

## CHAPTER 258

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**WATER AND IRRIGATION**

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**HOUSE BILL 21-1268**

BY REPRESENTATIVE(S) Titone and Will, Bacon, Bernett, Bird, Boesenecker, Cutter, Esgar, Exum, Geitner, Gonzales-Gutierrez, Hooton, Jackson, Jodeh, Kipp, Lontine, Lynch, McCluskie, McCormick, McLachlan, Michaelson Jenet, Ortiz, Ricks, Snyder, Valdez A., Young;  
also SENATOR(S) Hansen and Simpson, Bridges, Buckner, Coram, Gonzales, Hisey, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Pettersen, Priola, Rankin, Scott, Sonnenberg, Story, Winter, Garcia.

**AN ACT**

**CONCERNING A REQUIREMENT THAT COLORADO INSTITUTIONS OF HIGHER EDUCATION STUDY POTENTIAL USES OF EMERGING TECHNOLOGIES TO MORE EFFECTIVELY MANAGE COLORADO'S WATER SUPPLY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION CONDITIONED ON THE RECEIPT OF MATCHING FUNDS FROM GIFTS, GRANTS, AND DONATIONS.**

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

**SECTION 1. Legislative declaration.** (1) The general assembly finds and determines that emerging new and improved technologies may offer significant benefits to Colorado water users and managers by:

- (a) Improving the monitoring, management, conservation, and allocation of both surface water and groundwater;
- (b) Reducing inefficiency and waste in the process of recycling, reclaiming, or disposing of produced water and wastewater; and
- (c) Allowing parties to water rights transactions to have more confidence in the data on which those transactions are based.

(2) Therefore, the general assembly declares that it is in the public interest to authorize and direct the university of Colorado, in collaboration with Colorado state university and the Colorado water institute, to conduct feasibility studies and pilot deployments of these technologies and to report to the general assembly on the potential of these technologies to improve Colorado water management.

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

**SECTION 2.** In Colorado Revised Statutes, **add** 23-20-141 as follows:

**23-20-141. Emerging technologies for water management - study - report - legislative declaration - repeal.** (1) (a) SUBJECT TO SUBSECTION (2) OF THIS SECTION AND IN COLLABORATION WITH COLORADO STATE UNIVERSITY AND THE COLORADO WATER INSTITUTE CREATED IN SECTION 23-31-801, THE UNIVERSITY OF COLORADO SHALL CONDUCT FEASIBILITY STUDIES AND PILOT DEPLOYMENTS OF NEW AND EMERGING TECHNOLOGIES THAT HAVE POTENTIAL TO IMPROVE THE MONITORING, MANAGEMENT, CONSERVATION, AND ALLOCATION OF SURFACE WATER AND GROUNDWATER AND TO REDUCE INEFFICIENCY AND WASTE IN THE PROCESS OF RECYCLING, RECLAIMING, OR DISPOSING OF PRODUCED WATER AND WASTEWATER.

(b) THE TECHNOLOGIES TO BE INVESTIGATED BY THE UNIVERSITIES AND THE INSTITUTE PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION MAY INCLUDE:

(I) IN-SITU SENSORS TO MONITOR SURFACE AND GROUNDWATER USE;

(II) DIRECT OR REMOTE SENSORS TO MONITOR WATER QUALITY;

(III) CELLULAR AND SATELLITE TELEMETRY SYSTEMS ALLOWING REMOTE ACCESS TO SENSOR DATA;

(IV) AERIAL OBSERVATION PLATFORMS, INCLUDING HIGH-ALTITUDE BALLOONS AND UNMANNED AERIAL VEHICLES;

(V) SATELLITE-BASED REMOTE SENSING AND WATER RESOURCE FORECASTING TECHNOLOGIES; AND

(VI) BLOCKCHAIN-BASED DOCUMENTATION, COMMUNICATION, AND AUTHENTICATION OF DATA REGARDING WATER USE; FULFILLMENT OF OBLIGATIONS UNDER COLORADO'S SYSTEM OF PRIOR APPROPRIATION, INCLUDING AUGMENTATION PLANS; AND WATER CONSERVATION.

