

CHAPTER 452
FORMERLY
SENATE BILL NO. 266
AS AMENDED BY
SENATE AMENDMENT NOS. 1 & 2

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE
GREEN ENERGY FUND

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter II, Title 29 of the Delaware Code, by renumbering existing §8052 (1) through (4) as (2) through (5) adding a new paragraph (1) to read as follows:

“(1) “Cost effective energy efficiency projects” means energy efficiency improvements including, but not limited to, wall, floor and ceiling/attic insulation, lighting and electrical upgrades, window replacements and HVAC tune-ups and replacements with a Return on Investment (ROI) of less than 3 years based upon materials and labor.”

Section 2. Amend §8057(d)(1)a. and b. of Title 29 of the Delaware Code by striking said subparagraphs in their entirety and replacing them with new subparagraphs a. and b. to read as follows:

“a. The Green Energy Endowment Program shall provide cash grants from the Green Energy Fund to Customers that have constructed, purchased, leased or who have executed a Power Purchase Agreement for Renewable Energy Technology and have placed such Renewable Energy Technology in service.

b. Any one cash grant for any one project shall be no more than is necessary to promote deployment of Renewable Energy Technologies. The level of incentive shall be set by the Secretary, in consultation with the Sustainable Energy Utility Oversight Board, and may be amended from time to time to respond to market conditions.”

Section 3. Amend §8057(d)(1)e. of Title 29 of the Delaware Code by striking said subparagraph in its entirety and replacing it with a new subparagraph e. to read as follows:

“e. Funds available for grants under the Green Energy Endowment Program will be allocated into a residential pool and a nonresidential pool on an annual basis. Sixty (60) percent of the Funds available for grants under the Green Energy Incentive Program will be allocated to the residential pool and forty (40) percent of the Funds available for grants under the Green Energy Endowment Program will be allocated to the nonresidential pool.”

Section 4. Amend §8057(d)(1) of Title 29 of the Delaware Code by adding a new subparagraph f. to read as follows:

“f. For all new Green Energy Endowment Program applicants who have not, as of the effective date of this Act received a commitment of funding from DNREC, must first, before applying for a grant under this program, conduct a Home Performance with Energy Star Audit, using a Building Performance Institute (BPI) or equivalent certification program trained professional, and identify cost-effective energy efficiency projects. Newly constructed homes and commercial buildings must receive Energy Star certification or an equivalent third-party green building certification in order to receive funding under this program.”

Section 5. Amend §8057(d) of Title 29 of the Delaware Code by adding a new subparagraph (6) to read as follows:

“(6) The Secretary may, in the event the Endowment program described in paragraph (d)(1) above is unable to keep pace with demand, indefinitely suspend the Technology Demonstration and Research and Development programs defined in §8057(d)(2) and (3) and direct all available funds to the Endowment program until such time as any queue is eliminated and all applicants have received their authorized payment.”

Section 6. Amend §8057 of Title 29 of the Delaware Code by adding a new subsection (e) to read as follows:

“(e) Upon a finding by the Secretary, in consultation with the Sustainable Energy Utility Oversight Board, that the incentives provided for renewable energy technologies through the operation of the Delaware Renewable Energy Portfolio Standard as authorized under Subchapter III-A, of Chapter 1, of Title 26 of the

Delaware Code, are substantially equivalent to or exceed those allowed under this Chapter, the Secretary may, providing that all approved applicants receive payments offered under the Green Energy Endowment program, suspend in part or in full, the Green Energy Endowment Program, the Technology and Demonstration Program and/or the Research and Development program under §8057(d)(1-3) of this section and re-allocate revenues authorized under §1014(a) of Title 26 of the Delaware Code to alternative incentive programs to promote energy efficiency and green building programs, renewable energy loan programs and incentive programs for non-profit organizations. In the event the Secretary makes such a finding in consultation with the Sustainable Energy Utility Oversight Board, the Secretary shall provide to the Chairs of the House and Senate Energy Committees the Secretary's rationale for such a finding and a full description of the new program to be implemented."

Section 7. Amend §8057, Title 29 of the Delaware Code by adding a new paragraph (e) to read as follows:

"(e) Incentives provided through the Green Energy Fund shall be exempt from taxation by the State and by the counties and municipalities of the State."

Section 8. Amend §8059(j), Title 29 of the Delaware Code by adding a new subparagraph (5) to read as follows:

"(5) Incentives provided through the SEU shall be exempt from taxation by the State and by the counties and municipalities of the State."

Approved July 28, 2010