

CHAPTER 217

GOVERNMENT - STATE

SENATE BILL 14-011

BY SENATOR(S) Heath, Newell, Nicholson, Schwartz, Steadman, Todd;
 also REPRESENTATIVE(S) Hullinghorst, Becker, Buckner, Exum, Fields, Fischer, Gerou, Ginal, Lee, Melton, Mitsch Bush,
 Pabon, Pettersen, Rosenthal, Ryden, Salazar, Schafer, Singer, Tyler, Williams, Young.

AN ACT

CONCERNING THE COLORADO ENERGY RESEARCH AUTHORITY.

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

SECTION 1. In Colorado Revised Statutes, 24-47.5-101, **amend** (1) (a) (II), (2), (3) (b), and (3) (c) as follows:

24-47.5-101. Colorado energy research authority - creation - legislative declaration. (1) (a) The general assembly finds, determines, and declares that:

(II) The development, production, and efficient use of ~~renewable~~ CLEAN energy will advance the security, economic well-being, and public and environmental health of this state, as well as contributing to the energy independence of our nation.

(2) There is hereby created the Colorado ~~renewable~~ energy RESEARCH authority, referred to in this article as the "authority", which ~~shall be~~ is a body corporate and a political subdivision of the state. The authority ~~shall~~ is not ~~be~~ an agency of state government, nor ~~shall~~ is it ~~be~~ subject to administrative direction by any department, commission, board, bureau, or agency of the state, except to the extent provided by this article.

(3) (b) ~~Until January 1, 2007, The board shall consist of one member~~ CONSISTS OF THREE MEMBERS appointed by the governor, with the consent of the senate, plus the following four ex officio members: The presidents of the Colorado school of mines AND Colorado state university, ~~and~~ the CHANCELLOR OF THE university of Colorado ~~or their designees~~ AT BOULDER, and the director of the national renewable energy laboratory, or ~~his or her designee~~ THEIR DESIGNEES.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(c) ~~On and after January 1, 2007, the board shall consist of the members designated in paragraph (b) of this subsection (3) and up to two additional members appointed by the governor with the consent of the senate. The terms of the appointed members of the board shall be four years. An appointed member shall be eligible for reappointment. Each member shall hold office until a successor has been appointed and the senate has confirmed the appointment. A vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only. Each appointed member may be removed from office by the governor for cause, after a public hearing, and may be suspended by the governor pending the completion of such hearing.~~

SECTION 2. In Colorado Revised Statutes, 24-47.5-102, **amend** (2) and (3); and **add** (1.5) as follows:

24-47.5-102. Colorado energy research authority - powers and duties.

(1.5) THE AUTHORITY SHALL DIRECT THE ALLOCATION OF STATE MATCHING FUNDS TO THE EXTENT REQUIRED TO SUPPORT ONE OR MORE ACTIVITIES OR PROPOSALS OF THE COLORADO ENERGY RESEARCH COLLABORATORY, WHICH CONSISTS OF THE COLORADO SCHOOL OF MINES, COLORADO STATE UNIVERSITY, UNIVERSITY OF COLORADO AT BOULDER, AND THE NATIONAL RENEWABLE ENERGY LABORATORY, AND WHICH IS REFERRED TO IN THIS ARTICLE AS THE "COLLABORATORY", FOR FEDERAL ENERGY RESEARCH FUNDING AND ENERGY-RELATED RESEARCH FUNDING FROM FEDERAL AGENCIES AND OTHER PUBLIC AND PRIVATE ENTITIES.

(2) The authority ~~shall~~ MAY:

(a) ~~Direct the allocation of state matching funds to the extent required to support one or more proposals of a consortium consisting of the Colorado school of mines, Colorado state university, university of Colorado, and national renewable energy laboratory, referred to in this article as the "consortium", for federal energy research funding and energy-related research funding from federal agencies and other public and private entities~~ PROMOTE THE ACTIVITIES OF THE COLLABORATORY IN ORDER TO INCREASE THE FEDERAL ENERGY RESEARCH FUNDING AND ENERGY-RELATED RESEARCH FUNDING;

(b) Promote rapid transfer of new technologies developed by the ~~consortium~~ COLLABORATORY to the private sector to attract and promote ~~renewable~~ CLEAN energy businesses in Colorado;

(c) Develop educational and research programs for Colorado state colleges in collaboration with the ~~consortium~~ COLLABORATORY that will translate into high-technology employment opportunities for Colorado students and residents;

(d) Become a regional resource and clearing house for ~~renewable~~ CLEAN energy information, ~~which the authority shall make~~ TO BE available to the general public and to engineering, architectural, and design professionals. The authority shall not construct a headquarters or other building for its own use.

(e) Support development of the ~~consortium~~ COLLABORATORY, including funding of any joint institute or other entity created by the Colorado school of mines,

Colorado state university, and university of Colorado AT BOULDER or the consortium COLLABORATORY to jointly pursue ~~renewable~~ CLEAN energy research.

