directors of the district or, IN THE CASE OF A URANIUM IN-SITU SOLUTION MINING OPERATION OR A URANIUM IN-SITU SOLUTION MINERAL EXPLORATION, unless the operation will not create any surface disturbance therein; and

(IV) Which are within the boundaries of any unit of the state park system or any state recreational area in which the entire fee estate is owned by the state of Colorado, unless the mining operation is approved jointly by the board, by the governor, AND, IN THE CASE OF A URANIUM IN-SITU SOLUTION MINING OPERATION OR A URANIUM IN-SITU SOLUTION MINERAL EXPLORATION, BY THE LOCAL GOVERNMENT JURISDICTION, and by the board of parks and outdoor recreation, or unless the operation will not create any surface disturbance therein.

(g) The proposed reclamation plan conforms to the requirements of section 34-32-116.

(h) For designated mining operations, an environmental protection plan has been submitted and conforms to the requirements of sections 34-32-116 and 34-32-116.5.

(5) (a) The board or the office OR THE LOCAL GOVERNMENT may deny, AND IN THE CASE OF A LOCAL GOVERNMENT SHALL DENY BASED UPON DOCUMENTATION PROVIDED PURSUANT TO C.R.S. C.R.S. 34-32-110 (2)(a)(X),(XI), and 34-32-112 (4)(f)(I), a permit for URANIUM in situ leach mining operations based on scientific or technical uncertainty about the ABSOLUTE PROVISION FOR THE PUBLIC HEALTH SAFETY AND PROTECTION OF GROUNDWATER AVAILABLE IN ANY MANNER FOR USE IN DOMESTIC OR PUBLIC WATER SYSTEMS, feasibility of reclamation and shall deny such a permit if the applicant fails to demonstrate that reclamation can and will be accomplished in compliance with this article, including the protection of groundwater and other environmental resources and human health.

(b) The board or the office OR THE LOCAL GOVERNMENT shall deny a permit for in situ leach mining if the applicant fails to demonstrate by substantial evidence that it will reclaim all affected groundwater for all water quality parameters~~ that are specifically identified in the baseline site characterization, or in the statewide radioactive materials standards or tables 1 through 4 of the basic standards~~ for groundwater ~~as established by the Colorado water quality control commission,~~ ~~to either of~~ TO the following:

(I) Premining baseline GROUNDwater quality or better, ~~as established by the baseline site characterization conducted pursuant to section 34-32-112.5 (5)~~ AS DETERMINED BY DOCUMENTATION PROVIDED PURSUANT TO C.R.S. 34-32-110 (2)(a)(X),(XI), and 34-32-112 (4)(f)(I), or;

~~(II) That quality which meets the statewide radioactive materials standards and the most stringent criteria set forth in tables 1 through 4 of the basic standards for groundwater as established by the Colorado water quality control commission.~~

(c) The board or the office OR THE LOCAL GOVERNMENT JURISDICTION may deny a permit for A URANIUM in situ leach mining if the existing or reasonably foreseeable potential future uses for any potentially affected groundwater, whether classified or unclassified pursuant to section 25-8-203, C.R.S., include domestic uses, DOMESTIC OR DOMESTIC-IN-HOUSE-USE WELLS or agricultural uses, MUNICIPAL PUBLIC USES, and the board OR THE LOCAL GOVERNMENT determines the URANIUM in situ leach mining will adversely affect the suitability of the groundwater for such uses. SPECIAL CONSIDERATION IN THE CONSIDERATION OF ANY URANIUM IN-SITU MINING OPERATION WILL BE THE POTENTIAL EFFECTS TO MUNICIPAL SOURCE WATER SUPPLY AREAS, AND TO SOLE- SOURCE AQUIFERS SERVING INDIVIDUAL WELLS OR PUBLIC WATER SUPPLY SYSTEMS.

(d) The board or the office may deny or revoke a permit for in situ leach mining if:

(I) The applicant, an affiliate, officer, or director of the applicant, the operator, or the claim holder has demonstrated a pattern of willful violations of the environmental protection requirements of this article, rules promulgated pursuant to this article, aNY permitS issued pursuant to this article, or an analogous law, rule, or permit issued by THE LOCAL GOVERNMENT OF COMPETENT JURISDICTION, another state, or the United States as disclosed in the application pursuant to section 34-32-112 (2) (i);

(II) (A) Except as specified in sub-subparagraph (B) of this subparagraph (II), the applicant or any affiliate, officer, or director of the applicant has in the ten years prior to submission of the application violated the environmental protection requirements of this article, rules promulgated pursuant to this article, a permit issued pursuant to this article, or an analogous law, rule, or permit issued by another state or the United States as disclosed in the application pursuant to section 34-32-112 (2) (i).

(B) The board or office may issue or reinstate a permit if the applicant submits proof that the violation referred to in sub-subparagraph (A) of this subparagraph (II) has been corrected or may conditionally issue or reinstate a permit if the violation is in the process of being corrected to the satisfaction of the board or if the applicant submits proof that the applicant has filed and is presently pursuing a direct administrative or judicial appeal to contest the validity of the alleged violation. For purposes of this sub-subparagraph (B), a direct administrative or judicial appeal to contest the validity of the alleged violation shall not include an appeal of an applicant's relationship to an affiliate. If the violation is not successfully abated or if the violation is upheld on appeal, the board or office shall revoke or deny the conditional permit issued or reinstated pursuant to this sub-subparagraph (B).

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

(1) Every operator to whom a permit is issued pursuant to the provisions of this article, AND

TO WHOM A LOCAL GOVERNMENT URANIUM IN-SITU SOLUTION MINING OPERATIONS PERMIT OR A URANIUM IN-SITU MINERAL EXPLORATION PERMIT HAS BEEN ISSUED, shall perform such reclamation as is prescribed by the reclamation plan adopted pursuant to this section.

(2) Reclamation plans shall be based upon provisions for, or satisfactory explanation of, all general requirements for the type of reclamation chosen. The details of the plan shall be appropriate to the type of reclamation designated by the operator and shall be based upon the advice of experienced and technically trained personnel.

(3) On the anniversary date of the permit each year, the operator shall submit a report and a 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, and reclamation that will be performed during the upcoming year.

(4) All operators shall submit, in addition to the plan and map, an annual fee as specified in section 34-32-127 (2).

(5) (Deleted by amendment, L. 91, p. 1435, § 9, effective July 1, 1991.)

(6) For operators who have filed an application pursuant to section 34-32-110(1), the operator shall submit an annual fee as specified in section 34-32-127 (2) and a map or sketch describing the acreage affected to date and the acreage reclaimed to date.

(7) Reclamation plans and the implementation thereof shall conform to the following general requirements:

(a) Grading shall be carried on so as to create a final topography appropriate to the final land use selected in accordance with paragraph (j) of this subsection (7).

(b) Earth dams shall be constructed, if necessary to impound water, if the formation of such impoundments will not interfere with mining operations, damage adjoining property, or conflict with water pollution laws, rules or regulations of the federal government or the state of Colorado, or any local government pollution ordinances.

(c) Acid-forming or toxic-producing material that has been mined shall be handled in a manner that will protect the drainage system from pollution.

(d) All refuse shall be disposed in a manner that will control unsightliness, or deleterious effects from such refuse.

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

(f) Where it is necessary to remove overburden in order to mine the mineral, topsoil shall be removed from the affected land and segregated from other spoil. If such topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, vegetative cover or other means shall be employed so that the topsoil is preserved from wind and water erosion, remains free of any contamination by other acid or toxic material, and is in a useable condition for sustaining vegetation when restored during reclamation. If, in the discretion of the board, such topsoil is of insufficient quantity or of poor quality for sustaining vegetation or if other strata can be shown to be more suitable for vegetation requirements, the operator shall remove, segregate, and preserve in a like manner such other strata which are best able to support vegetation.

(g) Disturbances to the prevailing hydrologic balance of the affected land and of the surrounding area and to the quality and quantity of water in surface and groundwater systems both during and after the mining operation and during reclamation shall be minimized. Nothing in this paragraph (g) shall be construed to allow the operator to avoid compliance with other statutory provisions governing well permits and augmentation requirements and replacement plans when applicable.

(h) Areas outside of the affected land shall be protected from slides or damage occurring during the mining operation and reclamation.

(i) All surface areas of the affected land, including spoil piles, shall be stabilized and protected so as to effectively control erosion and attendant air and water pollution.

(j) On all affected land, the operator in consultation with the landowner where possible, subject to the approval of the board, shall determine which parts of the affected land shall be reclaimed for forest, range, crop, horticultural, homesite, recreational, industrial, or other uses, including food, shelter, and ground cover for wildlife. Prior to approving any new reclamation plan or approving a change in any existing reclamation plan as provided in this section, the board shall confer with the local board of county commissioners and the board of supervisors of the conservation district if the mining operation is within the boundaries of a conservation district. Reclamation shall be required on all the affected land.

(k) If the operator's choice of reclamation is forest planting, the operator may, with the approval of the office, select the type of trees to be planted. Planting methods and care of stock shall be governed by good planting practices. If the operator is unable to acquire

sufficient planting stock of desired tree species from the state or elsewhere at a reasonable cost, the operator may defer planting until planting stock is available to plant such land as originally planned, or may select an alternate method of reclamation.

(l) The operator shall construct fire lanes or access roads when necessary through the area to be planted. These lanes or roads shall be available for use by the planting crews and shall serve as a means of access for supervision and inspection of the planting work.

(m) On lands owned by the operator, the operator may permit the public to use the same for recreational purposes, in accordance with the limited landowner liability law contained in article 41 of title 33, C.R.S., except in areas where such use is found by the operator to be hazardous or objectionable.

(n) If the operator's choice of reclamation is for range, the affected land shall be restored to the satisfaction of the board to slopes commensurate with the proposed land use and shall not be too steep to be traversed by livestock. The legume seed shall be properly inoculated in all cases. The area may be seeded either by hand or power or by the aerial method. The species of grasses and legumes and the rates of seeding to be used per acre shall be determined primarily by recommendations from the agricultural experiment stations established pursuant to article 33 of title 23, C.R.S., and experienced reclamation personnel of the operator, after considering other research or successful experience with range seeding. No grazing shall be permitted on reclaimed land until the planting is firmly established. The board, in consultation with the landowner and the local conservation district, if any, shall determine when grazing may start.

(o) If the operator's choice of reclamation is for agricultural or horticultural crops which normally require the use of farm equipment, the operator shall grade so that the area can be traversed with farm machinery. Preparation for seeding or planting, fertilization, and seeding or planting rates shall be governed by general agricultural and horticultural practices, except where research or experience in such operations differs with these practices.

(p) If the operator's choice of reclamation is for the development of the affected land for homesite, recreational, industrial, or other uses, including food, shelter, and ground cover for wildlife, the basic minimum requirements necessary for such reclamation shall be agreed upon by the operator and the board.

(q) All reclamation provided for in this section shall be carried to completion by the operator with all reasonable diligence and shall be conducted concurrently with mining operations to the extent practicable, taking into consideration the mine plan, mine safety, economics, the availability of equipment and material, and other site-specific conditions relevant and unique to the affected land and to the postmining land use. Upon termination of the entire mining operation and in accordance with the reclamation plan, each phase of final

reclamation shall be completed within five years after the date on which the operator advises the board that such phase has commenced, unless such period is extended by the board pursuant to section 34-32-112 (7); except that:

(I) No planting of any kind shall be required to be made on any affected land being used or proposed to be used by the operator for the deposit or disposal of refuse until after the cessation of operations productive of such refuse, or proposed for future mining, or within depressed haulage roads or final cuts while such roads or final cuts are being used or made, or where permanent pools or lakes have been formed.

(II) No planting of any kind shall be required on any affected land so long as the chemical and physical characteristics of the surface and immediately underlying material of such affected land are toxic, deficient in plant nutrients, or composed of sand, gravel, shale, or stone to such an extent as to seriously inhibit plant growth and such condition cannot feasibly be remedied by chemical treatment, fertilization, replacement of overburden, or like measures. Where natural weathering and leaching of any of such affected land, over a period of ten years after commencement of reclamation, fails to remove the toxic and physical characteristics inhibitory to plant growth or if, at any time within such ten-year period, the board determines that any of such affected land is, and during the remainder of said ten-year period will be, unplantable, the operator's obligations under the provisions of this article with respect to such affected land may, with the approval of the board, be discharged by reclamation of an equal number of acres of land previously mined and owned by the operator not otherwise subject to reclamation under this article.

(III) (A) With the approval of the board and the owner of the land to be reclaimed, the operator may substitute land previously mined and owned by the operator not otherwise subject to reclamation under this article or, in the alternative, with the approval of the board and the owner of the land, reclamation of an equal number of acres of any lands previously mined but not owned by the operator if the operator has not previously abandoned unreclaimed mining lands. The board also has authority to grant, in the alternative, the reclamation of lesser or greater acreage so long as the cost of reclaiming such acreage is at least equivalent to the cost of reclaiming the original permit lands. If any area is so substituted, the operator shall submit a map of the substituted area, which map shall conform to all of the requirements with respect to other maps required by this article. Upon completion of reclamation of the substituted land, the operator shall be relieved of all obligations under this article with respect to the land for which substitution has been permitted.

(B) Sub-subparagraph (A) of this subparagraph (III) shall not apply to uranium or in situ leach mining.

(IV) Reclamation may be completed in phases, and the five-year period may be applied separately to each phase as it is commenced during the life of the mine.

(r) If affected land is owned by a legal entity other than any local, state, or federal entity, any buildings or any structures having significant historical value placed thereon during mining operations which are conducted in accordance with paragraph (j) of this subsection (7) may remain on the affected land at the option of the operator and landowner.

(8) All uranium extraction operations using in situ leach mining or recovery methods, including any injection of any chemicals designed to mobilize uranium resources, shall reclaim all affected groundwater for all water quality parameters that are specifically identified in the baseline site characterization AS PROVIDED PURSUANT TO C.R.S. 34-32-110 (2)(a)(X),(XI), and 34-32-112 (4)(f)(I), or in the statewide radioactive materials standards or tables 1 through 4 of the basic standards for groundwater as established by the Colorado water quality control commission, to either of the following:

(a) Premining baseline water quality or better as established by the baseline site characterization conducted pursuant to section 34-32-112.5 (5) INCLUDING PROVISIONS PURSUANT TO C.R.S. 34-32-110 (2)(a)(X),(XI) and 34-32-112 (4)(f)(I), or

(b) That quality which meets the statewide radioactive materials standards and the most stringent criteria set forth in tables 1 through 4 of the basic standards for groundwater as established by the Colorado water quality control commission. In establishing, designing, and implementing a groundwater reclamation plan, the mine operator shall use best available technology.

(9) Operators of in situ leach mining operations shall take all necessary steps to prevent and remediate any degradation of preexisting groundwater uses during the prospecting, development, extraction, and reclamation phases of the operation.

