

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

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 SCHOOL OF MINES AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
2 NATURAL RESOURCES SHALL DEVELOP AND ENTER INTO A MEMORANDUM
3 OF UNDERSTANDING CONCERNING THE TRANSFER OF THE POWERS, DUTIES,
4 AND FUNCTIONS OF THE GEOLOGICAL SURVEY AND THE OFFICE OF THE
5 STATE GEOLOGIST. THE MEMORANDUM OF UNDERSTANDING SHALL
6 INCLUDE, BUT IS NOT LIMITED TO, PROVISIONS CONCERNING THE
7 FOLLOWING:

8 (a) THE FUNCTIONS AND OBJECTIVES OF THE GEOLOGICAL SURVEY;

9 (b) THE TRANSFER OF EMPLOYEES OF THE GEOLOGICAL SURVEY
10 AND THE OFFICE OF THE STATE GEOLOGIST, IN CONFORMANCE WITH THE
11 LAWS APPLICABLE TO THE EMPLOYEES;

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

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

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

19 (3) ON AND AFTER JANUARY 1, 2013, WHENEVER THE EXECUTIVE
20 DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES OR THE
21 DEPARTMENT OF NATURAL RESOURCES IS REFERRED TO OR DESIGNATED BY
22 ANY CONTRACT OR OTHER DOCUMENT IN CONNECTION WITH THE POWERS,
23 DUTIES, AND FUNCTIONS TRANSFERRED TO THE COLORADO SCHOOL OF
24 MINES, THE REFERENCE OR DESIGNATION SHALL BE DEEMED TO APPLY TO
25 THE COLORADO SCHOOL OF MINES. ALL CONTRACTS ENTERED INTO BY THE
26 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES
27 PRIOR TO JANUARY 1, 2013, IN CONNECTION WITH THE POWERS, DUTIES,

1 AND FUNCTIONS TRANSFERRED TO THE COLORADO SCHOOL OF MINES ARE
2 HEREBY VALIDATED, WITH THE PRESIDENT OF THE COLORADO SCHOOL OF
3 MINES SUCCEEDING TO ALL THE RIGHTS AND OBLIGATIONS OF SUCH
4 CONTRACTS.

5 (4) ON JANUARY 1, 2013, THE UNEXPENDED AND UNENCUMBERED
6 APPROPRIATIONS OF FUNDS FOR THE CURRENT FISCAL YEAR MADE TO THE
7 DEPARTMENT OF NATURAL RESOURCES AND ALLOCATED FOR THE
8 COLORADO GEOLOGICAL SURVEY AND OFFICE OF THE STATE GEOLOGIST
9 AND THAT ARE RELATED TO THE POWERS, DUTIES, AND FUNCTIONS
10 TRANSFERRED TO THE COLORADO SCHOOL OF MINES SHALL BE
11 TRANSFERRED TO THE COLORADO SCHOOL OF MINES.

12 (5) ON JANUARY 1, 2013, THE REVISOR OF STATUTES IS
13 AUTHORIZED TO CHANGE ALL REFERENCES TO THE COLORADO
14 GEOLOGICAL SURVEY AND THE OFFICE OF THE STATE GEOLOGIST TO
15 REFERENCE THIS PART 2.

16 (6) IF THE COLORADO SCHOOL OF MINES AND THE DEPARTMENT OF
17 NATURAL RESOURCES DO NOT ENTER INTO A MEMORANDUM OF
18 UNDERSTANDING ON OR BEFORE DECEMBER 31, 2012, THAT IS CONSISTENT
19 WITH THE PROVISIONS OF THIS SECTION, THEN THE TRANSFER OF THE
20 POWERS, DUTIES, AND FUNCTIONS OF THE GEOLOGICAL SURVEY TO THE
21 COLORADO SCHOOL OF MINES SHALL NOT OCCUR. PURSUANT TO SECTION
22 23-41-209, THE PRESIDENT OF THE COLORADO SCHOOL OF MINES SHALL
23 NOTIFY THE REVISOR OF STATUTES REGARDING THE STATUS OF THE
24 TRANSFER.

