

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0620.02 Ed DeCecco x4216

HOUSE BILL 13-1001

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HOUSE SPONSORSHIP

Young and Gerou, Ferrandino

SENATE SPONSORSHIP

Heath and Steadman,

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House Committees

Business, Labor, Economic, & Workforce Development

Appropriations

Senate Committees

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A BILL FOR AN ACT

101      **CONCERNING AN ADVANCED INDUSTRY GRANT PROGRAM, AND, IN**  
102           **CONNECTION THEREWITH, ENACTING THE "ADVANCED**  
103           **INDUSTRIES ACCELERATION ACT"; ADDING REPRESENTATIVES**  
104           **FROM ADVANCED INDUSTRIES TO THE ECONOMIC DEVELOPMENT**  
105           **COMMISSION; REPEALING THE BIOSCIENCE DISCOVERY**  
106           **EVALUATION GRANT PROGRAM AND THE CLEAN TECHNOLOGY**  
107           **DISCOVERY EVALUATION GRANT PROGRAM; AND CREATING THE**  
108           **COLORADO ADVANCED INDUSTRIES ACCELERATION CASH FUND**  
109           **TO BE USED TO PROVIDE PROOF-OF-CONCEPT GRANTS,**  
110           **EARLY-STAGE CAPITAL AND RETENTION GRANTS, AND**  
111           **INFRASTRUCTURE FUNDING GRANTS.**

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Bill Summary

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.*

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)*

The bill creates the advanced industries acceleration grant program (program) in the Colorado office of economic development (office). The following industries are defined to be advanced industries: Advanced manufacturing, aerospace, bioscience, electronics, energy and natural resources, infrastructure engineering, and information technology.

The program includes the following types of grants:

- ! A proof-of-concept grant for an advanced industry research project to an eligible office of technology transfer;
- ! An early-stage capital and retention grant to an eligible company for the purpose of accelerating the commercialization of advanced industry products or services to be manufactured or performed in the state; and
- ! An infrastructure grant for an advanced industry project that builds or utilizes infrastructure to support or enhance the commercialization of advanced industry products or services or that contributes to the development of an advanced industry workforce.

Each type of grant has its own eligibility requirements, preferences, and maximum grant amounts. If an applicant qualifies for a preference, the maximum grant amounts do not apply. All grant applicants are required to identify the anticipated number of jobs created or retained in the state, capital invested or attracted in the state, and any other economic impacts that may result from the grant.

The program absorbs the bioscience discovery evaluation grant program and the clean technology discovery evaluation grant program, which are both repealed in the bill.

In administering the program, the office is required to:

- ! Consult with the economic development commission about all of the potential grants and monetary incentives that a grant applicant is eligible for;
- ! Consult with Colorado-based advanced industries or representatives from advanced industries about the program;
- ! Require a minimum amount of grant moneys for bioscience and clean technology projects and companies, which is based on existing funding from the repealed programs that provide grants for those industries; and
- ! Annually report to legislative committees about the program.

All program grants are made from the advanced industries acceleration cash fund. The fund consists of moneys transferred from the bioscience discovery evaluation cash fund prior to the fund's repeal; limited gaming moneys that were previously used in the bioscience discovery evaluation grant program; income tax withholdings that were to be split between the bioscience discovery evaluation grant program and the clean technology discovery evaluation grant program; gifts, grants, or donations; and any moneys that the general assembly appropriates to the fund.

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

2           **SECTION 1. Short title.** This act shall be known and may be  
3 cited as the "Colorado Advanced Industries Acceleration Act".

4           **SECTION 2.** In Colorado Revised Statutes, 12-47.1-701, **amend**  
5 (2) (a) (II) (B) as follows:

6           **12-47.1-701. Limited gaming fund - created.** (2) (a) Except as  
7 provided in paragraph (b) of this subsection (2), at the end of the 2010-11  
8 state fiscal year and at the end of each state fiscal year thereafter, the state  
9 treasurer shall distribute the state share as follows:

10           (II) Any amount of the state share that is greater than nineteen  
11 million two hundred thousand dollars but less than or equal to forty-eight  
12 million five hundred thousand dollars shall be transferred as follows:

13           (B) Eighteen percent to the ~~bioscience discovery evaluation~~  
14 ~~ADVANCED INDUSTRIES ACCELERATION cash fund, for the implementation~~  
15 ~~of the bioscience discovery evaluation grant program, created in section~~  
16 ~~24-48.5-108, C.R.S.~~ SECTION 24-48.5-117, C.R.S.;

17           **SECTION 3.** In Colorado Revised Statutes, 24-46-102, **amend**  
18 (3) as follows:

19           **24-46-102. Colorado economic development commission -**  
20 **creation - membership - definition.** (3) (a) The commission shall

1 consist of the governor or the governor's designee and eight members  
2 who shall be appointed no later than August 1, 1996, as follows: Four  
3 members shall be appointed by the governor; two members shall be  
4 appointed by the speaker of the house of representatives; and two  
5 members shall be appointed by the president of the senate.

6 (b) ON AND AFTER SEPTEMBER 1, 2013, THE COMMISSION  
7 INCLUDES TWO ADDITIONAL MEMBERS TO REPRESENT ADVANCED  
8 INDUSTRIES. THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE  
9 PRESIDENT OF THE SENATE SHALL EACH APPOINT ONE MEMBER, AND THESE  
10 MEMBERS MUST HAVE ADVANCED INDUSTRY BUSINESS AND RESEARCH  
11 EXPERIENCE. IN MAKING THESE APPOINTMENTS, THE SPEAKER AND THE  
12 PRESIDENT SHALL GIVE PREFERENCE TO A PERSON WHOSE EXPERIENCE IS  
13 IN MORE THAN ONE ADVANCED INDUSTRY.

14 (c) No member of the general assembly shall be appointed as a  
15 member of the commission. The governor shall appoint at least one  
16 person from west of the continental divide and one person from the  
17 eastern slope predominately from the rural area. Members shall serve at  
18 the pleasure of their appointing authority.

19 (d) AS USED IN THIS SUBSECTION (3), "ADVANCED INDUSTRY"  
20 MEANS THE FOLLOWING INDUSTRIES:

- 21 (I) ADVANCED MANUFACTURING;
- 22 (II) AEROSPACE;
- 23 (III) BIOSCIENCE;
- 24 (IV) ELECTRONICS;
- 25 (V) ENERGY AND NATURAL RESOURCES;
- 26 (VI) INFRASTRUCTURE ENGINEERING; AND
- 27 (VII) INFORMATION TECHNOLOGY.

1           **SECTION 4.** In Colorado Revised Statutes, 24-46-104, **amend**  
2 (1) (o); and **add** (1) (p) as follows:

3           **24-46-104. Powers and duties of commission.** (1) The  
4 commission has the following powers and duties:

5           (o) To oversee the Colorado office of film, television, and media  
6 loan guarantee program pursuant to section 24-48.5-115 and the  
7 performance-based incentive for film production in Colorado pursuant to  
8 section 24-48.5-116; AND

9           (p) TO CONSULT WITH THE COLORADO OFFICE OF ECONOMIC  
10 DEVELOPMENT PURSUANT TO SECTION 24-48.5-117.

11           **SECTION 5.** In Colorado Revised Statutes, 24-48.5-108, **amend**  
12 (6); and **add** (5) (c) as follows:

13           **24-48.5-108. Bioscience research - evaluation - grants - fund**  
14 **- definitions - repeal.** (5) **Fund.** (c) NOTWITHSTANDING ANY PROVISION  
15 OF THIS SUBSECTION (5) TO THE CONTRARY, THE STATE TREASURER SHALL  
16 TRANSFER ANY UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND  
17 AS OF JANUARY 1, 2014, TO THE ADVANCED INDUSTRIES ACCELERATION  
18 CASH FUND CREATED IN SECTION 24-48.5-117 (7) (a).

19           (6) This section is repealed, effective ~~July 1, 2024~~ JANUARY 2,  
20 2014.

21           **SECTION 6.** In Colorado Revised Statutes, **add** 24-48.5-117 as  
22 follows:

23           **24-48.5-117. Advanced industry - grants - fund - definitions -**  
24 **repeal.** (1) **Legislative declaration.** (a) THE GENERAL ASSEMBLY FINDS  
25 AND DECLARES THAT COLORADO IS HOME TO A NETWORK OF ASSETS AND  
26 RESOURCES, WHICH INCLUDE RESEARCH UNIVERSITIES, COMMUNITY  
27 COLLEGES, FEDERAL LABORATORIES, INNOVATIVE COMPANIES,

1 MANUFACTURING INFRASTRUCTURE, WORKFORCE TRAINING INSTITUTIONS,  
2 AND ENTREPRENEURS. TO DRIVE GROWTH IN COLORADO'S ECONOMY, THE  
3 STATE MUST FOCUS ON INCREASING THE CAPACITY AND COMPETITIVENESS  
4 OF THESE ASSETS AND RESOURCES AND THEREBY ATTRACT GREATER  
5 INVESTMENT AND PROVIDE A COMPETITIVE ADVANTAGE FOR COLORADO'S  
6 ADVANCED INDUSTRIES. INVESTMENT IN ADVANCED INDUSTRIES WILL  
7 BUILD PUBLIC-PRIVATE PARTNERSHIPS, DRIVE INNOVATION, AND INCREASE  
8 CAPITAL INVESTMENT IN COLORADO'S ECONOMY.

