

CHAPTER 259

EDUCATION - POSTSECONDARY

HOUSE BILL 22-1365

BY REPRESENTATIVE(S) Esgar, Bennett, Bird, Duran, Gonzales-Gutierrez, Hooton, Jodeh, Kipp, Lindsay, Ricks, Valdez A., Valdez D., Bacon, Exum, Lontine, Michaelson Jenet;
also SENATOR(S) Hinrichsen, Bridges, Donovan, Moreno, Simpson, Story, Fenberg.

AN ACT**CONCERNING THE CREATION OF THE SOUTHERN COLORADO INSTITUTE OF TRANSPORTATION TECHNOLOGY AT COLORADO STATE UNIVERSITY - PUEBLO.**

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

SECTION 1. In Colorado Revised Statutes, **add** 23-31.5-113 as follows:

23-31.5-113. Southern Colorado institute of transportation technology - governing board - powers and duties - report - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "GOVERNING BOARD" MEANS THE SOUTHERN COLORADO INSTITUTE OF TRANSPORTATION TECHNOLOGY GOVERNING BOARD CREATED IN SUBSECTION (3) OF THIS SECTION.

(b) "HOST INSTITUTION" MEANS THE NOT-FOR-PROFIT RESEARCH ENTITY OR INSTITUTION OF HIGHER EDUCATION WHERE THE SOUTHERN COLORADO INSTITUTE OF TRANSPORTATION TECHNOLOGY IS LOCATED, AS SPECIFIED IN SUBSECTION (2)(a) OF THIS SECTION OR SUBSEQUENTLY CHANGED IN ACCORDANCE WITH SUBSECTION (7) OF THIS SECTION.

(c) "INSTITUTE" MEANS THE SOUTHERN COLORADO INSTITUTE OF TRANSPORTATION TECHNOLOGY CREATED IN SUBSECTION (2) OF THIS SECTION.

(2)(a) THE SOUTHERN COLORADO INSTITUTE OF TRANSPORTATION TECHNOLOGY IS HEREBY CREATED, TO BE LOCATED AT COLORADO STATE UNIVERSITY - PUEBLO, THE HOST INSTITUTION, UNLESS A RELOCATION OCCURS PURSUANT TO SUBSECTION (7) OF THIS SECTION. THE INSTITUTE SHALL BE ADMINISTERED BY THE GOVERNING

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.

BOARD OF THE INSTITUTE CREATED IN SUBSECTION (3) OF THIS SECTION.

(b) THE ROLE AND MISSION OF THE INSTITUTE IS TO CONDUCT AND FACILITATE EDUCATION, TRAINING, AND RESEARCH ON ISSUES RELATED TO THE SAFETY, SECURITY, AND INNOVATION OF RAILROAD, GROUND, AND INTERMODAL TRANSPORTATION AND GENERAL ISSUES RELATED TO SURFACE TRANSPORTATION PROBLEMS IN THE STATE. THE INSTITUTE SHALL ALSO SERVE AS AN INFORMATION EXCHANGE AND DEPOSITORY FOR THE MOST CURRENT INFORMATION PERTAINING TO SURFACE TRANSPORTATION EDUCATION, RESEARCH, AND RELATED ISSUES, INCLUDING THE ECONOMIC DEVELOPMENT OF TRANSPORTATION TECHNOLOGY IN COLORADO AND NATIONWIDE. THE INSTITUTE SHALL PUBLICLY DISSEMINATE THE RESULTS OF THAT RESEARCH.

(c) THE INSTITUTE SHALL BE A CONTINUING RESOURCE FOR THE GENERAL ASSEMBLY, THE DEPARTMENT OF TRANSPORTATION, LOCAL GOVERNMENTS, THE NATION, AND THE PRIVATE SECTOR IN THE AREA OF SURFACE TRANSPORTATION AND RELATED RESEARCH. IN ADDITION, THE INSTITUTE SHALL PROMOTE SURFACE TRANSPORTATION EDUCATION AND RESEARCH ACTIVITIES AMONG COLORADO AND NATIONAL UNIVERSITIES TO ENHANCE THE UNIVERSITIES' ABILITY TO ATTRACT FEDERAL AND PRIVATE SECTOR FUNDING FOR TRANSPORTATION EDUCATION, TRAINING, AND RELATED RESEARCH.

(d) THE INSTITUTE SHALL SERVE AS A COMPETITIVE FUNDING RESOURCE FOR SMALL COLORADO BUSINESSES DEVELOPING AND TESTING SURFACE TRANSPORTATION TECHNOLOGIES. SUCH SMALL BUSINESSES SHALL WORK DIRECTLY WITH THE INSTITUTE, REPORT PROGRESS IN DEVELOPING SUCH TECHNOLOGIES, AND REPORT THE POTENTIAL FOR A POSITIVE ECONOMIC IMPACT ON THE COLORADO ECONOMY.

(3)(a) THE SOUTHERN COLORADO INSTITUTE OF TRANSPORTATION TECHNOLOGY GOVERNING BOARD IS HEREBY CREATED. THE GOVERNING BOARD CONSISTS OF NINE MEMBERS WHO ARE EXPERTS IN TRANSPORTATION-RELATED AREAS, INCLUDING:

(I) THE EXECUTIVE DIRECTOR OF THE COLORADO DEPARTMENT OF TRANSPORTATION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(II) THE DIRECTOR OF THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT, OR THE DIRECTOR'S DESIGNEE;

(III) ONE MEMBER REPRESENTING A STATEWIDE TRANSPORTATION INDUSTRY STAKEHOLDER IN THE MISSION OF THE INSTITUTE;

(IV) ONE MEMBER OF A STATEWIDE LABOR ORGANIZATION REPRESENTING RAIL WORKERS;

(V) THE PRESIDENT OF COLORADO STATE UNIVERSITY - PUEBLO, OR THE PRESIDENT'S DESIGNEE; AND

(VI) FOUR MEMBERS APPOINTED TO THE BOARD BY THE PRESIDENT OF COLORADO STATE UNIVERSITY - PUEBLO IN CONSULTATION WITH THE DIRECTOR OF THE INSTITUTE.

(b) THE MEMBERS OF THE GOVERNING BOARD SHALL SELECT THE CHAIR OF THE GOVERNING BOARD.

(c) THE GOVERNING BOARD SHALL OVERSEE AND GUIDE THE ROLE AND MISSION OF THE INSTITUTE. THE GOVERNING BOARD SHALL DIRECT THE SPENDING OF ANY MONEY RECEIVED BY THE INSTITUTE.

(d) THE ROLE AND MISSION OF THE GOVERNING BOARD IS TO PERIODICALLY AND OBJECTIVELY REVIEW AND ADVISE THE INSTITUTE CONCERNING ITS EDUCATION, TRAINING, AND RESEARCH PROGRAM.

(e) THE GOVERNING BOARD MAY ADVISE ANY COLORADO INSTITUTION OF HIGHER EDUCATION THAT SEEKS TO DEVELOP A NEW TRANSPORTATION TECHNOLOGY-SPECIFIC CURRICULUM. THE COLORADO COMMISSION ON HIGHER EDUCATION MAY SEEK INPUT FROM THE GOVERNING BOARD BEFORE APPROVING ANY TRANSPORTATION TECHNOLOGY-RELATED DEGREES OR CERTIFICATIONS.

(f) THE GOVERNING BOARD MAY CONSULT WITH THE ACADEMIC AND INDUSTRY LEADERS REGARDING THE IMPLEMENTATION OF THE ROLE AND MISSION OF THE INSTITUTE.

(4) (a) THE INSTITUTE MAY SPEND ANY MONEY RECEIVED FOR INSTITUTE PERSONNEL, CONDUCTING RESEARCH AND TRAINING, PRODUCING AN ANNUAL SYMPOSIUM, AND ROUTINE FACILITY AND ADMINISTRATIVE COSTS CONSISTENT WITH FEDERAL STANDARDS.

(b) THE INSTITUTE MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. THE INSTITUTE MAY RECEIVE AND DISBURSE OTHER REVENUE GENERATED BY THE INSTITUTE, INCLUDING ANY FEES OR INTEREST EARNED ON THE MONEY AND REVENUE GENERATED FROM THE SALE OR LICENSE OF INTELLECTUAL PROPERTY AS APPROVED BY THE GOVERNING BOARD. THE GOVERNING BOARD MAY SOLICIT, ACCEPT, EXPEND, AND DISBURSE ALL MONEY COLLECTED FOR THE INSTITUTE FROM THE SOURCES SPECIFIED IN THIS SUBSECTION (4)(b) TO CONDUCT RESEARCH AND TRAINING RELATED TO TRANSPORTATION TECHNOLOGY AND TO DISSEMINATE THE RESULTS OF SUCH RESEARCH PUBLICLY, CONSISTENT WITH THE ROLE AND MISSION OF THE INSTITUTE.

(c) THE GOVERNING BOARD SHALL APPROVE THE INSTITUTE'S ANNUAL BUDGET.

(d) THE GOVERNING BOARD, IN CONSULTATION WITH THE DIRECTOR OF THE INSTITUTE:

(I) MUST FUND RESEARCH, EDUCATION, AND TRAINING THROUGH AN OPEN, COMPETITIVE PROCESS USING BEST PRACTICES; AND

(II) MAY AWARD RESEARCH FUNDS TO:

(A) ANY COLORADO INSTITUTION OF HIGHER EDUCATION AND ANY RESEARCH AND TESTING ENTITY ASSOCIATED WITH ANY SUCH INSTITUTION; OR

(B) A RESEARCH AND TESTING ENTITY THAT IS OPERATING IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 43-1-106 (8)(q) AND IS CONDUCTING THE RESEARCH WITH A COLORADO INSTITUTION OF HIGHER EDUCATION; AND

(C) ANY OTHER RESEARCH AND TESTING ENTITY IN COLORADO THAT PERFORMS SIMILAR FUNCTIONS TO THE ENTITIES DESCRIBED IN SUBSECTIONS (4)(d)(II)(A) AND (4)(d)(II)(B) OF THIS SECTION.

