

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

REVISED

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

LLS NO. 09-0332.01 Richard Sweetman

SENATE BILL 09-031

SENATE SPONSORSHIP

Heath,

HOUSE SPONSORSHIP

Riesberg,

Senate Committees

Local Government and Energy
Appropriations

House Committees

Transportation & Energy

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.

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.

HOUSE
Am ended 2nd Reading
April 3, 2009

SENATE
3rd Reading Unam ended
February 25, 2009

SENATE
Am ended 2nd Reading
February 24, 2009

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.

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 - repeal. (1) Legislative declaration. (a) THE GENERAL ASSEMBLY
7 FINDS THAT:

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

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

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

20 (IV) THE STATE SHOULD DEDICATE RESOURCES TO SUPPORT
21 PARTNERSHIP EFFORTS BETWEEN THE CLEAN TECHNOLOGY INDUSTRY AND
22 RESEARCH INSTITUTIONS TO BUILD INFRASTRUCTURE THAT SUPPORTS THE

1 COMMERCIALIZATION OF CLEAN TECHNOLOGY PRODUCTS AND SERVICES.

2 (b) THE GENERAL ASSEMBLY, THEREFORE, DECLARES THAT IT IS IN
3 THE BEST INTEREST OF THE STATE'S ECONOMIC GROWTH TO DEDICATE
4 FINANCIAL RESOURCES TO FACILITATE THE DEVELOPMENT OF NEW CLEAN
5 TECHNOLOGY RESEARCH DISCOVERIES IN COLORADO AND PROMOTE
6 COLORADO-BASED CLEAN TECHNOLOGY.

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

9 (a) "CLEAN TECHNOLOGY COMPANY" MEANS A COMPANY THAT IS
10 LOCATED IN COLORADO AND PRODUCES OR DEVELOPS ONE OR MORE
11 CLEAN TECHNOLOGY PRODUCTS OR SERVICES.

12 (b) "CLEAN TECHNOLOGY PRODUCTS OR SERVICES" MEANS:

13 (I) RENEWABLE ENERGY GENERATION TECHNOLOGIES, INCLUDING
14 BUT NOT LIMITED TO SOLAR, WIND, BIOFUEL, AND GEOTHERMAL
15 ENERGY-GENERATION TECHNOLOGIES;

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

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

20 (IV) PRODUCTS AND TECHNOLOGIES THAT MITIGATE HUMAN
21 IMPACT ON THE ENVIRONMENT, INCLUDING BUT NOT LIMITED TO PRODUCTS
22 AND TECHNOLOGIES THAT FACILITATE THE MANAGEMENT OF GREENHOUSE
23 GASES, WATER, AND WASTE.

24 (c) "CLEAN TECHNOLOGY RESEARCH" MEANS BASIC OR APPLIED
25 RESEARCH THAT LEADS TO THE DEVELOPMENT OF CLEAN TECHNOLOGY
26 PRODUCTS OR SERVICES.

27 (d) "DIRECTOR" MEANS THE DIRECTOR OF THE COLORADO OFFICE

1 OF ECONOMIC DEVELOPMENT CREATED IN SECTION 24-48.5-101.

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

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

6 (II) EMPLOYS FIFTY OR FEWER PERSONS; AND

7 (III) HAS ITS HEADQUARTERS LOCATED IN COLORADO.

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

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

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

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

21 (3) **Program.** (a) THERE IS HEREBY CREATED IN THE COLORADO
22 OFFICE OF ECONOMIC DEVELOPMENT THE CLEAN TECHNOLOGY DISCOVERY
23 EVALUATION GRANT PROGRAM FOR THE PURPOSE OF IMPROVING AND
24 EXPANDING THE DEVELOPMENT OF CLEAN TECHNOLOGY DISCOVERIES
25 WITH THE INTENT OF ACCELERATING THE DEVELOPMENT OF NEW CLEAN
26 TECHNOLOGY PRODUCTS AND SERVICES. THE COLORADO OFFICE OF
27 ECONOMIC DEVELOPMENT SHALL ADMINISTER THE PROGRAM. THE

1 DIRECTOR SHALL CONSULT WITH A COLORADO-BASED CLEAN
2 TECHNOLOGY INDUSTRY ASSOCIATION IN IMPLEMENTING THE PROGRAM,
3 WHICH IMPLEMENTATION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO,
4 REVIEWING PROGRAM GRANT APPLICATIONS AND MONITORING AND
5 EVALUATING THE GRANTEES AND THE CLEAN TECHNOLOGY RESEARCH
6 PROJECTS.