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

(1) No permit may be issued under this article until the board receives performance and financial warranties as described in subsections (2), (3), and (4) of this section, AND, IN THE CASE OF ANY URANIUM IN-SITU SOLUTION MINING OPERATION OR OF ANY URANIUM IN-SITU MINERAL EXPLORATION ACTIVITY, PERFORMANCE AND SURETY BOND REQUIREMENTS PURSUANT TO C.R.S. 34-32-117 (5.6).

(2) A "performance warranty" shall consist of a written promise to the board, by the operator, to comply with all requirements of this article. Performance warranties shall be in such form as the board may prescribe BUT IN NO CASE SHALL THE PERFORMANCE AND SURETY BOND REQUIREMENTS PURSUANT TO C.R.S. 34-32-117 (5.6) BY MODIFIED IN ANY MANNER BY THE BOARD. Whenever two or more persons or entities are named as operators

in a single permit, the operators may limit the scope of their individual performance warranties so long as their warranties, in the aggregate, warrant performance of all requirements of this article, HOWEVER, IN THE CASE OF ANY URANIUM IN-SITU SOLUTION MINING OPERATION OR OF ANY URANIUM IN-SITU MINERAL EXPLORATION ACTIVITY, A SINGLE OPERATOR OR ENTITY SHALL BE SOLELY RESPONSIBLE FOR ANY AND ALL PERFORMANCE AND SURETY BOND REQUIREMENTS PURSUANT TO C.R.S. 34-32-117 (5.6).

(3) (a) A "financial warranty" shall consist of a written promise, to the board, to be responsible for reclamation costs up to the amount specified by the board pursuant to subsection (4) of this section, together with proof of financial responsibility. Financial warranties may be provided by the operator, by any third party, or by any combination of persons or entities and shall be in such form as the board may prescribe.

(b) The board may accept interests in real and personal property as financial warranties to the extent of a specified percentage of the estimated value of any such property. Any person offering such financial warranty shall submit information necessary to show clear title to and the value of such property.

(c) The board may refuse to accept any form of financial warranty if:

(I) The value of the financial warranty offered is dependent upon the success, profitability, or continued operation of the mine; or

(II) The board determines that the financial warranty offered cannot reasonably be converted to cash within one hundred eighty days of forfeiture.

(d) For nondesignated mining operations:

(I) This subsection (3) shall be applicable July 1, 1993, to deeds of trust which are used as collateral for new financial warranties completed on or after such date;

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

(A) Deeds of trust existing as of July 1, 1993, and subsequent updates of these same deeds of trust used as collateral for financial warranties; and

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

(e) Any instrument offered as a financial warranty pursuant to this subsection (3) shall provide that the board OR LOCAL GOVERNMENT JURISDICTION may recover any necessary costs, including attorney fees, it incurs in foreclosing on or realizing any collateral used to secure such financial warranty if such financial warranty is forfeited.

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

(I) A surety bond issued by a corporate surety authorized to do business in this state;

(II) A letter of credit issued by a bank authorized to do business in the United States;

(III) A certificate of deposit;

(IV) A deed of trust or security agreement encumbering real or personal property and creating a first lien in favor of the state;

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

(A) Upon commencement of production, the operator will establish an individual reclamation fund, to be held by an independent trustee for the board, upon such terms and conditions as the board may prescribe, which trust fund shall be funded by periodic cash payments representing such fraction of receipts as will, in the opinion of the board, provide assurance that funds will be available for reclamation;

(B) Prior to issuance of a permit, the operator will provide another form of financial warranty as described in this paragraph (f). As the reclamation fund increases in value, the other form of financial warranty may be decreased in value so long as the sum of financial warranties is that amount specified by subsection (4) of this section.

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

(D) Existing liens and encumbrances applicable to said fixtures and equipment, other than liens in favor of the United States or this state, any other state, and any political subdivisions, will be subordinated to the lien described in section 34-32-118 (4) (b); and

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

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

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

(B) Said obligations enjoy a rating of 'A' or better; and

(C) At the close of the financial warrantor's most recent fiscal year, his or her net worth was equal to or greater than two times the amount of all financial warranties;

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

(A) The financial warrantor's net worth was at least ten million dollars and was equal to or greater than two times the amount of all financial warranties;

(B) The financial warrantor's tangible fixed assets in the United States were worth at least twenty million dollars;

(C) The financial warrantor's total liabilities-to-net-worth ratio was not more than two to one; and

(D) The financial warrantor's net income, excluding nonrecurring items, was positive. Nonrecurring items which affect net income should be stated in order to determine if they materially affect self-bonding capacity.

(VIII) Proof that the operator is a department or division of state government or a unit of county or municipal government.

(g) Any proof of financial responsibility submitted or revised on or after July 1, 1993, shall be in compliance with paragraphs (a), (b), and (c) of subsection (4) of this section.

(4) (a) The board shall prescribe the amount and duration of financial warranties, taking into account the nature, extent, and duration of the proposed mining operation and the magnitude, type, and estimated cost of planned reclamation.

(b) (I) In any single year during the life of a permit, the amount of required financial warranties shall not exceed the estimated cost of fully reclaiming all lands to be affected in

said year, plus all lands affected in previous permit years and not yet fully reclaimed. For the purpose of this paragraph (b), reclamation costs shall be computed with reference to current reclamation costs. The amount of the financial warranty shall be sufficient to assure the completion of reclamation of affected lands if the office has to complete such reclamation due to forfeiture. Such financial warranty shall include an additional amount equal to five percent of the amount of the financial warranty to defray the administrative costs incurred by the office in conducting the reclamation.

(II) The office and the board shall take reasonable measures to assure the continued adequacy of any financial warranty.

(c) (I) The board may:

(A) From time to time for good cause shown, increase or decrease the amount and duration of required financial warranties;

(B) By rule or permit condition require proof of value on a periodic basis of all or any group of warranties held by the board; and

(C) By rule or permit condition limit certain types of warranties to specific purposes only or require a designated percentage of the total bond be held in easily valued and convertible instruments.

(II) A financial warrantor shall have sixty days after the date of notice of any such adjustment to fulfill all new requirements.

(5) (a) An operator may file a written notice of completion with the office whenever such operator believes such operator has completed any or all requirements of this article with respect to any or all of such operator's affected lands except for any such lands in designated mining operations. The office shall, within sixty days after receiving said notice, or as soon thereafter as weather conditions permit, inspect lands and reclamation described in the notice to determine if the operator has complied with all applicable requirements.

(b) If the board or office finds that the operator has successfully complied with any or all requirements of this article, it shall release all performance and financial warranties applicable to said requirements. Releases shall be in writing and shall be delivered to the owner or operator promptly after the date of such finding.

(c) If the board or office finds that the operator has not complied with applicable requirements of this article, it shall so advise the operator not more than sixty days after the date of the inspection.

(d) If the office fails to conduct an inspection within the time specified in paragraph (a) of this subsection (5) or fails to advise the operator of deficiencies within the time specified in paragraph (c) of this subsection (5), then all financial warranties applicable to reclamation described in the notice shall be deemed released as a matter of law.

(5.5) (a) (I) An operator may file a written notice of completion with the office upon completion of all requirements of this article with respect to any or all of such operator's affected lands at a designated mining operation.

(II) The office shall inspect lands and reclamation described in any such written notice to determine if the operator has complied with all applicable requirements within sixty days after receiving such notice or as soon thereafter as weather conditions permit.