9 (b) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT  
10 INVESTMENT IN ADVANCED INDUSTRIES WILL:

11 (I) DRIVE GROWTH IN HIGH-PAYING, HIGH-SKILL JOBS;

12 (II) ALIGN EDUCATIONAL INSTITUTIONS TO CREATE THE  
13 WORKFORCE FOR ADVANCED INDUSTRY NEEDS;

14 (III) INCREASE EXPORTS AND COMPETITIVENESS IN GLOBAL  
15 MARKETS;

16 (IV) ACCELERATE THE COMMERCIALIZATION OF TECHNOLOGIES;

17 AND

18 (V) PROMOTE RESEARCH AND DEVELOPMENT CAPABILITIES  
19 ACROSS RESEARCH UNIVERSITIES, COMMUNITY COLLEGES, AND FEDERAL  
20 LABORATORIES.

21 (2) **Definitions.** AS USED IN THIS SECTION:

22 (a) "ADVANCED INDUSTRY" MEANS THE FOLLOWING INDUSTRIES:

23 (I) ADVANCED MANUFACTURING;

24 (II) AEROSPACE;

25 (III) BIOSCIENCE;

26 (IV) ELECTRONICS;

27 (V) ENERGY AND NATURAL RESOURCES;

1 (VI) INFRASTRUCTURE ENGINEERING; AND

2 (VII) INFORMATION TECHNOLOGY.

3 (b) "FUND" MEANS THE ADVANCED INDUSTRIES ACCELERATION  
4 CASH FUND CREATED IN PARAGRAPH (a) OF SUBSECTION (7) OF THIS  
5 SECTION.

6 (c) "OFFICE OF TECHNOLOGY TRANSFER" MEANS AN OFFICE THAT:

7 (I) IS AFFILIATED WITH A RESEARCH INSTITUTE;

8 (II) IS RESPONSIBLE FOR TECHNOLOGY TRANSFERS; AND

9 (III) ARRANGES FOR THE SALE OR LICENSURE OF AN ADVANCED  
10 INDUSTRY PROJECT TO A PRIVATE ENTITY.

11 (d) "PROGRAM" MEANS THE ADVANCED INDUSTRIES  
12 ACCELERATION GRANT PROGRAM CREATED IN SUBSECTION (3) OF THIS  
13 SECTION.

14 (e) "RESEARCH INSTITUTION" MEANS AN INSTITUTION LOCATED  
15 AND OPERATING IN COLORADO THAT IS A:

16 (I) PUBLIC OR PRIVATE, NONPROFIT INSTITUTION OF HIGHER  
17 EDUCATION OR TEACHING HOSPITAL;

18 (II) FEDERAL LABORATORY;

19 (III) PRIVATE TECHNOLOGY AND RESEARCH CENTER; OR

20 (IV) PRIVATE, NONPROFIT MEDICAL AND RESEARCH CENTER.

21 (3) **Program.** (a) THE ADVANCED INDUSTRIES ACCELERATION  
22 GRANT PROGRAM IS CREATED WITHIN THE COLORADO OFFICE OF  
23 ECONOMIC DEVELOPMENT. THE PURPOSE OF THE PROGRAM IS TO  
24 ACCELERATE ECONOMIC GROWTH THROUGH GRANTS THAT IMPROVE AND  
25 EXPAND THE DEVELOPMENT OF ADVANCED INDUSTRIES, FACILITATE THE  
26 COLLABORATION OF ADVANCED INDUSTRY STAKEHOLDERS, AND FURTHER  
27 THE DEVELOPMENT OF NEW ADVANCED INDUSTRY PRODUCTS AND

1 SERVICES. THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT SHALL  
2 ADMINISTER THE PROGRAM, WHICH INCLUDES PROOF-OF-CONCEPT  
3 GRANTS, EARLY-STAGE CAPITAL AND RETENTION GRANTS, AND  
4 INFRASTRUCTURE FUNDING GRANTS. ALL GRANTS ARE FROM MONEYS IN  
5 THE ADVANCED INDUSTRIES ACCELERATION CASH FUND CREATED IN  
6 SUBSECTION (7) OF THIS SECTION. EXCEPT FOR THE REPORTING  
7 REQUIREMENT IN SUBSECTION (6) OF THIS SECTION, THE PROGRAM ENDS  
8 ON JULY 1, 2024, AND ALL GRANTS MUST BE DISBURSED PRIOR TO THAT  
9 DATE.

10 (b) (I) THE OFFICE OF ECONOMIC DEVELOPMENT MAY AWARD A  
11 PROOF-OF-CONCEPT GRANT FOR AN ADVANCED INDUSTRY RESEARCH  
12 PROJECT TO AN ELIGIBLE OFFICE OF TECHNOLOGY TRANSFER.

13 (II) TO BE ELIGIBLE FOR A PROOF-OF-CONCEPT GRANT, AN OFFICE  
14 OF TECHNOLOGY TRANSFER MUST:

15 (A) SUBMIT A DESCRIPTION OF THE ADVANCED INDUSTRY  
16 RESEARCH PROJECT;

17 (B) PROVIDE AN ANALYSIS DEMONSTRATING THAT THE PROJECT  
18 WILL PROVIDE SIGNIFICANT ECONOMIC IMPACT OR COMPETITIVE  
19 ADVANTAGE FOR THE STATE AND ADVANCED INDUSTRIES AND THAT IT  
20 WILL ACCELERATE THE PACE OF APPLIED RESEARCH LEADING TO RAPID  
21 COMMERCIALIZATION OF PRODUCTS AND SERVICES RESULTING FROM THE  
22 PROJECT; AND

23 (C) HAVE A DEDICATED, MATCHING SOURCE OF MONEYS FROM ITS  
24 AFFILIATED RESEARCH INSTITUTION THAT IS GREATER THAN OR EQUAL TO  
25 ONE-THIRD OF THE AMOUNT OF THE REQUESTED GRANT.

26 (III) IN SELECTING THE RECIPIENTS OF A PROOF-OF-CONCEPT  
27 GRANT, THE OFFICE OF ECONOMIC DEVELOPMENT SHALL GIVE PREFERENCE

1 TO PROJECTS SPONSORED BY AN OFFICE OF TECHNOLOGY TRANSFER THAT:

2 (A) INCLUDE IMPACTS ACROSS MORE THAN ONE ADVANCED  
3 INDUSTRY; OR

4 (B) INVOLVE MORE THAN ONE RESEARCH INSTITUTION OR  
5 ADVANCED INDUSTRY STAKEHOLDER.

6 (IV) EXCEPT AS SET FORTH IN PARAGRAPH (b) OF SUBSECTION (4)  
7 OF THIS SECTION, THE MAXIMUM AMOUNT OF A PROOF-OF-CONCEPT GRANT  
8 IS ONE HUNDRED FIFTY THOUSAND DOLLARS.

9 (V) A RECIPIENT OF A PROOF-OF-CONCEPT GRANT SHALL USE THE  
10 GRANT ONLY TO ACCELERATE PRODUCT OR SERVICE COMMERCIALIZATION  
11 AND SHALL NOT USE THE GRANT TO SUPPORT BASIC RESEARCH.

12 (c) (I) THE OFFICE OF ECONOMIC DEVELOPMENT MAY AWARD AN  
13 EARLY-STAGE CAPITAL AND RETENTION GRANT TO AN ELIGIBLE COMPANY  
14 FOR THE PURPOSE OF ACCELERATING THE COMMERCIALIZATION OF  
15 ADVANCED INDUSTRY PRODUCTS OR SERVICES TO BE MANUFACTURED OR  
16 PERFORMED IN COLORADO.

17 (II) TO BE ELIGIBLE FOR AN EARLY-STAGE CAPITAL AND  
18 RETENTION GRANT, A COMPANY MUST:

19 (A) BE IN AN ADVANCED INDUSTRY;

20 (B) HAVE ITS HEADQUARTERS LOCATED IN COLORADO OR HAVE AT  
21 LEAST FIFTY PERCENT OF ITS EMPLOYEES BASED IN COLORADO;

22 (C) HAVE RECEIVED LESS THAN TWENTY MILLION DOLLARS FROM  
23 OTHER GRANTS;

24 (D) HAVE ANNUAL REVENUES OF LESS THAN TEN MILLION  
25 DOLLARS;

26 (E) PROVIDE AN ANALYSIS DEMONSTRATING THAT THE SCOPE OF  
27 THE PROJECT IS REQUIRED TO ENHANCE THE COMMERCIALIZATION OF ONE

1 OR MORE ADVANCED INDUSTRY PRODUCTS OR SERVICES WITHIN THE  
2 STATE; AND

3 (F) HAVE A DEDICATED, MATCHING SOURCE OF MONEYS THAT IS  
4 GREATER THAN OR EQUAL TO TWICE THE AMOUNT OF THE REQUESTED  
5 GRANT.

