

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 13-0620.02 Ed DeCecco x4216

HOUSE BILL 13-1001

HOUSE SPONSORSHIP

Young and Gerou, Ferrandino

SENATE SPONSORSHIP

Heath and Steadman,

House Committees

Business, Labor, Economic, & Workforce Development
Appropriations

Senate Committees

Business, Labor, & Technology
Appropriations

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; 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; AND REDUCING AN**
112 **APPROPRIATION.**

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
3rd Reading Unamended
February 12, 2013

HOUSE
Amended 2nd Reading
February 11, 2013

Bill Summary

(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/billssummaries>.)

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.

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 **as amended by Senate Bill 13-133** (2) (a) (II) 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 2012-13
8 state fiscal year and at the end of each state fiscal year thereafter, the state
9 treasurer shall transfer the state share as follows:

10 (II) (A) FOR THE 2012-13 AND 2013-14 STATE FISCAL YEARS, five
11 million five hundred thousand dollars to the bioscience discovery
12 evaluation cash fund for the implementation of the bioscience discovery
13 evaluation grant program created in section 24-48.5-108, C.R.S. THIS
14 SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE JANUARY 1, 2015;

15 (B) FOR THE 2014-15 STATE FISCAL YEAR AND EACH STATE FISCAL
16 YEAR THEREAFTER, FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS TO
17 THE ADVANCED INDUSTRIES ACCELERATION CASH FUND, CREATED IN
18 SECTION 24-48.5-117, C.R.S.;

19 **SECTION 3.** In Colorado Revised Statutes, 24-46-102, **amend**

1 (3) as follows:

2 **24-46-102. Colorado economic development commission -**
3 **creation - membership - definition.** (3) (a) The commission shall
4 consist of the governor or the governor's designee and eight members
5 who shall be appointed no later than August 1, 1996, as follows: Four
6 members shall be appointed by the governor; two members shall be
7 appointed by the speaker of the house of representatives; and two
8 members shall be appointed by the president of the senate.

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

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

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

- 24 (I) ADVANCED MANUFACTURING;
25 (II) AEROSPACE;
26 (III) BIOSCIENCE;
27 (IV) ELECTRONICS;

- 1 (V) ENERGY AND NATURAL RESOURCES;
- 2 (VI) INFRASTRUCTURE ENGINEERING; AND
- 3 (VII) INFORMATION TECHNOLOGY.

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

6 **24-46-104. Powers and duties of commission.** (1) The
7 commission has the following powers and duties:

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

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

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

16 **24-48.5-108. Bioscience research - evaluation - grants - fund**
17 **- definitions - repeal.** (5) **Fund.** (c) NOTWITHSTANDING ANY PROVISION
18 OF THIS SUBSECTION (5) TO THE CONTRARY, THE STATE TREASURER SHALL
19 TRANSFER ANY UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND
20 AS OF JANUARY 1, 2015, TO THE ADVANCED INDUSTRIES ACCELERATION
21 CASH FUND CREATED IN SECTION 24-48.5-117 (7) (a). **THE COLORADO**
22 **OFFICE OF ECONOMIC DEVELOPMENT SHALL MAKE PROGRAM GRANTS IN**
23 **ACCORDANCE WITH THIS SECTION UNTIL THE MONEYS IN THE FUND ARE**
24 **TRANSFERRED.**

25 (6) This section is repealed, effective ~~July 1, 2024~~ JANUARY 2,
26 2015.

27 **SECTION 6.** In Colorado Revised Statutes, **add** 24-48.5-117 as

1 follows:

2 **24-48.5-117. Advanced industry - grants - fund - definitions -**

3 **repeal. (1) Legislative declaration.** (a) THE GENERAL ASSEMBLY FINDS
4 AND DECLARES THAT COLORADO IS HOME TO A NETWORK OF ASSETS AND
5 RESOURCES, WHICH INCLUDE RESEARCH UNIVERSITIES, COMMUNITY
6 COLLEGES, FEDERAL LABORATORIES, INNOVATIVE COMPANIES,
7 MANUFACTURING INFRASTRUCTURE, WORKFORCE TRAINING INSTITUTIONS,
8 AND ENTREPRENEURS. TO DRIVE GROWTH IN COLORADO'S ECONOMY, THE
9 STATE MUST FOCUS ON INCREASING THE CAPACITY AND COMPETITIVENESS
10 OF THESE ASSETS AND RESOURCES AND THEREBY ATTRACT GREATER
11 INVESTMENT AND PROVIDE A COMPETITIVE ADVANTAGE FOR COLORADO'S
12 ADVANCED INDUSTRIES. INVESTMENT IN ADVANCED INDUSTRIES WILL
13 BUILD PUBLIC-PRIVATE PARTNERSHIPS, DRIVE INNOVATION, AND INCREASE
14 CAPITAL INVESTMENT IN COLORADO'S ECONOMY.

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

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

18 (II) ALIGN EDUCATIONAL INSTITUTIONS TO CREATE THE
19 WORKFORCE FOR ADVANCED INDUSTRY NEEDS;

20 (III) INCREASE EXPORTS AND COMPETITIVENESS IN GLOBAL
21 MARKETS;

22 (IV) ACCELERATE THE COMMERCIALIZATION OF TECHNOLOGIES;

23 AND

24 (V) PROMOTE RESEARCH AND DEVELOPMENT CAPABILITIES
25 ACROSS RESEARCH UNIVERSITIES, COMMUNITY COLLEGES, AND FEDERAL
26 LABORATORIES.

27 (c) THE GENERAL ASSEMBLY RECOGNIZES THE VALUE OF

1 CROSS-SECTOR COLLABORATION AND PARTNERSHIPS WITH RESEARCH
2 INSTITUTIONS AND INDUSTRY AND ENCOURAGES THE COLORADO OFFICE
3 OF ECONOMIC DEVELOPMENT TO PLAY AN ACTIVE ROLE IN ALIGNING
4 RESOURCES TO CREATE AND IMPLEMENT STRATEGIC INITIATIVES ACROSS
5 ADVANCED INDUSTRIES.

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

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

8 (I) ADVANCED MANUFACTURING;

9 (II) AEROSPACE;

10 (III) BIOSCIENCE;

11 (IV) ELECTRONICS;

12 (V) ENERGY AND NATURAL RESOURCES;

13 (VI) INFRASTRUCTURE ENGINEERING; AND

14 (VII) INFORMATION TECHNOLOGY.

15 (b) "FUND" MEANS THE ADVANCED INDUSTRIES ACCELERATION
16 CASH FUND CREATED IN PARAGRAPH (a) OF SUBSECTION (7) OF THIS
17 SECTION.

18 (c) "OFFICE OF ECONOMIC DEVELOPMENT" OR "OFFICE" MEANS THE
19 COLORADO OFFICE OF ECONOMIC DEVELOPMENT CREATED IN SECTION
20 24-48.5-101.

21 (d) "OFFICE OF TECHNOLOGY TRANSFER" MEANS AN OFFICE THAT:

22 (I) IS AFFILIATED WITH A RESEARCH INSTITUTE;

23 (II) IS RESPONSIBLE FOR TECHNOLOGY TRANSFERS; AND

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

26 (e) "PROGRAM" MEANS THE ADVANCED INDUSTRIES
27 ACCELERATION GRANT PROGRAM CREATED IN SUBSECTION (3) OF THIS

1 SECTION.

2 (f) "RESEARCH INSTITUTION" MEANS AN INSTITUTION LOCATED
3 AND OPERATING IN COLORADO THAT IS A:

4 (I) PUBLIC OR PRIVATE, NONPROFIT INSTITUTION OF HIGHER
5 EDUCATION OR TEACHING HOSPITAL;

6 (II) FEDERAL LABORATORY;

7 (III) PRIVATE TECHNOLOGY AND RESEARCH CENTER; OR

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

9 (3) **Program.** (a) THE ADVANCED INDUSTRIES ACCELERATION
10 GRANT PROGRAM IS CREATED WITHIN THE [REDACTED] OFFICE OF ECONOMIC
11 DEVELOPMENT. THE PURPOSE OF THE PROGRAM IS TO ACCELERATE
12 ECONOMIC GROWTH THROUGH GRANTS THAT IMPROVE AND EXPAND THE
13 DEVELOPMENT OF ADVANCED INDUSTRIES, FACILITATE THE
14 COLLABORATION OF ADVANCED INDUSTRY STAKEHOLDERS, AND FURTHER
15 THE DEVELOPMENT OF NEW ADVANCED INDUSTRY PRODUCTS AND
16 SERVICES. THE [REDACTED] OFFICE OF ECONOMIC DEVELOPMENT SHALL ADMINISTER
17 THE PROGRAM, WHICH INCLUDES PROOF-OF-CONCEPT GRANTS,
18 EARLY-STAGE CAPITAL AND RETENTION GRANTS, AND INFRASTRUCTURE
19 FUNDING GRANTS. ALL GRANTS ARE FROM MONEYS IN THE ADVANCED
20 INDUSTRIES ACCELERATION CASH FUND CREATED IN SUBSECTION (7) OF
21 THIS SECTION. EXCEPT FOR THE REPORTING REQUIREMENT IN SUBSECTION
22 (6) OF THIS SECTION, THE PROGRAM ENDS ON JULY 1, 2024, AND ALL
23 GRANTS MUST BE DISBURSED PRIOR TO THAT DATE.

