

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 12-0831.01 Brita Darling x2241

HOUSE BILL 12-1355

HOUSE SPONSORSHIP

Gerou, Becker, Levy

SENATE SPONSORSHIP

Hodge, Steadman, Lambert

House Committees
Appropriations

Senate Committees
Agriculture, Natural Resources, and Energy
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE TRANSFER OF THE GEOLOGICAL SURVEY TO THE**
102 **COLORADO SCHOOL OF MINES.**

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/billsummaries>.)

Joint Budget Committee. The bill transfers the powers, duties, and functions of the Colorado geological survey and the office of the state geologist in the department of natural resources (department) to the Colorado school of mines. The transfer will occur on January 1, 2013. Prior to the transfer, the department and the school of mines shall enter

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
3rd Reading Unam ended
May 9, 2012

SENATE
2nd Reading Unam ended
May 8, 2012

HOUSE
3rd Reading Unam ended
May 7, 2012

HOUSE
Am ended 2nd Reading
May 4, 2012

into a memorandum of understanding concerning the functions and objectives of the geological survey as transferred to the school of mines, the transfer of employees, the transfer of real and personal property, department contracts, and other specific provisions relating to the transfer. The bill provides for the transfer of unencumbered and unexpended appropriations to the school of mines.

If the department and the school of mines do not enter into a memorandum of understanding on or before December 31, 2012, the transfer will not occur, and the new statutory provisions created in article 41 of title 23 are repealed. The school of mines shall notify the revisor of statutes if the department and the school of mines enter into the memorandum of understanding.

The bill relocates, with amendments, statutory provisions relating to the geological survey and the office of the state geologist to the statutes governing the school of mines and makes conforming amendments relating to the transfer.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 2 to article
3 41 of title 23 as follows:

4 **PART 2**

5 **GEOLOGICAL SURVEY**

6 **23-41-201. Transfer of geological survey - memorandum of**
7 **understanding - report.** (1) ON JANUARY 31, 2013, THE COLORADO
8 GEOLOGICAL SURVEY AND THE OFFICE OF THE STATE GEOLOGIST AND
9 THEIR POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED FROM THE
10 DEPARTMENT OF NATURAL RESOURCES TO THE COLORADO SCHOOL OF
11 MINES. THE COLORADO SCHOOL OF MINES SHALL EXERCISE ITS POWERS
12 AND PERFORM ITS FUNCTIONS AND DUTIES AS IF THE GEOLOGICAL SURVEY
13 AND THE OFFICE OF THE STATE GEOLOGIST WERE TRANSFERRED TO THE
14 COLORADO SCHOOL OF MINES BY A **TYPE 2** TRANSFER.

15 (2) PRIOR TO THE TRANSFER, THE PRESIDENT OF THE COLORADO
16 SCHOOL OF MINES AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF

1 NATURAL RESOURCES SHALL DEVELOP AND ENTER INTO A MEMORANDUM
2 OF UNDERSTANDING CONCERNING THE TRANSFER OF THE POWERS, DUTIES,
3 AND FUNCTIONS OF THE GEOLOGICAL SURVEY AND THE OFFICE OF THE
4 STATE GEOLOGIST. THE MEMORANDUM OF UNDERSTANDING SHALL
5 INCLUDE, BUT IS NOT LIMITED TO, PROVISIONS CONCERNING THE
6 FOLLOWING:

7 (a) THE FUNCTIONS AND OBJECTIVES OF THE GEOLOGICAL SURVEY;

8 (b) THE TRANSFER OF EMPLOYEES OF THE GEOLOGICAL SURVEY
9 AND THE OFFICE OF THE STATE GEOLOGIST, IN CONFORMANCE WITH THE
10 LAWS APPLICABLE TO THE EMPLOYEES;

11 (c) THE TRANSFER OF REAL AND PERSONAL PROPERTY OF THE
12 GEOLOGICAL SURVEY;

13 (d) EXISTING CONTRACTS OF THE DEPARTMENT OF NATURAL
14 RESOURCES; AND

15 (e) EXISTING APPROPRIATIONS ALLOCATED TO THE COLORADO
16 GEOLOGICAL SURVEY AND THE OFFICE OF THE STATE GEOLOGIST AND THE
17 GEOLOGICAL SURVEY CASH FUND.

18 (3) ON AND AFTER JANUARY 31, 2013, WHENEVER THE EXECUTIVE
19 DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES OR THE
20 DEPARTMENT OF NATURAL RESOURCES IS REFERRED TO OR DESIGNATED BY
21 ANY CONTRACT OR OTHER DOCUMENT IN CONNECTION WITH THE POWERS,
22 DUTIES, AND FUNCTIONS TRANSFERRED TO THE COLORADO SCHOOL OF
23 MINES, THE REFERENCE OR DESIGNATION SHALL BE DEEMED TO APPLY TO
24 THE COLORADO SCHOOL OF MINES. ALL CONTRACTS ENTERED INTO BY THE
25 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES
26 PRIOR TO JANUARY 31, 2013, IN CONNECTION WITH THE POWERS, DUTIES,
27 AND FUNCTIONS TRANSFERRED TO THE COLORADO SCHOOL OF MINES ARE

1 HEREBY VALIDATED, WITH THE PRESIDENT OF THE COLORADO SCHOOL OF
2 MINES SUCCEEDING TO ALL THE RIGHTS AND OBLIGATIONS OF SUCH
3 CONTRACTS.

4 (4) ON JANUARY 31, 2013, THE UNEXPENDED AND UNENCUMBERED
5 APPROPRIATIONS OF FUNDS FOR THE CURRENT FISCAL YEAR MADE TO THE
6 DEPARTMENT OF NATURAL RESOURCES AND ALLOCATED FOR THE
7 COLORADO GEOLOGICAL SURVEY AND OFFICE OF THE STATE GEOLOGIST
8 AND THAT ARE RELATED TO THE POWERS, DUTIES, AND FUNCTIONS
9 TRANSFERRED TO THE COLORADO SCHOOL OF MINES SHALL BE
10 TRANSFERRED TO THE COLORADO SCHOOL OF MINES.

11 [REDACTED]

12 (5) IF THE COLORADO SCHOOL OF MINES AND THE DEPARTMENT OF
13 NATURAL RESOURCES DO NOT ENTER INTO A MEMORANDUM OF
14 UNDERSTANDING ON OR BEFORE DECEMBER 31, 2012, THAT IS CONSISTENT
15 WITH THE PROVISIONS OF THIS SECTION, THEN THE TRANSFER OF THE
16 POWERS, DUTIES, AND FUNCTIONS OF THE GEOLOGICAL SURVEY TO THE
17 COLORADO SCHOOL OF MINES SHALL NOT OCCUR. PURSUANT TO SECTION
18 23-41-209, THE PRESIDENT OF THE COLORADO SCHOOL OF MINES SHALL
19 NOTIFY THE REVISOR OF STATUTES REGARDING THE STATUS OF THE
20 TRANSFER.

21 (6) (a) ON OR BEFORE DECEMBER 1, 2012, AND IN ACCORDANCE
22 WITH THE PROVISIONS OF SECTION 24-1-136 (9), C.R.S., THE COLORADO
23 SCHOOL OF MINES SHALL REPORT TO THE JOINT BUDGET COMMITTEE, THE
24 AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE OF THE
25 HOUSE OF REPRESENTATIVES, OR ITS SUCCESSOR COMMITTEE, AND THE
26 AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE OF THE
27 SENATE, OR ITS SUCCESSOR COMMITTEE, CONCERNING THE TRANSFER OF

1 THE GEOLOGICAL SURVEY AND THE OFFICE OF THE STATE GEOLOGIST TO
2 THE COLORADO SCHOOL OF MINES.

3 (b) AT A MINIMUM, THE REPORT SHALL INCLUDE INFORMATION
4 CONCERNING:

5 (I) WHETHER THE PRESIDENT OF THE COLORADO SCHOOL OF MINES
6 AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL
7 RESOURCES ENTERED INTO A MEMORANDUM OF UNDERSTANDING
8 AFFIRMING THE TRANSFER OF THE COLORADO GEOLOGICAL SURVEY AND
9 THE OFFICE OF THE STATE GEOLOGIST TO THE COLORADO SCHOOL OF
10 MINES; AND

11 (II) THE CONTENTS OF THE MEMORANDUM OF UNDERSTANDING,
12 INCLUDING A DESCRIPTION OF THE CONTENTS OF THE MEMORANDUM OF
13 UNDERSTANDING RELATING TO THE PROVISIONS REQUIRED PURSUANT TO
14 PARAGRAPHS (a) TO (e) OF SUBSECTION (2) OF THIS SECTION.

15 **23-41-202. [Similar to 34-1-104.5.] Legislative declaration.**

16 (1) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT SUFFICIENT FUNDS
17 BE PROVIDED TO COVER THE DIRECT COSTS OF A BASE STAFF AND THEIR
18 OPERATING EXPENSES TO ENSURE FUNCTIONAL CONTINUITY OF THE
19 COLORADO GEOLOGICAL SURVEY AS PROVIDED BY STATUTE AND AS
20 DETERMINED PURSUANT TO ANY MEMORANDUM OF UNDERSTANDING
21 ENTERED INTO PURSUANT TO SECTION 23-41-201. THE SURVEY SHALL
22 MAKE APPROPRIATE CHARGES FOR PREPARATION AND REPRODUCTION OF
23 REPORTS, MAPS, AND PUBLICATIONS; EXCEPT THAT THE SURVEY SHALL
24 NOT DIRECTLY COMPETE WITH CONSULTANTS BY ENTERING INTO
25 CONTRACTS WITH THE GENERAL PUBLIC AND INDUSTRIES FOR PROVIDING
26 GEOLOGICAL AND RELATED SERVICES.

27 (2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE

1 COLORADO GEOLOGICAL SURVEY PLACE PRIMARY EMPHASIS ON THE
2 STATUTORY OBJECTIVES OF RECOGNITION AND MITIGATION OF GEOLOGIC
3 RISKS AFFECTING PUBLIC HEALTH AND SAFETY AND PROMOTION OF
4 ECONOMIC DEVELOPMENT OF THE MINERAL RESOURCES, INCLUDING, BUT
5 NOT LIMITED TO, METALS, OIL, GAS, COALBED METHANE, AND AGGREGATE,
6 OF COLORADO. SUCH WORK SHALL REQUIRE APPROPRIATE CONSIDERATION
7 TO PUBLIC SAFETY AND ENVIRONMENTAL CONCERNS. ECONOMIC
8 DEVELOPMENT PROJECTS PROPOSED OR UNDERTAKEN SHALL INVOLVE
9 BASIC AND APPLIED GEOLOGIC RESEARCH AND MAPPING SIMILAR TO THAT
10 UNDERTAKEN BY GEOLOGICAL SURVEYS IN OTHER STATES AND BE
11 DESIGNED TO ENCOURAGE RESOURCE EXPLORATION AND DEVELOPMENT
12 BY INDUSTRY. THE COLORADO GEOLOGICAL SURVEY SHALL NOT
13 UNDERTAKE ECONOMIC DEVELOPMENT PROJECTS THAT DIRECTLY
14 COMPETE WITH THE PRIVATE SECTOR, BUT SHALL PRODUCE BASIC DATA,
15 RESEARCH REPORTS, AND MAPS USEFUL TO CONSULTANTS AND INDUSTRY.
16 ECONOMIC DEVELOPMENT PROJECTS UNDERTAKEN MAY BE FUNDED BY
17 PRIVATE FOUNDATIONS AND FEDERAL AGENCIES, INDUSTRIAL CONSORTIA
18 OR AGENCIES OF OTHER STATES, OR BY THE GENERAL FUND.

19 **23-41-203. [Similar to 34-1-101.] Geological survey created -**
20 **purpose - avalanche information center created.** (1) THERE IS HEREBY
21 ESTABLISHED THE COLORADO GEOLOGICAL SURVEY WITHIN THE
22 COLORADO SCHOOL OF MINES. THE COLORADO SCHOOL OF MINES BOARD
23 OF TRUSTEES AND ITS DESIGNEES SHALL HAVE SOLE AUTHORITY TO
24 SUPERVISE THE FUNCTIONS, PLANNING, MANAGEMENT, AND FISCAL
25 PROCEDURES OF THE COLORADO GEOLOGICAL SURVEY. THE PURPOSE OF
26 THE SURVEY IS TO ENCOURAGE BY USE OF APPROPRIATE MEANS THE FULL
27 DEVELOPMENT OF THE STATE'S NATURAL RESOURCES TO THE BENEFIT TO

1 THE CITIZENS OF THE STATE.

2 (2) THERE IS HEREBY CREATED, WITHIN THE COLORADO
3 GEOLOGICAL SURVEY, THE COLORADO AVALANCHE INFORMATION CENTER
4 TO CARRY OUT A PROGRAM OF AVALANCHE FORECASTING AND
5 EDUCATION.

6 **23-41-204. [Similar to 34-1-102.] State geologist - appointment**
7 **- qualifications.** THE PRESIDENT OF THE COLORADO SCHOOL OF MINES
8 SHALL APPOINT A STATE GEOLOGIST. THE STATE GEOLOGIST SHALL BE THE
9 DIRECTOR OF THE COLORADO GEOLOGICAL SURVEY. THE STATE
10 GEOLOGIST SHALL BE A PROFESSIONAL GEOLOGIST, AS DEFINED IN SECTION
11 23-41-208, AND SHALL HAVE PROFESSIONAL, MANAGERIAL, SUPERVISORY,
12 PRACTICAL, AND TECHNICAL EXPERIENCE AND KNOWLEDGE IN THE USE OF
13 GEOLOGY, EARTH SCIENCES, AND NATURAL RESOURCE PLANNING AND
14 MANAGEMENT.

15 **23-41-205. [Similar to 34-1-103.] Objectives of survey - duties**
16 **of state geologist.** (1) THE COLORADO GEOLOGICAL SURVEY SHALL
17 PROVIDE ASSISTANCE TO AND COOPERATE WITH THE GENERAL PUBLIC,
18 INDUSTRIES, AND AGENCIES OF STATE GOVERNMENT, INCLUDING
19 INSTITUTIONS OF HIGHER EDUCATION. THE COLORADO SCHOOL OF MINES
20 SHALL DETERMINE THE PRIORITY OF THE OBJECTIVES OF THE COLORADO
21 GEOLOGICAL SURVEY, SUBJECT TO AVAILABLE APPROPRIATIONS AND
22 CONSISTENT WITH THE MEMORANDUM OF UNDERSTANDING ENTERED INTO
23 PURSUANT TO SECTION 23-41-201, WHICH OBJECTIVES SHALL INCLUDE:

24 (a) TO ASSIST, CONSULT WITH, AND ADVISE EXISTING STATE AND
25 LOCAL GOVERNMENTAL AGENCIES ON GEOLOGIC PROBLEMS;

26 (b) TO PROMOTE ECONOMIC DEVELOPMENT OF MINERAL AND
27 ENERGY RESOURCES;

1 (c) TO CONDUCT STUDIES TO DEVELOP GEOLOGICAL INFORMATION;

2 (d) TO INVENTORY AND ANALYZE THE STATE'S MINERAL AND
3 ENERGY RESOURCES AS TO QUANTITY, CHEMICAL COMPOSITION, PHYSICAL
4 PROPERTIES, LOCATION, AND POSSIBLE USE;

5 (e) TO COLLECT AND PRESERVE GEOLOGIC INFORMATION;

6 (f) TO ADVISE THE STATE ON TRANSACTIONS DEALING WITH
7 NATURAL RESOURCES BETWEEN STATE AGENCIES AND WITH OTHER STATES
8 AND THE FEDERAL GOVERNMENT ON COMMON PROBLEMS AND STUDIES;

9 (g) TO EVALUATE THE PHYSICAL FEATURES OF COLORADO WITH
10 REFERENCE TO PRESENT AND POTENTIAL HUMAN AND ANIMAL USE;

11 (h) TO PREPARE, PUBLISH, AND DISTRIBUTE REPORTS, MAPS, AND
12 BULLETINS WHEN NECESSARY TO ACHIEVE THE PURPOSES OF THIS PART 2;

13 (i) TO DETERMINE AREAS OF NATURAL GEOLOGIC HAZARDS THAT
14 COULD AFFECT THE SAFETY OF OR ECONOMIC LOSS TO THE CITIZENS OF
15 COLORADO;

16 (j) TO ADVISE THE STATE ENGINEER IN THE PROMULGATION OF
17 RULES PURSUANT TO ARTICLE 90.5 OF TITLE 37, C.R.S., AND TO PROVIDE
18 OTHER GOVERNMENTAL AGENCIES WITH TECHNICAL ASSISTANCE
19 REGARDING GEOTHERMAL RESOURCES AS NEEDED;

20 (k) TO CONDUCT SCIENTIFIC STUDIES OF HOW GEOLOGY AFFECTS
21 AND CONTROLS WATER RESOURCES, ESPECIALLY WITHIN COLORADO;

22 (l) TO CONDUCT SCIENTIFIC RESEARCH THAT ADVANCES
23 KNOWLEDGE AND UNDERSTANDING IN RELATED FIELDS; AND

24 (m) TO PROMOTE SAFETY BY REDUCING THE IMPACT OF
25 AVALANCHES ON RECREATION, INDUSTRY, AND TRANSPORTATION IN THE
26 STATE THROUGH A PROGRAM OF FORECASTING AND EDUCATION
27 CONDUCTED BY THE COLORADO AVALANCHE INFORMATION CENTER.

1 (2) THE DUTIES OF THE STATE GEOLOGIST SHALL BE TO FULFILL
2 THE OBJECTIVES OF THIS PART 2 AND, TOGETHER WITH THE EMPLOYEES OF
3 THE SURVEY, WORK FOR THE MAXIMUM BENEFICIAL AND MOST EFFICIENT
4 USE OF THE GEOLOGIC PROCESSES FOR THE PROTECTION OF ANDECONOMIC
5 BENEFIT TO THE CITIZENS OF COLORADO.

