

SECOND REGULAR SESSION

# HOUSE BILL NO. 2066

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MORRIS (Sponsor), WEBB, OXFORD, WALTON GRAY,  
RUCKER, ROORDA, SCHIEFFER, BROWN (50), NASHEED, HUMMEL, ATKINS, PACE,  
COLONA AND CALLOWAY (Co-sponsors).

4536L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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*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  
2 known as sections 640.775, 640.778, 640.781, 640.784, 640.787, 640.790, 640.793, and 640.796  
3 to read as follows:

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

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

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

9 (3) "Center", the Missouri clean energy technology center established under section  
10 **640.778;**

11 (4) "Clean energy", advanced and applied technologies that significantly reduce  
12 or eliminate the use of energy from nonrenewable sources, including but not limited to  
13 energy efficiency, demand response, energy conservation and those technologies powered

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 in whole or in part by the sun, wind, water, biomass, alcohol, wood, fuel cells, or any  
15 renewable, nondepletable, or recyclable fuel;

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

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

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

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

34 (9) "Person", any natural or corporate person, including bodies politic and  
35 corporate, public departments, offices, agencies, authorities, and political subdivisions of  
36 the state, corporations, trusts, societies, associations, and partnerships, and subordinate  
37 instrumentalities of any one or more political subdivisions of the state;

38 (10) "Revenues", any receipts, fees, rentals, or other payments or income received  
39 or to be received on account of obligations to the center including, without limitation,  
40 equity ownership in public or private companies, income on account of the leasing,  
41 mortgaging, sale or other disposition of a project, or proceeds of a loan made by the center  
42 in connection with any project; and also including amounts in reserves or held in other  
43 funds or accounts established in connection with the issuance of bonds and the proceeds  
44 of any investments thereof, proceeds of foreclosure and any other fees, charges or other  
45 income received or receivable by the center.

2 640.778. 1. There is hereby established a body politic and corporate, to be known  
3 as the "Missouri Clean Energy Technology Center". The center is hereby constituted a  
public instrumentality and the exercise by the center of the powers conferred by sections

4 **640.775 to 640.796 shall be considered to be the performance of an essential governmental**  
5 **function.**

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

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

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

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

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

17 **(4) Providing support to existing clean energy companies to expand their operations**  
18 **within the state;**

19 **(5) Attracting new capital and research facilities from institutions outside the state;**

20 **(6) Fostering collaboration between industry, state government, research**  
21 **universities and the financial sector in order to advance clean energy technology**  
22 **commercialization and venture development;**

23 **(7) Conducting market research to identify barriers to creating and expanding a**  
24 **clean technology industry, including job training needs;**

25 **(8) Supporting demonstration projects that are evaluated by independent, third-**  
26 **party peer research institutions;**

27 **(9) Serving as the clearinghouse for information related to the clean energy**  
28 **industry in Missouri; and**

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

**640.781. 1. The center shall be governed and its corporate powers exercised by a**  
2 **board of directors consisting of thirteen directors: one of whom shall be the director of the**  
3 **department of natural resources or his or her designee; one of whom shall be the director**  
4 **of the department of economic development or his or her designee; one of whom shall be**  
5 **the director of the department of labor and industrial relations or his or her designee; one**  
6 **of whom shall be the president of the University of Missouri system or his or her designee;**  
7 **one of whom shall be the director of the Missouri alternative and renewable energy**  
8 **technology center; one of whom shall be the director of the Missouri energy initiative; one**

9 of whom shall be the director of the Missouri Association for Workforce Development; and  
10 six of whom shall be appointed by the governor, two of whom shall be presidents of private  
11 colleges or universities in the state or their designees, one of whom shall be an engineer or  
12 scientist with expertise in clean energy technology, one of whom shall be a venture  
13 capitalist with expertise in clean energy technologies in the state, one of whom shall be the  
14 president of a Missouri community college or his or her designee, and one of whom shall  
15 be a chief executive officer of a Missouri-based clean energy corporation. Each of the six  
16 directors appointed by the governor shall serve for a term of five years, except that in  
17 making his or her initial appointments, the governor shall appoint one director to serve for  
18 a term of one year, one director to serve for a term of two years, one director for a term of  
19 three years, one director for a term of four years, and two directors for a term of five years.  
20 The director of the department of natural resources or his or her designee shall serve as  
21 chairperson. Any director shall be eligible for reappointment. Any director may be  
22 removed from his or her appointment by the governor for cause. Any person appointed  
23 to fill a vacancy in the office of an appointed director of the board shall be appointed in a  
24 like manner and shall serve for only the unexpired term of such director.

