

SECOND REGULAR SESSION

SENATE BILL NO. 689

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WRIGHT-JONES.

Pre-filed December 1, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3309S.011

AN ACT

To amend chapter 640, RSMo, by adding thereto eight new sections relating to the Missouri clean energy technology center.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 640, RSMo, is amended by adding thereto eight new sections, to be known as sections 640.775, 640.778, 640.781, 640.784, 640.787, 640.790, 640.793, and 640.796 to read as follows:

640.775. As used in sections 640.775 to 640.796, the following words shall have the following meanings:

(1) "Board", the board of directors of the Missouri clean energy technology center;

(2) "Bonds", when used in reference to the center, any bonds, notes, debentures, interim certificates, or other financial undertakings for the purpose of raising capital, including, but not limited to, lines of credit, forward purchase agreements, investment agreements and other banking or financial arrangements, issued by or entered into by the center under sections 640.775 to 640.796;

(3) "Center", the Missouri clean energy technology center established under section 640.778;

(4) "Clean energy", advanced and applied technologies that significantly reduce or eliminate the use of energy from non-renewable sources, including but not limited to energy efficiency, demand response, energy conservation and those technologies powered in whole or in part by the sun, wind, water, biomass, alcohol, wood, fuel cells, or any renewable, non-depletable or recyclable fuel;

(5) "Clean energy research", advanced and applied research into new clean energy technologies including: solar photovoltaic; solar

21 thermal; wind power; geothermal; wave and tidal energy; advanced
22 hydropower; energy storage for automotive applications; energy
23 storage for grid applications; biofuels, including ethanol, biodiesel, and
24 advanced biofuels; renewable, biodegradable chemicals; advanced
25 thermal-to-energy conversion; hydrogen; carbon capture and
26 sequestration; energy monitoring; green building materials; energy-
27 efficient lighting; gasification and conversion to liquid fuels; industrial
28 energy efficiency; demand side management; fuel cells; and other
29 technologies that the board considers applicable under the definitions
30 herein. Research involving the following technologies or fuels shall not
31 be considered clean energy research: coal, oil, natural gas except when
32 used in fuel cells, and nuclear power;

33 (6) "Contribution agreement", any agreement authorized under
34 sections 640.775 to 740.796 in which a private entity or public entity
35 other than the state agrees to provide contributions to the center for
36 the purpose of promoting clean energy research;

37 (7) "Federal agency", any office, agency, division, department,
38 board or commission of the United States government;

39 (8) "Fund", the Missouri Alternative and Clean Energy Investment
40 Trust Fund established in section 640.796;

41 (9) "Person", any natural or corporate person, including bodies
42 politic and corporate, public departments, offices, agencies, authorities
43 and political subdivisions of the state, corporations, trusts, societies,
44 associations and partnerships and subordinate instrumentalities of any
45 one or more political subdivisions of the state;

46 (10) "Revenues", any receipts, fees, rentals or other payments or
47 income received or to be received on account of obligations to the
48 center including, without limitation, equity ownership in public or
49 private companies, income on account of the leasing, mortgaging, sale
50 or other disposition of a project or proceeds of a loan made by the
51 center in connection with any project; and also including amounts in
52 reserves or held in other funds or accounts established in connection
53 with the issuance of bonds and the proceeds of any investments thereof,
54 proceeds of foreclosure and any other fees, charges or other income
55 received or receivable by the center.

640.778. 1. There is hereby established a body politic and
2 corporate, to be known as the Missouri clean energy technology

3 center. The center is hereby constituted a public instrumentality and
4 the exercise by the center of the powers conferred by sections 640.775
5 to 640.796 shall be considered to be the performance of an essential
6 governmental function.

7 2. The center is hereby placed in the offices of the department
8 of natural resources but shall not be subject to the supervision or
9 control of the department of natural resources, or of any board, bureau,
10 or other department of the state, except as specifically provided in
11 sections 640.775 to 640.796.