6 (3) THE STATE GEOLOGIST SHALL, UPON RECEIVING A PRELIMINARY
7 PLAN PURSUANT TO SECTION 30-28-136 (1) (i), C.R.S., OR A MAJOR
8 ACTIVITY NOTICE PURSUANT TO SECTION 31-23-225, C.R.S., REVIEW THE
9 PLAN OR NOTICE TO DETERMINE WHETHER THE DEVELOPMENT OR
10 ACTIVITY WHICH IS THE SUBJECT OF THE PLAN OR NOTICE WILL INTERFERE
11 WITH THE EXTRACTION OF COMMERCIAL MINERAL DEPOSITS AS DEFINED
12 IN SECTION 34-1-302, C.R.S. IF THE STATE GEOLOGIST DETERMINES THAT
13 A POTENTIAL FOR SUCH INTERFERENCE EXISTS, HE OR SHE SHALL, WITHIN
14 TWENTY-FOUR DAYS AFTER RECEIPT OF THE PLAN OR NOTICE, NOTIFY THE
15 APPROPRIATE BOARD OF COUNTY COMMISSIONERS OR GOVERNING BODY
16 OF A MUNICIPALITY OF THE EXISTENCE OF A POTENTIAL INTERFERENCE.

17 (4) THE STATE GEOLOGIST SHALL ADMINISTER THE PROVISIONS OF
18 SECTION 25-15-202 (4) (b), C.R.S., REQUIRING THE COLORADO
19 GEOLOGICAL SURVEY TO REVIEW INFORMATION ON AN APPLICATION AND
20 MAKE A RECOMMENDATION ON THE GEOLOGICAL SUITABILITY, OR THE
21 NEED FOR FURTHER STUDY, OF PROPOSED HAZARDOUS WASTE DISPOSAL
22 SITES FOR LAND DISPOSAL OF HAZARDOUS WASTE AND THE PROVISIONS OF
23 SECTION 25-15-216, C.R.S., REQUIRING THE COLORADO GEOLOGICAL
24 SURVEY TO CONDUCT A STUDY OF THE GEOLOGICAL SUITABILITY OF AREAS
25 OF THE STATE FOR HAZARDOUS WASTE DISPOSAL SITES.

26 (5) SUBJECT TO AVAILABLE APPROPRIATIONS, THE GEOLOGICAL
27 SURVEY MAY PREPARE AN ANNUAL REPORT DESCRIBING THE STATUS OF

1 THE MINERAL INDUSTRY AND DESCRIBING CURRENT INFLUENCES
2 AFFECTING THE GROWTH AND VIABILITY OF THE MINERAL INDUSTRY IN THE
3 STATE, AND SETTING FORTH RECOMMENDATIONS TO FOSTER THE
4 INDUSTRY. THE GEOLOGICAL SURVEY MAY PARTNER WITH OTHER
5 AGENCIES OR ORGANIZATIONS TO PREPARE THE ANNUAL REPORT.

6 **23-41-206. [Similar to 34-1-104.] Employees.** THE COLORADO
7 SCHOOL OF MINES MAY EMPLOY SUCH ASSISTANTS AND PERSONNEL AS
8 MAY BE DEEMED NECESSARY TO CARRY OUT THE PURPOSES OF THIS PART
9 2, SUBJECT TO APPLICABLE PROVISIONS OF LAW.

10 **23-41-207. [Similar to 34-1-105.] Fees - adjustments -**
11 **geological survey cash fund - created.** (1) (a) THE COLORADO
12 GEOLOGICAL SURVEY IS AUTHORIZED TO ENTER INTO AGREEMENTS TO
13 PROVIDE SERVICES TO THE GENERAL PUBLIC, INDUSTRIES, AND UNITS OF
14 LOCAL GOVERNMENT AND TO ESTABLISH AND COLLECT FEES TO RECOVER
15 DIRECT COSTS OF PROVIDING SAID SERVICES PURSUANT TO SECTIONS
16 24-65.1-302 AND 30-28-136, C.R.S., AND SECTION 23-41-205, OR
17 PURSUANT TO AGREEMENT; EXCEPT THAT THIS PROVISION SHALL APPLY
18 ONLY TO THOSE SERVICES RENDERED UPON ITEMS WHICH A UNIT OF LOCAL
19 GOVERNMENT IS REQUIRED BY STATUTE TO SUBMIT FOR REVIEW OR FOR
20 SUCH OTHER SERVICES AS ARE REQUESTED PURSUANT TO AN AGREEMENT.

