

LAWS OF DELAWARE  
VOLUME 83  
CHAPTER 326  
151st GENERAL ASSEMBLY  
FORMERLY  
SENATE BILL NO. 251

AN ACT MAKING A ONE-TIME SUPPLEMENTAL APPROPRIATION FOR THE FISCAL YEAR ENDING JUNE 30, 2023 TO THE OFFICE OF MANAGEMENT AND BUDGET.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fourths of all members elected to each house thereof concurring therein):

**Section 1.** There is hereby appropriated \$378,613,700 (Three Hundred Seventy Eight Million, Six Hundred Thirteen Thousand, Seven Hundred Dollars) in General Funds to the Office of Management and Budget, Contingencies and One-Time Items (10-02-11) for the following purposes:

(01-08-02)	Technology Needs	\$1,500,000
(02-01-10)	Supplies and Materials	\$15,000
(02-02-10)	Supplies and Materials	\$25,000
(02-03-10)	Supplies and Materials	\$25,400
(02-13-10)	Supplies and Materials	\$3,000
(02-18-05)	Supplies and Materials	\$12,000
(10-02-11)	Board of Canvass	\$66,000
(10-02-11)	Salary Supplement – State Employees	\$28,000,000
(10-02-11)	Supplement – State Pensioners	\$17,137,100
(10-02-11)	Post Retirement Increase Supplement – FY22	\$45,576,300
(10-02-11)	Post Retirement Increase Supplement – FY23	\$104,640,900
(10-02-11)	Salary/OEC Contingency – 27th Pay Adjustment	\$12,092,500
(10-02-11)	Fuel Contingency	\$2,600,000
(10-02-11)	Legal Fees Contingency	\$1,500,000
(10-02-11)	Delaware Volunteer Firefighters Pension	\$38,100,000
(10-02-11)	UCS Server Replacements	\$8,730,000
(10-02-11)	Marijuana Control Act Contingency	\$3,933,000
(10-02-11)	OMB Technology Needs	\$1,300,000
(10-02-11)	Trauma Informed Services Contingency	\$3,000,000
(10-02-11)	Paid Leave Program	\$20,800,000
(10-02-11)	Redding Consortium	\$2,600,000
(10-07-01)	Supplies and Materials	\$23,000
(10-07-01)	Sentencing Reform Guidelines	\$300,000
(10-07-02)	DELJIS Technology Needs	\$120,000

(10-07-03)	Supplies and Materials	\$4,600
(12-05-06)	Delaware EARNs	\$300,000
(15-01-01)	Supplies and Materials	\$6,000
(16-05-02)	Self-Insurance	\$1,500,000
(20-01-08)	Web-based Ethics Training	\$100,000
(25-06-01)	Relief Rebate	\$50,500,000
(35-01-20)	Centralized Command Center	\$200,000
(35-01-20)	DHSS Technology Needs	\$3,127,000
(35-01-20)	Security Equipment	\$200,000
(35-02-01)	Behavioral Health Well Check Technology	\$500,000
(35-05-10)	My Healthy Community Data Portal	\$200,000
(38-01-03)	Prison Research Innovation Network (PRIN)	\$97,100
(38-01-14)	Security and Safety Equipment	\$384,100
(38-01-14)	Sentencing Reform Guidelines	\$450,000
(38-04-03)	Security and Safety Equipment	\$321,300
(38-04-04)	Security and Safety Equipment	\$99,900
(38-04-05)	Security and Safety Equipment	\$87,200
(38-04-06)	Security and Safety Equipment	\$87,200
(38-04-08)	Security and Safety Equipment	\$30,900
(38-06-02)	Security and Safety Equipment	\$189,400
(38-06-07)	Security and Safety Equipment	\$682,900
(38-06-08)	Security and Safety Equipment	\$231,200
(38-06-13)	Security and Safety Equipment	\$231,200
(38-06-14)	Security and Safety Equipment	\$231,200
(40-01-01)	In-Car Cameras for Enforcement Officers	\$130,000
(40-01-05)	Permitting and Data Management Projects	\$989,300
(45-01-01)	Special Equipment	\$1,193,000
(45-01-30)	DEMA Trailer	\$3,000
(45-02-01)	Supplies and Materials	\$79,500
(45-06-02)	General Maintenance Projects	\$60,000
(45-06-12)	Vehicles and Equipment	\$233,500
(60-07-02)	Wage Theft Investigations	\$110,000
(65-01-01)	Agriculture Technology Needs	\$20,000
(70-01-01)	Primary and General Election	\$1,155,700
(70-01-01)	Early Voting Contingency	\$928,100
(70-01-01)	Early Voting Equipment	\$1,713,500

