



SPONSOR: Sen. Simpson & Rep. Thornburg
Sens. Blevins, Copeland, McDowell & Reps. Hall-Long,
Schooley

DELAWARE STATE SENATE

144th GENERAL ASSEMBLY

SENATE BILL NO. 276
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE SUSTAINABLE ENERGY UTILITY.

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

Section 1. Amend § 8059(e)(1) and (e)(2), Title 29 of the Delaware Code by striking them in their entirety and substituting in lieu thereof the following:

"(e) SEU Oversight Board

(1) (i) The SEU Oversight Board shall consist of eleven members and shall include the Secretary of the Department of Natural Resources and Environmental Control or his/her designee, and the Public Advocate or his/her designee. Seven members of the SEU Oversight Board shall be appointed by and serve at the pleasure of the Governor, one representative from academia, one representative from the non-profit community with experience servicing the low to moderate income community, one representative from the non-profit environmental community, one representative from the non-profit energy community, one representative from the business community, and two representatives from the financial/accounting community. Two members of the SEU Oversight Board shall be members of the General Assembly, one from the Senate, who shall be appointed by and serve at the pleasure of the President Pro Tempore, and one from the House of Representatives who shall be appointed by and serve at the pleasure of the Speaker of the House. The Board shall elect one of its members to serve as a chairperson by a majority vote. The State Energy Coordinator in the Delaware Energy Office shall serve on the board in an ex-officio non-voting capacity. The existing SEU Oversight Board shall continue to serve until the Governor has appointed 7 members of the SEU Oversight Board. The initial Board members appointed to replace the existing SEU Oversight

Board shall be appointed for terms of two to four years. The terms of the Board members shall be staggered. After the initial appointments to the SEU Oversight Board have been made, any subsequent Board member appointed or reappointed to replace any sitting Board member shall be appointed for a term of four years.

(ii) The SEU Oversight Board shall be governed by and subject to the Delaware Freedom of Information Act.

(iii) The SEU Oversight Board shall include a provision in its bylaws pertaining to conflicts of interest and Board members shall be required to sign conflict of interest statements.

(2) After it has been constituted, the SEU Oversight Board shall appoint an Advisory Committee. The Advisory Committee may include representatives of organizations which represent low and moderate income energy consumers, low and moderate income housing consumers, civic organizations, environmental organizations, the energy industry, the energy efficiency and energy conservation community, the renewable energy community, marketing and public relations, small business, agriculture, accounting, business management, banking, finance, nonprofit communities, the general public, and the academic community. The Board shall decide the number of Advisory Committee members (including ex-officio members).

(i) The purpose of the Advisory Committee is to provide advice to the Board on issues of public policy and public education which may enhance the performance and quality of service of the Sustainable Energy Utility.

(ii) Selection of the Advisory Committee shall occur by a two-thirds vote of Board members. Advisory Committee members will be recommended by a three-person Selection Committee appointed by the Board. Criteria for the Advisory Board members shall include professional experience, community service, reputation, significance to Delaware, a diversified representation of the Delaware community and geographical representation of the State.

(iii) Nominations for the Advisory Committee may be submitted by Board members and public solicitation.”