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DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 7

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE ENERGY OFFICE.

1 WHEREAS, an adequate, reliable, and continuous supply of energy, including for buildings, equipment,
2 machinery, and transportation, is essential to the health, safety, and welfare of the citizens of the State and to the sustained
3 future growth of the State's economy; and

4 WHEREAS, focus on energy policy will better position Delaware to take full advantage of federal grants and other
5 funding opportunities to promote a sustainable energy future and a growing State economy; and

6 WHEREAS, full public participation in the formulation and implementation of state energy policy is essential,
7 with specific consideration of environmental justice for low- and moderate-income Delawareans; and

8 WHEREAS, the State Energy Office, in conjunction with the Governor's Energy Advisory Council, has the
9 responsibility to develop comprehensive State energy policy, coordinate State energy programs, and prepare and update the
10 State's energy plan.

11 NOW, THEREFORE:

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

13 Section 1. Amend § 8051, Title 29 of the Delaware Code by making deletions as shown by strike through and
14 insertions as shown by underline and redesignating accordingly as follows:

15 § 8051. Short title; declaration of policy.

16 (a) This subchapter shall be known and may be cited as "The Delaware Energy Act".

17 (b) The General Assembly finds and declares that:

18 (1) An adequate, reliable, and continuous supply of energy is essential to the health, safety, and welfare of
19 the citizens of this State and to the sustained growth of the State's economy;

20 (2) Planning for Delaware's energy future is vitally important to Delaware's economy and all
21 Delawareans;

22 (3) Developments in the energy sector of the economy are proceeding at a fast pace, and devoting state
23 resources to the energy sector will benefit Delaware's economy and all Delawareans;

24 (4) Transforming the delivery of energy to end users and throughout the energy grid is expected to require
25 new programs, oversight, planning, and workforce training;

26 (2)(5) Shortages of nonrenewable energy resources could threaten the reliable supply of energy in the
27 State;

28 (3)(6) Inefficient energy consumption leads to increased air pollution from traditional means of producing
29 energy, which may be significantly mitigated by the development of efficiency programs and alternative energy
30 resources;

31 (4)(7) Growth and inefficient energy usage must be addressed programmatically to continue the social,
32 economic and environmental vitality of the State;

33 (5)(8) The State must provide for the development of a comprehensive state energy policy which will
34 ensure an adequate, reliable and continuous supply of energy and which is protective of public health and the
35 environment and which promotes our general welfare and economic well-being;

36 (6)(9) The establishment of the State Energy Office is in the public interest and will promote the general
37 welfare by assuring coordinated and efficient management of state energy policy.

38 (c) It is the purpose and intent of the General Assembly:

39 (1) To establish the State Energy Office within the Department of Natural Resources and
40 Environmental Control;

41 (2) To provide for development and maintenance of a comprehensive state energy plan;

42 (3) To provide for the development and maintenance of a state emergency energy shortage
43 contingency plan;

44 (4) To provide for the development of a state facilities energy management plan;

45 (5) To reduce, to the maximum extent possible, the environmental consequences of energy
46 generation and use in the State;

47 (6) To achieve effective management of energy functions within the state government;

48 (7) To encourage and ensure full and effective public participation in the formulation and
49 implementation of a state energy ~~plan~~ plan;

50 (8) To provide for the development and implementation of the State's energy policy and programs
51 giving specific consideration to issues of environmental justice for low- and moderate-income Delawareans;

(9) To support clean energy, clean transportation, and energy efficiency use in the State; and

(10) To provide for greater collaboration between federal and state agencies on energy policy matters within the scope of this subchapter.

Section 2. Amend § 8053 of Title 29, of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8053. State Energy Office; State Energy Coordinator; establishment; powers and duties.

(c) The State Energy Office shall:

(1) Act as a central repository and clearinghouse for collection and dissemination of data and information on energy resources and energy matters in the State, including but not limited to:

a. Data on energy supply, demand, costs, projections and forecasts;

b. Inventory data on energy research and development projects, studies, or other programs conducted in the State under public or private supervision or sponsorship, and the results thereof; and

c. The environmental impacts of energy generation and use and the means of reducing those impacts through alternative fuels, innovative energy technologies, conservation or other means.

(2) Coordinate with other state, local, and federal agencies including the Delaware Public Service Commission, the Division of the Public Advocate, the Office of State Planning and Coordination, the Office of Management and Budget, the Delaware Emergency Management Agency, ~~and the Department of Agriculture~~ Agriculture, the Delaware Sustainable Energy Utility, and stakeholders in carrying out its duties under this ~~subchapter~~, subchapter in studying, coordinating, and planning energy generation, transmission, distribution, consumption, and conservation;

(3) Recommend legislative or other initiatives to the Secretary, and hence to the Governor and General Assembly, that will enable or assist the State, its instrumentalities, or private citizens, to secure federal funds made available to states and individuals to support energy conservation, emerging energy technologies, energy storage, demand response, microgrids, energy workforce development, grid resiliency and development, and renewable energy programs and initiatives, whatever form those funds take;

(4) Provide for a program of energy audits of facilities owned by instrumentalities of the State in cooperation with designated representatives of said facilities;

(5) Provide for the training and certification of energy auditors to conduct energy audits as may be necessary and proper to carry out the purposes and policies of this subchapter, or any other energy-related law applicable to this State;

(6) Assist the Division of Facilities Management in developing the state facilities energy management plan as required in § 8806(c) of Title 29 [repealed];

(7) ~~Facilitate the development~~ Develop and update every 5 years a comprehensive State Energy Plan designed to protect the health, safety and welfare of the citizens and economy of the State, supports the State's greenhouse gas emissions reduction targets, and supports implementation of the State's Climate Action Plan issued in November 2021 as amended. The State Energy Plan and which shall include, but not be limited to: include:

a. Encouraging and promoting conservation of energy through reducing wasteful, uneconomical or inefficient uses of energy;

b. Encouraging and promoting the use of renewable electric generation facilities and alternate energy technologies by residential and commercial consumers; ~~and~~

c. Encouraging and promoting such other energy efficiencies and conservation goals, methods, standards, training, programs and policies that are consistent with the intent of this subchapter, especially those directed toward improving end-use efficiency among the State's energy ~~consumers~~. consumers; and

d. Encouraging and promoting energy equity in energy planning and development.

(8) Provide technical and administrative support to the Governor's Energy Advisory Council as provided for in § 8055(i) of this title;

(9) Serve as a liaison between the State and federal agencies and energy agencies in other states on the energy program and policy matters set forth in this subchapter;

(10) Monitor and act in a coordinating capacity to promote the planning and buildout of the statewide energy grid to optimize resources;

(11) Conduct analysis of generating resource adequacy and conduct integrated resource planning, as necessary;

(12) Participate in offshore wind transmission planning with regional transmission organizations and other states;

(13) Conduct analysis, study policy options, and make recommendations to facilitate the responsible siting of renewable energy facilities in Delaware; and

(14) Provide public information and convene stakeholder meetings when necessary to implement the purposes of this subchapter.

SYNOPSIS

This Act updates and expands the duties of the State Energy Office (located in the Department of Natural Resources and Environmental Control's Division of Climate, Coastal and Energy) to develop and implement state energy

policy and programs, including those affecting the buildout of our statewide energy grid, collaborating with other agencies on data gathering and analysis, encouraging and promoting energy equity in energy planning and development, serving as a liaison with federal agencies and energy agencies in other states, conducting analysis of generating resource adequacy and integrated resource planning, participating in offshore wind transmission planning, and convening stakeholder meetings to implement the purposes of this chapter.

Author: Senator Hansen