25 **23-41-202. [Similar to 34-1-104.5.] Legislative declaration.**

26 (1) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT SUFFICIENT FUNDS
27 BE PROVIDED TO COVER THE DIRECT COSTS OF A BASE STAFF AND THEIR

1 OPERATING EXPENSES TO ENSURE FUNCTIONAL CONTINUITY OF THE
2 COLORADO GEOLOGICAL SURVEY AS PROVIDED BY STATUTE AND AS
3 DETERMINED PURSUANT TO ANY MEMORANDUM OF UNDERSTANDING
4 ENTERED INTO PURSUANT TO SECTION 23-41-201. THE SURVEY SHALL
5 MAKE APPROPRIATE CHARGES FOR PREPARATION AND REPRODUCTION OF
6 REPORTS, MAPS, AND PUBLICATIONS; EXCEPT THAT THE SURVEY SHALL
7 NOT DIRECTLY COMPETE WITH CONSULTANTS BY ENTERING INTO
8 CONTRACTS WITH THE GENERAL PUBLIC AND INDUSTRIES FOR PROVIDING
9 GEOLOGICAL AND RELATED SERVICES.

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

1 OR AGENCIES OF OTHER STATES, OR BY THE GENERAL FUND.

2 **23-41-203. [Similar to 34-1-101.] Geological survey created -**
3 **purpose - avalanche information center created.** (1) THERE IS HEREBY
4 ESTABLISHED THE COLORADO GEOLOGICAL SURVEY WITHIN THE
5 COLORADO SCHOOL OF MINES. THE COLORADO SCHOOL OF MINES BOARD
6 OF TRUSTEES AND ITS DESIGNEES SHALL HAVE SOLE AUTHORITY TO
7 SUPERVISE THE FUNCTIONS, PLANNING, MANAGEMENT, AND FISCAL
8 PROCEDURES OF THE COLORADO GEOLOGICAL SURVEY. THE PURPOSE OF
9 THE SURVEY IS TO ENCOURAGE BY USE OF APPROPRIATE MEANS THE FULL
10 DEVELOPMENT OF THE STATE'S NATURAL RESOURCES TO THE BENEFIT TO
11 THE CITIZENS OF THE STATE.

12 (2) THERE IS HEREBY CREATED, WITHIN THE COLORADO
13 GEOLOGICAL SURVEY, THE COLORADO AVALANCHE INFORMATION CENTER
14 TO CARRY OUT A PROGRAM OF AVALANCHE FORECASTING AND
15 EDUCATION.

16 **23-41-204. [Similar to 34-1-102.] State geologist - appointment**
17 **- qualifications.** THE PRESIDENT OF THE COLORADO SCHOOL OF MINES
18 SHALL APPOINT A STATE GEOLOGIST. THE STATE GEOLOGIST SHALL BE THE
19 DIRECTOR OF THE COLORADO GEOLOGICAL SURVEY. THE STATE
20 GEOLOGIST SHALL BE A PROFESSIONAL GEOLOGIST, AS DEFINED IN SECTION
21 23-41-208, AND SHALL HAVE PROFESSIONAL, MANAGERIAL, SUPERVISORY,
22 PRACTICAL, AND TECHNICAL EXPERIENCE AND KNOWLEDGE IN THE USE OF
23 GEOLOGY, EARTH SCIENCES, AND NATURAL RESOURCE PLANNING AND
24 MANAGEMENT.

25 **23-41-205. [Similar to 34-1-103.] Objectives of survey - duties**
26 **of state geologist.** (1) THE COLORADO GEOLOGICAL SURVEY SHALL
27 PROVIDE ASSISTANCE TO AND COOPERATE WITH THE GENERAL PUBLIC,

1 INDUSTRIES, AND AGENCIES OF STATE GOVERNMENT, INCLUDING
2 INSTITUTIONS OF HIGHER EDUCATION. THE COLORADO SCHOOL OF MINES
3 SHALL DETERMINE THE PRIORITY OF THE OBJECTIVES OF THE COLORADO
4 GEOLOGICAL SURVEY, SUBJECT TO AVAILABLE APPROPRIATIONS AND
5 CONSISTENT WITH THE MEMORANDUM OF UNDERSTANDING ENTERED INTO
6 PURSUANT TO SECTION 23-41-201, WHICH OBJECTIVES SHALL INCLUDE:

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

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

11 (c) TO CONDUCT STUDIES TO DEVELOP GEOLOGICAL INFORMATION;

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

15 (e) TO COLLECT AND PRESERVE GEOLOGIC INFORMATION;

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

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

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

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

26 (j) TO ADVISE THE STATE ENGINEER IN THE PROMULGATION OF
27 RULES PURSUANT TO ARTICLE 90.5 OF TITLE 37, C.R.S., AND TO PROVIDE

1 OTHER GOVERNMENTAL AGENCIES WITH TECHNICAL ASSISTANCE
2 REGARDING GEOTHERMAL RESOURCES AS NEEDED;

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

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

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

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

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

27 (4) THE STATE GEOLOGIST SHALL ADMINISTER THE PROVISIONS OF

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

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

16 **23-41-206. [Similar to 34-1-104.] Employees.** THE COLORADO
17 SCHOOL OF MINES MAY EMPLOY SUCH ASSISTANTS AND PERSONNEL AS
18 MAY BE DEEMED NECESSARY TO CARRY OUT THE PURPOSES OF THIS PART
19 2, SUBJECT TO APPLICABLE PROVISIONS OF LAW.

20 **23-41-207. [Similar to 34-1-105.] Fees - adjustments -**
21 **geological survey cash fund - created.** (1) (a) THE COLORADO
22 GEOLOGICAL SURVEY IS AUTHORIZED TO ENTER INTO AGREEMENTS TO
23 PROVIDE SERVICES TO THE GENERAL PUBLIC, INDUSTRIES, AND UNITS OF
24 LOCAL GOVERNMENT AND TO ESTABLISH AND COLLECT FEES TO RECOVER
25 DIRECT COSTS OF PROVIDING SAID SERVICES PURSUANT TO SECTIONS
26 24-65.1-302 AND 30-28-136, C.R.S., AND SECTION 23-41-205, OR
27 PURSUANT TO AGREEMENT; EXCEPT THAT THIS PROVISION SHALL APPLY

1 ONLY TO THOSE SERVICES RENDERED UPON ITEMS WHICH A UNIT OF LOCAL
2 GOVERNMENT IS REQUIRED BY STATUTE TO SUBMIT FOR REVIEW OR FOR
3 SUCH OTHER SERVICES AS ARE REQUESTED PURSUANT TO AN AGREEMENT.

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

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

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

25 **23-41-208. [Similar to 34-1-201 and 34-1-202.] Reports**
26 **concerning geologic information - definitions.** (1) AS USED IN THIS
27 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

16 (2) ANY REPORT REQUIRED BY LAW OR BY RULE AND PREPARED AS
17 A RESULT OF OR BASED ON A GEOLOGIC STUDY OR ON GEOLOGIC DATA, OR
18 WHICH CONTAINS INFORMATION RELATING TO GEOLOGY AND WHICH IS TO
19 BE PRESENTED TO OR IS PREPARED FOR ANY STATE AGENCY, POLITICAL
20 SUBDIVISION OF THE STATE, OR RECOGNIZED STATE OR LOCAL BOARD OR
21 COMMISSION, SHALL BE PREPARED OR APPROVED BY A PROFESSIONAL
22 GEOLOGIST.

23 **23-41-209. Repeal of part - notice to the revisor of statutes -**
24 **repeal.** (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION,
25 THIS PART 2 IS REPEALED, EFFECTIVE JANUARY 1, 2013.

26 (2) IF THE PRESIDENT OF THE COLORADO SCHOOL OF MINES
27 NOTIFIES THE REVISOR OF STATUTES IN WRITING BEFORE JANUARY 1, 2013,

1 THAT THE COLORADO SCHOOL OF MINES HAS ENTERED INTO A
2 MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF NATURAL
3 RESOURCES, CONSISTENT WITH THIS PART 2, AFFIRMING THE TRANSFER OF
4 THE POWERS, DUTIES, AND FUNCTIONS OF THE GEOLOGICAL SURVEY FROM
5 THE DEPARTMENT OF NATURAL RESOURCES TO THE COLORADO SCHOOL OF
6 MINES, THEN THIS PART 2 IS NOT REPEALED, AND THIS SECTION IS
7 REPEALED, EFFECTIVE JANUARY 1, 2013.