12 3. The center shall promote and advance the state's public
13 interests by:

14 (1) Acting as the state's lead agency in the promotion and
15 development of jobs in the clean energy sector;

16 (2) Promoting research and workforce training in clean energy
17 technology at the state's public institutions of higher education and
18 vocational-technical schools;

19 (3) Stimulating the creation and development of new clean
20 energy ventures that will form the foundation of a strong Missouri
21 clean energy industry sector or cluster;

22 (4) Providing support to existing clean energy companies to
23 expand their operations within the state;

24 (5) Attracting new capital and research facilities from
25 institutions outside the state;

26 (6) Fostering collaboration between industry, state government,
27 research universities and the financial sector in order to advance clean
28 energy technology commercialization and venture development;

29 (7) Conducting market research to identify barriers to creating
30 and expanding a clean technology industry, including job training
31 needs;

32 (8) Supporting demonstration projects that are evaluated by
33 independent, third-party peer research institutions;

34 (9) Serving as the clearinghouse for information related to the
35 clean energy industry in Missouri; and

36 (10) Promoting programs and investments that lead to pathways
37 towards economic self-sufficiency for low and moderate income
38 individuals and communities in the clean energy industry.

640.781. 1. The center shall be governed and its corporate

2 powers exercised by a board of directors consisting of thirteen
3 directors: one of whom shall be the director of the department of
4 natural resources or his or her designee; one of whom shall be the
5 director of the department of economic development or his or her
6 designee; one of whom shall be the director of the department of labor
7 and industrial relations or his or her designee; one of whom shall be
8 the president of the University of Missouri system or his or her
9 designee; one of whom shall be the director of the Missouri Alternative
10 and Renewable Energy Technology Center; one of whom shall be the
11 director of the Missouri Energy Initiative; one of whom shall be the
12 director of the Missouri Association for Workforce Development; and
13 six of whom shall be appointed by the governor, two of whom shall be
14 presidents of private colleges or universities in the state or their
15 designees, one of whom shall be an engineer or scientist with expertise
16 in clean energy technology, one of whom shall be a venture capitalist
17 with expertise in clean energy technologies in the state, one of whom
18 shall be the president of a Missouri community college or his or her
19 designee, and one of whom shall be a chief executive officer of a
20 Missouri-based clean energy corporation. Each of the six directors
21 appointed by the governor shall serve for a term of five years, except
22 that in making his or her initial appointments, the governor shall
23 appoint one director to serve for a term of one year, one director to
24 serve for a term of two years, one director for a term of three years,
25 one director for a term of four years, and two directors for a term of
26 five years. The director of the department of natural resources or his
27 or her designee shall serve as chairperson. Any director shall be
28 eligible for reappointment. Any director may be removed from his or
29 her appointment by the governor for cause. Any person appointed to
30 fill a vacancy in the office of an appointed director of the board shall
31 be appointed in a like manner and shall serve for only the unexpired
32 term of such director.

33 2. Five directors shall constitute a quorum and the affirmative
34 vote of a majority of directors present at a duly called meeting where
35 a quorum is present shall be necessary for any action to be taken by the
36 board. The directors of the board shall serve without compensation,
37 but each director shall be entitled to reimbursement for his or her
38 actual and necessary expenses incurred in the performance of his or

39 her official duties.

40 3. The board shall have the power to appoint and employ an
41 executive director, and to fix his or her compensation and conditions
42 of employment. The executive director shall be the chief executive,
43 administrative and operational officer of the center and shall direct
44 and supervise administrative affairs and the general management of
45 the center. The executive director may, subject to the general
46 supervision of the board, employ other employees, consultants, agents,
47 including legal counsel and advisors, and shall attend meetings of the
48 board.

49 4. The board shall elect a secretary and a treasurer. The
50 secretary shall keep a record of the proceedings of the board and shall
51 be the custodian of all books, documents and papers filed by the board
52 and of its minute book and seal. The treasurer shall be the chief
53 financial and accounting officer of the center and shall be in charge of
54 its funds, books of account and accounting records. The books and
55 records of the center shall be subject to a biennial audit by the auditor
56 of the state.

57 5. All officers and employees of the center having access to its
58 cash or negotiable securities shall give bond to the center, at its
59 expense, in such amounts and with such surety as the board may
60 prescribe. The persons required to give bond may be included in one
61 or more blanket or scheduled bonds.

