

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**REVISED**

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

LLS NO. 16-0963.01 Thomas Morris x4218

**HOUSE BILL 16-1276**

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**HOUSE SPONSORSHIP**

**Hamner and Coram,**

**SENATE SPONSORSHIP**

**Roberts and Donovan,**

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**House Committees**

Agriculture, Livestock, & Natural Resources

**Senate Committees**

Agriculture, Natural Resources, & Energy

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**A BILL FOR AN ACT**

101      **CONCERNING THE DIVISION OF RECLAMATION, MINING, AND SAFETY'S**  
102                    **ABILITY TO CONDUCT EMERGENCY RESPONSES AT LEGACY HARD**  
103                    **ROCK MINING SITES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)*

Current law authorizes the division of reclamation, mining, and safety in the department of natural resources to use the emergency response cash fund for hazardous conditions at a mining site only if the site is subject to the division's regulatory authority. The bill authorizes use of the fund to conduct emergency responses when circumstances exist at

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

SENATE  
2nd Reading Unamended  
April 22, 2016

HOUSE  
3rd Reading Unamended  
April 14, 2016

HOUSE  
2nd Reading Unamended  
April 11, 2016

a legacy hard rock mine site that create a danger to public health or welfare or the environment.

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

2 **SECTION 1.** In Colorado Revised Statutes, 34-32-122, **amend**  
3 (3) (a) (II) as follows:

4 **34-32-122. Fees, civil penalties, and forfeitures - deposit -**  
5 **emergency response cash fund - created.** (3) (a) (II) The emergency  
6 response cash fund ~~shall be available for use~~ MAY BE USED by the  
7 executive director to conduct emergency responses or to perform  
8 emergency reclamation activities at mining operations subject to this  
9 article AND AS SPECIFIED IN SECTION 34-32-124.5 (1) (b).

10 **SECTION 2.** In Colorado Revised Statutes, **amend** 34-32-124.5  
11 as follows:

12 **34-32-124.5. Emergencies endangering public health or**  
13 **environment - definition.** (1) Following an investigation, an emergency  
14 response ~~shall be~~ IS justified pursuant to section 34-32-122 (3) if the  
15 board or office determines that:

16 (a) Any person is:

17 ~~(a)~~ (I) Engaging in any activity not sanctioned by, or ~~which~~ THAT  
18 constitutes a material violation of, a permit for a mining operation if such  
19 activity constitutes an immediate, undue, and unwarranted risk of serious  
20 harm to persons or property or to the environment; ~~or~~

21 ~~(b)~~ (II) An operator with a permit who is failing or refusing to  
22 respond to a board order requiring corrective actions for any failure or  
23 imminent failure of:

24 ~~(b)~~ (A) Any impoundment, embankment, or slope identified in  
25 ~~such~~ THE permit; ~~or~~

1           ~~(H)~~ (B) Any environmental protection facility or measure  
2 identified in the permit ~~which~~ THAT is designed for control or  
3 containment of chemicals or waste ~~which~~ THAT are toxic, toxic-forming,  
4 or acid; or

5           ~~(H)~~ (C) Any other measure identified in ~~such~~ THE permit or as  
6 provided for in this article or any rule promulgated pursuant to this article  
7 ~~which~~ THAT is intended to protect human health or property or the  
8 environment; OR

9           (b) CIRCUMSTANCES EXIST, REGARDLESS OF WHETHER CAUSED BY  
10 A PERSON, AT A LEGACY MINE SITE THAT CREATE A DANGER TO PUBLIC  
11 HEALTH OR WELFARE OR THE ENVIRONMENT. FOR PURPOSES OF THIS  
12 PARAGRAPH (b), "LEGACY MINE SITE" MEANS A SITE WHERE HARD ROCK  
13 MINING OPERATIONS HAVE BEEN ABANDONED AS THOSE TERMS ARE  
14 DEFINED IN SECTION 34-34-101 (1) (b) AND (4).

15           **SECTION 3. Applicability.** This act applies to conduct occurring  
16 on or after the effective date of this act.

17           **SECTION 4. Safety clause.** The general assembly hereby finds,  
18 determines, and declares that this act is necessary for the immediate  
19 preservation of the public peace, health, and safety.