

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 09-0332.01 Richard Sweetman

SENATE BILL 09-031

SENATE SPONSORSHIP

Heath,

HOUSE SPONSORSHIP

Riesberg,

Senate Committees
Local Government and Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE CLEAN TECHNOLOGY DISCOVERY**
102 **EVALUATION GRANT PROGRAM.**

Bill Summary

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

Creates the clean technology discovery evaluation grant program (program) in the Colorado office of economic development (office) for the purpose of improving and expanding the development of new clean technology discoveries at higher education research institutions (research institutions). Requires the office to administer the program and the director of the office to consult with a Colorado-based clean technology industry association in implementing the program.

1 COLORADO-BASED CLEAN TECHNOLOGY.

2 (2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
3 OTHERWISE REQUIRES:

4 (a) "CLEAN TECHNOLOGY RESEARCH" MEANS BASIC OR APPLIED
5 RESEARCH THAT LEADS TO THE DEVELOPMENT OF:

6 (I) RENEWABLE ENERGY GENERATION TECHNOLOGIES, INCLUDING
7 BUT NOT LIMITED TO SOLAR, WIND, BIOFUEL, AND GEOTHERMAL
8 ENERGY-GENERATION TECHNOLOGIES;

9 (II) PRODUCTS AND TECHNOLOGIES USED IN RENEWABLE ENERGY
10 DEPLOYMENT AND GENERATION ON A COMMERCIAL SCALE;

11 (III) PRODUCTS AND TECHNOLOGIES THAT ENHANCE THE EFFICIENT
12 STORAGE, DISTRIBUTION, AND CONSUMPTION OF ENERGY; OR

13 (IV) PRODUCTS AND TECHNOLOGIES THAT MITIGATE HUMAN
14 IMPACT ON THE ENVIRONMENT, INCLUDING BUT NOT LIMITED TO PRODUCTS
15 AND TECHNOLOGIES THAT FACILITATE THE MANAGEMENT OF GREENHOUSE
16 GASES, WATER, AND WASTE.

17 (b) "DIRECTOR" MEANS THE DIRECTOR OF THE COLORADO OFFICE
18 OF ECONOMIC DEVELOPMENT CREATED IN SECTION 24-48.5-101.

19 (c) "FUND" MEANS THE CLEAN TECHNOLOGY DISCOVERY
20 EVALUATION CASH FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

21 (d) "OFFICE OF TECHNOLOGY TRANSFER" MEANS AN OFFICE THAT
22 IS AFFILIATED WITH A RESEARCH INSTITUTION AND THAT IS RESPONSIBLE
23 FOR TECHNOLOGY TRANSFER AND THAT ARRANGES FOR THE SALE OR
24 LICENSURE OF A CLEAN TECHNOLOGY RESEARCH PROJECT TO AN OUTSIDE
25 ENTITY.

26 (e) "PROGRAM" MEANS THE CLEAN TECHNOLOGY DISCOVERY
27 EVALUATION GRANT PROGRAM CREATED IN SUBSECTION (3) OF THIS

1 LIKELY TO LEAD TO IMPROVEMENTS IN ANY OF THE FOLLOWING: EXISTING
2 OR NEW RENEWABLE ENERGY-GENERATION TECHNOLOGIES, INCLUDING
3 BUT NOT LIMITED TO SOLAR, WIND, BIOFUEL, AND GEOTHERMAL
4 ENERGY-GENERATION TECHNOLOGIES; PRODUCTS AND TECHNOLOGIES
5 USED IN RENEWABLE ENERGY DEPLOYMENT AND GENERATION ON A
6 COMMERCIAL SCALE; PRODUCTS AND TECHNOLOGIES THAT ENHANCE THE
7 EFFICIENT STORAGE, DISTRIBUTION, AND CONSUMPTION OF ENERGY; OR
8 PRODUCTS AND TECHNOLOGIES THAT MITIGATE HUMAN IMPACT ON THE
9 ENVIRONMENT, INCLUDING BUT NOT LIMITED TO PRODUCTS AND
10 TECHNOLOGIES THAT FACILITATE THE MANAGEMENT OF GREENHOUSE
11 GASES, WATER, AND WASTE;

12 (B) THE CLEAN TECHNOLOGY RESEARCH PROJECT FOCUSES ON AN
13 AREA OF SCIENCE, INCLUDING BUT NOT LIMITED TO ENGINEERING,
14 NANOTECHNOLOGY, AGRICULTURAL SCIENCE, COMPUTER SCIENCE,
15 NATURAL SCIENCE, AND PHYSICAL SCIENCE;

16 (C) A RESEARCH INSTITUTION OR MULTIPLE RESEARCH
17 INSTITUTIONS HAVE OWNERSHIP OF THE INTELLECTUAL PROPERTY THAT
18 RESULTS FROM THE CLEAN TECHNOLOGY RESEARCH PROJECT;

19 (D) THE INTELLECTUAL PROPERTY RESULTING FROM THE CLEAN
20 TECHNOLOGY RESEARCH PROJECT IS NOT OBLIGATED TO A PRIVATE
21 ENTITY; AND

22 (E) THE RESEARCH INSTITUTION CONDUCTING THE CLEAN
23 TECHNOLOGY RESEARCH PROJECT CERTIFIES THAT A DISCLOSURE
24 STATEMENT CONCERNING THE TECHNOLOGY THAT IS THE SUBJECT OF THE
25 RESEARCH PROJECT HAS BEEN FILED PURSUANT TO THE REQUIREMENTS OF
26 THE RESEARCH INSTITUTION.

27 (II) EVIDENCE OF A DEDICATED, MATCHING SOURCE OF MONEYS

1 REQUIRES, AT A MINIMUM, EACH OFFICE OF TECHNOLOGY TRANSFER THAT
2 RECEIVES A GRANT UNDER THE PROGRAM OR ITS DESIGNEE TO PRESENT ITS
3 CLEAN TECHNOLOGY RESEARCH PROJECT TO ELEMENTARY AND
4 SECONDARY SCHOOL SCIENCE TEACHERS WHO ARE EMPLOYED IN THE
5 GEOGRAPHIC REGION IN WHICH THE TECHNOLOGY IS BEING DEVELOPED.

6 (b) ON OR BEFORE APRIL 15, 2010, AND ON OR BEFORE APRIL 15
7 EACH YEAR THEREAFTER, THE DIRECTOR SHALL SUBMIT A REPORT TO THE
8 BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE OF
9 REPRESENTATIVES AND THE BUSINESS, LABOR, AND TECHNOLOGY
10 COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES,
11 SUMMARIZING THE CLEAN TECHNOLOGY RESEARCH PROJECTS THAT
12 RECEIVED FUNDING UNDER THE PROGRAM IN THE PRECEDING YEAR. AT A
13 MINIMUM, THE REPORT SHALL SPECIFY THE FOLLOWING INFORMATION:

14 (I) THE AMOUNT OF FUNDING DISTRIBUTED TO EACH CLEAN
15 TECHNOLOGY RESEARCH PROJECT FROM THE PROGRAM AND A
16 DESCRIPTION OF EACH CLEAN TECHNOLOGY RESEARCH PROJECT;

17 (II) THE MANNER IN WHICH EACH CLEAN TECHNOLOGY RESEARCH
18 PROJECT APPLIED THE FUNDING RECEIVED FROM THE PROGRAM; AND

19 (III) THE RESULTS ACHIEVED BY EACH CLEAN TECHNOLOGY
20 RESEARCH PROJECT, INCLUDING BUT NOT LIMITED TO:

21 (A) IDENTIFIABLE MONETARY RETURNS TO THE GRANT RECIPIENT
22 AND OTHER PARTIES SINCE THE RECEIPT OF THE GRANT; AND

23 (B) THE NUMBER OF JOBS THAT HAVE DIRECTLY AND INDIRECTLY
24 RESULTED FROM THE RESEARCH PROJECT.

25 (5) **Fund.** (a) THERE IS HEREBY CREATED IN THE STATE
26 TREASURY THE CLEAN TECHNOLOGY DISCOVERY EVALUATION CASH FUND
27 THAT SHALL CONSIST OF MONEYS THAT ARE TRANSFERRED TO THE FUND

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

Date

Committee on Local Government and Energy.