(b) If the board or office finds that the operator has complied with all requirements of this article, it shall promptly deliver a written release of any performance and financial warranties, or portion thereof, to the owner or operator according to the following schedule:

(I) An appropriate amount of the financial warranty for the applicable permit area shall be released when the operator completes the requirements of the approved reclamation plan; and

(II) The performance warranty and the remaining portion of the financial warranty shall be released on such schedule as the board may prescribe; except that all remaining portions of the warranty shall be released at the end of the period described in paragraph (e) of this subsection (5.5) if, at that time, the affected land has been reclaimed for a beneficial use and is in compliance with all applicable performance standards.

(c) (I) If the board or office finds that the operator has not complied with applicable requirements of this article, it shall so advise the operator not more than sixty days after the date of an inspection conducted pursuant to paragraph (a) or (e) of this subsection (5.5).

(II) If the operator is not entitled to a release of the financial warranty, or portion thereof, pursuant to paragraph (b) of this subsection (5.5), the board or office may specify a reclamation schedule and adjust the amount of the financial warranty pursuant to paragraph (c) of subsection (4) of this section.

(d) If the office fails to conduct an inspection within the time specified in paragraph (a) or (e) of this subsection (5.5) or fails to advise the operator of any deficiencies within the time specified in paragraph (c) of this subsection (5.5), then that portion of the financial warranties applicable to reclamation described in the notice or request for release shall be deemed released as a matter of law.

(e) At such time as the board or office may prescribe, but no more than five years after the release of a portion of the financial warranty as described in subparagraph (I) of paragraph (b) of this subsection (5.5), the operator may file a written request for release of the performance warranty and the remaining portion of the financial warranty. The office shall inspect any lands and reclamation described in the request within sixty days after receiving such request or as soon thereafter as weather conditions permit to determine whether the affected land has been reclaimed for a beneficial use and is in compliance with all applicable performance standards.

(5.6) (A) FOR ANY URANIUM IN-SITU SOLUTION LEACH MINING OPERATION OR ANY URANIUM IN-SITU MINERAL EXPLORATION ACTIVITY, PERFORMANCE AND SURETY BONDS ARE REQUIRED UNDER THIS SECTION AS A GUARANTEE TO THE PUBLIC THAT ANY ENVIRONMENTAL REMEDIATION IS THE SOLE FINANCIAL OBLIGATION OF AN OPERATOR, OR AN OPERATOR'S SUCCESSORS-IN-INTEREST, OR AN OPERATOR'S CAPITAL INVESTORS FOR ANY AND ALL REMEDIATION OF GROUNDWATER OR SURFACE WATER THAT MIGHT HAVE BEEN AFFECTED BY ANY URANIUM IN-SITU SOLUTION LEACH MINING PROSPECTING OR OPERATION.

(I) THE AMOUNT INSURED AND GUARANTEED BY PERFORMANCE AND SURETY BONDS REQUIRED FOR THE PROSPECTING AND OPERATION ACTIVITIES CONDUCTED IN CONCERT AND CONJUNCTION WITH ANY URANIUM IN-SITU SOLUTION MINING PROSPECTING AND OPERATION IS TO BE CALCULATED BY AN INDEPENDENT ENTITY AS THE TOTAL AMOUNT OF THE MOST COMPREHENSIVE ESTIMATE OF INDIVIDUAL MINE-SITE SITUATION CLEAN-UP, INCLUDING ESTIMATES OF COSTS OF TOTAL REMEDIATION, AND THE COSTS OF ANY RESPONSE- RELATED INCIDENTS EFFECTING THE COMPLETE AND TOTAL ELIMINATION AND REMEDIATION OF ANY AND ALL ENVIRONMENTAL CHEMICAL AND PHYSICAL GROUNDWATER CONSTITUENTS POTENTIALLY IMPACTING THE NATURAL ENVIRONMENT OR THE PUBLIC'S HEALTH, AND RELATED AS WELL TO THE TOTAL COSTS OF ANY AND ALL INCIDENT-RELATED HARM TO INDIVIDUAL DOMESTIC WELLS AS WELL AS TO PUBLIC WATER SUPPLIES.

(B) PERFORMANCE AND SURETY BONDS ARE REQUIRED FOR THE PROSPECTING AND OPERATION ACTIVITIES CONDUCTED IN CONCERT AND CONJUNCTION WITH ANY URANIUM IN-SITU SOLUTION MINING PROSPECTING AND OPERATION, AND SHALL BE HELD AS AN CONVERTIBLE ALLOCATION APPLICABLE TO THE ESTIMATED COSTS OF REMEDIATION, COSTS OF CLEAN-UP, AND COSTS OF ANY RESPONSE BY ANY IMPACT ON, OR IN, THE WHOLE AREA OF THE OF THE MINERAL-BEARING GEOLOGIC BASIN/ FORMATION THE LOCATION OF WHICH IS THE AREA OF THE URANIUM MINERAL BEING, OR PROPOSED TO BEING, MINED OR EXPLOITED BY AN IN-SITU SOLUTION MINING METHOD FOR URANIUM MINERALS. THE AMOUNT INSURED AND GUARANTEED BY THE WHOLE- AREA PERFORMANCE AND SURETY BOND SHALL BE BASED UPON A SEPARATE AND COMPREHENSIVE AND INDEPENDENT ASSESSMENT OF THE TOTAL AMOUNT OF THE MOST COMPREHENSIVE ESTIMATE OF A WHOLE MINERAL RESOURCE BASIN CUMULATIVE MINE-SITE SITUATION PHYSICAL CLEAN-UP COSTS, COSTS OF REMEDIATION, AND SHALL RELATED AS WELL TO THE TOTAL COSTS OF ANY AND ALL INCIDENT-RELATED HARM TO INDIVIDUAL DOMESTIC WELLS AND TO THE COSTS OF REMEDIATION TO ANY PUBLIC WATER SUPPLIES AND THE WHOLE OF COSTS OF ANY AND ALL RESPONSE INCIDENTS NECESSARILY RELATED TO THE COMPLETE AND TOTAL ELIMINATION OF ANY AND ALL ENVIRONMENTAL EFFECTORS IMPACTING THE NATURAL ENVIRONMENT OR TO A WATER SOURCE THAT HAS ANY

POTENTIAL TO IMPACT THE PUBLIC'S HEALTH.

(C) PERFORMANCE AND SURETY BONDS REQUIRED AS A GUARANTEE TO THE PUBLIC THAT ANY ENVIRONMENTAL REMEDIATION IS THE FINANCIAL OBLIGATION OF AN OPERATOR, OR AN OPERATOR'S SUCCESSORS-IN-INTEREST, OR AN OPERATOR'S CAPITAL INVESTORS FOR ANY AND ALL REMEDIATION OF GROUNDWATER OR SURFACE WATER THAT MIGHT HAVE BEEN AFFECTED BY ANY URANIUM IN-SITU SOLUTION LEACH MINING PROSPECTING OR OPERATION SHALL BE PRESENTED TO THE STATE OF COLORADO, AND SHALL BE HELD AT THE COLORADO STATE TREASURER'S OFFICE, IN A DESIGNATED ACCOUNT FOR SUCH PURPOSE FOR A PERIOD OF FIFTY (50) YEARS, WITH A STATEMENT ATTACHED ACKNOWLEDGED BY THE IN-SITU SOLUTION MINING ENTITY, AND /OR THE MINERAL EXPLORATION ENTITY, AND BINDING UPON ITS SUPPORTING ENTITIES AND ANY SUCCESSOR OR SUCCESSOR-IN-INTEREST ENTITIES THAT COLORADO'S CITIZENS AND THE PEOPLE OF THE STATE ARE TO BE HELD HARMLESS IN ANY AND ALL MANNERS FOR THE COSTS OF ANY CONSEQUENCE OF ANY URANIUM IN-SITU PRODUCTION / EXPLORATION ACTIVITIES.

