

CHAPTER 247

EDUCATION - POSTSECONDARY

HOUSE BILL 12-1355

BY REPRESENTATIVE(S) Gerou, Becker, Levy, Coram, Kerr J., Summers;
also SENATOR(S) Hodge, Steadman, Lambert, Boyd, Hudak.

AN ACT

CONCERNING THE TRANSFER OF THE GEOLOGICAL SURVEY TO THE COLORADO SCHOOL OF MINES.

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

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

PART 2
GEOLOGICAL SURVEY

23-41-201. Transfer of geological survey - memorandum of understanding - report. (1) 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.

(2) PRIOR TO THE TRANSFER, THE PRESIDENT OF THE COLORADO SCHOOL OF MINES AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES SHALL DEVELOP AND ENTER INTO A MEMORANDUM OF UNDERSTANDING CONCERNING THE TRANSFER OF THE POWERS, DUTIES, AND FUNCTIONS OF THE GEOLOGICAL SURVEY AND THE OFFICE OF THE STATE GEOLOGIST. THE MEMORANDUM OF UNDERSTANDING SHALL INCLUDE, BUT IS NOT LIMITED TO, PROVISIONS CONCERNING THE FOLLOWING:

- (a) THE FUNCTIONS AND OBJECTIVES OF THE GEOLOGICAL SURVEY;
- (b) THE TRANSFER OF EMPLOYEES OF THE GEOLOGICAL SURVEY AND THE OFFICE

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

OF THE STATE GEOLOGIST, IN CONFORMANCE WITH THE LAWS APPLICABLE TO THE EMPLOYEES;

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

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

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

(3) ON AND AFTER JANUARY 31, 2013, WHENEVER THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES OR THE DEPARTMENT OF NATURAL RESOURCES IS REFERRED TO OR DESIGNATED BY ANY CONTRACT OR OTHER DOCUMENT IN CONNECTION WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE COLORADO SCHOOL OF MINES, THE REFERENCE OR DESIGNATION SHALL BE DEEMED TO APPLY TO THE COLORADO SCHOOL OF MINES. ALL CONTRACTS ENTERED INTO BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES PRIOR TO JANUARY 31, 2013, IN CONNECTION WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE COLORADO SCHOOL OF MINES ARE HEREBY VALIDATED, WITH THE PRESIDENT OF THE COLORADO SCHOOL OF MINES SUCCEEDING TO ALL THE RIGHTS AND OBLIGATIONS OF SUCH CONTRACTS.

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

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

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

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

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

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

23-41-202. [Similar to 34-1-104.5.] Legislative declaration. (1) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT SUFFICIENT FUNDS BE PROVIDED TO COVER THE DIRECT COSTS OF A BASE STAFF AND THEIR OPERATING EXPENSES TO ENSURE FUNCTIONAL CONTINUITY OF THE COLORADO GEOLOGICAL SURVEY AS PROVIDED BY STATUTE AND AS DETERMINED PURSUANT TO ANY MEMORANDUM OF UNDERSTANDING ENTERED INTO PURSUANT TO SECTION 23-41-201. THE SURVEY SHALL MAKE APPROPRIATE CHARGES FOR PREPARATION AND REPRODUCTION OF REPORTS, MAPS, AND PUBLICATIONS; EXCEPT THAT THE SURVEY SHALL NOT DIRECTLY COMPETE WITH CONSULTANTS BY ENTERING INTO CONTRACTS WITH THE GENERAL PUBLIC AND INDUSTRIES FOR PROVIDING GEOLOGICAL AND RELATED SERVICES.

(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE COLORADO GEOLOGICAL SURVEY PLACE PRIMARY EMPHASIS ON THE STATUTORY OBJECTIVES OF RECOGNITION AND MITIGATION OF GEOLOGIC RISKS AFFECTING PUBLIC HEALTH AND SAFETY AND PROMOTION OF ECONOMIC DEVELOPMENT OF THE MINERAL RESOURCES, INCLUDING, BUT NOT LIMITED TO, METALS, OIL, GAS, COALBED METHANE, AND AGGREGATE, OF COLORADO. SUCH WORK SHALL REQUIRE APPROPRIATE CONSIDERATION TO PUBLIC SAFETY AND ENVIRONMENTAL CONCERNS. ECONOMIC DEVELOPMENT PROJECTS PROPOSED OR UNDERTAKEN SHALL INVOLVE BASIC AND APPLIED GEOLOGIC RESEARCH AND MAPPING SIMILAR TO THAT UNDERTAKEN BY GEOLOGICAL SURVEYS IN OTHER STATES AND BE DESIGNED TO ENCOURAGE RESOURCE EXPLORATION AND DEVELOPMENT BY INDUSTRY. THE COLORADO GEOLOGICAL SURVEY SHALL NOT UNDERTAKE ECONOMIC DEVELOPMENT PROJECTS THAT DIRECTLY COMPETE WITH THE PRIVATE SECTOR, BUT SHALL PRODUCE BASIC DATA, RESEARCH REPORTS, AND MAPS USEFUL TO CONSULTANTS AND INDUSTRY. ECONOMIC DEVELOPMENT PROJECTS UNDERTAKEN MAY BE FUNDED BY PRIVATE FOUNDATIONS AND FEDERAL AGENCIES, INDUSTRIAL CONSORTIA OR AGENCIES OF OTHER STATES, OR BY THE GENERAL FUND.