(70-02-01)	Primary and General Election	\$2,299,200
(70-03-01)	Primary and General Election	\$1,268,400
(70-04-01)	Primary and General Election	\$1,162,600
(90-01-01)	College of Earth, Ocean and Environment	\$100,000
(90-01-02)	Delaware Geological Survey Technology	\$203,400
(95-02-02)	Education Funding Assessment	\$1,000,000
(95-02-02)	Mental Health Services Unit Contingency	\$12,604,100
(95-03-50)	Adult Education and Workforce Training	\$1,500,000

**Section 2.** Section 1 of this Act makes an appropriation to the Executive, Office of Management and Budget, Contingencies and One-Time Items (10-02-11) of \$28,000,000 for a Salary Supplement. These funds shall be used to provide a one-time salary supplement of \$500.00 for state employees, subject to the following restrictions:

a. Employees must have been on the payroll as of April 30, 2022, and also appear on the payroll as of October 21, 2022.

b. Eligible employees in Departments 01 – 77, those employees of Delaware Technical Community College Plans A, B and D, and local education agency employees covered under 14 Del. C. §1305, §1308, §1311, §1322 (a), §1322(c), and §1324 shall receive this supplement.

c. Part-time employees, hourly employees, and those employees employed in accordance with 29 Del. C. § 5903(17) shall be entitled to this supplement, contingent upon the requirement that these employees were on the payroll as of April 30, 2022, received compensation from the State at any time during the period of April 30, 2022, through October 21, 2022, and are on the payroll as of October 21, 2022.

d. This supplement shall not be given to the Governor.

e. Funds have been appropriated for the University of Delaware and Delaware State University to provide for a lump sum amount for those salaries paid from General Funds. The resultant lump sum amount may be distributed at the discretion of each institution.

f. In no instance shall an employee receive more than one salary supplement authorized in this Act.

g. This supplement shall be considered within the pension definitions stated in 29 Del. C. § 5501 (c), §5501 (d), §5501 (e), §5600 (3), and 11 Del. C. §8351 (2).

h. The provisions of 29 Del. C. §5105 (c) notwithstanding, all employees granted a leave of absence for military service according to the provisions of 29 Del. C. §5105 (a) shall be entitled to receive the one-time salary supplement.

i. There is hereby appropriated \$992,500 (Nine Hundred Ninety-Two Thousand Five Hundred Dollars) in Trust Fund Operations to the Department of Transportation, Office of the Secretary (55-01-01), One-Time Salary Supplement to implement the provisions of this Act for qualifying Department of Transportation employees.

**Section 3.** Section 1 of this Act makes an appropriation to Executive, Office of Management and Budget, Contingencies and One-Time Items (10-02-11) of \$17,137,100 for a Supplement - State Pensioners. This funding shall provide a one-time pension supplement of \$500.00 for pensioners, who retired on or before October 21, 2022.

**Section 4.** The provisions of 29 Del. C. c. 101 notwithstanding, the administrative regulations and procedures necessary to implement sections 2 and 3 of this Act shall be promulgated by the Secretary of Human Resources, the Director of the Office of Management and Budget and the Controller General.

**Section 5.** (a) Section 1 of this Act makes an appropriation to Executive, Office of Management and Budget, Contingencies and One-Time Items (10-02-11) of \$45,576,300 for fully funding the Post Retirement Pension Actuarial Liability resulting from the benefit increase granted on July 1, 2021.