(c) ON OR BEFORE JULY 15, 2022, AND UPON REQUEST OF THE WATER RESOURCES REVIEW COMMITTEE OF THE GENERAL ASSEMBLY IN ANY YEAR THEREAFTER, THE UNIVERSITIES SHALL PROVIDE LIVE TESTIMONY AND A WRITTEN REPORT ON THE PROGRESS OF THE FEASIBILITY STUDIES AND PILOT DEPLOYMENTS CONDUCTED PURSUANT TO THIS SUBSECTION (1), INCLUDING ANY CONCLUSIONS REGARDING THE POTENTIAL OF THESE TECHNOLOGIES TO IMPROVE COLORADO WATER MANAGEMENT AND ANY RECOMMENDATIONS FOR ADMINISTRATIVE OR LEGISLATIVE ACTION TO PROMOTE THEIR USE, TO THE WATER RESOURCES REVIEW COMMITTEE.

(d) ANY FEASIBILITY STUDIES OR PILOT DEPLOYMENTS MADE PURSUANT TO THIS SECTION, AND ANY RECOMMENDATIONS FOR ADMINISTRATIVE OR LEGISLATIVE ACTION TO PROMOTE THE USE OF THE TECHNOLOGIES CONSIDERED, MUST TAKE ACCOUNT OF THE EXISTING SYSTEM OF PRIOR APPROPRIATION UNDER ARTICLE XVI OF THE STATE CONSTITUTION AND COLORADO WATER LAW. THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ENCOURAGE OR ENABLE SPECULATION IN WATER OR WATER RIGHTS.

(2) THE UNIVERSITY OF COLORADO AND COLORADO STATE UNIVERSITY MAY

SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. THE UNIVERSITIES SHALL NOT CONDUCT THE FEASIBILITY STUDIES OR PILOT DEPLOYMENTS DESCRIBED IN SUBSECTION (1) OF THIS SECTION UNLESS THEY HAVE RECEIVED AT LEAST FORTY THOUSAND DOLLARS PURSUANT TO THIS SUBSECTION (2) ON OR BEFORE JUNE 1, 2022. THE GENERAL ASSEMBLY SHALL APPROPRIATE FORTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE DEPARTMENT OF HIGHER EDUCATION, WITH TWENTY THOUSAND DOLLARS ALLOCATED TO EACH UNIVERSITY, FOR THE PURPOSES OF THIS SECTION; EXCEPT THAT THE APPROPRIATION IS CONTINGENT ON THE UNIVERSITIES RECEIVING FORTY THOUSAND DOLLARS IN GIFTS, GRANTS, AND DONATIONS ON OR BEFORE JUNE 1, 2022, AND CERTIFYING IN WRITING TO THE STATE CONTROLLER THAT SAID AMOUNT HAS BEEN RECEIVED ON OR BEFORE JUNE 1, 2022.

(3) (a) THE UNIVERSITIES SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING, BY E-MAIL SENT TO REVISOROFSTATUTES.GA@STATE.CO.US, WHETHER THE UNIVERSITIES RECEIVED, BY JUNE 1, 2022, THE AMOUNT OF MONEY SPECIFIED IN SUBSECTION (2) OF THIS SECTION.

(b) (I) IF THE NOTICE FROM THE UNIVERSITIES STATES THAT, AS OF JUNE 1, 2022, THE UNIVERSITIES DID NOT RECEIVE THE AMOUNT OF MONEY SPECIFIED IN SUBSECTION (2) OF THIS SECTION, THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2022.

(II) IF THE NOTICE FROM THE UNIVERSITIES STATES THAT, AS OF JUNE 1, 2022, THE UNIVERSITIES DID RECEIVE THE AMOUNT OF MONEY SPECIFIED IN SUBSECTION (2) OF THIS SECTION, THIS SUBSECTION (3) IS REPEALED, EFFECTIVE UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE MONEY WAS RECEIVED OR, IF THE NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

(4) EACH OF THE UNIVERSITIES SHALL:

(a) REPORT AND REGULARLY UPDATE ON ITS WEBSITE THE AMOUNT AND SOURCE OF MONEY RECEIVED PURSUANT TO SUBSECTION (2) OF THIS SECTION AND, IF THE MONEY IS A GIFT, GRANT, OR DONATION, THE IDENTITY OF THE DONOR AND THE PURPOSE AND PERIOD OF TIME FOR WHICH THE MONEY IS AVAILABLE;

