



SPONSOR: Sen. McDowell & Rep. Roy

DELAWARE STATE SENATE

142nd GENERAL ASSEMBLY

SENATE BILL NO. 145  
AS AMENDED BY  
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE GOVERNMENT AND THE STATE ENERGY OFFICE.

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

Section 1. Amend §8052, Title 29 of the Delaware Code by adding the following at the end thereof:

“(3) ‘Customer’ means any person that has constructed, purchased or leased Renewable Energy Technology and placed it in service in this State for the purpose of generating or receiving energy in this State, including the owner/operator of any building or facility, but not the occupants thereof, that supplies energy to the occupants of such building or facility.

(4) ‘Person’ means and includes an individual, a trust, estate, partnership, limited liability company, association, company or corporation.

Section 2. Amend §8053(c)(7)b., Title 29 of the Delaware Code by deleting such subpart in its entirety and replacing it with the following:

“b. encouraging and promoting the use of renewable electric generation facilities and alternate energy technologies by residential and commercial consumers; and”

Section 3. Amend §8054(d), Title 29 of the Delaware Code by deleting such subsection in its entirety and replacing it with the following:

“(d) The Green Energy Fund shall be used for programs in Delaware including, but not limited to:

(1) The Green Energy Endowment Program:

a. The Green Energy Endowment Program shall provide cash grants from the Green Energy Fund to Customers that have constructed, purchased or leased

Renewable Energy Technology and have placed such Renewable Energy Technology in service.

- b. Any one cash grant for any one project shall equal the lesser of fifty percent (50%) of the cost of such Renewable Energy Technology or: (i) \$250,000 for projects involving commercial applications of solar energy electric generation technology; (ii) \$22,500 for projects involving residential applications of solar energy electric generation technology; or (iii) an amount established by the State Energy Office for all applications of renewable energy technology other than commercial or residential solar energy electric generation technology.
- c. Persons eligible for cash grants under the Green Energy Endowment Program shall include:
  - (i) Persons in Delaware receiving services from Conectiv, or its successor, after the adoption of a restructuring plan pursuant to 26 Del. C. § 1005(a); and
  - (ii) Persons in Delaware receiving services from a non-regulated electric supplier which is contributing to the Green Energy Fund.
- d. Grants made under the Green Energy Endowment Program shall not exceed sixty-five percent (65%) of all expenditures from the Green Energy Fund on an annual basis.
- e. Funds available for grants under the Green Energy Endowment Program will be allocated into a residential pool and a nonresidential pool on an annual basis. Forty percent (40%) of the Funds available for grants under the Green Energy Endowment Program will be allocated to the residential pool and sixty percent (60%) of the Funds available for grants under the Green Energy Endowment Program will be allocated to the nonresidential pool.

(2) The Technology Demonstration Program:

- a. The Technology Demonstration Program shall provide cash grants equal to twenty-five percent (25%) of the cost of a project which demonstrates the market potential of Renewable Energy Technology in Delaware, with no one grant for any one project to exceed \$200,000.
  - b. Grants made under the Technology Demonstration Program shall not exceed twenty-five percent (25%) of all expenditures from the Green Energy Fund on an annual basis.
- (3) The Research and Development Programs:
- a. Under the Research and Development Programs monies will be expended from the Green Energy Fund:
    - i. To support qualifying research and graduate studies in Delaware in energy efficiency and renewable energy technologies; and
    - ii. To provide grants equal to no greater than thirty-five percent (35%) of the cost of project for the development of a product in Delaware directly related to Renewable Energy Technology, including but not limited to any product improving the engineering of, adapting, or developing Renewable Energy Technology either as an independent piece of Renewable Energy Technology or as a component thereof, with no one grant for any one project to exceed \$250,000.
  - b. Grants made under the Research and Development Programs, in the aggregate, shall not exceed ten percent (10%) of all expenditures from the Green Energy Fund on an annual basis.
- (4) Unexpended Funds: Any amount allocated to the Green Energy Endowment Program, the Technology Demonstration Program and the Research and Development Programs and not expended during a particular year shall be considered as part of the Green Energy Fund and available for allocation and expenditure in subsequent years.”

Section 4. This act shall be effective upon its enactment into law.

Section 5. The provisions of this Act shall be construed (i) to supplant any policy, rule, or regulation in effect on the day this Act is enacted into law governing the administration of the Green Energy Fund and (ii) to govern all aspects of the use of the Green Energy Fund from that point forward.