A BILL FOR AN ACT

CONCERNING THE COLORADO ENERGY RESEARCH AUTHORITY.

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/billsummaries.)

The bill changes the name of the Colorado renewable research authority to the Colorado energy research authority (authority) and makes the following changes to the authority:

- Names the chancellor of the university of Colorado at Boulder as an ex officio member, instead of the president of the university of Colorado;
- Makes 2 of the governor's appointments to the authority.
board mandatory, instead of permissive;

Identifies the consortium that receives allocations from the authority as the Colorado energy research collaboratory (collaboratory);

Permits the authority to undertake various promotional and educational activities, rather than requiring it to do so;

Permits the authority to promote the collaboratory's activities in order to increase the federal energy research funding and energy-related research funding;

Modifies the information to be included in the authority's annual report and requires the report to be delivered to the Colorado office of economic development (office) instead of legislative committees; and

Substitutes "clean energy" for "renewable energy".

The bill also creates the energy research cash fund. The state treasurer is required to transfer $2 million at the beginning of the next 5 fiscal years, and these transfers will be included in the annual general appropriation act for informational purposes. The moneys in the fund are continuously appropriated to the office for its administrative expenses and for the purpose of distributing moneys to the authority for use as state matching funds and for the authority's other permitted activities. The office may not distribute any moneys to the authority for use as state matching funds unless the office receives proof of the other matching funds. The authority may not use more than $100,000 per year for its other permitted activities.

Following a fiscal year when the office distributed money to the authority, the office is required to submit a report to the legislative committees summarizing all of the distributions made during the preceding fiscal year. The report must include any information provided to the office by the authority in its report.

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 a body corporate and a political subdivision of the state. The
authority shall not be an agency of state government, nor shall 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 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.

(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
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 one hundred 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 OF THE NEXT FOUR YEARS THEREAFTER, THE STATE TREASURER SHALL TRANSFER TWO MILLION DOLLARS TO THE FUND. THE TRANSFERS REQUIRED BY THIS SUBSECTION (3) MUST BE INCLUDED FOR INFORMATIONAL PURPOSES IN THE ANNUAL GENERAL APPROPRIATION ACT.

(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.