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

27 (II) TO BE ELIGIBLE FOR A PROOF-OF-CONCEPT GRANT, AN OFFICE

1 OF TECHNOLOGY TRANSFER MUST:

2 (A) SUBMIT A DESCRIPTION OF THE ADVANCED INDUSTRY
3 RESEARCH PROJECT;

4 (B) PROVIDE AN ANALYSIS DEMONSTRATING THAT THE PROJECT
5 WILL PROVIDE SIGNIFICANT ECONOMIC IMPACT OR COMPETITIVE
6 ADVANTAGE FOR THE STATE AND ADVANCED INDUSTRIES AND THAT IT
7 WILL ACCELERATE THE PACE OF APPLIED RESEARCH LEADING TO RAPID
8 COMMERCIALIZATION OF PRODUCTS AND SERVICES RESULTING FROM THE
9 PROJECT; AND

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

13 (III) IN SELECTING THE RECIPIENTS OF A PROOF-OF-CONCEPT
14 GRANT, THE OFFICE OF ECONOMIC DEVELOPMENT SHALL GIVE PREFERENCE
15 TO PROJECTS SPONSORED BY AN OFFICE OF TECHNOLOGY TRANSFER THAT:

16 (A) INCLUDE IMPACTS ACROSS MORE THAN ONE ADVANCED
17 INDUSTRY; █

18 (B) INVOLVE MORE THAN ONE RESEARCH INSTITUTION OR
19 ADVANCED INDUSTRY STAKEHOLDER; OR

20 (C) ORIGINATE FROM A NONPROFIT RESEARCH INSTITUTION.

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

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

27 (c) (I) THE OFFICE OF ECONOMIC DEVELOPMENT MAY AWARD AN

1 EARLY-STAGE CAPITAL AND RETENTION GRANT TO AN ELIGIBLE COMPANY
2 FOR THE PURPOSE OF ACCELERATING THE COMMERCIALIZATION OF
3 ADVANCED INDUSTRY PRODUCTS OR SERVICES TO BE MANUFACTURED OR
4 PERFORMED IN COLORADO.

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

7 (A) BE IN AN ADVANCED INDUSTRY;

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

10 (C) HAVE RECEIVED LESS THAN TWENTY MILLION DOLLARS FROM
11 OTHER GRANTS AND THIRD-PARTY INVESTORS;

12 (D) HAVE ANNUAL REVENUES OF LESS THAN TEN MILLION
13 DOLLARS;

14 (E) PROVIDE AN ANALYSIS DEMONSTRATING THAT THE SCOPE OF
15 THE PROJECT IS REQUIRED TO ENHANCE THE COMMERCIALIZATION OF ONE
16 OR MORE ADVANCED INDUSTRY PRODUCTS OR SERVICES WITHIN THE
17 STATE; AND

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

21 (III) IN SELECTING THE RECIPIENT OF AN EARLY-STAGE CAPITAL
22 AND RETENTION GRANT, THE OFFICE OF ECONOMIC DEVELOPMENT SHALL
23 GIVE PREFERENCE TO A COMPANY WHOSE TECHNOLOGY OR RESEARCH AND
24 DEVELOPMENT HAS APPLICATION TO MORE THAN ONE ADVANCED
25 INDUSTRY.

26 (IV) EXCEPT AS SET FORTH IN PARAGRAPH (b) OF SUBSECTION (4)
27 OF THIS SECTION, THE MAXIMUM AMOUNT OF AN EARLY-STAGE CAPITAL

1 AND RETENTION GRANT IS TWO HUNDRED FIFTY THOUSAND DOLLARS.

2 (d) (I) THE OFFICE OF ECONOMIC DEVELOPMENT MAY AWARD AN
3 INFRASTRUCTURE FUNDING GRANT FOR AN ADVANCED INDUSTRY PROJECT
4 THAT BUILDS OR UTILIZES INFRASTRUCTURE TO SUPPORT OR ENHANCE THE
5 COMMERCIALIZATION OF ADVANCED INDUSTRY PRODUCTS OR SERVICES OR
6 THAT CONTRIBUTES TO THE DEVELOPMENT OF AN ADVANCED INDUSTRY
7 WORKFORCE.

