

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 13-0348.01 Brita Darling x2241

HOUSE BILL 13-1057

HOUSE SPONSORSHIP

Mitsch Bush, Pabon

SENATE SPONSORSHIP

Nicholson,

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

Agriculture, Natural Resources, & Energy

A BILL FOR AN ACT

101 **CONCERNING THE RETENTION OF THE AVALANCHE INFORMATION**
102 **CENTER WITHIN THE DEPARTMENT OF NATURAL RESOURCES.**

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.>)

The bill reverses provisions in HB12-1355 that would have transferred the duties and functions of the Colorado avalanche information center to the Colorado school of mines. The avalanche information center will operate as a program under the executive director of the department of natural resources (department). The bill establishes

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
January 28, 2013

HOUSE
3rd Reading Unamended
January 17, 2013

HOUSE
2nd Reading Unamended
January 16, 2013

a new statute within the department that is specific to the avalanche information center, and creates a cash fund for training and materials fees received by the avalanche information center.

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

SECTION 1. In Colorado Revised Statutes, 23-41-201, **amend** (1) as follows:

23-41-201. Transfer of geological survey - memorandum of understanding - report. (1) WITH THE EXCEPTION OF THE COLORADO AVALANCHE INFORMATION CENTER CREATED PURSUANT TO SECTION 24-33-116, C.R.S., on January 31, 2013, the Colorado geological survey and the office of the state geologist and their powers, duties, and functions are transferred from the department of natural resources to the Colorado school of mines. The Colorado school of mines shall exercise its powers and perform its functions and duties as if the geological survey and the office of the state geologist were transferred to the Colorado school of mines by a **type 2** transfer.

SECTION 2. In Colorado Revised Statutes, 23-41-203, **repeal** (2) as follows:

23-41-203. Colorado geological survey - created - purpose. (2) ~~There is hereby created, within the Colorado geological survey, the Colorado avalanche information center to carry out a program of avalanche forecasting and education.~~

SECTION 3. In Colorado Revised Statutes, 23-41-205, **repeal** (1) (m) as follows:

23-41-205. Objectives of survey - duties of state geologist. (1) The Colorado geological survey shall provide assistance to and cooperate with the general public, industries, and agencies of state

1 government, including institutions of higher education. The Colorado
2 school of mines shall determine the priority of the objectives of the
3 Colorado geological survey, subject to available appropriations and
4 consistent with the memorandum of understanding entered into pursuant
5 to section 23-41-201, which objectives shall include:

6 (m) ~~To promote safety by reducing the impact of avalanches on~~
7 ~~recreation, industry, and transportation in the state through a program of~~
8 ~~forecasting and education conducted by the Colorado avalanche~~
9 ~~information center.~~

10 **SECTION 4.** In Colorado Revised Statutes, 23-41-210, **amend**
11 (1) (b) (VII); and **repeal** (1) (b) (II) as follows:

12 **23-41-210. Annual report to general assembly - repeal.**

13 (1) (b) At a minimum, the annual report shall include information
14 concerning:

15 (II) ~~The implementation of the objectives of the avalanche~~
16 ~~information center;~~

17 (VII) The objectives for the Colorado geological survey AND the
18 office of the state geologist ~~and the avalanche information center~~ for the
19 next year.

20 **SECTION 5.** In Colorado Revised Statutes, 24-1-124, **add** (2.1)
21 (c) as follows:

22 **24-1-124. Department of natural resources - creation -**
23 **divisions - repeal.** (2.1) The department of natural resources shall
24 include, as a part of the office of the executive director:

25 (c) THE COLORADO AVALANCHE INFORMATION CENTER, CREATED
26 PURSUANT TO SECTION 24-33-116. THE POWERS, DUTIES, AND FUNCTIONS
27 ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF

1 NATURAL RESOURCES AND ALLOCATED TO THE OFFICE OF THE EXECUTIVE
2 DIRECTOR.

3 **SECTION 6.** In Colorado Revised Statutes, **add** 24-33-116 as
4 follows:

5 **24-33-116. Colorado avalanche information center - creation**
6 **- duties - fund.** (1) THERE IS HEREBY CREATED IN THE DEPARTMENT OF
7 NATURAL RESOURCES THE COLORADO AVALANCHE INFORMATION CENTER
8 TO PROMOTE SAFETY BY REDUCING THE IMPACT OF AVALANCHES ON
9 RECREATION, INDUSTRY, AND TRANSPORTATION IN THE STATE THROUGH
10 A PROGRAM OF AVALANCHE FORECASTING AND EDUCATION.

11 (2) (a) THE COLORADO AVALANCHE INFORMATION CENTER IS
12 AUTHORIZED TO ENTER INTO AGREEMENTS TO PROVIDE TRAINING AND
13 MATERIALS TO THE GENERAL PUBLIC, INDUSTRIES, AND UNITS OF LOCAL
14 GOVERNMENT AND TO RECOVER THE DIRECT COSTS OF PROVIDING THE
15 TRAINING AND MATERIALS. THE COLORADO AVALANCHE INFORMATION
16 CENTER IS ALSO AUTHORIZED TO ESTABLISH AND COLLECT FEES FOR
17 TRAINING PROGRAMS AND MATERIALS THAT APPROXIMATE THE DIRECT
18 COSTS OF PROVIDING THE TRAINING AND MATERIALS.

19 (b) THE COLORADO AVALANCHE INFORMATION CENTER IS
20 AUTHORIZED TO CONTRACT WITH AGENCIES OF STATE GOVERNMENT FOR
21 THE PROVISION OF SERVICES AND MAY ESTABLISH AND COLLECT FEES TO
22 RECOVER THE DIRECT COSTS OF THOSE SERVICES.

23 (c) (I) THE DEPARTMENT OF NATURAL RESOURCES SHALL
24 TRANSMIT ALL MONEYS COLLECTED PURSUANT TO THIS SECTION TO THE
25 STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE COLORADO
26 AVALANCHE INFORMATION CENTER FUND, WHICH FUND IS HEREBY
27 CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEYS

1 IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
2 ASSEMBLY TO THE DEPARTMENT OF NATURAL RESOURCES FOR THE DIRECT
3 AND INDIRECT COSTS ASSOCIATED WITH THE COLORADO AVALANCHE
4 INFORMATION CENTER.

5 (II) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND
6 NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW.
7 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
8 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE
9 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN
10 THE FUND AT THE END OF A FISCAL YEAR REMAIN IN THE FUND AND SHALL
11 NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER
12 FUND.

13 **SECTION 7.** In Colorado Revised Statutes, 39-29-109.3, amend
14 (1) (b); and **add** (1) (b.5) as follows:

15 **39-29-109.3. Operational account of the severance tax trust**
16 **fund - repeal.** (1) For fiscal years commencing on and after July 1, 1997,
17 the executive director of the department of natural resources shall submit
18 with the department's budget request for each fiscal year a list and
19 description of the programs the executive director recommends to be
20 funded from the operational account of the severance tax trust fund
21 created in section 39-29-109 (2) (b), referred to in this section as the
22 "operational account". The minerals, energy, and geology policy advisory
23 board established pursuant to section 34-20-104, C.R.S., shall review the
24 executive director's recommendation before submittal. The general
25 assembly may appropriate moneys from the total moneys available in the
26 operational account to fund recommended programs as follows:

27 (b) For programs within the Colorado geological survey, up to

1 ~~twenty~~ FIFTEEN percent of the moneys in the operational account;
2 (b.5) FOR THE AVALANCHE INFORMATION CENTER, UP TO FIVE
3 PERCENT OF THE MONEYS IN THE OPERATIONAL ACCOUNT;
4 **SECTION 8. Effective date.** This act takes effect January 31,
5 2013.
6 **SECTION 9. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.