After consideration on the merits, the Committee recommends the following:

SB09-031 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute the following:

3 "SECTION 1. Article 48.5 of title 24, Colorado Revised Statutes,
4 is amended BY THE ADDITION OF A NEW SECTION to read:

5 **24-48.5-111. Clean technology discovery evaluation grant**
6 **program - clean technology research - definitions - evaluation - fund**
7 **- repeal. (1) Legislative declaration. (a) THE GENERAL ASSEMBLY**
8 **FINDS THAT:**

9 (I) ADDITIONAL RESOURCES ARE NEEDED TO ASSIST IN IMPROVING
10 AND ACCELERATING THE EVALUATION PROCESS FOR CLEAN TECHNOLOGY
11 RESEARCH DISCOVERIES TO DETERMINE THE BEST DISPOSITION OF THESE
12 DISCOVERIES;

13 (II) THE PROCESS OF ADVANCING CLEAN TECHNOLOGY RESEARCH
14 DISCOVERIES TOWARD COMMERCIALIZATION NEEDS TO BE ACCELERATED
15 TO SUPPORT THE DEVELOPMENT OF NEW CLEAN TECHNOLOGY PRODUCTS
16 AND SERVICES IN COLORADO; _____

17 (III) THE DEVELOPMENT OF PRODUCTS AND SERVICES FROM CLEAN
18 TECHNOLOGY RESEARCH DISCOVERIES THAT ORIGINATE IN COLORADO'S
19 RESEARCH INSTITUTIONS WILL CREATE NEW CLEAN TECHNOLOGY
20 COMPANIES AND ADDITIONAL PRIMARY JOBS IN COLORADO; AND



1 (e) "EARLY-STAGE CLEAN TECHNOLOGY COMPANY" MEANS A
2 CLEAN TECHNOLOGY COMPANY THAT:

3 (I) HAS RECEIVED LESS THAN FIVE MILLION DOLLARS FROM
4 GRANTS AND THIRD-PARTY INVESTORS;

5 (II) EMPLOYS TWENTY OR FEWER PERSONS; AND

6 (III) HAS ITS HEADQUARTERS LOCATED IN COLORADO.

7 (f) "FUND" MEANS THE CLEAN TECHNOLOGY DISCOVERY
8 EVALUATION CASH FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

9 (g) "OFFICE OF TECHNOLOGY TRANSFER" MEANS AN OFFICE THAT
10 IS AFFILIATED WITH A RESEARCH INSTITUTION AND THAT IS RESPONSIBLE
11 FOR TECHNOLOGY TRANSFER AND THAT ARRANGES FOR THE SALE OR
12 LICENSURE OF A CLEAN TECHNOLOGY RESEARCH PROJECT TO A PRIVATE
13 ENTITY.

14 (h) "PROGRAM" MEANS THE CLEAN TECHNOLOGY DISCOVERY
15 EVALUATION GRANT PROGRAM CREATED IN SUBSECTION (3) OF THIS
16 SECTION.

17 (i) "RESEARCH INSTITUTION" MEANS A PUBLIC OR PRIVATE,
18 NONPROFIT INSTITUTION OF HIGHER EDUCATION LOCATED AND OPERATING
19 IN COLORADO.

20 **(3) Program.** (a) THERE IS HEREBY CREATED IN THE COLORADO
21 OFFICE OF ECONOMIC DEVELOPMENT THE CLEAN TECHNOLOGY DISCOVERY
22 EVALUATION GRANT PROGRAM FOR THE PURPOSE OF IMPROVING AND
23 EXPANDING THE DEVELOPMENT OF CLEAN TECHNOLOGY DISCOVERIES
24 WITH THE INTENT OF ACCELERATING THE DEVELOPMENT OF NEW CLEAN
25 TECHNOLOGY PRODUCTS AND SERVICES. THE COLORADO OFFICE OF
26 ECONOMIC DEVELOPMENT SHALL ADMINISTER THE PROGRAM. THE
27 DIRECTOR SHALL CONSULT WITH A COLORADO-BASED CLEAN
28 TECHNOLOGY INDUSTRY ASSOCIATION IN IMPLEMENTING THE PROGRAM,
29 WHICH IMPLEMENTATION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO,
30 REVIEWING PROGRAM GRANT APPLICATIONS AND MONITORING AND
31 EVALUATING THE GRANTEES AND THE CLEAN TECHNOLOGY RESEARCH
32 PROJECTS.



1 SHALL SUBMIT TO THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT
2 ALL OF THE FOLLOWING:

3 (I) A DESCRIPTION OF A CLEAN TECHNOLOGY RESEARCH PROJECT
4 THAT IS LIKELY TO LEAD TO COMMERCIALIZATION OF ONE OR MORE CLEAN
5 TECHNOLOGY PRODUCTS OR SERVICES;

6 (II) EVIDENCE OF A DEDICATED, MATCHING SOURCE OF MONEYS
7 THAT IS AT LEAST EQUAL TO THE AMOUNT APPLIED FOR UNDER THE
8 PROGRAM; _____

9 (III) AN ANALYSIS DEMONSTRATING THAT THE SCOPE OF THE
10 PROJECT FOR WHICH THE OFFICE OF TECHNOLOGY TRANSFER IS APPLYING
11 FOR A GRANT IS SUFFICIENT TO DETERMINE THE MOST PRODUCTIVE
12 DISPOSITION OF THE CLEAN TECHNOLOGY PRODUCTS OR SERVICES THAT
13 RESULTS FROM THE PROJECT.