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

(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.

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

23-41-205. [Similar to 34-1-103.] 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 GOVERNMENT, INCLUDING INSTITUTIONS OF HIGHER EDUCATION. THE COLORADO SCHOOL OF MINES SHALL DETERMINE THE PRIORITY OF THE OBJECTIVES OF THE COLORADO GEOLOGICAL SURVEY, SUBJECT TO AVAILABLE APPROPRIATIONS AND CONSISTENT WITH THE MEMORANDUM OF UNDERSTANDING ENTERED INTO PURSUANT TO SECTION 23-41-201, WHICH OBJECTIVES SHALL INCLUDE:

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

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

(c) TO CONDUCT STUDIES TO DEVELOP GEOLOGICAL INFORMATION;

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

(e) TO COLLECT AND PRESERVE GEOLOGIC INFORMATION;

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

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

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

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

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

NEEDED;

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

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

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

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

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

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

(5) SUBJECT TO AVAILABLE APPROPRIATIONS, THE GEOLOGICAL SURVEY MAY PREPARE AN ANNUAL REPORT DESCRIBING THE STATUS OF THE MINERAL INDUSTRY AND DESCRIBING CURRENT INFLUENCES AFFECTING THE GROWTH AND VIABILITY OF THE MINERAL INDUSTRY IN THE STATE, AND SETTING FORTH RECOMMENDATIONS TO FOSTER THE INDUSTRY. THE GEOLOGICAL SURVEY MAY PARTNER WITH OTHER AGENCIES OR ORGANIZATIONS TO PREPARE THE ANNUAL REPORT.

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

23-41-207. [Similar to 34-1-105.] Fees - adjustments - geological survey cash

fund - created. (1) (a) THE COLORADO GEOLOGICAL SURVEY IS AUTHORIZED TO ENTER INTO AGREEMENTS TO PROVIDE SERVICES TO THE GENERAL PUBLIC, INDUSTRIES, AND UNITS OF LOCAL GOVERNMENT AND TO ESTABLISH AND COLLECT FEES TO RECOVER DIRECT COSTS OF PROVIDING SAID SERVICES PURSUANT TO SECTIONS 24-65.1-302 AND 30-28-136, C.R.S., AND SECTION 23-41-205, OR PURSUANT TO AGREEMENT; EXCEPT THAT THIS PROVISION SHALL APPLY ONLY TO THOSE SERVICES RENDERED UPON ITEMS WHICH A UNIT OF LOCAL GOVERNMENT IS REQUIRED BY STATUTE TO SUBMIT FOR REVIEW OR FOR SUCH OTHER SERVICES AS ARE REQUESTED PURSUANT TO AN AGREEMENT.

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

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

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

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

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

(b) "PROFESSIONAL GEOLOGIST" IS A PERSON ENGAGED IN THE PRACTICE OF GEOLOGY WHO IS A GRADUATE OF AN INSTITUTION OF HIGHER EDUCATION WHICH IS ACCREDITED BY A REGIONAL OR NATIONAL ACCREDITING AGENCY, WITH A MINIMUM OF THIRTY SEMESTER (FORTY-FIVE QUARTER) HOURS OF UNDERGRADUATE OR GRADUATE WORK IN A FIELD OF GEOLOGY AND WHOSE POSTBACCALAUREATE TRAINING HAS BEEN IN THE FIELD OF GEOLOGY WITH A SPECIFIC RECORD OF AN ADDITIONAL FIVE YEARS OF GEOLOGICAL EXPERIENCE TO INCLUDE NO MORE THAN TWO YEARS OF GRADUATE WORK.

(2) ANY REPORT REQUIRED BY LAW OR BY RULE AND PREPARED AS A RESULT OF

OR BASED ON A GEOLOGIC STUDY OR ON GEOLOGIC DATA, OR WHICH CONTAINS INFORMATION RELATING TO GEOLOGY AND WHICH IS TO BE PRESENTED TO OR IS PREPARED FOR ANY STATE AGENCY, POLITICAL SUBDIVISION OF THE STATE, OR RECOGNIZED STATE OR LOCAL BOARD OR COMMISSION, SHALL BE PREPARED OR APPROVED BY A PROFESSIONAL GEOLOGIST.

23-41-209. Repeal of part - notice to the revisor of statutes - repeal.

(1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, THIS PART 2 IS REPEALED, EFFECTIVE JANUARY 31, 2013.

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

23-41-210. Annual report to general assembly - repeal. (1) (a) ON OR BEFORE DECEMBER 1, 2013, AND EACH DECEMBER 1 THEREAFTER, AND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-1-136 (9), C.R.S., THE COLORADO SCHOOL OF MINES SHALL SUBMIT A WRITTEN REPORT TO THE JOINT BUDGET COMMITTEE, THE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ITS SUCCESSOR COMMITTEE, AND THE AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE OF THE SENATE, OR ITS SUCCESSOR COMMITTEE, CONCERNING THE IMPLEMENTATION OF THIS PART 2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24-1-124. Department of natural resources - creation - divisions - repeal.

(3) The department of natural resources consists of the following divisions:

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

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

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

24-33-104. Divisions and boards of the department - repeal. (1) The

department of natural resources consists of the following divisions and boards:

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

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

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

25-15-216. Colorado geological survey to designate optimally suitable areas.

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

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

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

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

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

SECTION 8. 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 4, 2012