

**NOTE: The governor signed this measure on 5/17/2016.**

# An Act

HOUSE BILL 16-1276

BY REPRESENTATIVE(S) Hamner and Coram, Arndt, Becker J., Becker K., Brown, Duran, Fields, Garnett, Kraft-Tharp, Mitsch Bush, Pettersen, Priola, Rankin, Ryden, Salazar, Vigil, Winter, Young, Hullinghorst;  
also SENATOR(S) Roberts and Donovan, Baumgardner, Crowder, Heath, Johnston, Jones, Kefalas, Kerr, Martinez Humenik, Merrifield, Newell, Scheffel, Steadman, Cadman.

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

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

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

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

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

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

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

(a) Any person is:

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

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

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

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

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

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

**SECTION 3. Applicability.** This act applies to conduct occurring

on or after the effective date of this act.

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

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Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Bill L. Cadman  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Effie Ameen  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO