

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0297.01 Jane Ritter x4342

HOUSE BILL 12-1044

HOUSE SPONSORSHIP

Ferrandino and Young,

SENATE SPONSORSHIP

(None),

House Committees

Economic and Business Development

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE START-UP COLORADO
102 TECHNOLOGY TRANSFER GRANT PROGRAM.

Bill Summary

(Note: This summary applies to this bill as introduced and does not 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 establishes the start-up Colorado technology transfer grant program (program). The purpose of the program is provide grants of up to \$750,000 to offices of technology transfer to help further the commercialization of technology projects and discoveries in Colorado, which will, in turn, lead to the creation of Colorado jobs. The start-up

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.

Colorado technology transfer cash fund, not to exceed \$5 million, is also created. The program is repealed, effective July 1, 2015.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-48.5-108.5
3 as follows:

4 **24-48.5-108.5. Technology transfer - definitions - start-up**
5 **Colorado technology transfer grant program - cash fund - grants -**
6 **reporting requirements - repeal.** (1) (a) THE GENERAL ASSEMBLY FINDS
7 THAT:

8 (I) ADDITIONAL RESOURCES ARE NEEDED TO ASSIST IN IMPROVING
9 AND ACCELERATING THE PROCESS OF TECHNOLOGY TRANSFER FROM
10 RESEARCH INSTITUTIONS TO THE PRIVATE SECTOR;

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

15 (III) THE DEVELOPMENT OF NEW PRODUCTS AND SERVICES FROM
16 TECHNOLOGY RESEARCH DISCOVERIES THAT ORIGINATE IN COLORADO
17 WILL CREATE ADDITIONAL PRIMARY JOBS IN COLORADO; AND

18 (IV) THE STATE SHOULD DEDICATE RESOURCES TO SUPPORT
19 TECHNOLOGY TRANSFER EFFORTS WITH THE STATE'S RESEARCH
20 INSTITUTIONS.

21 (b) THE GENERAL ASSEMBLY, THEREFORE, DECLARES THAT IT IS IN
22 THE BEST INTERESTS OF THE STATE'S ECONOMIC GROWTH TO DEDICATE
23 FINANCIAL RESOURCES TO FACILITATE THE DEVELOPMENT OF NEW
24 TECHNOLOGY RESEARCH DISCOVERIES IN COLORADO.

25 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES:

2 (a) "DIRECTOR" MEANS THE DIRECTOR OF THE COLORADO OFFICE
3 OF ECONOMIC DEVELOPMENT CREATED IN SECTION 24-48.5-101.

4 (b) "FUND" MEANS THE START-UP COLORADO TECHNOLOGY
5 TRANSFER CASH FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

6 (c) "OFFICE OF TECHNOLOGY TRANSFER" MEANS AN OFFICE THAT
7 IS AFFILIATED WITH A RESEARCH INSTITUTION AND THAT IS CHARGED WITH
8 THE RESPONSIBILITY FOR TECHNOLOGY TRANSFER AND THAT ARRANGES
9 FOR THE SALE OR LICENSURE OF A TECHNOLOGY RESEARCH PROJECT TO AN
10 OUTSIDE ENTITY, WHICH IS COMMONLY A COMMERCIAL ENTERPRISE.

11 (d) "PROGRAM" MEANS THE START-UP COLORADO TECHNOLOGY
12 TRANSFER GRANT PROGRAM CREATED IN SUBSECTION (3) OF THIS SECTION.

13 (e) "RESEARCH INSTITUTION" MEANS AN INSTITUTION LOCATED
14 AND OPERATING IN COLORADO THAT IS A PUBLIC OR PRIVATE, NONPROFIT
15 INSTITUTION OF HIGHER EDUCATION, A NONPROFIT TEACHING HOSPITAL,
16 OR A PRIVATE, NONPROFIT MEDICAL AND RESEARCH CENTER.

17 (3) (a) THERE IS HEREBY CREATED IN THE COLORADO OFFICE OF
18 ECONOMIC DEVELOPMENT THE START-UP COLORADO TECHNOLOGY
19 TRANSFER GRANT PROGRAM FOR THE PURPOSE OF IMPROVING AND
20 EXPANDING THE DEVELOPMENT OF TECHNOLOGICAL DISCOVERIES AND OF
21 ACCELERATING THE DEVELOPMENT OF NEW PRODUCTS AND SERVICES AND
22 THE CREATION OF NEW JOBS IN COLORADO. THE COLORADO OFFICE OF
23 ECONOMIC DEVELOPMENT SHALL ADMINISTER THE PROGRAM. THE
24 DIRECTOR SHALL CONSULT WITH OFFICES OF TECHNOLOGY TRANSFER IN
25 THE IMPLEMENTATION OF THE PROGRAM, INCLUDING BUT NOT LIMITED TO
26 THE REVIEW OF PROGRAM GRANT APPLICATIONS AND THE
27 ACCOUNTABILITY AND EVALUATION OF THE GRANTEEES AND RESEARCH

1 PROJECTS.

2 (b) THE PROGRAM SHALL PROVIDE GRANTS TO OFFICES OF
3 TECHNOLOGY TRANSFER ON A STATEWIDE BASIS. THE GRANTS SHALL BE
4 PAID FROM MONEYS APPROPRIATED TO THE START-UP COLORADO
5 TECHNOLOGY TRANSFER CASH FUND CREATED IN SUBSECTION (5) OF THIS
6 SECTION. THE GRANTS SHALL BE PROVIDED IN AMOUNTS NOT TO EXCEED
7 SEVEN HUNDRED FIFTY THOUSAND DOLLARS PER GRANTEE.

