

CHAPTER 1

NATURAL RESOURCES

HOUSE BILL 13-1057

BY REPRESENTATIVE(S) Mitsch Bush, Pabon, Buck, Buckner, Court, Dore, Duran, Exum, Fields, Fischer, Garcia, Gerou, Hamner, Hullinghorst, Kraft-Tharp, Labuda, Lebsock, Lee, Levy, McLachlan, Melton, Pettersen, Rosenthal, Ryden, Salazar, Schafer, Singer, Tyler, Vigil, Williams, Young;
also SENATOR(S) Nicholson, Aguilar, Baumgardner, Guzman, Jones, Kerr, Newell, Schwartz, Steadman, Tochtrop, Todd, Ulibarri, Morse.

AN ACT

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

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.~~

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

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 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:

~~(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.~~

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

23-41-210. Annual report to general assembly - repeal. (1) (b) At a minimum, the annual report shall include information concerning:

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

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

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

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

(c) THE COLORADO AVALANCHE INFORMATION CENTER, CREATED PURSUANT TO SECTION 24-33-116. THE POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF NATURAL RESOURCES AND ALLOCATED TO THE OFFICE OF THE EXECUTIVE DIRECTOR.

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

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

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

DIRECT COSTS OF PROVIDING THE TRAINING AND MATERIALS.

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

(c)(I) THE DEPARTMENT OF NATURAL RESOURCES SHALL TRANSMIT ALL MONEYS COLLECTED PURSUANT TO THIS SECTION TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE COLORADO AVALANCHE INFORMATION CENTER FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF NATURAL RESOURCES FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE COLORADO AVALANCHE INFORMATION CENTER.

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

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

39-29-109.3. Operational account of the severance tax trust fund - repeal.

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

(b) For programs within the Colorado geological survey, up to ~~twenty~~ FIFTEEN percent of the moneys in the operational account;

(b.5) FOR THE AVALANCHE INFORMATION CENTER, UP TO FIVE PERCENT OF THE MONEYS IN THE OPERATIONAL ACCOUNT;

SECTION 8. Effective date. This act takes effect January 31, 2013.

SECTION 9. 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: January 31, 2013