(D) SINCE THE WATERS OF THE PEOPLE OF THE STATE OF COLORADO ARE THE SUBJECT OF THE PUBLIC HEALTH PROTECTION HERE BEING IMPLORED, AND OBLIGED IN THIS STATUTE-REVISION SUBSECTION, THE ACTIONS PROPOSED TO BE ENACTED ARE ENTIRE AND COMPLETE AFFAIRS WITHIN THE AUTHORITIES OF THE STATE OF COLORADO, ACTING AS QUASI-SOVEREIGN ACTING ON BEHALF OF THE PUBLIC TO INSURE WELL-BEING RELATING TO THE PROTECTION OF WATER AS PRISTINE, AND THEREFORE AND HEREBY, THE ELEMENTS OF THIS STATUTE-REVISION SUBSECTION ARE NOT IMPRESSED OR CONSTRAINED BY, AND CANNOT BE IMPRESSED OR CONSTRAINED BY, ANY ACTION THE UNITED STATES, OR BY ANY PRIOR FEDERAL PRONOUNCEMENT, ACT, OR DECISION UNTIL, AND UNLESS, THE CONGRESS OF THE UNITED STATES STIPULATES THAT THE UNITED STATES INTENDS TO OCCUPY THE WHOLE FIELD RELATING TO LAWS REGULATING IN-SITU SOLUTION MINING OF URANIUM .

(6) (a) Financial warranties shall be maintained in good standing for the entire life of any permit issued under this article. Financial warrantors shall immediately notify the board of any event which may impair their warranties.

(b) Each financial warrantor providing proof of financial responsibility in a form described in subparagraphs (IV) to (VII) of paragraph (f) of subsection (3) or in subsection (8) of this section shall annually cause to be filed with the board a certification by an independent auditor that, as of the close of the financial warrantor's most recent fiscal year, the financial warrantor continued to meet all applicable requirements of said subparagraphs. Financial warrantors who no longer meet said requirements shall instead cause to be filed an alternate form of financial warranty.

(c) Each financial warrantor providing proof of financial responsibility in a form described in subparagraphs (IV) to (VII) of paragraph (f) of subsection (3) or in subsection (8) of this section shall notify the board within sixty days of any net loss incurred in any quarterly period.

(d) Whenever the board receives a notice under paragraph (a) or (c) of this subsection (6), fails to receive a certification or substitute warranty as required by paragraph (b) of this subsection (6), or otherwise has reason to believe that a financial warranty has been materially impaired, it may convene a hearing for the purpose of determining whether impairment has in fact occurred.

(e) Whenever the board elects to convene a hearing pursuant to this subsection (6), it may hire an independent consultant to provide expert advice at the hearing. The fees of any such consultant shall be paid by the financial warrantor, and no consultant shall be hired until the financial warrantor signs a written fee agreement in such form as the board may prescribe. In the event that a financial warrantor refuses to sign such an agreement, the board may, without hearing, order the financial warrantor to provide an alternate form of financial warranty.

(f) At any hearing held pursuant to this subsection (6), if the board finds that a financial warranty has been materially impaired, it may order the financial warrantor to provide an alternate form of financial warranty.

(g) A financial warrantor shall have ninety days to provide any alternate warranty required under this subsection (6).

(h) All hearings held under this subsection (6) shall comply with all requirements of article 4 of title 24, C.R.S.

(i) (Deleted by amendment, L. 93, p. 1184, § 10, effective July 1, 1993.)

(7) For the purposes of this section:

(a) "Rating of 'A' or better" means that the rating organization has determined that the obligations are at least of an upper-medium grade, meaning that factors giving security to the principal and interest are considered adequate but that elements may be present which suggest the possibility of adverse effects if economic and trade conditions change.

(b) (Deleted by amendment, L. 93, p. 1184, § 10, effective July 1, 1993.)

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

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

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

34-32-118. Forfeiture of financial warranties.

(1) A financial warranty shall be subject to forfeiture whenever the board shall determine that any one or more of the following circumstances exist:

(a) The operator has violated a cease-and-desist order entered pursuant to section 34-32-124 and, if corrective action was proposed in such order, has failed to complete such corrective action although ample time to have done so has elapsed; or

(b) The operator is in default under his performance warranty and has failed to cure such default although he has been given written notice thereof and has had ample time to cure such default; or

(c) The financial warrantor has failed to maintain his financial warranty in good standing as required by section 34-32-117; or

(d) The financial warrantor no longer has the financial ability to carry out his obligations under this article, AND IN THE CASE OF A URANIUM IN-SITU SOLUTION MINING OPERATION OR A URANIUM IN-SITU MINERAL EXPLORATION ACTIVITY, THAT MINE OPERATOR IS NOT INCOMPLIANCE WITH THE PROVISIONS OF C.R.S. 34-32-112.5 AND C.R.S. 34-32-113 .

(2) Whenever the board, based on information and belief, has reason to believe that a financial warranty is subject to forfeiture, the board shall so notify the operator and all

financial warrantors. The board shall afford the operator and all financial warrantors the right to appear before the board at a hearing to be held not less than thirty days after the parties' receipt of said notice. Any such hearing shall be held in accordance with the provisions of article 4 of title 24, C.R.S.

(3) (a) At any such hearing, the board shall be empowered to:

(I) Withdraw or modify any determination that the financial warranty is subject to forfeiture;

(II) Settle or compromise the determination; or

(III) Confirm its determination that the financial warranty should be forfeited.

(b) Upon finding that a financial warranty should be forfeited, the board shall issue written findings of fact and conclusions of law to support its decision and shall issue an order directing affected financial warrantors to immediately deliver to the board all amounts warranted by applicable financial warranties.

(4) (a) The board, upon issuing any order pursuant to subsection (3) of this section, may request the attorney general to institute proceedings to secure or recover amounts warranted by forfeited financial warranties. The attorney general shall have the power, inter alia, to:

(I) Foreclose upon any real and personal property encumbered for the benefit of the state;

(II) Collect, present for payment, take possession of, and otherwise reduce to cash any property held as security by the board;

(III) Dispose of pledged property.

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

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

(5) Funds recovered by the attorney general in proceedings brought pursuant to subsection (4) of this section shall be held in the account described in section 34-32-122 and shall be

used to reclaim lands covered by the forfeited warranties; except that five percent of the amount of the financial warranty shall be deposited in the mined land reclamation fund, created in section 34-32-127, to cover the administrative costs incurred by the office in performing reclamation. The board shall have a right of entry to reclaim said lands. Upon completion of such reclamation, the board shall present to the financial warrantor a full accounting and shall refund all unspent moneys.

(6) Defaulting operators shall remain liable for the actual cost of reclaiming affected lands, less any amounts expended by the board pursuant to subsection (5) of this section, notwithstanding any discharge of applicable financial warranties.

(7) Notwithstanding any provision of this section to the contrary, a corporate surety may elect to reclaim affected lands in accordance with an approved plan in lieu of forfeiting a bond penalty.

34-32-121.5. Reporting certain conditions.

(1) Whenever the board or the office has reason to believe that there has occurred a violation of an order, permit, notice of intent, or regulation issued under the authority of this article, written notice shall be given to THE LOCAL GOVERNMENT OF JURISDICTION AND TO the operator or prospector of the alleged violation. Such notice shall be served personally or by certified mail, return receipt requested, upon the alleged violator or the alleged violator's agent for service of process. The notice shall state the provision alleged to be violated and the facts alleged to constitute the violation and may include the nature of any corrective action proposed to be required.