7 (b) THE PROGRAM SHALL PROVIDE GRANTS TO OFFICES OF
8 TECHNOLOGY TRANSFER, EARLY-STAGE CLEAN TECHNOLOGY COMPANIES,
9 AND PRIVATE ENTITIES. THE GRANTS SHALL BE PAID FROM MONEYS
10 APPROPRIATED TO THE FUND. THE GRANTS SHALL BE PROVIDED IN
11 AMOUNTS OF:

12 (I) NO MORE THAN FIFTY THOUSAND DOLLARS FOR EACH OFFICE OF
13 TECHNOLOGY TRANSFER THAT IS AWARDED A GRANT FOR A RESEARCH
14 PROJECT; AND

15 (II) NO MORE THAN ONE HUNDRED FIFTY THOUSAND DOLLARS FOR
16 EACH EARLY-STAGE CLEAN TECHNOLOGY COMPANY THAT IS AWARDED A
17 GRANT. THE TOTAL SUM OF MONEYS AWARDED AS GRANTS FROM THE
18 PROGRAM TO AN EARLY-STAGE CLEAN TECHNOLOGY COMPANY SHALL NOT
19 EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS.

20 (c) IN PROVIDING GRANTS TO OFFICES OF TECHNOLOGY TRANSFER
21 AND EARLY-STAGE CLEAN TECHNOLOGY COMPANIES PURSUANT TO
22 PARAGRAPH (b) OF THIS SUBSECTION (3), THE PROGRAM SHALL PROVIDE
23 THE GRANTS AS FOLLOWS:

24 (I) AT LEAST TWENTY-FIVE PERCENT OF THE MONEYS CREDITED TO
25 THE FUND SHALL BE USED TO PROVIDE GRANTS TO OFFICES OF
26 TECHNOLOGY TRANSFER FOR CLEAN TECHNOLOGY RESEARCH PROJECTS.

27 (II) AT LEAST TWENTY-FIVE PERCENT OF THE MONEYS CREDITED

1 TO THE FUND SHALL BE USED TO PROVIDE GRANTS TO EARLY-STAGE CLEAN
2 TECHNOLOGY COMPANIES.

3 (d) THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT MAY USE
4 ANY MONEYS TRANSFERRED TO THE FUND THAT ARE NOT USED TO PROVIDE
5 GRANTS AS DESCRIBED IN PARAGRAPHS (b) AND (c) OF THIS SUBSECTION
6 (3) TO SUPPORT PARTNERSHIP EFFORTS BETWEEN THE CLEAN TECHNOLOGY
7 INDUSTRY AND RESEARCH INSTITUTIONS TO BUILD AND MAINTAIN
8 INFRASTRUCTURE THAT SUPPORTS THE COMMERCIALIZATION OF CLEAN
9 TECHNOLOGY PRODUCTS OR SERVICES, WHICH INFRASTRUCTURE MAY
10 INCLUDE, BUT NEED NOT BE LIMITED TO, THE COLORADO RENEWABLE
11 ENERGY AUTHORITY CREATED IN SECTION 24-47.5-101. ■ ■ ■

12 (e) IN APPLYING FOR A GRANT UNDER THE PROGRAM FOR A CLEAN
13 TECHNOLOGY RESEARCH PROJECT, AN OFFICE OF TECHNOLOGY TRANSFER
14 SHALL SUBMIT TO THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT
15 ALL OF THE FOLLOWING:

16 (I) A DESCRIPTION OF A CLEAN TECHNOLOGY RESEARCH PROJECT
17 THAT IS LIKELY TO LEAD TO COMMERCIALIZATION OF ONE OR MORE CLEAN
18 TECHNOLOGY PRODUCTS OR SERVICES;

19 (II) EVIDENCE OF A DEDICATED, MATCHING SOURCE OF MONEYS
20 THAT IS AT LEAST EQUAL TO THE AMOUNT APPLIED FOR UNDER THE
21 PROGRAM; AND

22 (III) AN ANALYSIS DEMONSTRATING THAT THE SCOPE OF THE
23 PROJECT FOR WHICH THE OFFICE OF TECHNOLOGY TRANSFER IS APPLYING
24 FOR A GRANT IS SUFFICIENT TO DETERMINE THE MOST PRODUCTIVE
25 DISPOSITION OF THE CLEAN TECHNOLOGY PRODUCTS OR SERVICES THAT
26 RESULTS FROM THE PROJECT.

27 (f) IN APPLYING FOR A GRANT FROM THE PROGRAM FOR A

1 COMMERCIALIZATION PURPOSE THAT IS DESCRIBED IN SUBPARAGRAPH (II)
2 OF PARAGRAPH (c) OF THIS SUBSECTION (3), AN EARLY-STAGE CLEAN
3 TECHNOLOGY COMPANY SHALL SUBMIT TO THE COLORADO OFFICE OF
4 ECONOMIC DEVELOPMENT ALL OF THE FOLLOWING:

5 (I) AN ANALYSIS DEMONSTRATING THAT THE SCOPE OF THE
6 PROJECT FOR WHICH THE EARLY-STAGE CLEAN TECHNOLOGY COMPANY IS
7 APPLYING FOR A GRANT IS SUFFICIENT TO ENHANCE THE
8 COMMERCIALIZATION OF ONE OR MORE CLEAN TECHNOLOGY PRODUCTS OR
9 SERVICES; AND

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

14 (g) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DIRECTOR
15 SHALL AWARD THE GRANTS.