21 (b) THE COLORADO GEOLOGICAL SURVEY IS AUTHORIZED TO
22 ESTABLISH AND COLLECT FEES TO RECOVER DIRECT COSTS OF PROVIDING
23 SERVICES TO OTHER AGENCIES OF STATE GOVERNMENT PURSUANT TO
24 SECTION 23-41-205.

25 (2) (a) THE COLORADO GEOLOGICAL SURVEY SHALL PROPOSE, AS
26 PART OF ITS ANNUAL BUDGET REQUEST, AN ADJUSTMENT IN THE AMOUNT
27 OF EACH FEE WHICH IT IS AUTHORIZED TO COLLECT PURSUANT TO THIS

1 SECTION.

2 (b) THE COLORADO GEOLOGICAL SURVEY SHALL ADJUST ITS FEES
3 SO THAT THE REVENUE GENERATED FROM SAID FEES APPROXIMATES ITS
4 DIRECT COSTS. SUCH FEES SHALL REMAIN IN EFFECT FOR THE FISCAL YEAR
5 FOR WHICH THE BUDGET REQUEST APPLIES. ALL FEES COLLECTED BY THE
6 COLORADO GEOLOGICAL SURVEY SHALL BE TRANSMITTED TO THE STATE
7 TREASURER, WHO SHALL CREDIT THE SAME TO THE GEOLOGICAL SURVEY
8 CASH FUND, WHICH FUND IS HEREBY CREATED. ALL MONEYS CREDITED TO
9 THE GEOLOGICAL SURVEY CASH FUND SHALL BE USED AS PROVIDED IN THIS
10 SECTION AND SHALL NOT BE DEPOSITED IN OR TRANSFERRED TO THE
11 GENERAL FUND OF THIS STATE OR ANY OTHER FUND. THE MONEYS
12 CREDITED TO THE GEOLOGICAL SURVEY CASH FUND SHALL BE
13 CONTINUOUSLY APPROPRIATED TO THE COLORADO GEOLOGICAL SURVEY
14 FOR THE PURPOSES OF THIS PART 2.

15 **23-41-208. [Similar to 34-1-201 and 34-1-202.] Reports**
16 **concerning geologic information - definitions.** (1) AS USED IN THIS
17 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

18 (a) "GEOLOGY" MEANS THE SCIENCE WHICH TREATS OF THE EARTH
19 IN GENERAL; THE EARTH'S PROCESSES AND ITS HISTORY; INVESTIGATION
20 OF THE EARTH'S CRUST AND THE ROCKS AND OTHER MATERIALS WHICH
21 COMPOSE IT; AND THE APPLIED SCIENCE OF UTILIZING KNOWLEDGE OF THE
22 EARTH'S HISTORY, PROCESSES, CONSTITUENT ROCKS, MINERALS, LIQUIDS,
23 GASSES, AND OTHER MATERIALS FOR THE USE OF MANKIND; AND

24 (b) "PROFESSIONAL GEOLOGIST" IS A PERSON ENGAGED IN THE
25 PRACTICE OF GEOLOGY WHO IS A GRADUATE OF AN INSTITUTION OF HIGHER
26 EDUCATION WHICH IS ACCREDITED BY A REGIONAL OR NATIONAL
27 ACCREDITING AGENCY, WITH A MINIMUM OF THIRTY SEMESTER

1 (FORTY-FIVE QUARTER) HOURS OF UNDERGRADUATE OR GRADUATE WORK
2 IN A FIELD OF GEOLOGY AND WHOSE POSTBACCALAUREATE TRAINING HAS
3 BEEN IN THE FIELD OF GEOLOGY WITH A SPECIFIC RECORD OF AN
4 ADDITIONAL FIVE YEARS OF GEOLOGICAL EXPERIENCE TO INCLUDE NO
5 MORE THAN TWO YEARS OF GRADUATE WORK.

6 (2) ANY REPORT REQUIRED BY LAW OR BY RULE AND PREPARED AS
7 A RESULT OF OR BASED ON A GEOLOGIC STUDY OR ON GEOLOGIC DATA, OR
8 WHICH CONTAINS INFORMATION RELATING TO GEOLOGY AND WHICH IS TO
9 BE PRESENTED TO OR IS PREPARED FOR ANY STATE AGENCY, POLITICAL
10 SUBDIVISION OF THE STATE, OR RECOGNIZED STATE OR LOCAL BOARD OR
11 COMMISSION, SHALL BE PREPARED OR APPROVED BY A PROFESSIONAL
12 GEOLOGIST.

