

CHAPTER 311

NATURAL RESOURCES

SENATE BILL 05-092

BY SENATOR(S) Taylor, Entz, Isgar, and Teck;
 also REPRESENTATIVE(S) White, Boyd, Coleman, Hoppe, Liston, and Massey.

AN ACT

**CONCERNING CLARIFYING THE STATUS OF THE COLORADO GEOLOGICAL SURVEY AS A SEPARATE
 DIVISION IN THE DEPARTMENT OF NATURAL RESOURCES.**

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

SECTION 1. 24-1-124 (3) (e) (IV) and (3) (g), Colorado Revised Statutes, are amended to read:

24-1-124. Department of natural resources - creation - divisions - repeal.
 (3) The department of natural resources shall consist of the following divisions:

(e) The division of minerals and geology, created by section 34-20-103, C.R.S., the head of which shall be the director of the division of minerals and geology, under the supervision of the executive director of the department of natural resources. Said division and director shall exercise their powers, duties, and functions as prescribed by law under the department of natural resources and the executive director thereof as if the same were transferred to the department by a **type 2** transfer. The division of minerals and geology shall include the following:

(IV) ~~The Colorado geological survey and the office of the state geologist, created by part 1 of article 1 of title 34, C.R.S. The Colorado geological survey and the office of the state geologist shall exercise their powers, duties, and functions as prescribed by law as if the same were transferred by a **type 2** transfer to the department of natural resources and allocated to the division of minerals and geology as a section thereof. The relocation of the Colorado geological survey made by this subparagraph (IV) is subject to the provisions of section 34-20-103 (9), C.R.S.~~

(g) ~~(H)~~ The Colorado geological survey and the office of the state geologist, created by part 1 of article 1 of title 34, C.R.S. Their powers, duties, and functions are

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

transferred by a **type 2** transfer to the department of natural resources as a division thereof.

~~(H) The provisions of this paragraph (g) are subject to the provisions of section 34-20-103 (9), C.R.S., with respect to the location of the Colorado geological survey.~~

SECTION 2. 24-33-104 (1) (d) (VI) and (1) (g), Colorado Revised Statutes, are amended to read:

24-33-104. Divisions under the department. (1) The department of natural resources shall consist of the following divisions:

(d) The division of minerals and geology, the head of which shall be the director of the division of minerals and geology. The director of the division shall also serve as the head of the office of active and inactive mines or the office of mined land reclamation. The director of the division shall have professional and supervisory experience in mining, reclamation, oil and gas, geology, or natural resource planning and management and shall have a college degree from an accredited college or university in mining engineering, petroleum engineering, geological engineering, geology, or related natural/physical sciences, or mineral economics. The division shall consist of the following sections:

~~(VI) The Colorado geological survey and the office of the state geologist, if the transfer subject to the provisions of section 34-20-103 (9), C.R.S., occurs;~~

(g) ~~(H)~~ The Colorado geological survey and the office of the state geologist.

~~(H) The provisions of this paragraph (g) are subject to the provisions of section 34-20-103 (9), C.R.S., with respect to the location of the Colorado geological survey.~~

SECTION 3. Repeal. 34-20-103 (9), Colorado Revised Statutes, is repealed as follows:

34-20-103. Division of minerals and geology - creation - powers and duties - transfer of functions and property - change of statutory references. (9) ~~(a) If the minerals, energy, and geology policy advisory board, created in section 34-20-104, in carrying out its duties to study options for the location of the Colorado geological survey within state government under the provisions of former section 34-20-104 (3) (i) recommended by February 15, 1993, that the Colorado geological survey should be transferred to the division of minerals and geology as an office thereof, or if the advisory board failed to make a recommendation with respect to the options contained in said former section 34-20-104 (3) (i), the provisions of this subsection (9) shall operate to transfer the Colorado geological survey to the division of minerals and geology in the department of natural resources as provided in paragraph (d) of this subsection (9) and section 24-1-124 (3) (c) (IV), C.R.S.~~

