

**First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 09-0332.01 Richard Sweetman

**SENATE BILL 09-031**

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**SENATE SPONSORSHIP**

**Heath,**

**HOUSE SPONSORSHIP**

**Riesberg,**

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**Senate Committees**  
Local Government and Energy

**House Committees**

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**A BILL FOR AN ACT**

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

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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.)*

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.

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.*

Specifies that the program shall provide grants to research institutions for clean technology research projects. Specifies the eligibility criteria for the program and reporting requirements for both the grantees and the office. Creates the clean technology discovery evaluation cash fund for the costs associated with implementing and administering the program.

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

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

4 **24-48.5-111. Clean technology discovery evaluation grant**  
5 **program - clean technology research - definitions - evaluation - fund.**

6 (1) **Legislative declaration.** (a) THE GENERAL ASSEMBLY FINDS THAT:

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

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

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

19 (b) THE GENERAL ASSEMBLY, THEREFORE, DECLARES THAT IT IS IN  
20 THE BEST INTEREST OF THE STATE'S ECONOMIC GROWTH TO DEDICATE  
21 FINANCIAL RESOURCES TO FACILITATE THE DEVELOPMENT OF NEW CLEAN  
22 TECHNOLOGY RESEARCH DISCOVERIES IN COLORADO AND PROMOTE

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 SECTION.

2 (f) "RESEARCH INSTITUTION" MEANS A PUBLIC OR PRIVATE,  
3 NONPROFIT INSTITUTION OF HIGHER EDUCATION LOCATED AND OPERATING  
4 IN COLORADO.

5 (3) **Program.** (a) THERE IS HEREBY CREATED IN THE COLORADO  
6 OFFICE OF ECONOMIC DEVELOPMENT THE CLEAN TECHNOLOGY DISCOVERY  
7 EVALUATION GRANT PROGRAM FOR THE PURPOSE OF IMPROVING AND  
8 EXPANDING THE DEVELOPMENT OF CLEAN TECHNOLOGY DISCOVERIES  
9 WITH THE INTENT OF ACCELERATING THE DEVELOPMENT OF NEW  
10 PRODUCTS, TECHNOLOGIES, AND SERVICES. THE COLORADO OFFICE OF  
11 ECONOMIC DEVELOPMENT SHALL ADMINISTER THE PROGRAM. THE  
12 DIRECTOR SHALL CONSULT WITH A COLORADO-BASED CLEAN  
13 TECHNOLOGY INDUSTRY ASSOCIATION IN IMPLEMENTING THE PROGRAM,  
14 INCLUDING BUT NOT LIMITED TO REVIEWING PROGRAM GRANT  
15 APPLICATIONS AND MONITORING AND EVALUATING THE GRANTEEES AND  
16 THE CLEAN TECHNOLOGY RESEARCH PROJECTS.

17 (b) THE PROGRAM SHALL PROVIDE GRANTS TO OFFICES OF  
18 TECHNOLOGY TRANSFER IN AMOUNTS NOT EXCEEDING FIFTY THOUSAND  
19 DOLLARS PER CLEAN TECHNOLOGY RESEARCH PROJECT. THE GRANTS  
20 SHALL BE PAID FROM MONEYS APPROPRIATED TO THE FUND.

21 (c) TO BE ELIGIBLE FOR A GRANT UNDER THE PROGRAM, AN OFFICE  
22 OF TECHNOLOGY TRANSFER SHALL SUBMIT TO THE COLORADO OFFICE OF  
23 ECONOMIC DEVELOPMENT ALL OF THE FOLLOWING:

24 (I) A DESCRIPTION OF A CLEAN TECHNOLOGY RESEARCH PROJECT  
25 THAT MEETS THE FOLLOWING CRITERIA:

26 (A) THE CLEAN TECHNOLOGY RESEARCH PROJECT WILL RESULT IN  
27 A NEW CLEAN TECHNOLOGY RESEARCH OUTCOME THAT IS REASONABLY

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 THAT IS AT LEAST EQUAL TO THE AMOUNT APPLIED FOR UNDER THE  
2 PROGRAM. THE MATCHING SOURCE OF MONEYS SHALL NOT BE GENERAL  
3 FUND MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY.

4 (III) AN ANALYSIS DEMONSTRATING THAT THE SCOPE OF THE  
5 PROJECT FOR WHICH THE OFFICE OF TECHNOLOGY TRANSFER IS APPLYING  
6 FOR A GRANT IS SUFFICIENT TO DETERMINE THE MOST PRODUCTIVE  
7 DISPOSITION OF THE PRODUCT OR TECHNOLOGY THAT RESULTS FROM THE  
8 PROJECT.

9 (d) SUBJECT TO AVAILABLE APPROPRIATION, THE DIRECTOR SHALL  
10 AWARD THE GRANTS.

11 (e) A GRANT RECIPIENT SHALL USE A GRANT AWARDED UNDER THE  
12 PROGRAM ONLY TO ADVANCE A NEW RESEARCH DISCOVERY TOWARD  
13 COMMERCIALIZATION AND NOT TO SUPPORT BASIC RESEARCH.

14 (f) UPON COMPLETION OF THE RESEARCH SCOPE OF A CLEAN  
15 TECHNOLOGY RESEARCH PROJECT FOR WHICH A GRANT RECIPIENT HAS  
16 RECEIVED A GRANT AWARDED UNDER THE PROGRAM, THE OFFICE OF  
17 TECHNOLOGY TRANSFER SHALL RETURN ANY UNUSED GRANT MONEYS TO  
18 THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT. THE COLORADO  
19 OFFICE OF ECONOMIC DEVELOPMENT SHALL TRANSFER THE MONEYS TO  
20 THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE FUND.

21 (4) **Policies - reporting.** (a) ON OR BEFORE SEPTEMBER 1, 2009,  
22 THE DIRECTOR SHALL ESTABLISH POLICIES FOR THE PROGRAM THAT  
23 INCLUDE, BUT NEED NOT BE LIMITED TO:

24 (I) THE PROCEDURES AND TIMELINES BY WHICH AN OFFICE OF  
25 TECHNOLOGY TRANSFER MAY APPLY FOR A GRANT;

26 (II) CRITERIA FOR DETERMINING THE GRANT AMOUNTS; AND

27 (III) A REPORTING REQUIREMENT FOR GRANT RECIPIENTS THAT

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

1 PURSUANT TO THIS SUBSECTION (5) AND ANY MONEYS TRANSFERRED TO  
2 THE FUND PURSUANT TO PARAGRAPH (f) OF SUBSECTION (3) OF THIS  
3 SECTION. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL  
4 APPROPRIATION TO THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT  
5 BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS  
6 ASSOCIATED WITH THE IMPLEMENTATION OF THE PROGRAM. ANY MONEYS  
7 IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION MAY BE  
8 INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST  
9 AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS  
10 IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND  
11 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A  
12 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR  
13 TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

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

17 **SECTION 2. Safety clause.** The general assembly hereby finds,  
18 determines, and declares that this act is necessary for the immediate  
19 preservation of the public peace, health, and safety.