SPONSOR: Sen. Hansen & Rep. Bush & Rep. Heffernan
Sens. Ennis, Paradee, Sokola; Reps. Griffith, Osienski

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 310
AS AMENDED BY
SENATE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE GOVERNOR'S ENERGY ADVISORY COUNCIL.

WHEREAS, climate change threatens the health and well-being of the people of Delaware; and

WHEREAS, Delaware, the state with the lowest mean elevation of any in the nation, is particularly vulnerable to climate change impacts like sea level rise, flooding, saltwater intrusion into drinking water, erosion, wetland loss, and beach loss, as well as other impacts including disruption to the hydrologic cycle, more frequent and intense heatwaves, droughts, and extreme storm events; and

WHEREAS, the transition to clean, alternative energy, and renewable energy resources is both of global importance and also a significant opportunity to lessen the State's contribution to climate change; and

WHEREAS, the State's transition to clean, alternative energy, and renewable energy resources will take sustained efforts on a broad range of issues; and

WHEREAS, the State Energy Office within the Department of Natural Resources and Environmental Control has responsibility to, among other things, serve as the central repository for data and information on energy matters within the State and to facilitate the development of a State Energy Plan to protect the health, safety and welfare of the citizens and the economy of the State; and

WHEREAS, the Department of Natural Resources and Environmental Control led the development of the Governor's Climate Action Plan, which urges a whole of government approach to addressing climate change within the State, and will lead efforts to implement and update the Climate Action Plan; and

WHEREAS, numerous State governmental bodies have an administrative or policy-making role regarding energy policy and the State Energy Office is statutorily responsible for coordination with other state and federal agencies on energy policy; and

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WHEREAS, the Governor's Energy Advisory Council is tasked with, among other things, providing recommendations for the updating of the State Energy Plan; and

WHEREAS, the development of the State Energy Plan will include engagement of other governmental agencies and stakeholders; and

WHEREAS, ensuring inclusive, coordinated, and transparent progress on the State's energy policy goals is essential to the successful transition to clean, alternative energy, and renewable energy.

NOW, THEREFORE:

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

Section 1. Amend Title 29 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows and redesignating accordingly:

§ 8055. Governor's Energy Advisory Council.

(a) There is hereby established the Governor's Energy Advisory Council.

(b) The Governor's Energy Advisory Council shall monitor Delaware's energy system, identify and propose actions to enhance Delaware's energy ~~system~~ system, including actions to lessen the climate change impacts of Delaware's energy system, and provide counsel to the Governor on promoting an economic, reliable and competitive energy market for all Delaware consumers.

(c) The Governor's Energy Advisory Council shall be assigned the following responsibilities:

(1) ~~Developing implementation plans for recommendations from the 2003 "Delaware Energy Task Force Report to the Governor" and tracking ongoing implementation efforts.~~ [Repealed.]

(2) ~~Spearheading the updating of~~ Providing recommendations to the State Energy Office on updates to the Delaware Energy Plan and Climate Action Plan every 5 years from date of enactment. The updating process shall include a process for public input and measures for progress in attaining goals identified in the plans.

(3) Monitoring federal, state and regional energy issues, identifying the impacts on Delaware and recommending actions and policies to the Governor and General Assembly in response to identified issues.

(4) Other duties as referred by the Governor.

(d) The Governor's Energy Advisory Council shall be composed of ~~16~~ 25 members as follows:

(1) A Chair to be appointed by the Governor for a term of 3 years and who shall be eligible for re-appointment for terms of 3 years.

~~(2) Chair of the Cabinet Committee on Energy.~~

(~~3~~2) Chair of the Public Service ~~Commission.~~ Commission or their designee.

(43) The Public ~~Advocate.~~ Advocate or their designee.

(54) Chair of the Weatherization Assistance Program Policy Advisory ~~Council.~~ Council or their designee.

(5) The Executive Director of the Delaware Sustainable Energy Utility or their designee.

(6) ~~Nine~~ Fifteen members who shall be appointed by the Governor representing, to the extent possible, the following constituencies: economically or environmentally overburdened and underserved communities; Public Service Commission-regulated, municipal, and cooperative public utilities; agriculture and/or agribusiness; utilities; ~~renewable energy;~~ solar energy; wind energy; energy efficiency; innovative energy technology; industrial electricity users; transportation ~~fuels~~ fuels; and environmental, public health, and energy interests. These members shall be appointed by the Governor as follows:

a. ~~Three~~ Five members shall be appointed for 3-year terms;

b. ~~Three~~ Five members shall be appointed for initial 2-year terms;

c. ~~Three~~ Five members shall be appointed for initial 1-year terms;

d. Thereafter, appointees shall serve for 3-year terms.

(7) The Secretaries of Transportation, Natural Resources and Environmental Control, and Agriculture or their designees shall serve as ex-officio members.

(8) One member of the Senate appointed by the President Pro Tempore of the Senate.

(9) One member of the House of Representatives appointed by the Speaker of the House of Representatives.

(e) An appointment, pursuant to this section, to replace a member whose position becomes vacant prior to the expiration of the member's term shall be filled only for the remainder of that term. Members shall continue to serve after the expiration of their terms until they resign, are reappointed or are replaced.

(f) Members of the Advisory Council shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members in accordance with state law.

(g) The Chair of the Advisory Council may establish such subcommittees of the Advisory Council as the Chair determines would provide assistance to the Advisory Council in meeting its responsibilities. Any subcommittee shall be chaired by an Advisory Council member or their designee.

(h) A quorum of the Advisory Council is a majority of its members. A vacant position is not counted for quorum purposes. Official action by the Advisory Council requires the approval of a majority of the members present at a meeting with a quorum.

(i) The State Energy Office shall provide staff support to the Advisory Council.

(j) Annual report.

On or before January 31, 2023, and on or before every January 31st thereafter, the Council shall submit an annual report to the Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives for distribution to the members of the General Assembly, with a copy to the Director and the Legislative Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives.