

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

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**

---

**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.*



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 1, 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 1, 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 1, 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               ■  
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 JANUARY 31, 2013, 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 1, 2013.

16 (2) IF THE PRESIDENT OF THE COLORADO SCHOOL OF MINES  
17 NOTIFIES THE REVISOR OF STATUTES IN WRITING BEFORE JANUARY 1, 2013,  
18 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 1, 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 1, 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 1, 2013.

18           (3) IF THE PRESIDENT OF THE COLORADO SCHOOL OF MINES DOES  
19 NOT NOTIFY THE REVISOR OF STATUTES IN WRITING BEFORE JANUARY 1,  
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 1, 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 1, 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 1, 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 1, 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.