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

19 (i) UPON COMPLETION OF THE RESEARCH SCOPE OF A CLEAN
20 TECHNOLOGY RESEARCH PROJECT FOR WHICH A GRANT RECIPIENT HAS
21 RECEIVED A GRANT AWARDED UNDER THE PROGRAM, THE OFFICE OF
22 TECHNOLOGY TRANSFER SHALL RETURN ANY UNUSED GRANT MONEYS TO
23 THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT. THE COLORADO
24 OFFICE OF ECONOMIC DEVELOPMENT SHALL TRANSFER THE MONEYS TO
25 THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

26 (4) Policies - reporting. (a) ON OR BEFORE SEPTEMBER 1, 2009,
27 THE DIRECTOR SHALL ESTABLISH POLICIES FOR THE PROGRAM THAT

1 INCLUDE, BUT NEED NOT BE LIMITED TO:

2 (I) THE PROCEDURES AND TIMELINES BY WHICH AN OFFICE OF
3 TECHNOLOGY TRANSFER OR AN EARLY-STAGE CLEAN TECHNOLOGY
4 COMPANY MAY APPLY FOR A GRANT;

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

6 (III) A REPORTING REQUIREMENT FOR GRANT RECIPIENTS THAT
7 REQUIRES, AT A MINIMUM, EACH OFFICE OF TECHNOLOGY TRANSFER THAT
8 RECEIVES A GRANT UNDER THE PROGRAM OR ITS DESIGNEE TO PRESENT ITS
9 CLEAN TECHNOLOGY RESEARCH PROJECT TO ELEMENTARY AND
10 SECONDARY SCHOOL SCIENCE TEACHERS WHO ARE EMPLOYED IN THE
11 GEOGRAPHIC REGION IN WHICH THE CLEAN TECHNOLOGY PRODUCTS OR
12 SERVICES ARE BEING DEVELOPED.

13 (b) ON OR BEFORE APRIL 15, 2010, AND ON OR BEFORE APRIL 15
14 EACH YEAR THEREAFTER, THE DIRECTOR SHALL SUBMIT A REPORT TO THE
15 BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE OF
16 REPRESENTATIVES AND THE BUSINESS, LABOR, AND TECHNOLOGY
17 COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES,
18 SUMMARIZING THE CLEAN TECHNOLOGY RESEARCH PROJECTS AND
19 DESCRIBING THE EARLY-STAGE CLEAN TECHNOLOGY COMPANIES THAT
20 RECEIVED FUNDING UNDER THE PROGRAM IN THE PRECEDING YEAR. AT A
21 MINIMUM, THE REPORT SHALL SPECIFY THE FOLLOWING INFORMATION:

22 (I) THE AMOUNT OF FUNDING DISTRIBUTED TO EACH CLEAN
23 TECHNOLOGY RESEARCH PROJECT AND EARLY-STAGE CLEAN TECHNOLOGY
24 COMPANY FROM THE PROGRAM AND A DESCRIPTION OF EACH CLEAN
25 TECHNOLOGY RESEARCH PROJECT AND EARLY-STAGE CLEAN TECHNOLOGY
26 COMPANY;

27 (II) THE MANNER IN WHICH EACH CLEAN TECHNOLOGY RESEARCH

1 PROJECT AND EARLY-STAGE CLEAN TECHNOLOGY COMPANY APPLIED THE
2 FUNDING RECEIVED FROM THE PROGRAM; AND

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

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

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

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

25 (b) THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT IS
26 AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM
27 PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE; EXCEPT

1 THAT THE DEPARTMENT SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION
2 IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS
3 ARTICLE OR ANY OTHER LAW OF THE STATE. THE COLORADO OFFICE OF
4 ECONOMIC DEVELOPMENT SHALL TRANSMIT ALL PRIVATE AND PUBLIC
5 MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE
6 STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

7 (c) TO THE EXTENT PERMITTED BY LAW, THE GOVERNOR, AT HIS OR
8 HER DISCRETION, OR THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT,
9 AT ITS DISCRETION, MAY DIRECT OTHER MONEYS TO THE FUND FOR THE
10 PURPOSES OF THIS ARTICLE.

11 (d) THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT MAY USE
12 UP TO FIVE PERCENT OF THE MONEYS ANNUALLY APPROPRIATED FROM THE
13 FUND FOR THE ACTUAL COSTS INCURRED IN ADMINISTERING THE PROGRAM.

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

15

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