

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

**INTRODUCED**

LLS NO. 08-1123.01 Thomas Morris

**SENATE BILL 08-228**

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**SENATE SPONSORSHIP**

**Schwartz**, Bacon, Isgar, and Shaffer

**HOUSE SPONSORSHIP**

**Curry**, and Scanlan

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**Senate Committees**

Agriculture, Natural Resources & Energy

**House Committees**

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**A BILL FOR AN ACT**

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

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**Bill Summary**

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

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

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

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

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

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

6 **34-32-113. Prospecting notice - reclamation requirements.**

7 (3) All information provided TO the board in a notice of intent to conduct  
8 prospecting OR A MODIFICATION OF SUCH A NOTICE IS A MATTER OF PUBLIC  
9 RECORD SUBJECT TO THE OPEN RECORDS ACT, PART 2 OF ARTICLE 72 OF  
10 TITLE 24, C.R.S., INCLUDING, IN THE CASE OF A MODIFICATION, THE  
11 ORIGINAL NOTICE OF INTENT; EXCEPT THAT, AS DETERMINED BY THE  
12 BOARD, INFORMATION RELATING TO THE LOCATION, SIZE, OR NATURE OF  
13 THE MINERAL DEPOSIT AND OTHER INFORMATION DESIGNATED BY THE  
14 OPERATOR AS PROPRIETARY OR TRADE SECRETS shall be protected as  
15 confidential information by the board and SHALL not be a matter of public  
16 record in the absence of a written release from the operator or until a  
17 finding by the board that reclamation is satisfactory.

18 (5.5) (d) No later than sixty days after the completion of the  
19 abandonment pursuant to paragraph (b) of this subsection (5.5) of any  
20 drill hole ~~which~~ THAT has artesian flow at the surface, the person  
21 conducting the prospecting shall submit to the head of the office a report  
22 containing the location of such hole to within two hundred feet of its  
23 actual location, the estimated rate of flow of such artesian flow, if such

1 is known, and the facts of the technique used to plug such hole. ~~Such~~  
2 ~~report and all information contained therein shall be confidential in nature~~  
3 ~~and shall not be a matter of public record.~~

4 (e) No later than twelve months after the completion of the  
5 abandonment of any drill hole pursuant to paragraph (b) of this subsection  
6 (5.5), there shall be filed by the person conducting the prospecting with  
7 the head of the office a report containing the location of the hole to the  
8 nearest forty-acre legal subdivision and the facts of the technique used to  
9 plug, seal, or cap the hole. ~~Such report and all information contained~~  
10 ~~therein shall be confidential in nature and shall not be a matter of public~~  
11 ~~record.~~

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

15 (9) UPON THE FILING OF A NOTICE OF INTENT TO CONDUCT  
16 PROSPECTING OPERATIONS OR A MODIFICATION OF SUCH A NOTICE, THE  
17 PERSON FILING SUCH NOTICE OR MODIFICATION SHALL GIVE AN  
18 ELECTRONIC VERSION OF THE NOTICE OR MODIFICATION, EXCEPT FOR THAT  
19 INFORMATION EXEMPTED FROM PUBLIC DISCLOSURE UNDER SUBSECTION  
20 (3) OF THIS SECTION, TO THE BOARD IN A FORMAT DETERMINED BY THE  
21 BOARD. THE BOARD SHALL POST SUCH VERSION OF THE NOTICE OR  
22 MODIFICATION ON ITS WEB SITE.

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

26 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.