(2) (a) If the board determines that there exists any violation of any provisions of this article or of any notice, permit, or regulation issued or promulgated under authority of this article, the board may issue a cease-and-desist order. Such order shall set forth the provisions alleged to be violated, the facts alleged to constitute the violation, and the time by which the acts or practices complained of must be terminated and may include the nature of any corrective action proposed to be required. Such order shall be SENT TO THE LOCAL GOVERNMENT OF JURISDICTION AND served personally or by certified mail, return receipt requested, upon the alleged violator or the violator's agent for service of process.

(b) Any costs incurred by the board or office in carrying out corrective action pursuant to this section may be assessed against the violator. The board may also assess additional costs against the violator for any inordinate expenditure of board or office resources necessitated by the administration of such corrective action.

(3) In the event any operator fails to comply with a cease-and-desist order issued by the

board, the board or the office may request the attorney general to bring suit for a temporary restraining order, a preliminary injunction, or a permanent injunction to prevent any further or continued violation of such order. Suits under this section shall be brought in the district court where the alleged violation occurs. If the board or the office determines that the situation is an emergency, the emergency shall be given precedence over all other matters pending in such court.

(4) The board or the office may require the alleged violator to appear before the board no sooner than twenty days after the issuance of such cease-and-desist order; except that an earlier date for hearing may be requested by the alleged violator.

(5) If a hearing is held pursuant to the provisions of this section, it shall be open to the public and conducted in accordance with the provisions of the "State Administrative Procedure Act", article 4 of title 24, C.R.S. The board shall permit all parties to respond to the notice served, to present evidence and arguments on all issues, and to conduct cross-examination required for a full disclosure of the facts.

(6) (a) Upon a determination, after hearing, that a violation of a permit provision has occurred, the board may suspend, modify, or revoke the pertinent permit.

(b) If the board suspends or revokes the permit of an operator, the operator may continue mining operations only for the purpose of bringing the mining operation into satisfactory compliance with the provisions of the operator's permit. Once such operations are completed to the satisfaction of the board, the board shall reinstate the permit of the operator.

(7) Any person who violates any provision of any permit issued under this article shall be subject to a civil penalty of not less than one hundred dollars per day nor more than one thousand dollars per day for each day during which such violation occurs; except that any operator who operates under a permit issued under section 34-32-110 shall be subject to a civil penalty of not less than fifty dollars nor more than two hundred dollars per day for each day during which such violation occurs.

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

(1) (a) All moneys collected pursuant to this section shall be transmitted to the state treasurer, who shall credit the same to the mined land reclamation fund, which fund is hereby created, AND THERE SHALL ALSO BE CREATED A URANIUM IN-SITU REMEDIATION TRUST FUND ESTABLISHED FOR ANY URANIUM IN-SITU SOLUTION MINE OPERATION SURETY AND PERFORMANCE BOND OR A

URANIUM IN-SITU MINERAL EXPLORATION PERMIT SURETY AND PERFORMANCE BOND, AS SPECIAL AND DEDICATED ACCOUNT FOR THE PURPOSE OF PROVIDING AT TRUST FUND ACCOUNT FOR REMEDIATION PURPOSES CREATED IN COMPLIANCE WITH C.R.S. 34-32-117 (5.6). The moneys in the mined land reclamation fund shall consist of fees collected by the office pursuant to this article. All interest derived from the investment of moneys in the mined land reclamation fund shall be credited to the fund. Any balance remaining in the fund at the end of any fiscal year shall remain in the fund and shall be subject to appropriation by the general assembly for the purposes for which the fund was created.

(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)..$ 288

(B) Section 34-32-110 (2)..$ 1,006

(C) Section 34-32-110 (7)..$ 1,725

(C.5) Section 34-32-110 relating to reclamation permit amendments..$ 661

(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)..$ 2,156

(F) Section 34-32-112 relating to quarries..$ 2,674

(G) Section 34-32-112 relating to mining operations, other than designated mining operations, where chemical or thermal processing is used for milling of an ore

....$ 3,565

(H) Section 34-32-112 (8) relating to reclamation permit amendments, except as specified in sub-subparagraph (N) of this subparagraph
(I)...$ 1,783

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

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

(K) Section 34-32-113
....$ 86

(L) Section 34-32-119
....$ 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 that shall not be less than $1,000 or more than $10,350 for such operation, except as specified in sub-subparagraph (N) of this subparagraph (I).

(N) Oil shale application, amendment, and revision to a permit other than an amendment fee: If the costs to review and process an oil shale 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 oil shale 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.

(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, ALL COSTS OF THE LOCAL GOVERNMENT OF JURISDICTION, 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.

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

(IV) Annual fees for fiscal year 2007-08 and for each subsequent year for operations pursuant to:

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

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

(C)
Repealed
.

(D) Section 34-32-112 (excluding designated mining operations)...$ 633

(E) Section 34-32-112 (for designated mining operations)...$ 1,150

(F) Section 34-32-110 (for designated mining operations)...$ 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.

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

(c) Repealed.

(3) Notwithstanding the amount specified for any fee in subsection (2) of this section, the board by rule or as otherwise provided by law may reduce the amount of one or more of the fees BUT IN NO SOLUTION MINING OPERATION ENTITY OR A URANIUM IN-SITU MINERAL EXPLORATION APPLICANT BE RESPONSIBLE FOR ANY OR ALL FEES REQUIRED BY A LOCAL GOVERNMENT JURISDICTION PURSUANT TO 34-32-112 OR 34-32-112.5(4)(A) C.R.S. , if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the board by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section 24-75-402 (4), C.R.S.

SECTION 2. 24-32-101 et. seq., COLORADO REVISED STATUTES, IS AMENDED TO READ.

24-4-101.5. Legislative declaration.

The general assembly finds that an agency should not regulate or restrict the freedom of any person to conduct his or her affairs, use his or her property, or deal with others on mutually agreeable terms unless it finds, after a full consideration of the effects of the agency action, that the action would benefit the public interest and encourage the benefits of a free enterprise system for the citizens of this state. The general assembly also finds that many government programs may be adopted without stating the direct and indirect costs to consumers and businesses and without consideration of such costs in relation to the benefits to be derived from the programs. The general assembly further recognizes that agency action taken without evaluation of its economic impact may have unintended effects, which may include barriers to competition, reduced economic efficiency, reduced consumer choice, increased producer and consumer costs and restrictions on employment. The general assembly further finds that agency rules can negatively impact the state's business climate by impeding the ability of local businesses to compete with out-of-state businesses, by discouraging new or existing businesses from moving to this state, and by hindering economic competitiveness and job creation. Accordingly, it is the continuing responsibility of agencies to analyze the economic impact of agency actions and reevaluate the economic impact of continuing agency actions to determine whether the actions promote the public interest.

(A) THE PEOPLE OF THE STATE OF COLORADO, BY THE ADOPTION OF MODIFICATIONS TO THE COLORADO MINED LAND RECLAMATION ACT, C. R. S. 34-32-101, ET. SEQ., CONCERNING THE REGULATORY AUTHORITY OF THE MINED LAND RECLAMATION BOARD OVER MINING, AND, IN CONNECTION THEREWITH, ENSURING THE PROTECTION OF GROUND WATER AND PUBLIC HEALTH, RELATING TO URANIUM IN-SITU SOLUTION MINING PROCESSES AND IMPACTS AND RELATING AS WELL TO URANIUM IN-SITU MINERAL EXPLORATION ACTIVITIES, PROCLAIM THAT THESE MATTERS OF STATE INTEREST AND ACTIVITIES OF STATE CONCERN, C.R.S. 24-65.1-101 ET. SEQ., HOLD THE POTENTIAL TO CAUSE HARM TO THE PUBLIC HEALTH, TO THE PUBLIC WELL-BEING, AND TO THE NATURAL RESOURCES OF COLORADO, AND THEREFORE, REQUIRE REGULATORY SCRUTINY AND SURETY AND PERFORMANCE BOND GUARANTEES SUFFICIENT TO INSURE THE PEOPLE OF COLORADO AGAINST LOSS.

24-4-103. Rule-making - procedure - repeal.

(1) When any agency is required or permitted by law to make rules, in order to establish procedures and to accord interested persons an opportunity to participate therein, the provisions of this section shall be applicable. Except when notice or hearing is otherwise required by law, this section does not apply to interpretative rules or general statements of policy, which are not meant to be binding as rules, or rules of agency organization.

(1.5) If an agency reinterprets an existing rule in a manner that is substantially different than previous agency interpretations of the rule or if there has been a change in a statute that affects the interpretation or the legality of a rule, the office of legislative legal services shall review the rule in the same manner as rules that have been newly adopted or amended under paragraph (d) of subsection (8) of this section upon receiving a request for such a review of the rule by any member of the general assembly.

(2) When rule-making is contemplated, public announcement thereof may be made at such time and in such manner as the agency determines, and opportunity may be afforded interested persons to submit views or otherwise participate informally in conferences on the proposals under consideration.

(2.5) (a) At the time of filing a notice of proposed rule-making with the secretary of state as the secretary may require, an agency shall submit a draft of the proposed rule or the proposed amendment to an existing rule and a statement, in plain language, concerning the subject matter or purpose of the proposed rule or amendment to the office of the executive director in the department of regulatory agencies. The executive director, or his or her designee, may determine if the proposed rule or amendment may have a negative impact on economic competitiveness or on small business in Colorado. If the executive director, or his or her designee, determines that the proposed rule or amendment may have such negative impact, he or she may direct the submitting agency to perform a cost-benefit analysis of the rule or amendment. If the executive director, or his or her designee, makes such a request, it shall be made at least twenty days before the date of the hearing on the rule or amendment. The agency receiving such request shall complete a cost-benefit analysis at least five days before the hearing on the rule or amendment, shall make the analysis available to the public, and shall submit a copy to the executive director or his or her designee. Failure to complete a requested cost-benefit analysis pursuant to this subsection (2.5) shall preclude the adoption of such rule or amendment. Such cost-benefit

analysis shall include the following:

(I) The reason for the rule or amendment;

(II) The anticipated economic benefits of the rule or amendment, which shall include economic growth, the creation of new jobs, and increased economic competitiveness;

(III) The anticipated costs of the rule or amendment, which shall include the direct costs to the government to administer the rule or amendment and the direct and indirect costs to business and other entities required to comply with the rule or amendment;

(IV) Any adverse effects on the economy, consumers, private markets, small businesses, job creation, and economic competitiveness; and

(V) At least two alternatives to the proposed rule or amendment that can be identified by the submitting agency or a member of the public, including the costs and benefits of pursuing each of the alternatives identified.

(b) The executive director, or his or her designee, shall study the cost-benefit analysis and may urge the agency to revise the rule or amendment to eliminate or reduce the negative economic impact. The executive director, or his or her designee, may inform the public about the negative impact of the proposed rule or the proposed amendment to an existing rule.

(c) Any proprietary information provided to the department of revenue by a business or trade association for the purpose of preparing a cost-benefit analysis shall be confidential.

(d) If the agency has made a good faith effort to comply with the requirements of paragraph (a) of this subsection (2.5), the rule or amendment shall not be invalidated on the ground that the contents of the cost-benefit analysis are insufficient or inaccurate.

(e) This subsection (2.5) shall not apply to orders, licenses, permits, adjudication, or rules affecting the direct reimbursement of vendors or providers with state funds.

(f) (I) This subsection (2.5) is repealed, effective July 1, 2013.

(II) Prior to such repeal, the provisions regarding the preparation of a cost-benefit analysis pursuant to this subsection (2.5) shall be reviewed as provided for in section 24-34-104, C.R.S.

(3) (a) Notice of proposed rule-making shall be published as provided in subsection (11) of this section and shall state the time, place, and nature of public rule-making proceedings that shall not be held less than twenty days after such publication, the authority under which the rule is proposed, and either the terms or the substance of the proposed rule or a description of the subjects and issues involved. If any material is to be incorporated by reference in a proposed rule pursuant to subsection (12.5) of this section, the agency shall identify the material in the notice by the name of the appropriate agency, organization, or association and by the date, title, or citation of the material.

(b) Each rule-making agency shall maintain a list of all persons who request notification of proposed rule-making, including temporary or emergency rule-making. Any person on such list who requests a copy of the proposed rules shall submit to the agency a fee that shall be set by such agency based upon the agency's actual cost of copying and mailing the proposed rules to such person. All fees collected by the agency are hereby appropriated to the agency solely for

the purpose of defraying such cost. On or before the date of the publication of notice of proposed rule-making in the Colorado register, the agency shall mail the notice of proposed rule-making to all persons on such list. If a person requests to be notified by electronic mail, notice is sufficient by such means if a copy of the proposed rules is attached or included in the electronic mail or if the electronic mail provides the location where the proposed rules may be viewed on the internet. No fees shall be charged for notification by electronic mail. A person may only request notification on his or her own behalf, and a request for notification by one person on behalf of another person need not be honored.

(4) (a) At the place and time stated in the notice, the agency shall hold a public hearing at which it shall afford interested persons an opportunity to submit written data, views, or arguments and to present the same orally unless the agency deems it unnecessary. The agency shall consider all such submissions. Any proposed rule or revised proposed rule by an agency which is to be considered at the public hearing, together with a proposed statement of basis, specific statutory authority, purpose, and the regulatory analysis required in subsection (4.5) of this section, shall be made available to any person at least five days prior to said hearing. The rules promulgated by the agency shall be based on the record, which shall consist of proposed rules, evidence, exhibits, and other matters presented or considered, matters officially noticed, rulings on exceptions, any findings of fact and conclusions of law proposed by any party, and any written comments or briefs filed.

(a.5) Subject to the provisions of section 24-72-204 (3) (a) (IV), any study or other documentation utilized by an agency as the basis of a proposed rule shall be a public document in accordance with the provisions of part 2 of article 72 of this title and shall be open for public inspection. Subject to the provisions of section 24-72-204 (3) (a) (IV), all information, including, but not limited to, the conclusions and underlying research data from any studies, reports, published papers, and documents, used by the agency in the development of a proposed rule shall be a public document in accordance with the provisions of part 2 of article 72 of this title and shall be open for public inspection.

(b) All proposed rules shall be reviewed by the agency. No rule shall be adopted unless:

(I) The record of the rule-making proceeding demonstrates the need for the regulation;

(II) The proper statutory authority exists for the regulation;

(III) To the extent practicable, the regulation is clearly and simply stated so that its meaning will be understood by any party required to comply with the regulation;

(IV) The regulation does not conflict with other provisions of law; and

(V) The duplication or overlapping of regulations is explained by the agency proposing the rule.