62 6. The board of directors and officers who are not compensated
63 employees of the center shall not be liable to the state, to the center or
64 to any other person as a result of their activities, whether ministerial
65 or discretionary, as such directors or officers except for willful
66 dishonesty or intentional violations of law. Neither members of the
67 center nor any person executing bonds or policies of insurance shall be
68 liable personally thereon or be subject to any personal liability or
69 accountability by reason of the issuance thereof. The board of
70 directors may purchase liability insurance for board members, officers
71 and employees and may indemnify said persons against claims by
72 others.

 640.784. Any documentary materials or data whatsoever made or
2 received by any member or employee of the center and consisting of, or
3 to the extent that such materials or data consist of, trade secrets or

4 commercial or financial information regarding the operation of any
5 business conducted by an applicant for any form of assistance which
6 the center is empowered to render or regarding the competitive
7 position of such applicant in a particular field of endeavor, shall not be
8 deemed a public record under chapter 610. Any discussion or
9 consideration of such trade secrets or commercial or financial
10 information may be held by the board in a meeting closed to the public,
11 notwithstanding the provisions of chapter 610, but the purpose of any
12 such closed meeting shall be set forth in the official minutes of the
13 center and no business which is not directly related to such purpose
14 shall be transacted nor shall any vote be taken during such closed
15 meeting.

640.787. The center shall have all powers necessary or
2 convenient to carry out and effectuate its purposes, including the
3 powers:

4 (1) To adopt and amend rules, regulations, and procedures for
5 the governance of its affairs and the conduct of its business. Any rule
6 or portion of a rule, as that term is defined in section 536.010, that is
7 created under the authority delegated in this section shall become
8 effective only if it complies with and is subject to all of the provisions
9 of chapter 536, and, if applicable, section 536.028. This section and
10 chapter 536, are nonseverable and if any of the powers vested with the
11 general assembly pursuant to chapter 536, to review, to delay the
12 effective date, or to disapprove and annul a rule are subsequently held
13 unconstitutional, then the grant of rulemaking authority and any rule
14 proposed or adopted after August 28, 2010, shall be invalid and void;

15 (2) To establish standards requiring that any grant, loan or other
16 appropriation of funds under sections 640.775 to 640.796 be subject to
17 an intellectual property agreement between the center and the
18 recipient; provided, said intellectual property agreements balance the
19 opportunity for the state to benefit from the patents, royalties, equity
20 ownership in public and private companies and licenses with the need
21 to ensure that essential clean energy research is not unreasonably
22 hindered by the intellectual property agreements; and provided,
23 further, that all revenues or financial interests of any kind received by
24 the center as a result of said intellectual property agreements shall be
25 placed, in their entirety, in the fund;

- 26 **(3) To adopt an official seal;**
- 27 **(4) To maintain offices at places within the state as it may**
28 **determine and to conduct meetings of the center;**
- 29 **(5) To sue and be sued;**
- 30 **(6) To appoint officers and employees and to engage consultants,**
31 **agents and advisors;**
- 32 **(7) To enter into contracts and agreements and execute all**
33 **instruments necessary or convenient thereto for accomplishing the**
34 **purposes of sections 640.775 to 640.796; such contracts and agreements**
35 **may include, without limiting the foregoing: construction agreements;**
36 **purchase or acquisition agreements; loan or lease agreements;**
37 **partnership agreements including limited partnership agreements;**
38 **joint ventures; participation agreements; service agreements with clean**
39 **energy entities, environmental, educational or other financial**
40 **institutions or intermediaries; and agreements with one or more**
41 **persons for the servicing of loans made by the center, including the**
42 **receipt by such servicer of payments made by a user under a financing**
43 **document. Any such payments shall constitute trust funds to be held**
44 **and applied solely as provided in such agreement for the servicing of**
45 **loans;**
- 46 **(8) To acquire real and personal property, or any interest in real**
47 **or personal property, by gift, purchase, transfer, foreclosure, lease or**
48 **otherwise including rights or easements; to hold, sell, assign, lease,**
49 **encumber, mortgage or otherwise dispose of any real or personal**
50 **property, or any interest therein, or mortgage any interest owned by it**
51 **or under its control, custody or in its possession; to release or**
52 **relinquish any right, title, claim, lien, interest, easement or demand**
53 **however acquired, including any equity or right of redemption in**
54 **property foreclosed by it; to take assignments of leases and rentals,**
55 **proceed with foreclosure actions, or take any other actions necessary**
56 **or incidental to the performance of its corporate purposes;**
- 57 **(9) To invest any funds held in reserves or sinking funds, or the**
58 **Missouri Alternative and Clean Energy Investment Trust Fund, or any**
59 **funds not required for immediate disbursement, in such investments as**
60 **may be provided in any financing document relating to the use of such**
61 **funds, or, if not so provided, as the board may determine;**
- 62 **(10) To review and recommend changes in laws, rules, programs**

