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HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 50

AN ACT TO AMEND TITLES 7 AND 29 OF THE DELAWARE CODE RELATING TO ENERGY ASSISTANCE.

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

1 Section 1. Amend Subchapter II-A, Chapter 60, Title 7 of the Delaware Code by making deletions as shown by
2 strike through and insertions as shown by underline as follows:

3 § 6043. Findings, purpose, and definitions.

4 (b) *Definitions*. — For purposes of this chapter, the following terms shall have the meaning set out herein.

5 (2) “Public benefit purpose” shall mean purposes including the promotion of energy efficiency, the mitigation
6 of electricity ratepayer impacts attributable to ~~RGGI~~, RGGI or other causes, the promotion of distributed renewable or
7 non-carbon-emitting energy technologies, the stimulation and reward of investment in the development of innovative
8 carbon emissions abatement technologies with significant carbon reduction potential, and funding of the administration
9 of the Program established by this chapter.

10 § 6046. Auction revenue.

11 (c) The Secretary shall direct auction proceeds to the following uses:

12 (1) Sixty-five percent of the CO₂ allowance proceeds shall be directed to the Sustainable Energy Utility
13 (SEU), established in § 8059 of Title 29. The SEU shall apply these funds to further the goals and activities of the
14 SEU ~~including, but not limited to, the promotion of energy conservation, energy efficiency, renewable energy, and~~
15 ~~energy financing pursuant to § 8059(f)(3) of Title 29.~~ SEU. The funds may be used for any of the following:

16 a. Promotion of energy conservation.

17 b. Energy efficiency.

18 c. Renewable energy.

19 d. Energy financing under § 8059(f)(3) of Title 29.

20 e. Allocations to the Delaware Energy Fund under § 8059A of Title 29.

21 (2) A total of 15% of the CO₂ allowance proceeds shall be directed to low-income consumers, of which 10%
22 shall be directed to the federally funded and state-administered Weatherization Assistance Program (WAP), and up to
23 5% shall be directed to the federally funded and state-administered fuel assistance (Low Income Home Energy
24 Assistance Program or LIHEAP) ~~programs~~. programs and may be used for financial assistance for energy costs for
25 qualifying residents. Participants in the LIHEAP program funded pursuant to this section shall also participate in the
26 WAP program within 2 years of receiving assistance through LIHEAP, subject to funding availability. These programs
27 are administered by the Division for State Service Centers in the Delaware Department of Health and Social Services.

28 Section 2. Amend § 8057, Title 29 of the Delaware Code by making deletions as shown by strike through and
29 insertions as shown by underline as follows:

30 § 8057. Green Energy Fund.

31 (a) (1) DNREC shall work with the Department of Health and Social Services (DHSS) to coordinate a transfer of
32 alternative compliance payments and solar alternative compliance payments made to the Fund under § 358 of Title 26
33 to increase utilization for the sole benefit of Delmarva Power electric customers where funding is deficit to supplement
34 funds in the Low Income Home Energy Assistance Program. A transfer under this paragraph is not included in
35 calculations under this section relating to total money deposited or spent from the Green Energy Fund. DHSS will
36 provide an annual report to DNREC, the Division of the Public Advocate, and the Public Service Commission
37 highlighting the use of the Green Energy Fund for Delmarva Power electric customers.

38 (2) The State Energy Office shall administer moneys in the Green Energy Fund, in consultation with other
39 offices within Department of Natural Resources and Environmental Control (DNREC) and the Division of the Public
40 Advocate, through a program of environmental incentive grants and loans for the development, promotion and support
41 of energy efficiency programs and renewable or alternative energy technology in the State.

42 Section 3. Amend Subchapter II, Chapter 80, Title 29 of the Delaware Code by making deletions as shown by
43 strike through and insertions as shown by underline as follows.

44 § 8059A. Delaware Energy Fund.

45 (a) The Delaware Energy Fund is established and shall be administered by the Sustainable Energy Utility (SEU).

46 (b) The Delaware Energy Fund will provide financial assistance for energy costs to residents of the State whose
47 household income is below 350% of the federal poverty level. Administrators of the Delaware Energy Fund shall redirect
48 the application of any individual or family who would qualify for assistance from the Low Income Home Energy
49 Assistance Program to the Division of State Service Centers of the Department of Health and Social Services.

50 (c) Recipients of assistance from the Delaware Energy Fund must be required to participate in energy savings and
51 efficiency programs offered by the SEU.

52 (d) The SEU shall annually provide a report on the receipt and distribution of moneys in the Delaware Energy
53 Fund to all of the following:

54 (1) The Chief Clerk of the House of Representatives for distribution to all members.

55 (2) The Secretary of the Senate for distribution to all members.

56 (3) The Governor.

57 (4) The Director and Librarian of the Office of Legislative Services.

58 (e) The SEU may promulgate rules and regulations necessary for the operation of the Delaware Energy Fund.

59 Section 4. This Act takes effect upon enactment, and the Sustainable Energy Utility shall begin operation of the
60 Delaware Energy Fund within 30 days of enactment.

61 Section 5. This Act expires 3 years after its enactment into law, unless otherwise provided by a subsequent act of
62 the General Assembly.

SYNOPSIS

This Act addresses energy costs to consumers by redirecting certain funds to supplement the existing Low Income Home Energy Assistance Program and by creating the Delaware Energy Fund to provide assistance to consumers whose household income is less than 350% of the federal poverty level. The Delaware Energy Fund will be administered by the SEU and recipients of assistance from the fund will also be required to participate in energy savings and efficiency programs.

This Act sunsets 3 years after its enactment.