6 (III) IN SELECTING THE RECIPIENT OF AN EARLY-STAGE CAPITAL  
7 AND RETENTION GRANT, THE OFFICE OF ECONOMIC DEVELOPMENT SHALL  
8 GIVE PREFERENCE TO A COMPANY WHOSE TECHNOLOGY OR RESEARCH AND  
9 DEVELOPMENT HAS APPLICATION TO MORE THAN ONE ADVANCED  
10 INDUSTRY.

11 (IV) EXCEPT AS SET FORTH IN PARAGRAPH (b) OF SUBSECTION (4)  
12 OF THIS SECTION, THE MAXIMUM AMOUNT OF AN EARLY-STAGE CAPITAL  
13 AND RETENTION GRANT IS TWO HUNDRED FIFTY THOUSAND DOLLARS.

14 (d) (I) THE OFFICE OF ECONOMIC DEVELOPMENT MAY AWARD AN  
15 INFRASTRUCTURE FUNDING GRANT FOR AN ADVANCED INDUSTRY PROJECT  
16 THAT BUILDS OR UTILIZES INFRASTRUCTURE TO SUPPORT OR ENHANCE THE  
17 COMMERCIALIZATION OF ADVANCED INDUSTRY PRODUCTS OR SERVICES OR  
18 THAT CONTRIBUTES TO THE DEVELOPMENT OF AN ADVANCED INDUSTRY  
19 WORKFORCE.

20 (II) TO BE ELIGIBLE FOR AN INFRASTRUCTURE FUNDING GRANT, A  
21 PROJECT MUST:

22 (A) SUBSTANTIALLY INCREASE ALIGNMENT BETWEEN PRIVATE  
23 COMPANIES WITHIN AN ADVANCED INDUSTRY AND RESEARCH  
24 INSTITUTIONS; AND

25 (B) HAVE A MATCHING SOURCE OF MONEYS THAT IS GREATER  
26 THAN OR EQUAL TO TWICE THE AMOUNT OF THE REQUESTED GRANT.

27 (III) IN SELECTING RECIPIENTS FOR THE INFRASTRUCTURE FUNDING

1 GRANTS, THE OFFICE OF ECONOMIC DEVELOPMENT SHALL GIVE  
2 PREFERENCE TO PROJECTS THAT:

3 (A) ACCELERATE ECONOMIC GROWTH IN MORE THAN ONE  
4 ADVANCED INDUSTRY OR INCLUDE MORE THAN ONE RESEARCH  
5 INSTITUTION OR ADVANCED INDUSTRY STAKEHOLDER;

6 (B) FOCUS ON APPLIED RESEARCH AND DEVELOPMENT,  
7 TECHNOLOGY ACCELERATION, OR PRODUCTION-ORIENTED OR  
8 MANUFACTURING-ORIENTED FACILITIES; AND

9 (C) FOCUS ON WORKFORCE DEVELOPMENT THAT ADDRESSES THE  
10 ADVANCED INDUSTRIES' WORKFORCE SKILLS THAT ARE NEEDED TO  
11 FACILITATE COMMERCIALIZATION OF PRODUCTS OR SERVICES.

12 (IV) EXCEPT AS SET FORTH IN PARAGRAPH (b) OF SUBSECTION (4)  
13 OF THIS SECTION, THE MAXIMUM AMOUNT OF AN INFRASTRUCTURE  
14 FUNDING GRANT IS FIVE HUNDRED THOUSAND DOLLARS.