~~(b) (1) If the minerals, energy, and geology policy advisory board recommends that the Colorado geological survey should be physically relocated to an institution of higher education in the state, the executive director of the department of natural resources shall carry out such recommendation pursuant to the provisions of section 24-1-107, C.R.S.~~

~~(H) (Deleted by amendment, L. 2002, p. 878, § 6, effective August 7, 2002.)~~

~~(c) If the minerals, energy, and geology policy advisory board in carrying out its duties to study options for the location of the Colorado geological survey within state government under the provisions of former section 34-20-104 (3) (i) recommended that the Colorado geological survey should be an office in the division of minerals and geology, or the advisory board failed to make a recommendation with respect to the options contained in said former section 34-20-104 (3) (i), on and after the effective date of an executive order to be issued by the governor recognizing the action and any recommendation of the minerals, energy, and geology policy advisory board, the Colorado geological survey shall be transferred to the division of minerals and geology as an office thereof pursuant to the provisions of paragraph (d) of this subsection (9) and section 24-1-124 (3) (c) (IV), C.R.S.~~

~~(d) (I) On and after the effective date of the executive order of the governor recognizing the action and any recommendation of the minerals, energy, and geology policy advisory board, or of the failure of the advisory board to act as required by former section 34-20-104 (3) (i), the division shall execute, administer, perform, and enforce the rights, powers, duties, functions, and obligations vested in the Colorado geological survey prior to the effective date of said executive order, concerning the duties and functions transferred to the division of minerals and geology and allocated to the Colorado geological survey.~~

~~(H) On and after the effective date of the executive order of the governor recognizing the action and any recommendation of the minerals, energy, and geology policy advisory board, or of the failure of the advisory board to act as required by former section 34-20-104 (3) (i), all employees of the Colorado geological survey whose principal duties are concerned with the duties and functions transferred to the Colorado geological survey as an office in the division of minerals and geology and whose employment in said division is deemed necessary by the executive director of the department to carry out the duties transferred to the division of minerals and geology pursuant to this subsection (9) shall become employees thereof. Such employees shall retain all rights to the state personnel system and retirement benefits under the laws of this state, and their service shall be deemed to have been continuous. All transfers and any abolishment of positions in the state personnel system shall be made and processed in accordance with state personnel system laws and rules and regulations.~~

~~(H) On and after the effective date of the executive order of the governor recognizing the action and any recommendation of the minerals, energy, and geology policy advisory board, or of the failure of the advisory board to act as required by former section 34-20-104 (3) (i), all items of property, real and personal, including office furniture and fixtures, books, documents, and records of the Colorado geological survey pertaining to the duties and functions transferred to the Colorado geological survey as an office in the division of minerals and geology, are transferred to said division and shall become the property thereof.~~

~~(IV) On and after the effective date of the executive order of the governor recognizing the action and any recommendation of the minerals, energy, and geology policy advisory board, or of the failure of the advisory board to act as required by former section 34-20-104 (3) (i), whenever the Colorado geological survey is referred~~

~~to or designated by any contract or other document in connection with the duties and functions transferred to the Colorado geological survey as an office in the division of minerals and geology, such reference or designation shall be deemed to apply to the Colorado geological survey as an office in the division of minerals and geology. All contracts entered into by the Colorado geological survey prior to the effective date of the executive order of the governor accepting the report and recommendation of the minerals, energy, and geology policy advisory board in connection with the duties and functions transferred to the Colorado geological survey as an office in the division of minerals and geology are hereby validated, with the said office succeeding to all the rights and obligations of such contracts. Any cash funds, custodial funds, trusts, grants, and any appropriations of funds from prior fiscal years open to satisfy obligations incurred under such contracts are hereby transferred and appropriated to the Colorado geological survey in the division of minerals and geology for the payment of such obligations.~~

~~(e) If the relocation of the Colorado geological survey provided for in this subsection (9) occurs, the executive director of the department of natural resources shall recommend to the general assembly any changes in provisions of law related to the Colorado geological survey which are required to conform to such transfer, and such changes shall be considered by the general assembly during the 1994 regular session.~~

SECTION 4. Effective date. This act shall take effect July 1, 2005.

SECTION 5. 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.

Approved: June 7, 2005