63 and policies of the state and its agencies and subdivisions to further
64 the enhancement of clean energy financing, infrastructure, siting,
65 manufacturing and development within the state;

66 (11) To appear in its own behalf before boards, commissions,
67 departments or other agencies of municipal, state or federal
68 government;

69 (12) To apply for and accept subventions, grants, loans, advances
70 and contributions from any source of money, property, labor or other
71 things of value, to be held, used and applied for its corporate purposes;
72 provided, however, that the center shall not accept funding from any
73 source, including any federal agency, if the receipt of said funding
74 would limit the center's ability to promote its public purposes;

75 (13) To enter into agreements with public and private entities
76 that deal primarily with clean energy technologies, in order to
77 distribute and provide leveraging of monies or services for the
78 purposes of furthering research and development, aiding in the
79 promotion of environmental protection, creating jobs in clean energy
80 and promoting overall economic growth by fostering collaboration and
81 investments in clean energy in the state;

82 (14) To provide and pay for such advisory services and technical
83 assistance as may be necessary or desired to carry out the purposes of
84 sections 640.775 to 640.796;

85 (15) To establish and collect such fees and charges as the center
86 shall determine to be reasonable, and to receive and apply revenues
87 from fees and charges to the purposes of the center;

88 (16) To make loans to any person for the acquisition,
89 construction, alteration or any combination thereof, or other financing
90 of a project including, but not limited to, loans to lending institutions
91 under terms and conditions requiring the proceeds of such loans to be
92 used by such lending institutions for the making of loans to users for
93 qualified projects;

94 (17) To disburse, appropriate, grant, loan or allocate funds for
95 the purposes of investing in clean energy as directed in sections 640.775
96 to 640.796;

97 (18) To provide assistance to local entities and authorities,
98 public bodies and private corporations for the purposes of maximizing
99 opportunities for expanding clean energy technologies, attracting new

100 clean energy entities and advanced technology investments, fostering
101 new innovative research and creating new manufacturing and
102 development initiatives in the state;

103 (19) To prepare, publish and distribute, with or without charge,
104 as the center may determine, such studies, reports and bulletins and
105 other material as the center deems appropriate;

106 (20) To engage accountants, architects, attorneys, engineers,
107 planners, real estate experts and other consultants as may be necessary
108 in its judgment to carry out the purposes of sections 640.775 to 640.796
109 and fix their compensation;

110 (21) Enter into agreements or other transactions with any
111 person, including without limitation any public entity or other
112 governmental instrumentality or agency in connection with its powers
113 and duties;

114 (22) To make qualified investments to ensure the success of clean
115 energy industry clusters;

116 (23) To administer the Missouri Alternative and Clean Energy
117 Investment Trust Fund, established by section 640.796 for the purposes
118 of making appropriations, allocations, grants or loans to leverage
119 development and investments in clean energy research, workforce
120 training and job creation; provided, further, that the center shall
121 implement an application and grant process for these purposes;

122 (24) To promote programs and investments that lead to pathways
123 towards economic self-sufficiency for low and moderate income
124 individuals and communities in the clean energy industry;