(e) AN ENTITY OR INSTITUTION OF HIGHER EDUCATION THAT RECEIVES RESEARCH ASSISTANCE AND FUNDING FROM THE INSTITUTE SHALL PRESENT ITS RESEARCH RESULTS AT THE INSTITUTE'S ANNUAL SYMPOSIUM IN THE YEAR AFTER THE RESEARCH IS CONCLUDED AND SHALL SUBMIT TO THE GOVERNING BOARD ANY REPORTS REQUIRED BY THE GOVERNING BOARD.

(5) (a) THE CHIEF EXECUTIVE OFFICER OF THE HOST INSTITUTION SHALL SELECT A DIRECTOR, WHO IS THE HEAD OF THE INSTITUTE. THE DIRECTOR MUST BE AN EMPLOYEE OF THE HOST INSTITUTION. THE GOVERNING BOARD SHALL SERVE AS A SEARCH COMMITTEE TO ADVISE THE CHIEF EXECUTIVE OFFICER IN THE HIRING OF THE DIRECTOR AND PROVIDE FEEDBACK TO THE CHIEF EXECUTIVE OFFICER FOR USE IN THE DIRECTOR'S ANNUAL EVALUATION.

(b) THE DIRECTOR'S RESPONSIBILITIES INCLUDE MANAGING THE INSTITUTE'S BUDGET, OVERSIGHT OF THE INSTITUTE'S EMPLOYEES, IMPLEMENTING THE RESEARCH FUNDING PROCESS, AND DELIVERING THE ANNUAL SYMPOSIUM. THE ANNUAL SYMPOSIUM SHALL SERVE AS THE MAIN METHOD OF SCIENTIFIC DISSEMINATION OF RESEARCH AND TRAINING PROJECTS.

(6) (a) THE DIRECTOR OF THE INSTITUTE SHALL ANNUALLY PRODUCE A REPORT FOR THE JOINT BUDGET COMMITTEE AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, THAT INCLUDES THE FOLLOWING INFORMATION:

(I) A DESCRIPTION OF THE RESEARCH FUNDED THROUGH THE INSTITUTE IN THE PREVIOUS YEAR; AND

(II) AN ACCOUNTING OF THE INSTITUTE'S SPENDING FOR THE PREVIOUS YEAR.

(b) THE GOVERNING BOARD SHALL PRODUCE AN ANNUAL REPORT. THE GOVERNING BOARD SHALL COMMENT ON THE ANNUAL REPORT TO ADVISE THE GENERAL ASSEMBLY ON THE EFFICACY OF THE INSTITUTE AND SHALL THEN SUBMIT THE ANNUAL REPORT TO THE JOINT TECHNOLOGY COMMITTEE.

(c) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENTS PURSUANT TO THIS SUBSECTION (6) CONTINUE INDEFINITELY.

(7) (a) THE INSTITUTE'S HOST INSTITUTION MAY OPT OUT OF THE MANAGEMENT OF THE INSTITUTE BY:

(I) PROVIDING AT LEAST ONE FISCAL YEAR'S NOTICE TO THE GOVERNING BOARD, JOINT BUDGET COMMITTEE, AND THE EDUCATION COMMITTEES OF THE HOUSE OF

REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES; AND

(II) SUPPORTING THE INSTITUTE DURING THE TRANSITION YEAR, DURING WHICH TIME THE GOVERNING BOARD SHALL CONDUCT AN OPEN SEARCH FOR A COLORADO NOT-FOR-PROFIT RESEARCH ENTITY OR INSTITUTION OF HIGHER EDUCATION WISHING TO HOST THE INSTITUTE.

(b) THE GOVERNING BOARD SHALL NOTIFY THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, IF IT DETERMINES THAT THE HOST INSTITUTION SHOULD BE CHANGED AND THE INSTITUTE RELOCATED. IF THE HOST INSTITUTION IS TO BE CHANGED AND THE INSTITUTE RELOCATED, THE GOVERNING BOARD SHALL CONDUCT A SEARCH USING NATIONAL BEST PRACTICES AND COMPLETE THE TRANSITION IN ONE FISCAL YEAR. THE HOST INSTITUTION SHALL CONTINUE TO SUPPORT THE INSTITUTE DURING THE TRANSITION. A NEW HOST INSTITUTION MUST HOST THE INSTITUTE FOR AT LEAST FIVE YEARS BEFORE ANY SUBSEQUENT RELOCATION UNLESS THERE IS REASONABLE CAUSE TO CHANGE THE HOST INSTITUTION BEFORE THE FIVE-YEAR PERIOD HAS ELAPSED.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 27, 2022