14 (f) IN APPLYING FOR A GRANT FROM THE PROGRAM FOR A
15 COMMERCIALIZATION PURPOSE THAT IS DESCRIBED IN SUBPARAGRAPH (II)
16 OF PARAGRAPH (c) OF THIS SUBSECTION (3), AN EARLY-STAGE CLEAN
17 TECHNOLOGY COMPANY SHALL SUBMIT TO THE COLORADO OFFICE OF
18 ECONOMIC DEVELOPMENT ALL OF THE FOLLOWING:

19 (I) AN ANALYSIS DEMONSTRATING THAT THE SCOPE OF THE
20 PROJECT FOR WHICH THE EARLY-STAGE CLEAN TECHNOLOGY COMPANY IS
21 APPLYING FOR A GRANT IS SUFFICIENT TO ENHANCE THE
22 COMMERCIALIZATION OF ONE OR MORE CLEAN TECHNOLOGY PRODUCTS OR
23 SERVICES; AND

24 (II) EVIDENCE OF A DEDICATED, MATCHING SOURCE OF MONEYS
25 THAT IS AT LEAST EQUAL TO THE AMOUNT APPLIED FOR UNDER THE
26 PROGRAM, WHICH SOURCE CONSISTS ENTIRELY OF OTHER GRANTS OR
27 CONTRIBUTIONS FROM THIRD-PARTY INVESTORS.

28 (g) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DIRECTOR
29 SHALL AWARD THE GRANTS.

30 (h) A GRANT RECIPIENT SHALL USE A GRANT AWARDED UNDER THE
31 PROGRAM ONLY TO ADVANCE A NEW RESEARCH DISCOVERY TOWARD
32 COMMERCIALIZATION AND NOT TO SUPPORT BASIC RESEARCH.



1 (II) THE MANNER IN WHICH EACH CLEAN TECHNOLOGY RESEARCH
2 PROJECT AND EARLY-STAGE CLEAN TECHNOLOGY COMPANY APPLIED THE
3 FUNDING RECEIVED FROM THE PROGRAM; AND

4 (III) THE RESULTS ACHIEVED BY EACH CLEAN TECHNOLOGY
5 RESEARCH PROJECT AND EARLY-STAGE CLEAN TECHNOLOGY COMPANY,
6 INCLUDING BUT NOT LIMITED TO:

7 (A) IDENTIFIABLE MONETARY RETURNS TO THE GRANT RECIPIENT
8 AND OTHER PARTIES SINCE THE RECEIPT OF THE GRANT; AND

9 (B) THE NUMBER OF JOBS THAT HAVE DIRECTLY AND INDIRECTLY
10 RESULTED FROM THE RESEARCH PROJECT.

11 (5) **Fund.** (a) THERE IS HEREBY CREATED IN THE STATE
12 TREASURY THE CLEAN TECHNOLOGY DISCOVERY EVALUATION CASH FUND
13 THAT SHALL CONSIST OF MONEYS THAT ARE CREDITED TO THE FUND FROM
14 MONEYS COLLECTED FROM THE WASTE TIRE RECYCLING FEE PURSUANT TO
15 SECTION 25-17-202 (1) (a) (V), C.R.S. THE MONEYS IN THE FUND SHALL
16 BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO
17 THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT _____ FOR THE
18 DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF
19 THE PROGRAM. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE
20 PURPOSE OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS
21 PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE
22 INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED
23 TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
24 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN
25 THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE
26 GENERAL FUND OR ANOTHER FUND.

27 (b) THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT MAY USE
28 UP TO FIVE PERCENT OF THE MONEYS ANNUALLY APPROPRIATED FROM THE
29 FUND FOR THE ACTUAL COSTS INCURRED IN ADMINISTERING THE PROGRAM.

30 (6) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.

31 SECTION 2. 25-17-202 (1) (a), Colorado Revised Statutes, is
32 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

33 25-17-202. Waste tire recycling development fee - cash fund

