SPONSOR: Rep. Heffernan & Rep. Minor-Brown & Rep. Harris & Rep. Osienski & Rep. K. Williams & Sen. Hansen & Sen. Brown & Sen. Hoffner & Sen. Huxtable & Sen. Sturgeon & Sen. Townsend
Reps. Bolden, Burns, Bush, Carson, Chukwuocha, Cooke, Griffith, K. Johnson, Lambert, Neal, Ortega, Romer, Ross Levin, Kamela Smith, Snyder-Hall, Wilson-Anton, Gorman; Sens. Sokola, Lockman, Cruce, Mantzavinos, Paradee, Pinkney, Poore, Seigfried, Walsh

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 50
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 2

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:

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

§ 6043. Findings, purpose, and definitions.

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

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

§ 6046. Auction revenue.

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

(1) Sixty-five percent of the CO_2 allowance proceeds shall be directed to the Sustainable Energy Utility (SEU), established in § 8059 of Title 29. The SEU shall apply these funds to further the goals and activities of the ~~SEU including, but not limited to, the promotion of energy conservation, energy efficiency, renewable energy, and energy financing pursuant to § 8059(f)(3) of Title 29.~~ SEU. The funds may be used for any of the following:

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a. Promotion of energy conservation.

b. Energy efficiency.

c. Renewable energy.

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

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

(2) A total of 15% of the CO_2 allowance proceeds shall be directed to low-income consumers, of which 10% shall be directed to the federally funded and state-administered Weatherization Assistance Program (WAP), and ~~up to~~ 5% shall be directed to the federally funded and state-administered fuel assistance (Low Income Home Energy Assistance Program or LIHEAP) ~~programs.~~ programs and may be used for financial assistance for energy costs for qualifying residents. Participants in the LIHEAP program funded pursuant to this section shall also participate in the WAP program within 2 years of receiving assistance through LIHEAP, subject to funding availability. These programs are administered by ~~the Division for State Service Centers in~~ the Delaware Department of Health and Social Services.

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

§ 8057. Green Energy Fund.

(a) (1) The Department of Natural Resources and Environmental Control (DNREC) shall transfer 30% of all alternative compliance payments and solar alternative compliance payments made into the Green Energy Fund to the Low Income Home Energy Assistance Program. A transfer under this paragraph is not included in calculations under this section relating to total money deposited or spent from the Green Energy Fund.

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

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

§ 8059A. Delaware Energy Fund.

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

(b) The Delaware Energy Fund will provide financial assistance for energy costs to residents of the State whose household income is below 350% of the federal poverty level, provided, however, that any resident qualifying for the Low Income Home Energy Assistance Program (LIHEAP) will be directed to participate in LIHEAP if funding is available. In

that case, administrators of the Delaware Energy Fund shall redirect the application of any individual or family who would qualify for assistance from the Low Income Home Energy Assistance Program to the Department of Health and Social Services.

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

(d) A grant of assistance under this section to a qualified applicant may be made only once per application. A second or subsequent grant may be made to the same applicant where funds are available, but the applicant must submit a second or subsequent application showing continued eligibility.

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

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

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

(3) The Governor.

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

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

(g) A corporation or other person may contribute to the Delaware Energy Fund or contribute to the SEU directly in furtherance of the purposes of this section. A contribution from a corporation or other non-governmental source may be restricted under an agreement with the contributor. In the case of a utility that makes a contribution to the Delaware Energy Fund, the use of those funds will be limited for the benefit of customers of the contributing utility who are eligible for assistance under this section.

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

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