

CHAPTER 53

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 08-1026

BY REPRESENTATIVE(S) Fischer, Kefalas, McGihon, Solano, Levy, Butcher, Carroll M., Borodkin, Curry, Frangas, Gagliardi, Gallegos, Green, Labuda, Marostica, Massey, McFadyen, Merrifield, Pommer, and Scanlan;
also SENATOR(S) Schwartz, Bacon, Tochtrop, and Williams.

AN ACT

CONCERNING THE COLORADO WATER RESOURCES RESEARCH INSTITUTE, AND, IN CONNECTION THEREWITH, CHANGING THE NAME OF THE INSTITUTE TO THE COLORADO WATER INSTITUTE, EXPANDING THE DUTIES OF THE INSTITUTE, AND AUTHORIZING THE INSTITUTE AS A CONTRACTING ENTITY FOR WATER RESEARCH.

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

SECTION 1. 23-31-801, Colorado Revised Statutes, is amended to read:

23-31-801. Colorado water institute - creation. (1) There is hereby created the Colorado water ~~resources research~~ institute, referred to in this part 8 as the "institute", for the FOLLOWING purposes:

(a) ~~of~~ Developing, implementing, and coordinating water and water-related research programs ~~in the state~~ IN COLLABORATION WITH OTHER STATE INSTITUTIONS OF HIGHER EDUCATION and transferring the results of research and new technologies to potential users;

(b) CREATING AND OPERATING A WATER RESEARCH INFORMATION AND EDUCATION CENTER AS A STATEWIDE CLEARINGHOUSE AND ARCHIVE FOR WATER RESOURCES, WATER QUALITY, AND WATER-RELATED POLICY ISSUES, INCLUDING THE TRAINING OF FUTURE GENERATIONS OF WATER SCIENTISTS, MANAGERS, PLANNERS, AND EDUCATORS; AND

(c) CONDUCTING SCIENTIFIC RESEARCH AND POLICY ANALYSIS IN AREAS INCLUDING, BUT NOT LIMITED TO, WATER DEVELOPMENT AND STORAGE AND SURFACE WATER AND GROUND WATER HYDROLOGY, WATER RESOURCES MANAGEMENT, WATER QUALITY AND AQUATIC HABITAT MANAGEMENT AND

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

PROTECTION, WATER HISTORY AND PALEOHYDROLOGY, DROUGHT PLANNING AND MITIGATION, AND CLIMATE CHANGE AND ADAPTATION.

(2) The institute shall be a unit of the Colorado state university under the supervision and control of the university's administration and the board of governors of the Colorado state university system.

(3) The principal administrative officer of the institute shall be a director, who shall be appointed by the president of the Colorado state university with the approval of the board of governors of the Colorado state university system and who shall be under the direct supervision of the president of Colorado state university or a vice-president thereof designated by the president. To meet the purposes of the institute, the director, with the advice of the advisory committee established pursuant to section 23-31-802, shall develop appropriate policies and procedures for identification of priority research problems; for collaborating with water MANAGERS AND user associations, DROUGHT AND CLIMATE CHANGE PLANNING ORGANIZATIONS, other universities, federal, state, and local government agencies, and the general assembly in the formulation of its research program; for selection of projects to be funded; and for the dissemination of information and transfer of technology ~~which~~ THAT is produced by the research.

(4) It is the duty of the institute to:

(a) Consult with state and local government agencies, water MANAGERS AND user associations, DROUGHT AND CLIMATE CHANGE PLANNING ORGANIZATIONS, WATER QUALITY PLANNING ORGANIZATIONS, the general assembly, and other potential users of research in identifying and prioritizing ~~water problems for research~~ THE STATE'S WATER SCIENTIFIC AND POLICY-RELATED RESEARCH NEEDS;

(b) Negotiate and administer contracts with other ~~universities~~ STATE INSTITUTIONS of ~~the state~~ HIGHER EDUCATION for the conduct of research projects;

(c) Disseminate new information and facilitate transfer and application of new technologies as they are developed;

(d) Provide for liaison between Colorado and the federal research funding agencies as an advocate for ~~Colorado~~ COLORADO'S water research needs;

(e) Facilitate and stimulate SCIENTIFIC research AND POLICY ANALYSIS that:

(I) Deals with policy issues facing the general assembly;

(II) Supports state water, PUBLIC HEALTH, AND WATER QUALITY PROTECTION agencies' missions with WATER research on WATER-RELATED problems encountered and expected, INCLUDING BUT NOT LIMITED TO THE EFFECTS OF CLIMATE CHANGE ON WATER QUALITY, WATER AVAILABILITY, RUN-OFF TIMING, DROUGHT PLANNING, AND FUTURE COMPACT COMPLIANCE;

(III) Provides water planning and management organizations with tools to increase efficiency and effectiveness of water planning and management;