13 **23-41-209. Repeal of part - notice to the revisor of statutes -**
14 **repeal.** (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION,
15 THIS PART 2 IS REPEALED, EFFECTIVE JANUARY 31, 2013.

16 (2) IF THE PRESIDENT OF THE COLORADO SCHOOL OF MINES
17 NOTIFIES THE REVISOR OF STATUTES IN WRITING BEFORE JANUARY 31,
18 2013, THAT THE COLORADO SCHOOL OF MINES HAS ENTERED INTO A
19 MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF NATURAL
20 RESOURCES, CONSISTENT WITH THIS PART 2, AFFIRMING THE TRANSFER OF
21 THE POWERS, DUTIES, AND FUNCTIONS OF THE GEOLOGICAL SURVEY FROM
22 THE DEPARTMENT OF NATURAL RESOURCES TO THE COLORADO SCHOOL OF
23 MINES, THEN THIS PART 2 IS NOT REPEALED, AND THIS SECTION IS
24 REPEALED, EFFECTIVE JANUARY 31, 2013.

25 **23-41-210. Annual report to general assembly - repeal.**
26 (1) (a) ON OR BEFORE DECEMBER 1, 2013, AND EACH DECEMBER 1
27 THEREAFTER, AND IN ACCORDANCE WITH THE PROVISIONS OF SECTION

1 24-1-136 (9), C.R.S., THE COLORADO SCHOOL OF MINES SHALL SUBMIT A
2 WRITTEN REPORT TO THE JOINT BUDGET COMMITTEE, THE AGRICULTURE,
3 LIVESTOCK, AND NATURAL RESOURCES COMMITTEE OF THE HOUSE OF
4 REPRESENTATIVES, OR ITS SUCCESSOR COMMITTEE, AND THE
5 AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE OF THE
6 SENATE, OR ITS SUCCESSOR COMMITTEE, CONCERNING THE
7 IMPLEMENTATION OF THIS PART 2.

8 (b) AT A MINIMUM, THE ANNUAL REPORT SHALL INCLUDE
9 INFORMATION CONCERNING:

10 (I) THE PRIORITY OF FUNCTIONS AND OBJECTIVES FOR THE
11 COLORADO GEOLOGICAL SURVEY, AS DETERMINED BY THE COLORADO
12 SCHOOL OF MINES, INCLUDING THE PRIORITY OF THOSE OBJECTIVES
13 DESCRIBED IN SECTION 23-41-205 (1) (a) TO (1) (m);

14 (II) THE IMPLEMENTATION OF THE OBJECTIVES OF THE AVALANCHE
15 INFORMATION CENTER;

16 (III) THE SEVERANCE TAX MONEYS RECEIVED BY THE COLORADO
17 GEOLOGICAL SURVEY AND OTHER STATE FUNDING, AND THE SUFFICIENCY
18 OF THOSE MONEYS FOR THE IMPLEMENTATION OF THE FUNCTIONS AND
19 OBJECTIVES OF THE COLORADO GEOLOGICAL SURVEY;

20 (IV) ADDITIONAL FUNDING OR OTHER RESOURCES FROM ANY
21 OTHER SOURCE THAT ARE AVAILABLE TO CARRY OUT THE FUNCTIONS AND
22 OBJECTIVES OF THE COLORADO GEOLOGICAL SURVEY;

23 (V) THE NUMBER OF FULL-TIME-EQUIVALENT EMPLOYEES
24 DEDICATED TO THE IMPLEMENTATION OF THIS PART 2;

25 (VI) COLLABORATION WITH STATE AGENCIES, INDUSTRY,
26 ACADEMIC INSTITUTIONS, OR OTHER ENTITIES CONCERNING THE
27 IMPLEMENTATION OF THIS PART 2; AND

1 (VII) THE OBJECTIVES FOR THE COLORADO GEOLOGICAL SURVEY,
2 THE OFFICE OF THE STATE GEOLOGIST, AND THE AVALANCHE INFORMATION
3 CENTER FOR THE NEXT YEAR.

4 (c) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2017.

5 SECTION 2. In Colorado Revised Statutes, add 34-1-100.5 as
6 follows:

7 34-1-100.5. Transfer to Colorado school of mines -
8 memorandum of understanding - effective date - repeal. (1) THE
9 EXECUTIVE DIRECTOR MAY DEVELOP AND ENTER INTO A MEMORANDUM OF
10 UNDERSTANDING WITH THE PRESIDENT OF THE COLORADO SCHOOL OF
11 MINES PURSUANT TO SECTION 23-41-201, C.R.S., CONCERNING THE
12 TRANSFER OF THE OPERATION AND FUNCTIONS OF THE COLORADO
13 GEOLOGICAL SURVEY TO THE COLORADO SCHOOL OF MINES, EFFECTIVE
14 JANUARY 31, 2013.