(b) REPORT ANNUALLY THE AMOUNT AND SOURCE OF MONEY RECEIVED PURSUANT TO SUBSECTION (2) OF THIS SECTION IN THE PRIOR STATE FISCAL YEAR AT THE HEARING REQUIRED BY THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2, AND, IF THE MONEY IS A GIFT, GRANT, OR DONATION, THE NAME OF THE SOURCE OF THE MONEY AND THE GRANTEE; AND

(c) INCLUDE THE INFORMATION SPECIFIED IN SUBSECTION (4)(a) OF THIS SECTION IN ANY PUBLISHED REPORT ON THE OUTCOME OF ANY FEASIBILITY STUDY OR PILOT DEPLOYMENT AND ANY PUBLISHED RECOMMENDATIONS BASED ON THAT OUTCOME.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

**SECTION 3.** In Colorado Revised Statutes, 23-31-801, **amend** (4)(e)(V) and

(4)(f); and **add** (4)(g) as follows:

**23-31-801. Colorado water institute - creation.** (4) It is the duty of the institute to:

(e) Facilitate and stimulate scientific research and policy analysis that:

(V) Examines the interconnections between climate change, water supply, and water quality and provides tools water managers and policymakers need to adapt to global climate change; ~~and~~

(f) Establish and maintain a clearinghouse and archive of water research, water quality, and climate projection data; AND

(g) COLLABORATE WITH THE UNIVERSITY OF COLORADO AND COLORADO STATE UNIVERSITY IN STUDYING THE FEASIBILITY OF NEW AND IMPROVED WATER-RELATED TECHNOLOGIES IN ACCORDANCE WITH SECTION 23-20-141.

**SECTION 4.** In Colorado Revised Statutes, 23-3.3-103, **add** (10) as follows:

**23-3.3-103. Annual appropriations - repeal.** (10) (a) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION CONCERNING APPROPRIATIONS FOR STUDENT FINANCIAL ASSISTANCE UNDER THIS ARTICLE 3.3 DO NOT APPLY TO APPROPRIATIONS MADE FOR THE PURPOSE OF CONDUCTING FEASIBILITY STUDIES AND PILOT DEPLOYMENTS TO INVESTIGATE EMERGING TECHNOLOGIES FOR WATER MANAGEMENT PURSUANT TO SECTION 23-20-141.

(b) THIS SUBSECTION (10) IS REPEALED, EFFECTIVE JULY 1, 2023.

**SECTION 5.** In Colorado Revised Statutes, 23-18-308, **add** (1)(h) as follows:

**23-18-308. Fee-for-service contracts - limited purpose - repeal.** (1) Subject to available appropriations, the department shall enter into fee-for-service contracts for the following purposes:

(h) (I) THE CONDUCT OF FEASIBILITY STUDIES AND PILOT DEPLOYMENTS TO INVESTIGATE EMERGING TECHNOLOGIES FOR WATER MANAGEMENT PURSUANT TO SECTION 23-20-141.

(II) THIS SUBSECTION (1)(h) IS REPEALED, EFFECTIVE JULY 1, 2023.

**SECTION 6. Appropriation.** (1) For the 2021-22 state fiscal year, \$40,000 is appropriated to the department of higher education. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the college opportunity fund program created in section 23-18-201, C.R.S., to be used for limited purpose fee-for-service contracts with state institutions.

(2) For the 2021-22 state fiscal year, \$40,000 is appropriated to the department of higher education. This appropriation is from reappropriated funds received from the limited purpose fee-for-service contracts with state institutions under subsection (1) of this section. To implement this act, the department may use this appropriation

as follows:

- (a) \$20,000 for the board of governors of the Colorado state university system;  
and
- (b) \$20,000 for the regents of the university of Colorado.

**SECTION 7. Effective date.** (1) Except as otherwise provided in subsection (2) of this section, this act takes effect upon passage.

(2) Section 6 of this act takes effect only if the university of Colorado, Colorado state university, or both, certify in writing to the state controller that a total of at least \$40,000 in gifts, grants, and donations has been received for the purposes of this act. After receiving this certification, the state controller shall notify the joint budget committee in writing that the state controller has received the certification.

**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, or safety.

Approved: June 18, 2021