(b) Section 1 of this Act makes an appropriation to Executive, Office of Management and Budget, Contingencies and One-Time Items (10-02-11) of \$104,640,900 for fully funding the Post Retirement Pension Actuarial Liability resulting from the benefit increase granted on July 1, 2022.

**Section 6.** (a) Section 1 of this Act makes an appropriation to Executive, Office of Management and Budget, Contingencies and One-Time Items (10-02-11) of \$38,100,000 for Delaware Volunteer Firefighter's Pension. These funds shall be deposited to the Volunteer Firemen's Pension Plan to fund the actuarial liability resulting from an increase in the monthly benefit from five dollars per year of service up to a maximum of twenty-five years of service to ten dollars per year of service up to a maximum of twenty-five years of service.

(b) Amend §6658, Chapter 66A, Title 16, Delaware Code, by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6658. Amount of pension.

The amount of the monthly pension payable to an eligible member shall be ~~\$5.00~~ \$10.00 times years of credited service up to a maximum of 25 years.

(c) The provisions of subsection (b) of this section shall be effective January 1, 2023.

**Section 7.** Section 1 of this Act appropriates \$12,092,500 to the Office of Management and Budget, One-Times and Contingencies for Salary/OEC Contingency – 27th Pay Adjustment for payment of the 27th pay during Fiscal Year 2023. This appropriation is in addition to \$72,700,000 appropriated to the Office of Management and Budget, One-Times and Contingencies for Salary/OEC Contingency – 27th Pay Adjustment in the Fiscal Year 2022 One-Time Appropriation legislation (83 Del. Laws c 55). In order to potentially avoid significant one-time payments in future fiscal years resulting from payment of the 27th pay, the Office of Management and Budget, the Department of Human Resources, the Department of Finance, the Department of Education, and the Controller General's Office shall investigate alternative funding mechanisms to account for the 27th pay liability. Options for funding shall be presented to the Co-Chairs of the Joint Finance Committee no later than April 1, 2023.

**Section 8.** Section 1 of this Act appropriates \$20,800,000 to Executive, Office of Management and Budget, Contingencies and One-Time Items (10-02-11) for the implementation of Senate Substitute 2 for Senate Bill 1. In an effort to thoroughly review all options available to implement and execute a Paid Family Medical Leave Insurance Program in Delaware including the cost and efficiency, the Department of Labor may issue a request for proposal seeking the services of an outside contractor for the following: premium collections, claims administration, data management, fraud control, marketing and advertising, and any other elements needed to implement the program.

Upon review and evaluation of the proposals, the Department of Labor is authorized to enter into an agreement to help implement and execute a Paid Family Medical Leave Insurance Program in Delaware.

**Section 9.** Section 1 of this Act provides an appropriation of \$25,400 for Supplies and Materials to Judicial, Superior Court (02-03-10). Of this amount, \$22,400 of these funds shall be contingent upon the passage of House Substitute 1 for House Bill 264 or similar legislation of the 151st General Assembly.

**Section 10.** Section 1 of this Act provides an appropriation of \$12,000 for Supplies and Materials to Judicial, Administrative Office of the Courts – Non-Judicial Services, Office of the Child Advocate (02-18-05). Of this amount, \$3,000 of these funds shall be contingent upon the passage of Senate Substitute 1 for Senate Bill 151 or similar legislation of the 151st General Assembly and \$3,000 of these funds shall be contingent upon the passage of Senate Bill 290 with Senate Amendment 1 or similar legislation of the 151st General Assembly.

**Section 11.** Section 1 of this Act provides an appropriation of \$23,000 for Supplies and Materials to the Criminal Justice Council (10-07-01). Of this amount, \$10,200 of these funds shall be contingent upon the passage of House Bill 398 or similar legislation of the 151st General Assembly, and \$12,800 of these funds shall be for the Sentencing Accounting and Guidelines Commission contingent upon the passage of House Bill 444 or similar legislation of the 151st General Assembly.

**Section 12.** Section 1 of this Act provides an appropriation of \$300,000 for Sentencing Reform Guidelines to the Criminal Justice Council, Sentencing Accounting and Guidelines Commission (10-07-01); \$4,600 for Supplies and Materials to Executive, Criminal Justice, Statistical Analysis Center (10-07-03); and \$450,000 for Sentencing Reform Guidelines to the Department of Correction, Administration, Information Technology (38-01-14). The expenditure of these funds shall be contingent upon the passage of House Bill 444 or similar legislation of the 151st General Assembly.

**Section 13.** Section 1 of this Act provides an appropriation of \$6,000 for Supplies and Materials to Legal, Department of Justice (15-01-01) and for \$110,000 for Wage Theft Investigations to the Department of Labor, Industrial Affairs, Office of Labor Law Enforcement (60-07-02). The expenditure of these funds shall be contingent upon the passage of Senate Bill 35 or similar legislation of the 151st General Assembly.

**Section 14.** Section 1 of this Act makes an appropriation to District and Charter Operations, Other Items (95-02-02) of \$1,000,000 for the Education Mediation Settlement. These funds shall be used to complete an assessment of the Delaware public school funding system by January 2024, to be delivered to the Governor, Secretary of Education, Speaker of the House, Senate Pro Tempore and House and Senate Education Committees. The assessment shall consider total funding levels, the mechanisms for raising and distributing education revenue at the state and local level and make recommendations for improvements to equity and efficiency. The assessment shall be completed by an organization independent of the State selected through a competitive bid process in accordance with 29 Del. C. c. 69. This does not obligate the State to take any action and is limited to providing information concerning potential modifications and improvements to the financing of Delaware's public school system.

**Section 15.** The funding by the State of Delaware of 27 pay periods in Fiscal Year 2023 does not obligate the local school districts for the payment of the local share of employee's salaries for a 27th pay period. The local

school districts' Board of Education will independently address the funding of the 27 pay periods in the Fiscal Year 2024. The first pay date for the school year 2023-2024 for 10-month employees will be the second pay date in September (9/22/2023). Employees who elect 22 pay cycles will be paid the same amount of annual salary as if they had elected to be paid over 26 pay cycles. This section applies only to those staff members that are employed for the entire 2022-2023 school year. Those employees that begin employment or end employment during the course of the 2022-2023 school year shall be subject to a 'days worked' calculation and shall not be entitled to the 27th pay.

**Section 16.** (a) Amend §5532, Chapter 55, Title 29, Delaware Code, by making insertions as shown by underline as follows:

§ 5532. Increases in pensions

(r). Any monthly service, disability, and survivor pension based on a former service or disability pension that was effective on or before June 30, 1992, and is payable on July 1, 2022, shall be increased effective July 1, 2022, by 3%. Any monthly service, disability, and survivor pension based on a former service or disability pension that was effective on or before June 30, 2017, but after June 30, 1992, and is payable on July 1, 2022, shall be increased effective July 1, 2022, by 2%. These increases shall continue to be paid through June 30, 2023, and every fiscal year thereafter provided that funds are appropriated by the General Assembly in accordance with §5544 of this Chapter.

(b) The increases provided by this Act shall not apply to pensions awarded under §5527(d)(1), Chapter 55, Title 29, Delaware Code.

(c) Amend §5544, Chapter 55, Title 29, Delaware Code, by making insertions as shown by underline as follows:

§ 5544. Actuarial valuations and appropriations.

(t) (1) The State's obligation to the State Employees' Pension Plan, the State Judiciary Retirement Fund, and the New State Police Retirement Fund to implement the provisions of §5532(r) of this Chapter shall be funded through the appropriation contained in the Fiscal Year 2023 One-Time Supplemental Appropriations Act for "Post Retirement Increase Supplement – FY 23".

(2) The State's obligation to the Special Pension Fund authorized by Volume 61, Chapter 455, Laws of Delaware, to implement the provisions of §5532(r) of this title shall be treated as an actuarial loss during the next actuarial valuation process of the Special Pension Fund.

**Section 17.** Section 1 of this Act appropriates \$50,500,000 to Executive, Office of Management and Budget, Contingencies and One-Time Items (10-02-11) for the implementation of HB360 with House Amendment 1.

Approved June 28, 2022