(IV) ENGAGES AND TRAINS FUTURE GENERATIONS OF THE STATE'S WATER PROFESSIONALS AND EDUCATORS; AND

(V) EXAMINES THE INTERCONNECTIONS BETWEEN CLIMATE CHANGE, WATER SUPPLY, AND WATER QUALITY AND PROVIDES TOOLS NEEDED BY WATER MANAGERS AND POLICYMAKERS FOR ADAPTING TO GLOBAL CLIMATE CHANGE;

(f) ESTABLISH AND MAINTAIN A CLEARINGHOUSE AND ARCHIVE OF WATER RESEARCH, WATER QUALITY, AND CLIMATE PROJECTION DATA.

(5) The institute is authorized to employ such professional, clerical, and other personnel needed to carry out the provisions of this part 8.

(6) The institute is authorized to expend state funds appropriated by the general assembly for cost-sharing on projects funded with federal or private moneys.

(7) STATE FUNDS GRANTED, APPROPRIATED, OR OTHERWISE MADE AVAILABLE FOR WATER RESEARCH CONDUCTED AT THE STATE'S INSTITUTIONS OF HIGHER EDUCATION MAY PASS THROUGH THE ADMINISTRATIVE CONTROL OF THE INSTITUTE IF THE GRANT, APPROPRIATION, OR OTHER FUNDING DOCUMENT SO SPECIFIES. IF PARTICULAR FUNDS ARE SO RESTRICTED, THE INSTITUTE MAY SERVE AS AN ADMINISTRATIVE ENTITY OF SUCH FUNDS FOR STATE AGENCIES THAT SEEK TO UTILIZE COLORADO UNIVERSITIES OR COLLEGES FOR WATER RESEARCH. AS SUCH, THE INSTITUTE SHALL HAVE THE POWER TO ACCEPT GRANTS, DONATIONS, APPROPRIATIONS, AND OTHER FUNDING FROM ANY ENTITY. THE INSTITUTE MAY PROVIDE OVERSIGHT FOR SUCH FUNDING BY ENSURING RESEARCH PROJECTS COMMENCE AND ARE COMPLETED WITHIN THE SCOPE OF AGREEMENTS, INVOICES, CONTRACTS, PURCHASE ORDERS, INTERGOVERNMENTAL AGREEMENTS, OR OTHER FISCAL DEVICES USED TO FUND RESEARCH. THE INSTITUTE IS AUTHORIZED TO ASSESS A FEE TO IMPLEMENT ITS ADMINISTRATIVE AUTHORITY. SUCH FEE MAY NOT EXCEED TWENTY PERCENT OF THE TOTAL COST OF THE PROJECT BEING ADMINISTERED BY THE INSTITUTE. THE ADVISORY COMMITTEE CREATED IN SECTION 23-31-802 SHALL ANNUALLY REVIEW AND ESTABLISH THE ADMINISTRATION FEE.

SECTION 2. 23-31-802, Colorado Revised Statutes, is amended to read:

23-31-802. Advisory committee on water research policy. (1) There is hereby created the advisory committee on water research policy, ~~that~~ WHICH shall consist of at least ~~ten~~ ELEVEN members. EIGHT OF THE MEMBERS SHALL BE appointed by the director of the institute. THE REMAINING MEMBERS SHALL BE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES, AND THE COMMISSIONER OF AGRICULTURE, OR THEIR DESIGNEES.

(2) APPOINTED members of the advisory committee shall serve terms of four years. Members shall serve without compensation and are not entitled to reimbursement of expenses incurred in the performance of their duties.

(3) The advisory committee shall recommend policy guidelines for implementing the functions of the institute; SHALL CONFER WITH STATE GOVERNMENTAL AGENCIES, NONGOVERNMENTAL AGENCIES, AND STATE INSTITUTIONS OF HIGHER EDUCATION TO

SET COLORADO'S WATER RESEARCH PRIORITIES; and shall evaluate the programs of the institute. The advisory committee shall also advise and counsel the director of the institute and shall make recommendations to assist the director in carrying out the purposes of this part 8.

SECTION 3. 23-31-803, Colorado Revised Statutes, is amended to read:

23-31-803. Water research fund. (1) There is hereby established in the state treasury the water research fund, referred to in this part 8 as the "fund". The fund shall consist of FEES RECEIVED BY THE INSTITUTE PURSUANT TO SECTION 23-31-801 (7) AND gifts, grants, and donations accepted by the institute. The moneys in the fund are hereby continuously appropriated to the institute, and the institute may expend moneys from the fund for any purpose consistent with this article. Any interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund.

(2) ~~It is the intent of the general assembly that no general fund dollars be appropriated for the water resources research institute.~~

SECTION 4. 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: March 20, 2008