8 (c) TO BE ELIGIBLE FOR A GRANT FROM THE PROGRAM, AN OFFICE
9 OF TECHNOLOGY TRANSFER SHALL SUBMIT TO THE COLORADO OFFICE OF
10 ECONOMIC DEVELOPMENT ALL OF THE FOLLOWING:

11 (I) A DESCRIPTION OF THE PROJECT AND A PLAN FOR TECHNOLOGY
12 TRANSFER;

13 (II) A DETAILED LIST OF SECURED OR POTENTIAL SOURCES OF
14 MATCHING FUNDS; AND

15 (III) AN ANALYSIS DEMONSTRATING THAT THE SCOPE OF THE
16 PROJECT IS REQUIRED TO ENHANCE THE COMMERCIALIZATION OF THE
17 TECHNOLOGY THAT RESULTS FROM THE PROJECT IN COLORADO.

18 (d) IN AWARDING GRANTS FROM THE PROGRAM, THE DIRECTOR
19 SHALL GIVE PRIORITY TO THOSE TECHNOLOGY TRANSFER PROJECTS THAT
20 CREATE JOBS IN COLORADO AND THOSE THAT HAVE AVAILABLE FEDERAL
21 OR PRIVATE MATCHING FUNDS.

22 (e) UPON COMPLETION OF A PROJECT FOR WHICH A GRANT HAS
23 BEEN AWARDED UNDER THE PROGRAM, ANY UNUSED GRANT MONEYS
24 SHALL BE RETURNED TO THE COLORADO OFFICE OF ECONOMIC
25 DEVELOPMENT. THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT
26 SHALL TRANSFER THE MONEYS TO THE STATE TREASURER WHO SHALL
27 DEPOSIT THE SAME INTO THE FUND CREATED IN SUBSECTION (5) OF THIS

1 SECTION.

2 (4) (a) ON OR BEFORE SEPTEMBER 1, 2012, THE DIRECTOR SHALL
3 ESTABLISH POLICIES FOR THE PROGRAM THAT INCLUDE, BUT NEED NOT BE
4 LIMITED TO:

5 (I) THE PROCEDURES AND TIMELINES BY WHICH AN OFFICE OF
6 TECHNOLOGY TRANSFER MAY APPLY FOR A GRANT FROM THE PROGRAM;

7 (II) CRITERIA FOR DETERMINING GRANT RECIPIENTS AND GRANT
8 AMOUNTS; AND

9 (III) REPORTING REQUIREMENTS FOR GRANT RECIPIENTS THAT
10 REQUIRE, AT A MINIMUM, THAT EACH OFFICE OF TECHNOLOGY TRANSFER
11 THAT RECEIVES A GRANT UNDER THE PROGRAM SUBMIT, NO LATER THAN
12 TWO YEARS AFTER RECEIPT OF THE GRANT, A REPORT TO THE COLORADO
13 OFFICE OF ECONOMIC DEVELOPMENT. THE REPORT SHALL DESCRIBE, AT A
14 MINIMUM, THE OUTCOMES OF THE PROJECT AND THE NUMBER OF
15 COLORADO JOBS CREATED AS A RESULT OF THE PROJECT.

16 (b) ON OR BEFORE APRIL 15, 2015, THE DIRECTOR SHALL SUBMIT
17 A REPORT TO THE FINANCE COMMITTEES OF THE HOUSE OF
18 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES,
19 SUMMARIZING THE USE OF ALL MONEYS THAT WERE AWARDED AS GRANTS
20 FROM THE PROGRAM. THE REPORT SHALL INCLUDE, AT A MINIMUM, A
21 LISTING OF GRANT RECIPIENTS, AMOUNTS OF GRANTS, AND THE NUMBER
22 OF COLORADO JOBS CREATED AS A RESULT OF THE PROGRAM.

23 (5) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
24 START-UP COLORADO TECHNOLOGY TRANSFER CASH FUND, REFERRED TO
25 IN THIS SECTION AS THE "FUND", THAT SHALL CONSIST OF MONEYS THAT
26 ARE APPROPRIATED BY THE GENERAL ASSEMBLY, NOT TO EXCEED FIVE
27 MILLION DOLLARS, AND ANY MONEYS TRANSFERRED TO THE FUND

1 PURSUANT TO SUBSECTION (3) OF THIS SECTION. THE MONEYS IN THE FUND
2 SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
3 ASSEMBLY FOR THE PURPOSES SPECIFIED IN THIS SECTION, INCLUDING
4 ADMINISTRATION OF THE PROGRAM BY THE COLORADO OFFICE OF
5 ECONOMIC DEVELOPMENT. ANY MONEYS IN THE FUND NOT EXPENDED FOR
6 THE PURPOSE OF THIS SECTION MAY BE INVESTED BY THE STATE
7 TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED
8 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE
9 CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
10 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN
11 THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE
12 GENERAL FUND OR ANOTHER FUND; EXCEPT THAT ANY UNEXPENDED AND
13 UNENCUMBERED MONEYS REMAINING IN THE FUND UPON THE REPEAL OF
14 THIS SECTION SHALL BE TRANSFERRED TO THE GENERAL FUND. ANY
15 MONEYS INCLUDED IN AN ANNUAL APPROPRIATION THAT ARE NOT
16 EXPENDED OR ENCUMBERED AT THE END OF THE FISCAL YEAR SHALL
17 REMAIN AVAILABLE FOR EXPENDITURE IN THE NEXT FISCAL YEAR WITHOUT
18 FURTHER APPROPRIATIONS.

19 (b) THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT MAY USE
20 UP TO FIVE PERCENT OF THE MONEYS TRANSFERRED TO THE FUND FOR THE
21 ACTUAL COSTS INCURRED IN ADMINISTERING THE PROGRAM.

22 (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2015.

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