15 (2) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, THIS
16 PART 1 AND PART 2 OF THIS ARTICLE ARE REPEALED, EFFECTIVE JANUARY
17 31, 2013.

18 (3) IF THE PRESIDENT OF THE COLORADO SCHOOL OF MINES DOES
19 NOT NOTIFY THE REVISOR OF STATUTES IN WRITING BEFORE JANUARY 31,
20 2013, PURSUANT TO SECTION 23-41-209, C.R.S., THAT THE COLORADO
21 SCHOOL OF MINES HAS ENTERED INTO A MEMORANDUM OF
22 UNDERSTANDING WITH THE DEPARTMENT OF NATURAL RESOURCES,
23 CONSISTENT WITH THIS PART 2, AFFIRMING THE TRANSFER OF THE POWERS,
24 DUTIES, AND FUNCTIONS OF THE GEOLOGICAL SURVEY AND THE OFFICE OF
25 THE STATE GEOLOGIST FROM THE DEPARTMENT OF NATURAL RESOURCES
26 TO THE COLORADO SCHOOL OF MINES, THEN THIS PART 1 AND PART 2 OF
27 THIS ARTICLE ARE NOT REPEALED, AND THIS SECTION IS REPEALED,

1 EFFECTIVE JANUARY 31, 2013.

2 **SECTION 3.** In Colorado Revised Statutes, 24-1-124, **amend** (3)
3 (g) as follows:

4 **24-1-124. Department of natural resources - creation -**
5 **divisions - repeal.** (3) The department of natural resources consists of
6 the following divisions:

7 (g) (I) The Colorado geological survey and the office of the state
8 geologist, created by part 1 of article 1 of title 34, C.R.S. Their powers,
9 duties, and functions are transferred by a **type 2** transfer to the department
10 of natural resources as a division thereof.

11 (II) IF THE REVISOR OF STATUTES RECEIVES THE NOTIFICATION
12 DESCRIBED IN SECTION 23-41-209 (2), THIS PARAGRAPH (g) IS REPEALED,
13 EFFECTIVE JANUARY 31, 2013.

14 **SECTION 4.** In Colorado Revised Statutes, 24-33-104, **amend**
15 (1) (g) as follows:

16 **24-33-104. Divisions and boards of the department - repeal.**
17 (1) The department of natural resources consists of the following
18 divisions and boards:

19 (g) (I) The Colorado geological survey and the office of the state
20 geologist;

21 (II) IF THE REVISOR OF STATUTES RECEIVES THE NOTIFICATION
22 DESCRIBED IN SECTION 23-41-209 (2), THIS PARAGRAPH (g) IS REPEALED,
23 EFFECTIVE JANUARY 31, 2013.

24 **SECTION 5.** In Colorado Revised Statutes, **amend** 25-15-216 as
25 follows:

26 **25-15-216. Colorado geological survey to designate optimally**
27 **suitable areas.** SUBJECT TO AVAILABLE APPROPRIATIONS, the Colorado

1 geological survey shall conduct a study of the geological suitability of
2 areas of the state for hazardous waste disposal sites. Such study shall
3 designate those areas of the state which the Colorado geological survey
4 finds to be optimally suitable for hazardous waste disposal based upon
5 detailed criteria relating to hydrology, geology, geochemistry, structural
6 geology, geomorphology, climatology, and mineral resources. The
7 designation of optimally suitable areas and the criteria utilized shall be
8 produced in a publication available to the public at a reasonable cost.

9 **SECTION 6.** In Colorado Revised Statutes, 34-21-101, **amend**
10 (1) (k) as follows:

11 **34-21-101. Office of active and inactive mines - creation -**
12 **duties.** (1) There is hereby created in the division of reclamation, mining,
13 and safety in the department of natural resources the office of active and
14 inactive mines, the head of which shall be appointed by the director of the
15 division. The office shall have the following duties:

16 (k) To cooperate with and utilize the Colorado geological survey,
17 consistent with its duties in sections ~~34-1-101 and 34-1-103~~ 23-41-203
18 AND 23-41-205, C.R.S.;

19 **SECTION 7. Effective date.** This act takes effect upon passage;
20 except that section 6 of this act takes effect January 31, 2013.

21 **SECTION 8. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.