



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.

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

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

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

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

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

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

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

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

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

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

26 NOW, THEREFORE:

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

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

30 § 8055. Governor’s Energy Advisory Council.

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

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

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

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

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

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

44 (4) Other duties as referred by the Governor.

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

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

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

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

- 50 (43) The Public Advocate. Advocate or their designee.
- 51 (54) Chair of the Weatherization Assistance Program Policy Advisory Council. Council or their designee.
- 52 (5) The Executive Director of the Delaware Sustainable Energy Utility or their designee.
- 53 (6) ~~Nine~~ Fifteen members who shall be appointed by the Governor representing, to the extent possible, the
- 54 following constituencies: economically or environmentally overburdened and underserved communities; Public
- 55 Service Commission-regulated, municipal, and cooperative public utilities; agriculture and/or agribusiness;
- 56 utilities; renewable energy; solar energy; wind energy; energy efficiency; innovative energy technology; industrial
- 57 electricity users; transportation fuels fuels; and environmental, public health, and energy interests. These members
- 58 shall be appointed by the Governor as follows:
- 59 a. ~~Three~~ Five members shall be appointed for 3-year terms;
- 60 b. ~~Three~~ Five members shall be appointed for initial 2-year terms;
- 61 c. ~~Three~~ Five members shall be appointed for initial 1-year terms;
- 62 d. Thereafter, appointees shall serve for 3-year terms.
- 63 (7) The Secretaries of Transportation, Natural Resources and Environmental Control, and Agriculture or their
- 64 designees shall serve as ex-officio members.
- 65 (8) One member of the Senate appointed by the President Pro Tempore of the Senate.
- 66 (9) One member of the House of Representatives appointed by the Speaker of the House of Representatives.
- 67 (e) An appointment, pursuant to this section, to replace a member whose position becomes vacant prior to the
- 68 expiration of the member’s term shall be filled only for the remainder of that term. Members shall continue to serve after
- 69 the expiration of their terms until they resign, are reappointed or are replaced.
- 70 (f) Members of the Advisory Council shall serve without compensation, except that they may be reimbursed for
- 71 reasonable and necessary expenses incident to their duties as members in accordance with state law.
- 72 (g) The Chair of the Advisory Council may establish such subcommittees of the Advisory Council as the Chair
- 73 determines would provide assistance to the Advisory Council in meeting its responsibilities. Any subcommittee shall be
- 74 chaired by an Advisory Council member or their designee.
- 75 (h) A quorum of the Advisory Council is a majority of its members. A vacant position is not counted for quorum
- 76 purposes. Official action by the Advisory Council requires the approval of a majority of the members present at a meeting
- 77 with a quorum.
- 78 (i) The State Energy Office shall provide staff support to the Advisory Council.
- 79 (j) Annual report.

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