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

10 **34-1-100.5. Transfer to Colorado school of mines -**
11 **memorandum of understanding - effective date - repeal.** (1) THE
12 EXECUTIVE DIRECTOR MAY DEVELOP AND ENTER INTO A MEMORANDUM OF
13 UNDERSTANDING WITH THE PRESIDENT OF THE COLORADO SCHOOL OF
14 MINES PURSUANT TO SECTION 23-41-201, C.R.S., CONCERNING THE
15 TRANSFER OF THE OPERATION AND FUNCTIONS OF THE COLORADO
16 GEOLOGICAL SURVEY TO THE COLORADO SCHOOL OF MINES, EFFECTIVE
17 JANUARY 1, 2013.

18 (2) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, THIS
19 PART 1 AND PART 2 OF THIS ARTICLE ARE REPEALED, EFFECTIVE JANUARY
20 1, 2013.

21 (3) IF THE PRESIDENT OF THE COLORADO SCHOOL OF MINES DOES
22 NOT NOTIFY THE REVISOR OF STATUTES IN WRITING BEFORE JANUARY 1,
23 2013, PURSUANT TO SECTION 23-41-209, C.R.S., THAT THE COLORADO
24 SCHOOL OF MINES HAS ENTERED INTO A MEMORANDUM OF
25 UNDERSTANDING WITH THE DEPARTMENT OF NATURAL RESOURCES,
26 CONSISTENT WITH THIS PART 2, AFFIRMING THE TRANSFER OF THE POWERS,
27 DUTIES, AND FUNCTIONS OF THE GEOLOGICAL SURVEY AND THE OFFICE OF

1 THE STATE GEOLOGIST FROM THE DEPARTMENT OF NATURAL RESOURCES
2 TO THE COLORADO SCHOOL OF MINES, THEN THIS PART 1 AND PART 2 OF
3 THIS ARTICLE ARE NOT REPEALED, AND THIS SECTION IS REPEALED,
4 EFFECTIVE JANUARY 1, 2013.

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

7 **24-1-124. Department of natural resources - creation -**
8 **divisions - repeal.** (3) The department of natural resources consists of
9 the following divisions:

10 (g) (I) The Colorado geological survey and the office of the state
11 geologist, created by part 1 of article 1 of title 34, C.R.S. Their powers,
12 duties, and functions are transferred by a **type 2** transfer to the department
13 of natural resources as a division thereof.

14 (II) IF THE REVISOR OF STATUTES RECEIVES THE NOTIFICATION
15 DESCRIBED IN SECTION 23-41-209 (2), THIS PARAGRAPH (g) IS REPEALED,
16 EFFECTIVE JANUARY 1, 2013.

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

19 **24-33-104. Divisions and boards of the department - repeal.**
20 (1) The department of natural resources consists of the following
21 divisions and boards:

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

24 (II) IF THE REVISOR OF STATUTES RECEIVES THE NOTIFICATION
25 DESCRIBED IN SECTION 23-41-209 (2), THIS PARAGRAPH (g) IS REPEALED,
26 EFFECTIVE JANUARY 1, 2013.

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

1 follows:

2 **25-15-216. Colorado geological survey to designate optimally**
3 **suitable areas.** SUBJECT TO AVAILABLE APPROPRIATIONS, the Colorado
4 geological survey shall conduct a study of the geological suitability of
5 areas of the state for hazardous waste disposal sites. Such study shall
6 designate those areas of the state which the Colorado geological survey
7 finds to be optimally suitable for hazardous waste disposal based upon
8 detailed criteria relating to hydrology, geology, geochemistry, structural
9 geology, geomorphology, climatology, and mineral resources. The
10 designation of optimally suitable areas and the criteria utilized shall be
11 produced in a publication available to the public at a reasonable cost.

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

14 **34-21-101. Office of active and inactive mines - creation -**
15 **duties.** (1) There is hereby created in the division of reclamation, mining,
16 and safety in the department of natural resources the office of active and
17 inactive mines, the head of which shall be appointed by the director of the
18 division. The office shall have the following duties:

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

22 **SECTION 7. Effective date.** This act takes effect upon passage;
23 except that section 6 of this act takes effect January 1, 2013.

24 **SECTION 8. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.