(c) Rules, as finally adopted, shall be consistent with the subject matter as set forth in the notice of proposed rule-making provided in subsection (11) of this section. After consideration of the relevant matter presented, the agency shall incorporate by reference on the rules adopted a written concise general statement of their basis, specific statutory authority, and purpose. The written statement of the basis, specific authority, regulatory analysis required by subsection (4.5) of this section, and purpose of a rule which involves scientific or technological issues shall include an evaluation of the scientific or technological rationale justifying the rule. Each agency

shall maintain a copy of its currently effective rules and the current status of each published proposal for rules and minutes of all its action upon rules, as well as any attorney general's opinion rendered on any adopted or proposed rule. Such materials shall be available for inspection by any person during regular office hours.

(d) Within one hundred eighty days after the last public hearing on the proposed rule, the agency shall adopt a rule pursuant to the rule-making proceeding or terminate the proceeding by publication of a notice to that effect in the Colorado register.

(4.5) (a) Upon request of any person, at least fifteen days prior to the hearing, the agency shall issue a regulatory analysis of a proposed rule. The regulatory analysis shall contain:

(I) A description of the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;

(II) To the extent practicable, a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons;

(III) The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues;

(IV) A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction;

(V) A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule; and

(VI) A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.

(b) Each regulatory analysis shall include quantification of the data to the extent practicable and shall take account of both short-term and long-term consequences.

(c) The regulatory analysis shall be available to the public at least five days prior to the rule-making hearing.

(d) If the agency has made a good faith effort to comply with the requirements of paragraphs (a) to (c) of this subsection (4.5), the rule shall not be invalidated on the ground that the contents of the regulatory analysis are insufficient or inaccurate.

(e) Nothing in paragraphs (a) to (c) of this subsection (4.5) shall limit an agency's discretionary authority to adopt or amend rules.

24-4-104. Licenses - issuance, suspension or revocation, renewal.

(1) In any case in which application is made for a license required by law, the agency, with due regard for the rights and privileges of all interested persons, shall set and conduct the proceedings in accordance with this article unless otherwise required by law.

(2) Every agency decision respecting the grant, renewal, denial, revocation, suspension,

annulment, limitation, or modification of a license shall be based solely upon the stated criteria, terms, and purposes of the statute, or regulations promulgated thereunder, and case law interpreting such statutes and regulations pursuant to which the license is issued or required. Terms, conditions, or requirements limiting any license shall be valid only if reasonably necessary to effectuate the purposes, scope, or stated terms of the statute pursuant to which the license is issued or required.

(3) (a) No revocation, suspension, annulment, limitation, or modification of a license by any agency shall be lawful unless, before institution of agency proceedings therefor, the agency has given the licensee notice in writing of objective facts or conduct established upon a full investigation that may warrant such action and afforded the licensee opportunity to submit written data, views, and arguments with respect to the facts or conduct and, except in cases of deliberate and willful violation or of substantial danger to public health and safety, given the licensee a reasonable opportunity to comply with all lawful requirements. For purposes of this subsection (3), "full investigation" means a reasonable ascertainment of the underlying facts on which the agency action is based.

(b) The full investigation requirement specified in paragraph (a) of this subsection (3) shall not apply to licenses issued under articles 1.1, 9, 10, 11, 11.5, 13, 14, and 16 of title 40 or article 2 of title 42, C.R.S.

(4) (a) Where the agency has objective and reasonable grounds to believe and finds, upon a full investigation, that the licensee has been guilty of deliberate and willful violation or that the public health, safety, or welfare imperatively requires emergency action and incorporates the findings in its order, it may summarily suspend the license pending proceedings for suspension or revocation which shall be promptly instituted and determined. For purposes of this subsection (4), "full investigation" means a reasonable ascertainment of the underlying facts on which the agency action is based.

(b) The full investigation requirement specified in paragraph (a) of this subsection (4) shall not apply to licenses issued under articles 1.1, 9, 10, 11, 11.5, 13, 14, and 16 of title 40 or article 2 of title 42, C.R.S.

(5) A proceeding for the revocation, suspension, annulment, limitation, or modification of a previously issued license shall be commenced by the agency upon its own motion or by the filing with the agency of a written complaint, signed and sworn to by the complainant, stating the name of the licensee complained against and the grounds for the requested action.

(6) No previously issued license shall be revoked, suspended, annulled, limited, or modified, except as provided in subsection (3) of this section, until after hearing as provided in section 24-4-105.

(7) In any case in which the licensee has made timely and sufficient application for the renewal of a license or for a new license for the conduct of a previously licensed activity of a continuing nature, the existing license shall not expire until such application has been finally acted upon by the agency, and, if the application is denied, it shall be treated in all respects as a denial. The licensee, within sixty days after the giving of notice of such action, may request a hearing before the agency as provided in section 24-4-105, and the action of the agency after any hearing shall be subject to judicial review as provided in section 24-4-106.

(8) An application for a license shall be acted upon promptly, and, immediately after the taking of action on such application by an agency, a written notice of the action taken by the agency and, if the application is denied, the grounds therefor shall be given to the applicant. The giving of such notice shall be by personal service upon the applicant or by mailing the same to the address of the applicant as shown on the application or as subsequently furnished in writing by the applicant to the agency.

(9) If an application for a new license is denied without a hearing, the applicant, within sixty days after the giving of notice of such action, may request a hearing before the agency as provided in section 24-4-105, and the action of the agency after any hearing shall be subject to judicial review as provided in section 24-4-106.

(10) Written notice of the revocation, suspension, annulment, limitation, or modification of a license and the grounds therefor shall be served forthwith on the licensee personally or by mailing by first-class mail to the last address furnished the agency by the licensee.

(11) A limitation, unless consented to by the applicant, on a license applied for shall be treated as a denial. A modification, unless consented to by the licensee, of a license already issued shall be treated as a revocation.

(12) In an appropriate case a revoked or suspended license may be reissued.

(13) (a) Any applicant who, under oath, supplies false information to an agency in an application for a license commits perjury in the second degree, as defined in section 18-8-503, C.R.S. Any such application shall bear notice, in accordance with section 18-8-501 (2) (a) (I), C.R.S., that false statements made therein are punishable.

(b) On and after January 1, 1985, an agency shall not require that information contained in an application for a license be affirmed to before a notary

24-4-108. Legislative consideration of rules.

(1) Unless extended by the general assembly acting by bill, all of the rules and regulations of the principal departments shall expire on the dates specified in this section.

(2) The rules and regulations of the following principal departments shall expire on July 1, 1980:

(a) to (c) Repealed.

(3) The rules and regulations of the following principal departments shall expire on July 1, 1981:

(a) to (d) Repealed.

(4) The rules and regulations of the following principal departments shall expire on July 1, 1982:

(a) to (c) Repealed.

(5) The rules and regulations of the following principal departments shall expire on July 1, 1983:

(a) to (d) Repealed.

(6) The rules and regulations of the following principal departments shall expire on July 1, 1984:

(a) Department of the treasury;

(b) Repealed.

(c) Office of state planning and budgeting;

(d) to (h) Repealed.

(6.1) Repealed.

(7) The general assembly, in its discretion, may postpone by bill the expiration of rules and regulations, or any portion thereof. Nothing in this section shall prohibit any action by the general assembly pursuant to section 24-4-103 (8) (d). The postponement of the expiration of a rule shall not constitute legislative approval of the rule nor be admissible in any court as evidence of legislative intent. The committee on legal services is authorized to establish procedures for the implementation of review of rules and regulations contemplated by this section including, but not limited to, a procedure for annual review of rules and regulations which may conflict with statutes or statutory changes adopted subsequent to review of a department's rules and regulations pursuant to this section.