



SPONSOR: Rep. Shupe & Sen. Buckson
Sens. Hocker, Pettyjohn

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 52

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO FISCAL PROJECTIONS.

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

1 Section 1. Amend Chapter 19, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 Chapter 19. FISCAL PROJECTIONS

4 § 1901. Bills and joint resolutions which appropriate or mandate or contemplate a subsequent appropriation.

5 (a) ~~Any~~ Whenever a bill or joint resolution in either House of the General Assembly ~~which~~ authorizes
6 expenditures not previously authorized ~~within~~ in the annual budget for the fiscal year in which the expenditure is to be
7 incurred ~~or which~~ or whenever ~~because of~~ the provisions of the bill or joint resolution would authorize expenditures not
8 specifically provided for in the bill or joint ~~resolution shall~~ resolution, the bill or joint resolution must include a ~~3-year~~ 5-
9 year fiscal projection. The ~~3-year~~ 5-year fiscal projection ~~shall~~ must be attached to the bill or joint resolution by the sponsor
10 prior to its initial committee consideration in the House of origin.

11 (b) ~~Any~~ Whenever a bill or joint resolution in either House of the General Assembly ~~which~~ relates to any public
12 pension or retirement plan applicable to any ~~person including, but not limited to,~~ person, including any public employee,
13 ~~officer~~ officer, or appointee of the ~~State that~~ State, would authorize or necessarily involve expenditures not previously
14 authorized ~~within~~ in the annual budget for the fiscal year in which the expenditure is to be incurred ~~or which,~~ or whenever
15 ~~because of~~ the provisions of the bill or joint ~~resolution,~~ resolution would authorize or necessarily involve expenditures not
16 specifically provided for in the bill or joint resolution, ~~shall~~ the bill or joint resolution must include a fiscal projection
17 reflecting the estimated actuarial long-term cost of the proposed bill or joint resolution whether or not ~~such~~ the pension or
18 retirement plan is funded on an actuarial reserve basis. The long-term fiscal projection ~~shall~~ must be attached to the bill or
19 joint resolution by the sponsor prior to its initial committee consideration in the House of origin.

20 § 1902. Contents of fiscal projection.

21 (a) ~~The~~ 3-year 5-year fiscal projection ~~shall~~ must be a statement describing, as accurately as can reasonably be
22 ascertained, all requirements, obligations assumed by the ~~State~~ State, and other consequences of the bill or joint resolution
23 having a fiscal impact on the State for each of the ~~3-fiscal~~ 5 fiscal years following the effective date of the bill or joint

24 resolution. ~~Such~~ The fiscal projection ~~shall, must,~~ where applicable, include full cost data ~~including, but not limited to,~~
25 ~~including~~ salaries, operating costs, other employment costs (fringe benefits), capital ~~outlay~~ outlay, and debt service.

26 (b) Fiscal projections required ~~in~~ under this chapter ~~shall~~ must be prepared on forms prescribed by the Controller
27 General. If the fiscal projection is not prepared by the Controller General, it ~~shall~~ must contain a statement by the Controller
28 General that the Controller General concurs in the sponsor's projection of the fiscal impact of the bill or joint resolution as
29 set forth in the fiscal projection or that the Controller General finds contrary or additional fiscal data which should be
30 included in the fiscal projection. The Controller General shall point out particular ways ~~in which~~ the bill or joint resolution
31 may escalate costs or reduce revenue to the State. The fiscal projection must also state how the estimates ~~were~~ are
32 calculated and from what facts or ~~assumptions. In the case of~~ assumptions the estimates are calculated.

33 (c) Whenever a bill or joint resolution ~~authorizing~~ authorizes expenditures or ~~relating~~ relates to a pension or
34 retirement ~~plan~~ plan, as defined by § 1901(b) of this title, ~~such~~ the fiscal projection ~~shall, must,~~ in addition to the other
35 requirements of this section, state the estimated actuarial long-term cost of the proposed bill or joint resolution ~~as obtained~~
36 by the Controller General obtains from the Board of Pension Trustees or other qualified actuarial source.

37 (d) All fiscal projections ~~shall~~ must be reviewed or prepared by the Controller General and ~~the same shall~~ must be
38 reported to the sponsor in writing.

39 § 1903. Fiscal projection when revenue reduced.

40 ~~Any~~ Whenever a bill or joint resolution ~~which~~ would ~~have the effect of reducing~~ reduce state revenue ~~must have~~
41 revenue, a 1-year 5-year projection must be attached thereto, which to that bill or joint resolution. The 5-year fiscal
42 projection shall must describe, as accurately as can reasonably be ascertained, the loss of revenue to the State for the ~~first~~ 5
43 full fiscal year years after the effective date of the legislation and the rationale used in determining ~~such~~ the fiscal impact.
44 The Controller General's responsibility ~~herein shall be~~ under this section is the same as ~~in~~ under § 1902 of this title.

45 § 1904. Revision of fiscal projection.

46 The Controller General shall revise ~~the~~ a fiscal projection ~~with each successive state of the legislative process in~~
47 ~~which any~~ whenever an amendment or substitute bill is introduced which changes the fiscal effect of the bill or joint
48 resolution. ~~Such~~ The revised fiscal projections must be included with each ~~such~~ amendment or substitute bill at the time of
49 ~~introduction. the amendment or substitute bill is introduced.~~ Fiscal projections previously attached to the bill or joint
50 resolution ~~shall~~ must remain with the bill or joint resolution and ~~shall~~ may not be removed.

51 § 1905. Federal matching funds.

52 ~~Any~~ To qualify for or otherwise receive federal funds, a bill or joint resolution which provides for the expenditure
53 of ~~state~~ State funds not previously authorized in the annual budget bill for the fiscal year in which the expenditure is to be

54 ~~incurred, in order to qualify for or otherwise receive federal funds, shall~~ incurred must include a ~~3-year~~ 5-year fiscal
55 projection. The fiscal projection ~~shall~~ must describe, as accurately as can reasonably be ascertained, the total anticipated
56 expenditures of ~~such a~~ program or agency, the total amount to be expended or committed by the federal government for
57 each of the ~~3 fiscal~~ 5 fiscal years, the total amount to be expended by the State for each of the ~~3 fiscal years~~ 5 fiscal years,
58 and when the federal funding is likely to ~~be concluded.~~ end.

59 § 1906. Local school district funds.

60 ~~Any~~ Whenever a bill or joint resolution in either House of the General Assembly ~~which~~ provides for or requires
61 the expenditure of any local school district current expense ~~funds shall~~ funds, the bill or joint resolution must include a ~~3-~~
62 ~~year~~ 5-year fiscal projection. The ~~3-year~~ 5-year fiscal projection ~~shall~~ must be attached to the bill or joint resolution by the
63 sponsor prior to its initial committee consideration in the House of origin.

64 § 1907. Effect on legislative analysis.

65 ~~No provision of this~~ This chapter ~~shall be deemed to~~ does not prevent or limit the preparation of any analysis of
66 any bill or joint resolution by the staff of the Legislative Council or by attorneys of the Senate or House of Representatives
67 ~~when such analysis is requested by a member of the General Assembly.~~ whenever a member of the General Assembly
68 requests the analysis.

69 Section 2. This Act applies to all bills or joint resolutions filed after the Act's enactment into law.

SYNOPSIS

This Act changes the timeline for fiscal projections required under § 1901, § 1902, and § 1905 of Title 29 from 3 years to 5 years. It also changes the timeline for fiscal projections required under § 1903 of Title 29 from 1 year to 5 years.

This Act applies to all bills or joint resolutions filed after the Act's enactment into law.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.