125 (25) To research and establish if the center so chooses, the
126 Missouri Hydrogen and Fuel Cell Institute and serve as a joint venture
127 among institutes of higher education in the state providing a focal
128 point for research, education and commercialization activities in the
129 hydrogen fuel cell sector; provided, however, that the institute's
130 responsibilities would include, but not be limited to:

131 (a) Working with public and private higher education
132 institutions in the state to coordinate and strengthen hydrogen and fuel
133 cell research activities in the state;

134 (b) Strengthening collaborative research and development
135 between universities and companies located within the state;

136 (c) Addressing critical technological barriers facing the

137 hydrogen and fuel cell companies;

138 (d) Strengthening existing educational programs and introducing
139 new curricula in Missouri universities and colleges to produce
140 graduates conversant in hydrogen and fuel cell technologies; and

141 (e) Promoting partnerships between Missouri universities,
142 colleges, and companies to jointly demonstrate hydrogen and fuel cell
143 technologies and attract greater amounts of federal funding to the
144 state;

145 (26) To allocate, if the center so chooses, up to five hundred
146 thousand dollars annually for five years for the Missouri Hydrogen and
147 Fuel Cell Institute, with the funding to begin in the fiscal year in which
148 the institute is established and end in the fifth fiscal year following the
149 establishment of the institute; and

150 (27) To establish, if the center so chooses, a program to be known
151 as the entrepreneurial fellowship program which shall award grants to
152 entrepreneurs from business sectors other than clean energy sectors to
153 enroll in programs to foster knowledge and expertise of clean energy
154 technology. The clean energy technology programs shall be based upon
155 intensive technology, market and policy curriculum. The center shall
156 establish public-private partnerships and enter into contribution
157 agreements with state based companies and venture capitalists to
158 support programs designed to mentor and train entrepreneurs from
159 other business sectors in the areas of clean energy technology and
160 development in order to increase investment in the state's clean energy
161 sector.

640.790. 1. The center shall annually submit a report setting
2 forth relative to its operations, its receipts and expenditures during
3 such fiscal year and its assets and liabilities during the fiscal year to
4 the governor, the office of administration and the general assembly.

5 2. Based on recommendations included in the clean energy study
6 under subsection 3 of section 640.793, the center shall, within one
7 hundred days of said study's completion, develop a statewide plan for
8 the installation and operation of renewable energy generating facilities
9 on real property owned by the state. Any renewable energy generating
10 facility sited on state land shall be made available for state and local
11 workforce development and training initiatives.

640.793. 1. There is hereby established and placed within the

2 center a program to be known as the clean energy seed grant
3 program. The program shall award grants to clean energy researchers,
4 companies, non-profit organizations, community-based organizations
5 and institutions. The center shall establish public-private partnerships
6 with state-based investors, entrepreneurs and institutions that are
7 involved in the clean energy industry for the purposes of facilitating
8 matching grants for recipients of funding from the center.

9 2. There is hereby established and placed within the center an
10 initiative to be known as the green jobs initiative. The initiative shall
11 award grants to the state's public institutions of higher education and
12 vocational-technical schools to facilitate workforce development efforts
13 and train and retain students in clean energy industries. The grants
14 shall include matching grants to the state's public institutions of higher
15 education and vocational-technical schools for the development of
16 small-scale renewable energy generating sources, including, but not
17 limited to: photovoltaic installations; wind energy; ocean thermal,
18 wave, or tidal energy; fuel cells; landfill gas; natural flowing water and
19 hydroelectric; low-emission advanced biomass power conversion
20 technologies using such biomass fuels as wood, agricultural, or food
21 wastes; biogas, biodiesel, or organic refuse-derived fuel; and
22 geothermal energy. The center shall assist the public institutions of
23 higher education and the state's vocational-technical schools in
24 developing a curriculum for clean energy and energy efficiency, and
25 shall assist students seeking employment in the clean energy sector.

26 3. The center is authorized to commission a study to investigate
27 the clean energy sector in the state. The study shall include, but not be
28 limited to, an examination of:

29 (1) The future workforce needs of the state's clean energy sector;

30 (2) The current growth rate of the state's clean energy sector,
31 including the number of in-state jobs and businesses;

32 (3) The current levels of private investment in the state's clean
33 energy sector;

34 (4) Real property owned by the state available and suited for the
35 installation and operation of renewable energy generating facilities;

36 (5) Energy efficiency opportunities on real property owned by
37 the state; and

38 (6) The future funding requirements of the center.

