

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 22-0998.01 Jessica Herrera x4218

HOUSE BILL 22-1365

HOUSE SPONSORSHIP

Esgar, Bernett, Bird, Duran, Gonzales-Gutierrez, Hooton, Jodeh, Kipp, Lindsay, Ricks, Valdez A., Valdez D.

SENATE SPONSORSHIP

Hinrichsen, Bridges, Donovan, Fenberg, Moreno, Simpson, Story

House Committees
Education

Senate Committees
Transportation & Energy

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE SOUTHERN COLORADO INSTITUTE**
102 **OF TRANSPORTATION TECHNOLOGY AT COLORADO STATE**
103 **UNIVERSITY - PUEBLO.**

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 creates the southern Colorado institute of transportation technology (institute) at Colorado state university - Pueblo, which is designated as the host institution for the institute, and specifies that the role and mission of the institute is to conduct research related to the safety, security, and innovation of railroad, ground, and intermodal

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
May 5, 2022

SENATE
Amended 2nd Reading
May 4, 2022

HOUSE
3rd Reading Unamended
April 27, 2022

HOUSE
Amended 2nd Reading
April 26, 2022

transportation and general issues related to surface transportation problems in the state. The institute must also support government and academic surface transportation related research and serve as a competitive funding resource for small Colorado businesses developing and testing surface transportation technologies.

The bill also:

- Establishes a governing board for the institute, requires the institute to have a director, and specifies the powers and duties of the governing board and the director;
- Requires the institute to annually report to the joint budget committee and education committee of the general assembly; and
- Specifies a process by which Colorado state university - Pueblo may opt out of being the host institution for the institute.

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

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

4 **23-31.5-113. Southern Colorado institute of transportation**
5 **technology - governing board - powers and duties - report -**
6 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
7 OTHERWISE REQUIRES:

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

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

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

1 SECTION.

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3 (2) (a) THE SOUTHERN COLORADO INSTITUTE OF TRANSPORTATION
4 TECHNOLOGY IS HEREBY CREATED, TO BE LOCATED AT COLORADO STATE
5 UNIVERSITY - PUEBLO, THE HOST INSTITUTION, UNLESS A RELOCATION
6 OCCURS PURSUANT TO SUBSECTION (7) OF THIS SECTION. THE INSTITUTE
7 SHALL BE ADMINISTERED BY THE GOVERNING BOARD OF THE INSTITUTE
8 CREATED IN SUBSECTION (3) OF THIS SECTION.

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

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

1 AND RELATED RESEARCH.

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

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

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

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

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

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

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

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

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

27 (c) THE GOVERNING BOARD SHALL OVERSEE AND GUIDE THE ROLE

1 AND MISSION OF THE INSTITUTE. THE GOVERNING BOARD SHALL DIRECT
2 THE SPENDING OF ANY MONEY RECEIVED BY THE INSTITUTE.

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

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

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

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

19 (b) THE INSTITUTE MAY SEEK, ACCEPT, AND EXPEND GIFTS,
20 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
21 PURPOSES OF THIS SECTION. THE INSTITUTE MAY RECEIVE AND DISBURSE
22 OTHER REVENUE GENERATED BY THE INSTITUTE, INCLUDING ANY FEES OR
23 INTEREST EARNED ON THE MONEY AND REVENUE GENERATED FROM THE
24 SALE OR LICENSE OF INTELLECTUAL PROPERTY AS APPROVED BY THE
25 GOVERNING BOARD. THE GOVERNING BOARD MAY SOLICIT, ACCEPT,
26 EXPEND, AND DISBURSE ALL MONEY COLLECTED FOR THE INSTITUTE FROM
27 THE SOURCES SPECIFIED IN THIS SUBSECTION (4)(b) TO CONDUCT

1 RESEARCH AND TRAINING RELATED TO TRANSPORTATION TECHNOLOGY
2 AND TO DISSEMINATE THE RESULTS OF SUCH RESEARCH PUBLICLY,
3 CONSISTENT WITH THE ROLE AND MISSION OF THE INSTITUTE.

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

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

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

10 (II) MAY AWARD RESEARCH FUNDS TO:

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

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

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

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

27 (5) (a) THE CHIEF EXECUTIVE OFFICER OF THE HOST INSTITUTION

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

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

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

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

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

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

27 (c) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136

1 (11)(a)(I), THE REPORTING REQUIREMENTS PURSUANT TO THIS SUBSECTION
2 (6) CONTINUE INDEFINITELY.

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

5 (I) PROVIDING AT LEAST ONE FISCAL YEAR'S NOTICE TO THE
6 GOVERNING BOARD, JOINT BUDGET COMMITTEE, AND THE EDUCATION
7 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR
8 ANY SUCCESSOR COMMITTEES; AND

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

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

25 **SECTION 2. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V
2 of the state constitution against this act or an item, section, or part of this
3 act within such period, then the act, item, section, or part will not take
4 effect unless approved by the people at the general election to be held in
5 November 2022 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.