

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 5, 2009
Date

Committee on Local Government and Energy.

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

SB09-031 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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 (IV) THE STATE SHOULD DEDICATE RESOURCES TO SUPPORT
2 PARTNERSHIP EFFORTS BETWEEN THE CLEAN TECHNOLOGY INDUSTRY AND
3 RESEARCH INSTITUTIONS TO BUILD INFRASTRUCTURE THAT SUPPORTS THE
4 COMMERCIALIZATION OF CLEAN TECHNOLOGY PRODUCTS AND SERVICES.

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

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

12 (a) "CLEAN TECHNOLOGY COMPANY" MEANS A COMPANY THAT IS
13 LOCATED IN COLORADO AND PRODUCES OR DEVELOPS ONE OR MORE
14 CLEAN TECHNOLOGY PRODUCTS OR SERVICES.

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

16 (I) RENEWABLE ENERGY GENERATION TECHNOLOGIES, INCLUDING
17 BUT NOT LIMITED TO SOLAR, WIND, BIOFUEL, AND GEOTHERMAL
18 ENERGY-GENERATION TECHNOLOGIES;

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

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

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

27 (c) "CLEAN TECHNOLOGY RESEARCH" MEANS BASIC OR APPLIED
28 RESEARCH THAT LEADS TO THE DEVELOPMENT OF CLEAN TECHNOLOGY
29 PRODUCTS OR SERVICES.

30 (d) "DIRECTOR" MEANS THE DIRECTOR OF THE COLORADO OFFICE
31 OF ECONOMIC DEVELOPMENT CREATED IN SECTION 24-48.5-101.

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 FIFTY 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 (b) THE PROGRAM SHALL PROVIDE GRANTS TO OFFICES OF
2 TECHNOLOGY TRANSFER, EARLY-STAGE CLEAN TECHNOLOGY COMPANIES,
3 AND PRIVATE ENTITIES. THE GRANTS SHALL BE PAID FROM MONEYS
4 APPROPRIATED TO THE FUND. THE GRANTS SHALL BE PROVIDED IN
5 AMOUNTS OF:

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

9 (II) NO MORE THAN ONE HUNDRED FIFTY THOUSAND DOLLARS FOR
10 EACH EARLY-STAGE CLEAN TECHNOLOGY COMPANY THAT IS AWARDED A
11 GRANT. THE TOTAL SUM OF MONEYS AWARDED AS GRANTS FROM THE
12 PROGRAM TO AN EARLY-STAGE CLEAN TECHNOLOGY COMPANY SHALL NOT
13 EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS.

14 (c) IN PROVIDING GRANTS TO OFFICES OF TECHNOLOGY TRANSFER
15 AND EARLY-STAGE CLEAN TECHNOLOGY COMPANIES PURSUANT TO
16 PARAGRAPH (b) OF THIS SUBSECTION (3), THE PROGRAM SHALL PROVIDE
17 THE GRANTS AS FOLLOWS:

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

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

24 (d) THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT MAY USE
25 ANY MONEYS TRANSFERRED TO THE FUND THAT ARE NOT USED TO PROVIDE
26 GRANTS AS DESCRIBED IN PARAGRAPHS (b) AND (c) OF THIS SUBSECTION
27 (3) TO SUPPORT PARTNERSHIP EFFORTS BETWEEN THE CLEAN TECHNOLOGY
28 INDUSTRY AND RESEARCH INSTITUTIONS TO BUILD AND MAINTAIN
29 INFRASTRUCTURE THAT SUPPORTS THE COMMERCIALIZATION OF CLEAN
30 TECHNOLOGY PRODUCTS OR SERVICES, WHICH INFRASTRUCTURE MAY
31 INCLUDE, BUT NEED NOT BE LIMITED TO, THE COLORADO RENEWABLE
32 ENERGY AUTHORITY CREATED IN SECTION 24-47.5-101. IF THE COLORADO
33 RENEWABLE ENERGY AUTHORITY RECEIVES MONEYS FROM THE FUND, THE
34 AUTHORITY SHALL INCLUDE IN ITS RESEARCH EFFORTS AT LEAST ONE
35 RESEARCH PROJECT THAT IS DEVOTED TO THE DEVELOPMENT OF
36 TECHNOLOGY OR DEVICES THAT PROMOTE THE INNOVATIVE USE OR

1 DISPOSAL OF RECYCLED WASTE TIRES.

2 (e) IN APPLYING FOR A GRANT UNDER THE PROGRAM FOR A CLEAN
3 TECHNOLOGY RESEARCH PROJECT, AN OFFICE OF TECHNOLOGY TRANSFER
4 SHALL SUBMIT TO THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT
5 ALL OF THE FOLLOWING:

6 (I) A DESCRIPTION OF A CLEAN TECHNOLOGY RESEARCH PROJECT
7 THAT IS LIKELY TO LEAD TO COMMERCIALIZATION OF ONE OR MORE CLEAN
8 TECHNOLOGY PRODUCTS OR SERVICES;

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

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

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

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

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

31 (g) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DIRECTOR
32 SHALL AWARD THE GRANTS.

33 (h) A GRANT RECIPIENT SHALL USE A GRANT AWARDED UNDER THE

1 PROGRAM ONLY TO ADVANCE A NEW RESEARCH DISCOVERY TOWARD
2 COMMERCIALIZATION AND NOT TO SUPPORT BASIC RESEARCH.

3 (i) UPON COMPLETION OF THE RESEARCH SCOPE OF A CLEAN
4 TECHNOLOGY RESEARCH PROJECT FOR WHICH A GRANT RECIPIENT HAS
5 RECEIVED A GRANT AWARDED UNDER THE PROGRAM, THE OFFICE OF
6 TECHNOLOGY TRANSFER SHALL RETURN ANY UNUSED GRANT MONEYS TO
7 THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT. THE COLORADO
8 OFFICE OF ECONOMIC DEVELOPMENT SHALL TRANSFER THE MONEYS TO
9 THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

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

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

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

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

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

33 (I) THE AMOUNT OF FUNDING DISTRIBUTED TO EACH CLEAN
34 TECHNOLOGY RESEARCH PROJECT AND EARLY-STAGE CLEAN TECHNOLOGY
35 COMPANY FROM THE PROGRAM AND A DESCRIPTION OF EACH CLEAN

1 TECHNOLOGY RESEARCH PROJECT AND EARLY-STAGE CLEAN TECHNOLOGY
2 COMPANY;

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

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

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

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

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

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

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

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

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

16 **SECTION 3. 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."

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