39 A copy of the study shall be submitted on or before February 1, 2012,
40 to the general assembly.

41 4. There is hereby established and placed within the center an
42 initiative to be known as the pathways out of poverty initiative. Under
43 the initiative, the center shall award five competitive grants to clean
44 energy companies, community-based non-profit organizations,
45 educational institutions or labor organizations to enable said entities
46 to carry out training programs associated with the clean energy
47 industry that lead to economic self-sufficiency. The center shall give
48 funding priority to entities that serve individuals in families with
49 incomes that do not exceed three hundred percent of the poverty level,
50 as determined by the United States census bureau, or a self-sufficiency
51 standard for the local areas where the training is conducted that
52 specifies the income needs of families, family size, the number and ages
53 of children in the family and geographical considerations. The grants
54 shall be awarded so as to ensure geographic diversity within the state.

640.796. 1. There is hereby established and placed within the
2 Missouri clean energy technology center established in section 640.778,
3 a fund to be known as the "Missouri Alternative and Clean Energy
4 Investment Trust Fund", which shall consist of money collected under
5 sections 640.775 to 640.796. The state treasurer shall be custodian of
6 the fund and may approve disbursements from the fund in accordance
7 with sections 30.170 and 30.180. Upon appropriation, money in the fund
8 shall be used solely for the purposes described in this
9 section. Notwithstanding the provisions of section 33.080 to the
10 contrary, any moneys remaining in the fund at the end of the biennium
11 shall not revert to the credit of the general revenue fund. The state
12 treasurer shall invest moneys in the fund in the same manner as other
13 funds are invested. Any interest and moneys earned on such
14 investments shall be credited to the fund.

15 2. The center shall, in consultation with the advisory committee
16 established in subsection 6 of this section, invest and reinvest the fund
17 and the income thereof, except as hereinafter provided, only as follows:

18 (1) In the making of qualified investments approved by the board
19 in accordance with its rules;

20 (2) In defraying the ordinary and necessary expenses of
21 administration and operation associated with the center; provided,

22 however, that the administrative and operational expenses shall not
23 exceed fifteen percent of the total assets of the fund in any one fiscal
24 year;

25 (3) In the investment of any funds not required for immediate
26 disbursement in the purchase of such securities as may be lawful
27 investments for fiduciaries in the state;

28 (4) For the payment of binding obligations associated with such
29 qualified investments which are secured by the fund as the same
30 become payable; and

31 (5) For the payment of principal or interest on qualified
32 investments secured by the fund or the payment of any redemption
33 premium required to be paid when such qualified investments are
34 redeemed prior to maturity.

35 3. The fund shall be held and applied by the center, subject to
36 the approval of the board, and in consultation with the advisory
37 committee, to make qualified investments designed to advance the
38 following public purposes in the state:

39 (1) To stimulate increased financing for the expansion of state-of-
40 the-art clean energy research and development facilities by leveraging
41 private financing and providing financing related thereto including,
42 without limitation, financing for the construction or expansion of such
43 facilities;

44 (2) To provide matching grants to state educational institutions
45 to develop a curriculum relative to clean energy and clean energy
46 technology;

47 (3) To make targeted investments in clean energy research and
48 to promote manufacturing activities for new or existing advanced clean
49 energy technologies;

50 (4) To make matching grants to universities, colleges, public
51 instrumentalities, companies and other entities to induce the federal
52 government, industry and other grant-funding sources to fund the
53 expansion of research and development in clean energy;

54 (5) To provide bridge financing to universities, colleges, public
55 instrumentalities, companies and other entities in anticipation of the
56 receipt of grants of the type described in subdivision (4) of this
57 subsection awarded or to be awarded by the federal government,
58 industry or other sources;