15 (4) **Common grant policies.** ANY GRANT AWARDED PURSUANT TO  
16 SUBSECTION (3) OF THIS SECTION IS SUBJECT TO THE FOLLOWING:

17 (a) IN ORDER TO BE ELIGIBLE FOR A GRANT, A GRANT APPLICANT  
18 MUST:

19 (I) IDENTIFY THE NUMBER OF JOBS THAT WILL BE CREATED OR  
20 RETAINED IN THE STATE, ANTICIPATED CAPITAL INVESTED OR RETAINED IN  
21 THE STATE, AND ANY OTHER PROJECTED ECONOMIC IMPACTS THAT WILL  
22 RESULT FROM THE GRANT; AND

23 (II) SUBMIT ANY INFORMATION REQUIRED BY THE OFFICE OF  
24 ECONOMIC DEVELOPMENT TO BE ELIGIBLE FOR A GRANT;

25 (b) A LIMIT ON THE MAXIMUM AMOUNT OF GRANTS DOES NOT  
26 APPLY TO ANY APPLICANT THAT QUALIFIES FOR A PREFERENCE IDENTIFIED  
27 IN SUBSECTION (3) OF THIS SECTION;

1 (c) THE OFFICE OF ECONOMIC DEVELOPMENT SHALL NOT PAY A  
2 GRANT TO A RECIPIENT UNLESS THE RECIPIENT HAS RECEIVED THE  
3 MATCHING SOURCE OF MONEYS THAT IS REQUIRED FOR THE GRANT;

4 (d) (I) UPON COMPLETION OF A PROJECT THAT WAS THE BASIS OF  
5 A GRANT, A RECIPIENT SHALL IDENTIFY HOW THE GRANT WAS USED, THE  
6 NUMBER OF JOBS CREATED OR RETAINED IN THE STATE, CAPITAL INVESTED  
7 OR RETAINED IN THE STATE, AND ANY OTHER ECONOMIC IMPACTS THAT  
8 RESULTED FROM THE GRANT; AND

9 (II) RETURN ANY UNUSED GRANT MONEYS TO THE OFFICE OF  
10 ECONOMIC DEVELOPMENT, WHICH SHALL TRANSFER THE MONEYS TO THE  
11 STATE TREASURER FOR DEPOSIT IN THE ADVANCED INDUSTRIES  
12 ACCELERATION CASH FUND.

13 (5) **Grant administration.** (a) ON OR BEFORE DECEMBER 1, 2013,  
14 THE OFFICE OF ECONOMIC DEVELOPMENT SHALL ESTABLISH PROCEDURES  
15 AND TIMELINES FOR GRANT APPLICATIONS; CRITERIA FOR DETERMINING  
16 GRANT AMOUNTS, INCLUDING HOW PREFERENCES WILL BE APPLIED;  
17 GRANTEE REPORTING REQUIREMENTS; AND ANY OTHER PROGRAM  
18 POLICIES. THE OFFICE MAY AMEND THESE POLICIES AT ANY TIME.

19 (b) PRIOR TO AWARDING A GRANT, THE OFFICE OF ECONOMIC  
20 DEVELOPMENT SHALL CONSULT WITH THE ECONOMIC DEVELOPMENT  
21 COMMISSION ABOUT ALL OF THE POTENTIAL GRANTS AND OTHER  
22 MONETARY INCENTIVES THAT AN OFFICE OF TECHNOLOGY TRANSFER,  
23 COMPANY, OR PROJECT IS ELIGIBLE TO RECEIVE FROM THE STATE.

24 (c) THE OFFICE OF ECONOMIC DEVELOPMENT SHALL CONSULT WITH  
25 COLORADO-BASED ADVANCED INDUSTRIES ASSOCIATIONS OR OTHER  
26 REPRESENTATIVES FROM ADVANCED INDUSTRIES ABOUT THE PROGRAM.  
27 THIS CONSULTATION MUST INCLUDE REVIEWING OF PROGRAM GRANT

1 APPLICATIONS AND MONITORING AND EVALUATING THE GRANTEES AND  
2 THE ADVANCED INDUSTRY PROJECTS.

3 (d) SUBJECT TO THE AVAILABLE MONEYS, THERE IS NO LIMIT ON  
4 THE NUMBER OF GRANTS THAT THE OFFICE OF ECONOMIC DEVELOPMENT  
5 MAY ANNUALLY AWARD.

6 (e) (I) FOR EACH CALENDAR YEAR, THE OFFICE OF ECONOMIC  
7 DEVELOPMENT SHALL AWARD A MINIMUM AMOUNT OF PROGRAM GRANTS  
8 FOR BIOSCIENCE COMPANIES AND PROJECTS THAT IS EQUAL TO THE SUM  
9 OF:

10 (A) FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS; AND

11 (B) THE AMOUNT BY WHICH ONE-HALF OF THE AMOUNT CREDITED  
12 TO THE FUND DURING THE YEAR PURSUANT TO SECTION 39-22-604.3,  
13 C.R.S., EXCEEDS ONE-HALF OF THE AMOUNT CREDITED TO THE FUND IN  
14 2014 PURSUANT TO SECTION 39-22-604.3, C.R.S.

