

**Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 08-0500.01 Thomas Morris

**HOUSE BILL 08-1026**

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**HOUSE SPONSORSHIP**

**Fischer**, Kefalas, McGihon, Solano, Levy, Butcher, and Carroll M.

**SENATE SPONSORSHIP**

**Schwartz**,

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**House Committees**

Agriculture, Livestock, & Natural Resources

**Senate Committees**

Agriculture, Natural Resources & Energy

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**A BILL FOR AN ACT**

101     **CONCERNING THE COLORADO WATER RESOURCES RESEARCH**  
102             **INSTITUTE, AND, IN CONNECTION THEREWITH, CHANGING THE**  
103             **NAME OF THE INSTITUTE TO THE COLORADO WATER INSTITUTE,**  
104             **EXPANDING THE DUTIES OF THE INSTITUTE, AND AUTHORIZING**  
105             **THE INSTITUTE AS A CONTRACTING ENTITY FOR WATER**  
106             **RESEARCH.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Changes the name of the Colorado water resources research institute to the Colorado water institute (institute). Expands the purposes

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.*

SENATE  
3rd Reading Unam ended  
February 27, 2008

SENATE  
Am ended 2nd Reading  
February 25, 2008

HOUSE  
3rd Reading Unam ended  
January 24, 2008

HOUSE  
Am ended 2nd Reading  
January 23, 2008

and duties of the institute. Authorizes state funds made available for water research to pass through the fiscal control of the institute. Authorizes the institute to assess an administrative fee not to exceed 20% of the total cost of the project being administered by the institute.

Designates the executive directors of the departments of natural resources and public health and environment as members of the advisory committee on water research policy. Repeals the limitation of the use of the general fund for the institute.

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

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

4 **23-31-801. Colorado water institute - creation.** (1) There is  
5 hereby created the Colorado water ~~resources research~~ institute, referred  
6 to in this part 8 as the "institute", for the FOLLOWING purposes:

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

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

16 (c) CONDUCTING SCIENTIFIC RESEARCH AND POLICY ANALYSIS IN  
17 AREAS INCLUDING, BUT NOT LIMITED TO, WATER DEVELOPMENT AND  
18 STORAGE AND SURFACE WATER AND GROUND WATER HYDROLOGY, WATER  
19 RESOURCES MANAGEMENT, WATER QUALITY AND AQUATIC HABITAT  
20 MANAGEMENT AND PROTECTION, WATER HISTORY AND PALEOHYDROLOGY,  
21 DROUGHT PLANNING AND MITIGATION, AND CLIMATE CHANGE AND

1 ADAPTATION.

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

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

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

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

27 (b) Negotiate and administer contracts with other universities

1 STATE INSTITUTIONS of ~~the state~~ HIGHER EDUCATION for the conduct of  
2 research projects;

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

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

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

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

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

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

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

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

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

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

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

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

27           **SECTION 2.** 23-31-802, Colorado Revised Statutes, is amended

1 to read:

2 **23-31-802. Advisory committee on water research policy.**

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

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

14 (3) The advisory committee shall recommend policy guidelines for  
15 implementing the functions of the institute; SHALL CONFER WITH STATE  
16 GOVERNMENTAL AGENCIES, NONGOVERNMENTAL AGENCIES, AND STATE  
17 INSTITUTIONS OF HIGHER EDUCATION TO SET COLORADO'S WATER  
18 RESEARCH PRIORITIES; and shall evaluate the programs of the institute.  
19 The advisory committee shall also advise and counsel the director of the  
20 institute and shall make recommendations to assist the director in carrying  
21 out the purposes of this part 8.

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

24 **23-31-803. Water research fund.** (1) There is hereby  
25 established in the state treasury the water research fund, referred to in this  
26 part 8 as the "fund". The fund shall consist of FEES RECEIVED BY THE  
27 INSTITUTE PURSUANT TO SECTION 23-31-801 (7) AND gifts, grants, and

1 donations accepted by the institute. The moneys in the fund are hereby  
2 continuously appropriated to the institute, and the institute may expend  
3 moneys from the fund for any purpose consistent with this article. Any  
4 interest derived from the deposit and investment of moneys in the fund  
5 shall be credited to the fund. At the end of any fiscal year, all  
6 unexpended and unencumbered moneys in the fund shall remain therein  
7 and shall not be credited or transferred to the general fund or any other  
8 fund.

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

11 **SECTION 4. Safety clause.** The general assembly hereby finds,  
12 determines, and declares that this act is necessary for the immediate  
13 preservation of the public peace, health, and safety.