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

10 (A) SUBSTANTIALLY INCREASE ALIGNMENT BETWEEN PRIVATE
11 COMPANIES WITHIN AN ADVANCED INDUSTRY AND RESEARCH
12 INSTITUTIONS; AND

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

15 (III) IN SELECTING RECIPIENTS FOR THE INFRASTRUCTURE FUNDING
16 GRANTS, THE OFFICE OF ECONOMIC DEVELOPMENT SHALL GIVE
17 PREFERENCE TO PROJECTS THAT:

18 (A) ACCELERATE ECONOMIC GROWTH IN MORE THAN ONE
19 ADVANCED INDUSTRY OR INCLUDE MORE THAN ONE RESEARCH
20 INSTITUTION OR ADVANCED INDUSTRY STAKEHOLDER;

21 (B) ORIGINATE FROM NONPROFIT RESEARCH INSTITUTIONS;

22 (C) FOCUS ON APPLIED RESEARCH AND DEVELOPMENT,
23 TECHNOLOGY ACCELERATION, OR PRODUCTION-ORIENTED OR
24 MANUFACTURING-ORIENTED FACILITIES; OR

25 (D) FOCUS ON WORKFORCE DEVELOPMENT THAT ADDRESSES THE
26 ADVANCED INDUSTRIES' WORKFORCE SKILLS THAT ARE NEEDED TO
27 FACILITATE COMMERCIALIZATION OF PRODUCTS OR SERVICES.

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

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

6 (a) IN ORDER TO BE ELIGIBLE FOR A GRANT, A GRANT APPLICANT
7 MUST:

8 (I) IDENTIFY THE NUMBER OF JOBS THAT WILL BE CREATED OR
9 RETAINED IN THE STATE, ANTICIPATED CAPITAL INVESTED OR RETAINED IN
10 THE STATE, AND ANY OTHER PROJECTED ECONOMIC IMPACTS THAT WILL
11 RESULT FROM THE GRANT; AND

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

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

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

20 (d) (I) UPON COMPLETION OF A PROJECT THAT WAS THE BASIS OF
21 A GRANT, A RECIPIENT SHALL IDENTIFY HOW THE GRANT WAS USED, THE
22 NUMBER OF JOBS CREATED OR RETAINED IN THE STATE, CAPITAL INVESTED
23 OR RETAINED IN THE STATE, AND ANY OTHER ECONOMIC IMPACTS THAT
24 RESULTED FROM THE GRANT; AND

25 (II) RETURN ANY UNUSED GRANT MONEYS TO THE OFFICE OF
26 ECONOMIC DEVELOPMENT, WHICH SHALL TRANSFER THE MONEYS TO THE
27 STATE TREASURER FOR DEPOSIT IN THE ADVANCED INDUSTRIES

1 ACCELERATION CASH FUND.

2 (5) **Grant administration.** (a) ON OR BEFORE SEPTEMBER 1,
3 2013, THE OFFICE OF ECONOMIC DEVELOPMENT SHALL ESTABLISH
4 PROCEDURES AND TIMELINES FOR GRANT APPLICATIONS; CRITERIA FOR
5 DETERMINING GRANT AMOUNTS, INCLUDING HOW PREFERENCES WILL BE
6 APPLIED; GRANTEE REPORTING REQUIREMENTS; AND ANY OTHER PROGRAM
7 POLICIES. THE OFFICE MAY AMEND THESE POLICIES AT ANY TIME.

8 (b) PRIOR TO AWARDING A GRANT, THE OFFICE OF ECONOMIC
9 DEVELOPMENT SHALL CONSULT WITH THE ECONOMIC DEVELOPMENT
10 COMMISSION ABOUT ALL OF THE POTENTIAL GRANTS AND OTHER
11 MONETARY INCENTIVES THAT AN OFFICE OF TECHNOLOGY TRANSFER,
12 COMPANY, OR PROJECT IS ELIGIBLE TO RECEIVE FROM THE STATE.

13 (c) THE OFFICE OF ECONOMIC DEVELOPMENT SHALL CONSULT WITH
14 COLORADO-BASED ADVANCED INDUSTRIES ASSOCIATIONS OR OTHER
15 REPRESENTATIVES FROM ADVANCED INDUSTRIES ABOUT THE PROGRAM.
16 THIS CONSULTATION MUST INCLUDE REVIEWING OF PROGRAM GRANT
17 APPLICATIONS AND MONITORING AND EVALUATING THE GRANTEES AND
18 THE ADVANCED INDUSTRY PROJECTS.