25       2. Five directors shall constitute a quorum and the affirmative vote of a majority  
26 of directors present at a duly called meeting where a quorum is present shall be necessary  
27 for any action to be taken by the board. The directors of the board shall serve without  
28 compensation, but each director shall be entitled to reimbursement for his or her actual  
29 and necessary expenses incurred in the performance of his or her official duties.

30       3. The board shall have the power to appoint and employ an executive director and  
31 to fix his or her compensation and conditions of employment. The executive director shall  
32 be the chief executive, administrative, and operational officer of the center and shall direct  
33 and supervise administrative affairs and the general management of the center. The  
34 executive director may, subject to the general supervision of the board, employ other  
35 employees, consultants, agents, including legal counsel and advisors, and shall attend  
36 meetings of the board.

37       4. The board shall elect a secretary and a treasurer. The secretary shall keep a  
38 record of the proceedings of the board and shall be the custodian of all books, documents,  
39 and papers filed by the board and of its minute book and seal. The treasurer shall be the  
40 chief financial and accounting officer of the center and shall be in charge of its funds,  
41 books of account, and accounting records. The books and records of the center shall be  
42 subject to a biennial audit by the auditor of the state.

43       5. All officers and employees of the center having access to its cash or negotiable  
44 securities shall give bond to the center, at its expense, in such amounts and with such surety

45 as the board may prescribe. The persons required to give bond may be included in one or  
46 more blanket or scheduled bonds.

47 6. The board of directors and officers who are not compensated employees of the  
48 center shall not be liable to the state, to the center, or to any other person as a result of  
49 their activities, whether ministerial or discretionary, as such directors or officers except for  
50 willful dishonesty or intentional violations of law. Neither members of the center nor any  
51 person executing bonds or policies of insurance shall be liable personally thereon or be  
52 subject to any personal liability or accountability by reason of the issuance thereof. The  
53 board of directors may purchase liability insurance for board members, officers and  
54 employees and may indemnify said persons against claims by others.

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

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

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

12 (2) To establish standards requiring that any grant, loan, or other appropriation  
13 of funds under sections 640.775 to 640.796 be subject to an intellectual property agreement  
14 between the center and the recipient; provided, such intellectual property agreements  
15 balance the opportunity for the state to benefit from the patents, royalties, equity

16 ownership in public and private companies and licenses with the need to ensure that  
17 essential clean energy research is not unreasonably hindered by the intellectual property  
18 agreements; and provided, further, that all revenues or financial interests of any kind  
19 received by the center as a result of said intellectual property agreements shall be placed,  
20 in their entirety, in the fund;

21 (3) To adopt an official seal;

22 (4) To maintain offices at places within the state as it may determine and to conduct  
23 meetings of the center;

24 (5) To sue and be sued;

25 (6) To appoint officers and employees and to engage consultants, agents and  
26 advisors;

27 (7) To enter into contracts and agreements and execute all instruments necessary  
28 or convenient thereto for accomplishing the purposes of sections 640.775 to 640.796; such  
29 contracts and agreements may include, without limiting the foregoing: construction  
30 agreements; purchase or acquisition agreements; loan or lease agreements; partnership  
31 agreements including limited partnership agreements; joint ventures; participation  
32 agreements; service agreements with clean energy entities, environmental, educational, or  
33 other financial institutions or intermediaries; and agreements with one or more persons  
34 for the servicing of loans made by the center, including the receipt by such servicer of  
35 payments made by a user under a financing document. Any such payments shall constitute  
36 trust funds to be held and applied solely as provided in such agreement for the servicing  
37 of loans;

38 (8) To acquire real and personal property, or any interest in real or personal  
39 property, by gift, purchase, transfer, foreclosure, lease or otherwise including rights or  
40 easements; to hold, sell, assign, lease, encumber, mortgage, or otherwise dispose of any real  
41 or personal property, or any interest therein, or mortgage any interest owned by it or  
42 under its control, custody, or in its possession; to release or relinquish any right, title,  
43 claim, lien, interest, easement, or demand however acquired, including any equity or right  
44 of redemption in property foreclosed by it; to take assignments of leases and rentals,  
45 proceed with foreclosure actions, or take any other actions necessary or incidental to the  
46 performance of its corporate purposes;

47 (9) To invest any funds held in reserves or sinking funds, or the Missouri  
48 alternative and clean energy investment trust fund, or any funds not required for  
49 immediate disbursement, in such investments as may be provided in any financing  
50 document relating to the use of such funds, or, if not so provided, as the board may  
51 determine;

- 52           (10) To review and recommend changes in laws, rules, programs, and policies of  
53 the state and its agencies and subdivisions to further the enhancement of clean energy  
54 financing, infrastructure, siting, manufacturing, and development within the state;
- 55           (11) To appear in its own behalf before boards, commissions, departments, or other  
56 agencies of municipal, state, or federal government;
- 57           (12) To apply for and accept subventions, grants, loans, advances and contributions  
58 from any source of money, property, labor or other things of value, to be held, used, and  
59 applied for its corporate purposes; provided, however, that the center shall not accept  
60 funding from any source, including any federal agency, if the receipt of such funding  
61 would limit the center's ability to promote its public purposes;
- 62           (13) To enter into agreements with public and private entities that deal primarily  
63 with clean energy technologies, in order to distribute and provide leveraging of monies or  
64 services for the purposes of furthering research and development, aiding in the promotion  
65 of environmental protection, creating jobs in clean energy, and promoting overall economic  
66 growth by fostering collaboration and investments in clean energy in the state;
- 67           (14) To provide and pay for such advisory services and technical assistance as may  
68 be necessary or desired to carry out the purposes of sections 640.775 to 640.796;
- 69           (15) To establish and collect such fees and charges as the center shall determine to  
70 be reasonable, and to receive and apply revenues from fees and charges to the purposes of  
71 the center;
- 72           (16) To make loans to any person for the acquisition, construction, alteration, or  
73 any combination thereof, or other financing of a project including, but not limited to, loans  
74 to lending institutions under terms and conditions requiring the proceeds of such loans to  
75 be used by such lending institutions for the making of loans to users for qualified projects;
- 76           (17) To disburse, appropriate, grant, loan, or allocate funds for the purposes of  
77 investing in clean energy as directed in sections 640.775 to 640.796;
- 78           (18) To provide assistance to local entities and authorities, public bodies, and  
79 private corporations for the purposes of maximizing opportunities for expanding clean  
80 energy technologies, attracting new clean energy entities and advanced technology  
81 investments, fostering new innovative research, and creating new manufacturing and  
82 development initiatives in the state;
- 83           (19) To prepare, publish, and distribute, with or without charge, as the center may  
84 determine, such studies, reports, and bulletins and other material as the center deems  
85 appropriate;

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

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

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

94           (23) To administer the Missouri alternative and clean energy investment trust fund,  
95 established by section 640.796 for the purposes of making appropriations, allocations,  
96 grants, or loans to leverage development and investments in clean energy research,  
97 workforce training, and job creation; provided, further, that the center shall implement  
98 an application and grant process for these purposes;

99           (24) To promote programs and investments that lead to pathways toward economic  
100 self-sufficiency for low and moderate income individuals and communities in the clean  
101 energy industry;

102           (25) To research and establish if the center so chooses, the Missouri hydrogen and  
103 fuel cell institute and serve as a joint venture among institutes of higher education in the  
104 state providing a focal point for research, education, and commercialization activities in  
105 the hydrogen fuel cell sector; provided, however, that the institute's responsibilities would  
106 include, but not be limited to:

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

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

111           (c) Addressing critical technological barriers facing the hydrogen and fuel cell  
112 companies;

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

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

119           (26) To allocate, if the center so chooses, up to five hundred thousand dollars  
120 annually for five years for the Missouri hydrogen and fuel cell institute, with the funding



to begin in the fiscal year in which the institute is established and end in the fifth fiscal year following the establishment of the institute; and

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

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

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

640.793. 1. There is hereby established and placed within the center a program to be known as the "Clean Energy Seed Grant Program". The program shall award grants to clean energy researchers, companies, nonprofit organizations, community-based organizations and institutions. The center shall establish public-private partnerships with state-based investors, entrepreneurs and institutions that are involved in the clean energy industry for the purposes of facilitating matching grants for recipients of funding from the center.

2. There is hereby established and placed within the center an initiative to be known as the "Green Jobs Initiative". The initiative shall award grants to the state's public institutions of higher education and vocational-technical schools to facilitate workforce development efforts and train and retain students in clean energy industries. The grants shall include matching grants to the state's public institutions of higher education and vocational-technical schools for the development of small-scale renewable energy generating sources, including, but not limited to: photovoltaic installations; wind energy; ocean thermal, wave, or tidal energy; fuel cells; landfill gas; natural flowing water

16 and hydroelectric; low-emission advanced biomass power conversion technologies using  
17 such biomass fuels as wood, agricultural, or food wastes; biogas, biodiesel, or organic  
18 refuse-derived fuel; and geothermal energy. The center shall assist the public institutions  
19 of higher education and the state's vocational-technical schools in developing a curriculum  
20 for clean energy and energy efficiency and shall assist students seeking employment in the  
21 clean energy sector.