59 **(6) To promote programs and investments that lead to pathways**
60 **towards economic self-sufficiency for low and moderate income**
61 **communities in the clean energy industry, provided that said programs**
62 **place priority on investments that serve individuals in families with**
63 **incomes that do not exceed three hundred percent of the federal**
64 **poverty level, as determined by the United States Census Bureau or a**
65 **self-sufficiency standard including, but not limited to: the income needs**
66 **of families, family size, the number and ages of children in the family**
67 **and geographical considerations; and**

68 **(7) To make any other expenditure provided by this section.**

69 **4. The center shall not make a qualified investment under**
70 **subdivision (1) of subsection 2 of this section unless:**

71 **(1) Said investment has been approved by a majority vote of the**
72 **board; and**

73 **(2) The center finds that, to the extent possible, the qualified**
74 **investment is such that a defined benefit to the economy of the state**
75 **may reasonably be expected therefrom; provided, further, that in**
76 **evaluating any request or application for funding, the center shall**
77 **consider whether:**

78 **(a) The proposed project fulfills the public purposes of the**
79 **center;**

80 **(b) The project has significant potential to expand clean energy-**
81 **related employment in the state;**

82 **(c) The project has the potential to enhance technological**
83 **advancements in clean energy;**

84 **(d) The project has the potential to result in the development of**
85 **advancements in environmental protection and reduce the cost of**
86 **energy;**

87 **(e) The project has the potential to leverage additional funding,**
88 **or to attract additional energy resources to the state;**

89 **(f) The project has the potential to stimulate clean energy**
90 **manufacturing in the state;**

91 **(g) The project includes a plan to facilitate collaboration with**
92 **state and local workforce development programs; or**

93 **(h) The program leads to pathways towards economic self-**
94 **sufficiency for low and moderate income communities in the clean**
95 **energy industry as outlined in subdivision (6) of subsection 3 of this**

96 section.

97 5. The center shall not make a qualified investment under
98 subdivision (1) of subsection 2 of this section unless such qualified
99 investment is in conformity with rules adopted by the center and
100 approved by the board. Such rules shall also set the terms and
101 conditions for investments which constitute qualified investments,
102 which may include, without limitation, loans, guarantees, loan
103 insurance or reinsurance, equity investments, equity ownership in
104 public or private companies, grants made under subdivision (4) of
105 subsection 3 of this section or other financing or credit enhancing
106 devices, as made by the center directly or on its own behalf or in
107 conjunction with other public instrumentalities, private institutions or
108 the federal government. Such rules shall also set forth the terms,
109 procedures, standards and conditions which the center shall employ to
110 identify qualified applications, process applications, make investment
111 determinations, safeguard the fund, advance the objective of increasing
112 employment opportunities for the citizens of the state, oversee the
113 progress of qualified investments and secure the participation of other
114 public instrumentalities, private institutions or the federal government
115 in such qualified investments; provided, further, that such rules shall
116 provide for negotiated intellectual property agreements between the
117 center and each recipient of a qualified investment which shall include
118 the terms and conditions by which the fund's support thereof could be
119 reduced or withdrawn; provided, further, that all revenues or financial
120 interests of any kind received by the center as a result of said
121 intellectual property agreements shall be placed, in their entirety, in
122 the fund.

123 6. There shall be an advisory committee to be appointed by the
124 governor, with the advice and consent of the senate, consisting of
125 fifteen individuals with an interest and knowledge in matters related
126 to the general purpose and activities of the fund and with expertise and
127 experience in at least one of the following areas: clean energy
128 technology research, clean energy technology development, clean
129 energy investing, management of clean energy companies, making or
130 advancing clean energy policy, clean energy curriculum development
131 or workforce training in the field of clean energy or energy
132 efficiency. The board shall consult with the advisory committee in

133 matters related to the fund and in the implementation of the provisions
134 of this section. The term of office shall be three years, with the initial
135 appointments staggered so that five members' terms expire after one
136 year, five expire after two years, and five expire after three years. Any
137 member may be reappointed. Advisory committee members shall not
138 be compensated for their services but may be reimbursed for actual and
139 necessary expenses incurred in the performance of their duties.

140 7. The general assembly may annually appropriate up to two
141 million dollars to the fund created under this section.

Unofficial ✓

Bill

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