(3) On or before ~~March 1, 2007, and each March 1~~ SEPTEMBER 1, 2014, AND EACH SEPTEMBER 1 thereafter, the authority shall submit a report to the ~~business, affairs and labor, committee of the house of representatives and the business, labor, and technology committee of the senate, or any successor committees~~ COLORADO OFFICE OF ECONOMIC DEVELOPMENT summarizing the energy research projects that received funding under this article in the preceding calendar year. At a minimum, the report shall specify the following information: ~~with regard to each such project:~~

(a) A description of ~~the~~ EACH project THAT RECEIVED FUNDING UNDER THIS ARTICLE, INCLUDING THE AMOUNT OF THE FUNDING, AND the principal persons or entities involved in the project; ~~and the amount of funding allocated to each principal person or entity;~~

(b) ~~The manner in which each principal person or entity applied the funding in connection with the project; and~~ THE TOTAL AMOUNT OF MONEYS THAT THE AUTHORITY ALLOCATED FOR ALL PROJECTS;

(c) The results achieved by the project, including intellectual property, licensing and commercialization activities, and any other economic benefits to the state; AND

(d) THE TOTAL AMOUNT OF FEDERAL AND PRIVATE FUNDS THAT WERE RECEIVED BY PROJECTS THAT RECEIVED FUNDING UNDER THIS ARTICLE.

SECTION 3. In Colorado Revised Statutes, **recreate and reenact, with amendments,** 24-47.5-103 as follows:

24-47.5-103. Funding - repeal. THE AUTHORITY SHALL USE ANY MONEYS RECEIVED PURSUANT TO SECTION 24-48.5-120 FOR THE PURPOSES SPECIFIED IN SECTION 24-47.5-102 (1.5) AND (2); EXCEPT THAT THE AUTHORITY MAY NOT SPEND MORE THAN FIFTY THOUSAND DOLLARS IN A FISCAL YEAR FOR THE PURPOSES SPECIFIED IN SECTION 24-47.5-102 (2). THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020.

SECTION 4. In Colorado Revised Statutes, **add** 24-48.5-120 as follows:

24-48.5-120. Energy research cash fund - creation - distributions - report - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "AUTHORITY" MEANS THE COLORADO CLEAN ENERGY AUTHORITY CREATED IN SECTION 24-47.5-101 (2).

(b) "FUND" MEANS THE ENERGY RESEARCH CASH FUND CREATED IN SUBSECTION (2) OF THIS SECTION.

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

(2) (a) THE ENERGY RESEARCH CASH FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF THE TRANSFERS REQUIRED PURSUANT TO SUBSECTION (3) OF THIS SECTION AND ANY OTHER MONEYS THAT THE GENERAL ASSEMBLY APPROPRIATES TO IT. THE MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE OFFICE FOR THE PURPOSE OF DISTRIBUTING MONEYS TO THE AUTHORITY FOR USE AS STATE MATCHING FUNDS IN ACCORDANCE WITH SECTION 24-47.5-102 (1.5), AND FOR OTHER AUTHORITY ACTIVITIES AUTHORIZED UNDER SUBSECTION (2) OF SAID SECTION. THE OFFICE SHALL NOT DISTRIBUTE ANY MONEYS TO THE AUTHORITY FOR USE AS STATE MATCHING FUNDS UNLESS THE OFFICE RECEIVES WRITTEN CONFIRMATION FROM A FINANCIAL OFFICER AT ONE OF THE COLLABORATORY INSTITUTIONS THAT FEDERAL OR PRIVATE FUNDING FOR THE PROJECT HAS BEEN RECEIVED IN AN AMOUNT EQUAL TO OR GREATER THAN THE AMOUNT OF THE MATCHING FUNDS TO BE DISTRIBUTED.

(b) THE MONEYS IN THE FUND ARE ALSO CONTINUOUSLY APPROPRIATED TO THE OFFICE FOR ITS ADMINISTRATIVE EXPENSES ASSOCIATED WITH THIS SECTION, WHICH SHALL NOT EXCEED FIVE PERCENT OF THE MONEYS TRANSFERRED OR APPROPRIATED TO THE FUND IN THE FISCAL YEAR.

(c) AS PROVIDED BY LAW, THE STATE TREASURER MAY INVEST ANY UNEXPENDED MONEYS IN THE FUND. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND ARE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND; EXCEPT THAT ON JULY 1, 2019, THE STATE TREASURER SHALL TRANSFER ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND TO THE GENERAL FUND.

(3) ON JULY 1, 2014, AND JULY 1, 2015, THE STATE TREASURER SHALL TRANSFER ONE MILLION DOLLARS TO THE FUND.

(4) (a) ON NOVEMBER 1, 2015, AND NOVEMBER 1 OF THE NEXT FOUR YEARS THEREAFTER, THE OFFICE SHALL SUBMIT A REPORT TO THE FINANCE AND THE BUSINESS, LABOR, AND ECONOMIC AND WORKFORCE DEVELOPMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND TO THE BUSINESS, LABOR, AND TECHNOLOGY AND THE FINANCE COMMITTEES OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, SUMMARIZING ALL OF THE DISTRIBUTIONS MADE DURING THE PRECEDING FISCAL YEAR. AT A MINIMUM, THE REPORT MUST INCLUDE ANY INFORMATION PROVIDED TO THE OFFICE BY THE AUTHORITY PURSUANT TO SECTION 24-47.5-102 (3).

(b) SECTION 24-1-136 (11) DOES NOT APPLY TO THE REPORT REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (4).

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 16, 2014