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

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

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

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

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

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

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

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

34 4. There is hereby established and placed within the center an initiative to be  
35 known as the "Pathways Out of Poverty Initiative". Under the initiative, the center shall  
36 award five competitive grants to clean energy companies, community-based nonprofit  
37 organizations, educational institutions, or labor organizations to enable said entities to  
38 carry out training programs associated with the clean energy industry that lead to  
39 economic self-sufficiency. The center shall give funding priority to entities that serve  
40 individuals in families with incomes that do not exceed three hundred percent of the  
41 poverty level, as determined by the United States Census Bureau, or a self-sufficiency  
42 standard for the local areas where the training is conducted that specifies the income needs  
43 of families, family size, the number and ages of children in the family, and geographical  
44 considerations. The grants shall be awarded so as to ensure geographic diversity within  
45 the state.

640.796. 1. There is hereby established and placed within the Missouri clean  
2 energy technology center established in section 640.778, a fund to be known as the  
3 "Missouri Alternative and Clean Energy Investment Trust Fund", which shall consist of  
4 money collected under sections 640.775 to 640.796. The state treasurer shall be custodian  
5 of the fund and may approve disbursements from the fund in accordance with sections  
6 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the

7 purposes described in this section. Notwithstanding the provisions of section 33.080 to the  
8 contrary, any moneys remaining in the fund at the end of the biennium shall not revert to  
9 the credit of the general revenue fund. The state treasurer shall invest moneys in the fund  
10 in the same manner as other funds are invested. Any interest and moneys earned on such  
11 investments shall be credited to the fund.

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

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

17 (2) In defraying the ordinary and necessary expenses of administration and  
18 operation associated with the center; provided, however, that the administrative and  
19 operational expenses shall not exceed fifteen percent of the total assets of the fund in any  
20 one fiscal year;

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

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

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

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

31 (1) To stimulate increased financing for the expansion of state-of-the-art clean  
32 energy research and development facilities by leveraging private financing and providing  
33 financing related thereto including, without limitation, financing for the construction or  
34 expansion of such facilities;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) The program leads to pathways toward economic self-sufficiency for low and moderate income communities in the clean energy industry as outlined in subdivision (6) of subsection 3 of this section.

77           **5. The center shall not make a qualified investment under subdivision (1) of**  
78 **subsection 2 of this section unless such qualified investment is in conformity with rules**  
79 **adopted by the center and approved by the board. Such rules shall also set the terms and**  
80 **conditions for investments which constitute qualified investments, which may include,**  
81 **without limitation, loans, guarantees, loan insurance or reinsurance, equity investments,**  
82 **equity ownership in public or private companies, grants made under subdivision (4) of**  
83 **subsection 3 of this section, or other financing or credit enhancing devices, as made by the**  
84 **center directly or on its own behalf or in conjunction with other public instrumentalities,**  
85 **private institutions or the federal government. Such rules shall also set forth the terms,**  
86 **procedures, standards and conditions which the center shall employ to identify qualified**  
87 **applications, process applications, make investment determinations, safeguard the fund,**  
88 **advance the objective of increasing employment opportunities for the citizens of the state,**  
89 **oversee the progress of qualified investments, and secure the participation of other public**  
90 **instrumentalities, private institutions, or the federal government in such qualified**  
91 **investments; provided, further, that such rules shall provide for negotiated intellectual**  
92 **property agreements between the center and each recipient of a qualified investment which**  
93 **shall include the terms and conditions by which the fund's support thereof could be**  
94 **reduced or withdrawn; provided, further, that all revenues or financial interests of any**  
95 **kind received by the center as a result of said intellectual property agreements shall be**  
96 **placed, in their entirety, in the fund.**

97           **6. There shall be an advisory committee to be appointed by the governor, with the**  
98 **advice and consent of the senate, consisting of fifteen individuals with an interest and**  
99 **knowledge in matters related to the general purpose and activities of the fund and with**  
100 **expertise and experience in at least one of the following areas: clean energy technology**  
101 **research, clean energy technology development, clean energy investing, management of**  
102 **clean energy companies, making or advancing clean energy policy, clean energy**  
103 **curriculum development or workforce training in the field of clean energy or energy**  
104 **efficiency. The board shall consult with the advisory committee in matters related to the**  
105 **fund and in the implementation of the provisions of this section. The term of office shall**  
106 **be three years, with the initial appointments staggered so that five members' terms expire**  
107 **after one year, five expire after two years, and five expire after three years. Any member**  
108 **may be reappointed. Advisory committee members shall not be compensated for their**  
109 **services but may be reimbursed for actual and necessary expenses incurred in the**  
110 **performance of their duties.**

111           **7. The general assembly may annually appropriate up to two million dollars to the**  
112 **fund created under this section.**

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