HOUSE BILL 21-1268

A BILL FOR 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.

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://leg.colorado.gov.)

The bill declares that new technologies, such as blockchain,
telemetry, improved sensors, and advanced aerial observation platforms, can improve monitoring, management, conservation, and trading of water and enhance confidence in the reliability of data underlying water rights transactions. To advance the potential use of these new technologies, the bill:

- Authorizes and directs the university of Colorado and Colorado state university, in collaboration with the Colorado water institute at Colorado state university, to conduct feasibility studies and pilot deployments of these new technologies to improve water management in Colorado; and
- Appropriates $20,000 to each university from the general fund, contingent on the universities' receipt of a matching $40,000 in gifts, grants, and donations, for the purpose of funding the feasibility studies and pilot deployments.

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 trading 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.

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

23-20-141. Emerging technologies for water management - study - report - 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 trading 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, trading, and 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.

(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) 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 (9) as follows:

23-3.3-103. Annual appropriations - repeal. (9) (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 (9) 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 for the
regents of the university of Colorado and the board of governors of
Colorado state university.

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.