15 (II) FOR EACH CALENDAR YEAR, THE OFFICE OF ECONOMIC  
16 DEVELOPMENT SHALL AWARD A MINIMUM AMOUNT OF PROGRAM GRANTS  
17 FOR CLEAN TECHNOLOGY COMPANIES AND PROJECTS THAT IS EQUAL TO  
18 ONE-HALF OF THE AMOUNT CREDITED TO THE FUND DURING THE YEAR  
19 PURSUANT TO SECTION 39-22-604.3, C.R.S.

20 (III) IF THERE ARE INSUFFICIENT MONEYS IN THE FUND FOR THE  
21 OFFICE OF ECONOMIC DEVELOPMENT TO COMPLY WITH THE REQUIREMENTS  
22 OF SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (e), THE MINIMUM  
23 AMOUNT OF PROGRAM GRANTS FOR BIOSCIENCE AND CLEAN TECHNOLOGY  
24 COMPANIES AND PROJECTS IS PROPORTIONALLY REDUCED. ANY MONEYS  
25 THAT ARE CARRIED OVER TO THE NEXT CALENDAR YEAR PURSUANT TO  
26 SUBPARAGRAPH (IV) OF THIS PARAGRAPH (e) ARE EXCLUDED FOR  
27 PURPOSES OF DETERMINING WHETHER THERE IS SUFFICIENT MONEYS IN THE

1 FUND TO MEET SUCH MINIMUM AMOUNT OF PROGRAM GRANTS.

2 (IV) IF THE OFFICE OF ECONOMIC DEVELOPMENT IS UNABLE TO  
3 AWARD THE MINIMUM AMOUNT OF GRANTS FOR BIOSCIENCE OR CLEAN  
4 TECHNOLOGY COMPANIES OR PROJECTS DUE TO A LACK OF QUALIFIED  
5 APPLICANTS, THE REQUIREMENTS OF SUBPARAGRAPH (I) OR (II) OF THIS  
6 PARAGRAPH (e) DO NOT APPLY TO THE MONEYS THAT ARE CARRIED OVER  
7 TO THE NEXT CALENDAR YEAR IN THE FUND.

8 (6) **Reporting.** (a) ON OR BEFORE NOVEMBER 1, 2014, AND  
9 NOVEMBER 1 OF THE NEXT TEN YEARS THEREAFTER, THE OFFICE OF  
10 ECONOMIC DEVELOPMENT SHALL SUBMIT A REPORT TO THE FINANCE AND  
11 THE BUSINESS, LABOR, AND ECONOMIC AND WORKFORCE DEVELOPMENT  
12 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND TO THE BUSINESS,  
13 LABOR, AND TECHNOLOGY AND THE FINANCE COMMITTEES OF THE SENATE,  
14 OR ANY SUCCESSOR COMMITTEES, SUMMARIZING ALL OF THE GRANTS  
15 AWARDED IN THE PROGRAM DURING THE PRECEDING FISCAL YEAR. AT A  
16 MINIMUM, THE REPORT MUST INCLUDE THE AMOUNT THAT EACH RECIPIENT  
17 RECEIVED, A DESCRIPTION OF EACH RECIPIENT'S USE OF THE GRANT, THE  
18 NUMBER OF JOBS CREATED OR RETAINED IN THE STATE, CAPITAL INVESTED  
19 OR RETAINED IN THE STATE, AND ANY OTHER ECONOMIC IMPACTS THAT  
20 RESULTED FROM THE GRANT.

21 (b) SECTION 24-1-136 (11) DOES NOT APPLY TO THE REPORT  
22 REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (6).

23 (7) **Fund.** (a) THE ADVANCED INDUSTRIES ACCELERATION CASH  
24 FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF:

25 (I) MONEYS TRANSFERRED TO IT PURSUANT TO SECTION  
26 24-48.5-108 (5) (c);

27 (II) MONEYS CREDITED TO IT PURSUANT TO SECTION 39-22-604.3,

1 C.R.S.;

2 (III) MONEYS TRANSFERRED TO IT PURSUANT TO SECTION  
3 12-47.1-701 (2), C.R.S.;

4 (IV) MONEYS CREDITED TO IT PURSUANT TO SUBPARAGRAPH (II)  
5 OF PARAGRAPH (d) OF SUBSECTION (4) OF THIS SECTION;

6 (V) ANY GIFTS, GRANTS, OR DONATIONS CREDITED TO IT PURSUANT  
7 TO PARAGRAPH (b) OF THIS SUBSECTION (7); AND

8 (VI) ANY OTHER MONEYS THAT THE GENERAL ASSEMBLY  
9 APPROPRIATES TO IT.

10 (b) (I) THE OFFICE OF ECONOMIC DEVELOPMENT IS AUTHORIZED  
11 TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR  
12 PUBLIC SOURCES FOR THE PURPOSES OF THE PROGRAM; EXCEPT THAT THE  
13 OFFICE MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT  
14 TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY  
15 OTHER LAW OF THE STATE. THE OFFICE SHALL TRANSMIT ALL PRIVATE AND  
16 PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO  
17 THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

18 (II) THE GENERAL ASSEMBLY FINDS THAT THE IMPLEMENTATION  
19 OF THIS PROGRAM DOES NOT RELY ENTIRELY OR IN ANY PART ON THE  
20 RECEIPT OF ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR DONATIONS.  
21 THEREFORE, THE OFFICE OF ECONOMIC DEVELOPMENT IS NOT SUBJECT TO  
22 THE NOTICE REQUIREMENTS SPECIFIED IN SECTION 24-75-1303 (3).

23 (c) THE MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED  
24 TO THE OFFICE OF ECONOMIC DEVELOPMENT FOR THE PURPOSE OF  
25 AWARDED GRANTS ALLOWED BY THIS SECTION AND FOR ITS  
26 ADMINISTRATIVE COSTS ASSOCIATED WITH THE PROGRAM. THE OFFICE'S  
27 ADMINISTRATIVE EXPENSES FOR THE PROGRAM IN A FISCAL YEAR SHALL

1 NOT EXCEED FIVE PERCENT OF THE MONEYS TRANSFERRED OR  
2 APPROPRIATED TO THE FUND IN THE FISCAL YEAR.

3 (d) AS PROVIDED BY LAW, THE STATE TREASURER MAY INVEST ANY  
4 UNEXPENDED MONEYS IN THE ADVANCED INDUSTRIES ACCELERATION  
5 CASH FUND. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT  
6 AND DEPOSIT OF MONEYS IN THE FUND ARE CREDITED TO THE FUND. ANY  
7 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT  
8 THE END OF A FISCAL YEAR SHALL NOT BE CREDITED OR TRANSFERRED TO  
9 THE GENERAL FUND OR ANOTHER FUND; EXCEPT THAT ANY UNEXPENDED  
10 AND UNENCUMBERED MONEYS REMAINING IN THE FUND UPON THE REPEAL  
11 OF THIS SECTION ARE TRANSFERRED TO THE GENERAL FUND.

12 (8) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1,  
13 2025.

14 **SECTION 7.** In Colorado Revised Statutes, 39-22-604.3, **amend**  
15 (4) as follows:

16 **39-22-604.3. Innovation reinvestment - withholding - transfers**  
17 **- bioscience - clean technology - short title - legislative declaration -**  
18 **definitions - repeal.** (4) Notwithstanding any provision of law to the  
19 contrary, beginning March 1, 2014, and March 1 of the next nine years  
20 thereafter, the state treasurer shall credit an amount equal to one-half of  
21 the bioscience and clean technology income tax withholding growth from  
22 the moneys remitted by employers to the department of revenue pursuant  
23 to section 39-22-604 to the ~~bioscience discovery evaluation cash fund~~  
24 ~~created in section 24-48.5-108 (5), C.R.S., and the clean technology~~  
25 ~~discovery evaluation cash fund created in section 24-48.5-111 (5), C.R.S.,~~  
26 ~~with each fund receiving an equal share~~ ADVANCED INDUSTRIES  
27 ACCELERATION CASH FUND CREATED IN SECTION 24-48.5-117 (7), C.R.S.

1           **SECTION 8.** In Colorado Revised Statutes, **repeal** 24-48.5-111.

2           **SECTION 9. Act subject to petition - effective date.** This act  
3 takes effect at 12:01 a.m. on the day following the expiration of the  
4 ninety-day period after final adjournment of the general assembly (August  
5 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
6 referendum petition is filed pursuant to section 1 (3) of article V of the  
7 state constitution against this act or an item, section, or part of this act  
8 within such period, then the act, item, section, or part will not take effect  
9 unless approved by the people at the general election to be held in  
10 November 2014 and, in such case, will take effect on the date of the  
11 official declaration of the vote thereon by the governor.