

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

CORRECTED PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

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.*

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.

1 (II) AT LEAST TWENTY-FIVE PERCENT OF THE MONEYS CREDITED
2 TO THE FUND SHALL BE USED TO PROVIDE GRANTS TO EARLY-STAGE CLEAN
3 TECHNOLOGY COMPANIES.

4 (d) THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT MAY USE
5 ANY MONEYS TRANSFERRED TO THE FUND THAT ARE NOT USED TO PROVIDE
6 GRANTS AS DESCRIBED IN PARAGRAPHS (b) AND (c) OF THIS SUBSECTION
7 (3) TO SUPPORT PARTNERSHIP EFFORTS BETWEEN THE CLEAN TECHNOLOGY
8 INDUSTRY AND RESEARCH INSTITUTIONS TO BUILD AND MAINTAIN
9 INFRASTRUCTURE THAT SUPPORTS THE COMMERCIALIZATION OF CLEAN
10 TECHNOLOGY PRODUCTS OR SERVICES, WHICH INFRASTRUCTURE MAY
11 INCLUDE, BUT NEED NOT BE LIMITED TO, THE COLORADO RENEWABLE
12 ENERGY AUTHORITY CREATED IN SECTION 24-47.5-101. IF THE COLORADO
13 RENEWABLE ENERGY AUTHORITY RECEIVES MONEYS FROM THE FUND, THE
14 AUTHORITY SHALL INCLUDE IN ITS RESEARCH EFFORTS AT LEAST ONE
15 RESEARCH PROJECT THAT IS DEVOTED TO THE DEVELOPMENT OF
16 TECHNOLOGY OR DEVICES THAT PROMOTE THE INNOVATIVE USE OR
17 DISPOSAL OF RECYCLED WASTE TIRES.

18 (e) IN APPLYING FOR A GRANT UNDER THE PROGRAM FOR A CLEAN
19 TECHNOLOGY RESEARCH PROJECT, AN OFFICE OF TECHNOLOGY TRANSFER
20 SHALL SUBMIT TO THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT
21 ALL OF THE FOLLOWING:

22 (I) A DESCRIPTION OF A CLEAN TECHNOLOGY RESEARCH PROJECT
23 THAT IS LIKELY TO LEAD TO COMMERCIALIZATION OF ONE OR MORE CLEAN
24 TECHNOLOGY PRODUCTS OR SERVICES;

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

1 (III) AN ANALYSIS DEMONSTRATING THAT THE SCOPE OF THE
2 PROJECT FOR WHICH THE OFFICE OF TECHNOLOGY TRANSFER IS APPLYING
3 FOR A GRANT IS SUFFICIENT TO DETERMINE THE MOST PRODUCTIVE
4 DISPOSITION OF THE CLEAN TECHNOLOGY PRODUCTS OR SERVICES THAT
5 RESULTS FROM THE PROJECT.

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

11 (I) AN ANALYSIS DEMONSTRATING THAT THE SCOPE OF THE
12 PROJECT FOR WHICH THE EARLY-STAGE CLEAN TECHNOLOGY COMPANY IS
13 APPLYING FOR A GRANT IS SUFFICIENT TO ENHANCE THE
14 COMMERCIALIZATION OF ONE OR MORE CLEAN TECHNOLOGY PRODUCTS OR
15 SERVICES; AND

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

20 (g) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DIRECTOR
21 SHALL AWARD THE GRANTS.

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

25 (i) UPON COMPLETION OF THE RESEARCH SCOPE OF A CLEAN
26 TECHNOLOGY RESEARCH PROJECT FOR WHICH A GRANT RECIPIENT HAS
27 RECEIVED A GRANT AWARDED UNDER THE PROGRAM, THE OFFICE OF

1 TECHNOLOGY TRANSFER SHALL RETURN ANY UNUSED GRANT MONEYS TO
2 THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT. THE COLORADO
3 OFFICE OF ECONOMIC DEVELOPMENT SHALL TRANSFER THE MONEYS TO
4 THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

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

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

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

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

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

1 (I) THE AMOUNT OF FUNDING DISTRIBUTED TO EACH CLEAN
2 TECHNOLOGY RESEARCH PROJECT AND EARLY-STAGE CLEAN TECHNOLOGY
3 COMPANY FROM THE PROGRAM AND A DESCRIPTION OF EACH CLEAN
4 TECHNOLOGY RESEARCH PROJECT AND EARLY-STAGE CLEAN TECHNOLOGY
5 COMPANY;

6 (II) THE MANNER IN WHICH EACH CLEAN TECHNOLOGY RESEARCH
7 PROJECT AND EARLY-STAGE CLEAN TECHNOLOGY COMPANY APPLIED THE
8 FUNDING RECEIVED FROM THE PROGRAM; AND

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

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

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

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

1 TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
2 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN
3 THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE
4 GENERAL FUND OR ANOTHER FUND.

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

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

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

11 **25-17-202. Waste tire recycling development fee - cash fund**
12 **created - definition - repeal.** (1) (a) (V) ON AND AFTER THE EFFECTIVE
13 DATE OF THIS SUBPARAGRAPH (V), AN ADDITIONAL FEE OF ONE DOLLAR
14 AND SEVENTY-FIVE CENTS SHALL BE COLLECTED ON ANY WASTE MOTOR
15 VEHICLE TIRE FOR ANY PASSENGER VEHICLE, INCLUDING ANY TRUCK
16 WEIGHING LESS THAN FIFTEEN THOUSAND POUNDS. IN ADDITION, THE FEE
17 IMPOSED BY THIS SUBPARAGRAPH (V) SHALL BE COLLECTED ON ANY
18 TRUCK TIRES, INCLUDING TIRES ON TRUCK TRACTORS, TRAILERS, AND
19 SEMITRAILERS WEIGHING MORE THAN FIFTEEN THOUSAND POUNDS; EXCEPT
20 THAT NO FEE SHALL BE COLLECTED FOR TIRES THAT ARE RECAPPED OR
21 OTHERWISE REPROCESSED FOR USE. NOTWITHSTANDING THE PROVISIONS
22 OF SUBSECTION (3) OF THIS SECTION, THE STATE TREASURER SHALL CREDIT
23 THE MONEYS COLLECTED FROM THE FEE IMPOSED BY THIS SUBPARAGRAPH
24 (V) TO THE CLEAN TECHNOLOGY DISCOVERY EVALUATION CASH FUND
25 CREATED IN SECTION 24-48.5-111 (5), C.R.S.

26 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.