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

22 [REDACTED]

23 (e) (I) IN THE 2014 CALENDAR YEAR, THE OFFICE OF ECONOMIC
24 DEVELOPMENT SHALL AWARD, AT A MINIMUM, AN AMOUNT EQUAL TO
25 ONE-HALF OF THE AMOUNT CREDITED TO THE FUND ON MARCH 1, 2014,
26 PURSUANT TO SECTION 39-22-604.3, C.R.S., FOR PROGRAM GRANTS TO
27 CLEAN TECHNOLOGY COMPANIES OR PROJECTS.

1 (II) IN THE 2015 CALENDAR YEAR AND EACH CALENDAR YEAR
2 THEREAFTER, THE OFFICE OF ECONOMIC DEVELOPMENT SHALL AWARD, AT
3 A MINIMUM:

4 (A) FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS FOR
5 PROGRAM GRANTS TO BIOSCIENCE COMPANIES OR PROJECTS; AND

6 (B) AN AMOUNT EQUAL TO ONE-HALF OF THE AMOUNT CREDITED
7 TO THE FUND DURING THE YEAR PURSUANT TO SECTION 39-22-604.3,
8 C.R.S., FOR PROGRAM GRANTS TO CLEAN TECHNOLOGY COMPANIES OR
9 PROJECTS.

10 (III) THE OFFICE OF ECONOMIC DEVELOPMENT MAY USE ANY
11 MONEYS IN THE FUND THAT ARE NOT REQUIRED FOR THE MANDATORY
12 GRANTS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH (e) FOR PROGRAM
13 GRANTS TO COMPANIES OR PROJECTS FROM ANY OF THE SEVEN ADVANCED
14 INDUSTRIES.

15 (f) THE OFFICE OF ECONOMIC DEVELOPMENT SHALL AWARD AT
16 LEAST FIFTEEN PERCENT OF THE TOTAL PROGRAM GRANTS IN A CALENDAR
17 YEAR TO EACH OF THE THREE TYPES OF GRANTS. IF THE OFFICE IS UNABLE
18 TO AWARD THIS PERCENTAGE IN A GIVEN YEAR DUE TO A LACK OF
19 QUALIFIED APPLICANTS, THE DEFICIENCY DOES NOT ROLL FORWARD TO THE
20 NEXT YEAR.

21 (6) **Reporting.** (a) ON OR BEFORE NOVEMBER 1, 2014, AND
22 NOVEMBER 1 OF THE NEXT TEN YEARS THEREAFTER, THE OFFICE OF
23 ECONOMIC DEVELOPMENT SHALL SUBMIT A REPORT TO THE FINANCE AND
24 THE BUSINESS, LABOR, AND ECONOMIC AND WORKFORCE DEVELOPMENT
25 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND TO THE BUSINESS,
26 LABOR, AND TECHNOLOGY AND THE FINANCE COMMITTEES OF THE SENATE,
27 OR ANY SUCCESSOR COMMITTEES, SUMMARIZING ALL OF THE GRANTS

1 AWARDED IN THE PROGRAM DURING THE PRECEDING FISCAL YEAR. AT A
2 MINIMUM, THE REPORT MUST INCLUDE THE AMOUNT THAT EACH RECIPIENT
3 RECEIVED, A DESCRIPTION OF EACH RECIPIENT'S USE OF THE GRANT, THE
4 NUMBER OF JOBS CREATED OR RETAINED IN THE STATE, CAPITAL INVESTED
5 OR RETAINED IN THE STATE, AND ANY OTHER ECONOMIC IMPACTS THAT
6 RESULTED FROM THE GRANT.

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

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

11 (I) MONEYS TRANSFERRED TO IT PURSUANT TO SECTION
12 24-48.5-108 (5) (c);

13 (II) MONEYS CREDITED TO IT PURSUANT TO SECTION 39-22-604.3,
14 C.R.S.;

15 (III) MONEYS TRANSFERRED TO IT PURSUANT TO SECTION
16 12-47.1-701 (2), C.R.S.;

17 (IV) FIVE MILLION DOLLARS, WHICH THE STATE TREASURER SHALL
18 TRANSFER FROM THE GENERAL FUND TO THE FUND ON SEPTEMBER 1, 2013;

19 (V) MONEYS CREDITED TO IT PURSUANT TO SUBPARAGRAPH (II) OF
20 PARAGRAPH (d) OF SUBSECTION (4) OF THIS SECTION;

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

23 (VII) ANY OTHER MONEYS THAT THE GENERAL ASSEMBLY
24 APPROPRIATES TO IT.

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

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

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

11 (c) THE MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED
12 TO THE OFFICE OF ECONOMIC DEVELOPMENT FOR THE PURPOSE OF
13 AWARDING GRANTS ALLOWED BY THIS SECTION AND FOR ITS
14 ADMINISTRATIVE COSTS ASSOCIATED WITH THE PROGRAM. THE OFFICE'S
15 ADMINISTRATIVE EXPENSES FOR THE PROGRAM IN A FISCAL YEAR SHALL
16 NOT EXCEED FIVE PERCENT OF THE MONEYS TRANSFERRED OR
17 APPROPRIATED TO THE FUND IN THE FISCAL YEAR.

18 (d) AS PROVIDED BY LAW, THE STATE TREASURER MAY INVEST ANY
19 UNEXPENDED MONEYS IN THE ADVANCED INDUSTRIES ACCELERATION
20 CASH FUND. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT
21 AND DEPOSIT OF MONEYS IN THE FUND ARE CREDITED TO THE FUND. ANY
22 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT
23 THE END OF A FISCAL YEAR SHALL NOT BE CREDITED OR TRANSFERRED TO
24 THE GENERAL FUND OR ANOTHER FUND; EXCEPT THAT ANY UNEXPENDED
25 AND UNENCUMBERED MONEYS REMAINING IN THE FUND UPON THE REPEAL
26 OF THIS SECTION ARE TRANSFERRED TO THE GENERAL FUND.

27 (8) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1,

1 2025.

2 **SECTION 7.** In Colorado Revised Statutes, 39-22-604.3, **amend**
3 (3) (b) and (4) as follows:

4 **39-22-604.3. Innovation reinvestment - withholding - transfers**
5 **- bioscience - clean technology - short title - legislative declaration -**
6 **definitions - repeal.** (3) As used in this section, unless the context
7 otherwise requires:

8 (b) "Bioscience or clean technology industry code" means any of
9 the following codes within the North American industry classification
10 system established by the federal office of management and budget:
11 311221, 311222, 311223, 325193, 325199, 325221, 325311, 325312,
12 325314, 325320, 325411, 325412, 325413, 325414, 334510, 334516,
13 334517, 339111, 339112, 339113, 339114, 339115, 339116, 541380,
14 541710, 621511, 621512, 221111, ~~221119, 221330, 237110, 237130,~~
15 ~~238220, 325188, 333414, 333611, 334413, 334512, 335312, 335911,~~
16 ~~335999, 336111, 423720, 541620, 541690, and 541712~~ 221114, 221115,
17 221116, 221117, 221118, 221330, 237110, 237130, 238220, 325188,
18 333414, 333611, 334413, 334512, 335312, 335911, 335999, 336111,
19 336510, 423720, 541620, 541690, 541712, AND ANY SUCCESSOR CODES.

20 (4) Notwithstanding any provision of law to the contrary,
21 beginning March 1, 2014, and March 1 of the next nine years thereafter,
22 the state treasurer shall credit an amount equal to one-half of the
23 bioscience and clean technology income tax withholding growth from the
24 moneys remitted by employers to the department of revenue pursuant to
25 section 39-22-604 to the ~~bioscience discovery evaluation cash fund~~
26 ~~created in section 24-48.5-108 (5), C.R.S., and the clean technology~~
27 ~~discovery evaluation cash fund created in section 24-48.5-111 (5), C.R.S.,~~

1 ~~with each fund receiving an equal share~~ ADVANCED INDUSTRIES
2 ACCELERATION CASH FUND CREATED IN SECTION 24-48.5-117 (7), C.R.S.

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

4 **SECTION 9. Appropriation - adjustments to 2013 long bill.**

5 (1) For the implementation of this act, appropriations made in the annual
6 general appropriation act to the governor - lieutenant governor -state
7 planning and budgeting for the fiscal year beginning July 1, 2013, are
8 adjusted as follows:

9 (a) The cash funds appropriation from the bioscience discovery
10 evaluation cash fund created in section 24-48.5-108 (5) (a), Colorado
11 Revised Statutes, for bioscience discovery evaluation, is decreased by
12 \$2,463,016.

13 **SECTION 10. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2014 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.