

SPONSOR: Rep. B. Short & Rep. Yearick & Sen. Walsh &
Sen. Lavelle & Sen. Pettyjohn
Reps. Brady, Briggs King, Hudson, Keeley, Paradee,
Ramone, Smyk, Wilson; Sens. Henry, Hocker

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 432
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND THE DELAWARE CODE RELATING TO ADMINISTRATIVE MATTERS INVOLVING THE TRANSFER OF STATE ECONOMIC DEVELOPMENT FUNCTIONS TO THE DEPARTMENT OF STATE.

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

Section 1. Amend § 8702A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8702A. Definitions.

As used in this chapter:

(1) "Board" means the Tourism Advisory Board created by § 8708A of this title.

(2) "Council" means the Council on Development Finance created by § 8707A of this title.

(3) "Director" means the Director of the Division of Small Business~~, Development and Tourism~~.

(4) "Division" means the Division of Small Business~~, Development and Tourism~~.

(5) "Plan" means the Comprehensive State Plan for Economic Development created by § 8705A of this title.

(6) "Public/Private Partnership" means a nonprofit corporation not established by the General Assembly consisting of business and community leaders and public officials formed to enhance the State's ability to attract, grow and retain businesses; facilitate the development of a stronger entrepreneurial and innovative economic system within the State; coordinate with the Division of Small Business~~, Development and Tourism~~; and, support private employers within the State in identifying, recruiting and developing talent for the operation of their business within the State.

(7) "Secretary" means the Secretary of State.

(8) "State" means the State of Delaware.

Section 2. Amend § 8703A, Title 29 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 8703A. Division of Small Business~~, Development and Tourism~~ — Created; purposes.

(a) There is hereby created a division of economic development which shall be known as the Division of Small Business~~, Development and Tourism~~ within the Department of State.

LC : MJC : JDW : 1321490022
LC : HVW : NMX : 5081490244
Released: 06/28/2018 05:09 PM

Section 3. Amend § 8704A, Title 29 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 8704A. Division of Small Business~~, Development and Tourism~~ — Appointment, qualifications and compensation of Director; Acting Director.

Section 4. Amend § 8705A, Title 29 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 8705A. Division of Small Business~~, Development and Tourism~~ — Powers, duties, and functions of Director.

c. The Plan shall be submitted every 5 years to the Governor, President Pro Tempore of the Senate, Speaker of the House of Representatives, the Secretary, and, for public distribution, to the Director of the Division of Research of Legislative Council and the Director of Public Archives. The Division shall also publish the Plan on the Division's public website. The initial Plan is due December 1, 2020.

Section 5. Amend § 8707A, Title 29 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 8707A. Council on Development Finance.

(c) The Council shall be composed of 9 members who are Delaware residents. The Governor shall appoint 7 members: 2 members from New Castle County, 1 member from Kent County, 1 member from Sussex County and 3 at-large members. The President Pro Tempore of the state Senate shall appoint 1 member of the Senate and the Speaker of the state House of Representatives shall appoint 1 member of the House of Representatives. Council members shall serve for 3-year terms and may be reappointed. Council members appointed after July 1, 2018, may be reappointed for only 1 additional 3-year term.

(h) Any appointment, pursuant to this section, to replace a member whose position becomes vacant prior to the expiration of the member's term shall be filled only for the remainder of that term. However, a person who is appointed to fill such a vacancy may be reappointed. Any person appointed to fill such a vacancy after July 1, 2018, may be reappointed for only 2, 3-year terms.

(i) The Council shall conduct its business only when a quorum is present. A quorum shall consist of 5 of the 9 members being ~~physically~~ present in person, by telephone, or by videoconference. The consent of a majority of the quorum is required for approval on any vote. Upon written request from the Council, the Governor may declare a vacancy for any member who is absent from 4 consecutive Council meetings. The Council Chair should schedule meetings so that they are centrally located and geographically balanced in number.

Section 6. Amend § 8709A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8709A. Division of Small Business~~, Development and Tourism~~ — Staff.

The Director and all employees of the Division shall be exempt from Chapter 59 of this title.

Section 7. Amend § 8710A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8710A. Division of Small Business~~, Development and Tourism~~ — Collection and distribution of information; sale of publications.

(a) The Division may collect and disseminate any data or other information including, but not limited to, the population, demographics and economy of the State. The Division shall take such steps as the Director deems appropriate to emphasize the investment, business, employment and recreational opportunities and advantages of the State, and the potential for future development within the State.

Section 8. Amend § 8716A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8716A. Reports.

(a) ~~The Division shall submit an annual report on or before September 1 of each year. The annual report shall detail the status of the Division's efforts to meet the vision, goals, objectives, strategies, and economic indicators included in its comprehensive economic development planning.~~ The Division shall submit 1 annual report on or before December 1 of each year that includes all of the following information:

(1) The status of the Division’s efforts to meet the vision, goals, objectives, strategies, and economic indicators included in its comprehensive economic development planning.

(2) A summary of the work of the Council on Development Finance.

(3) The uses of the Delaware Strategic Fund for the previous year. The Director shall notify the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program on the remaining Strategic Fund balance available for commitment.

(4) The status of assistance for small business, including the Small Business Technology Transfer Program and the Small Business Innovative Research Program.

(5) The programs and funding under the Delaware Economic Development Training Act authorized by Subchapter VIII of this chapter, including an evaluation of the performance of each program, a summary of the public moneys expended and an analysis of the participants in the programs, a report on the number of minority and economically disadvantaged individuals included in the programs.

(6) The names of all certified sponsor and new business firms, the total amount of tax credits awarded, and the number of jobs created under the new business certification tax program.

(b) ~~The Division shall submit a summary of the work of the Council on Development Finance on or before October 15 of each year.~~ The Division shall notify the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program of its intention to make a commitment of funds from the Strategic Fund before the commitment being made to the intended recipient of the funds.

Section 9. Amend § 8729A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8729A. Findings and determinations for assistance.

(b) ~~By December 1 of each year, the Division shall report the Fund's previous year's uses to the General Assembly. The Director shall notify the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program by March 15, June 15, September 15, and December 15 of each year on the remaining Strategic Fund balance available for commitment as of the end of the month preceding the required reporting date. The Director shall also notify the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program of their intent to make a commitment of funds from the Strategic Fund prior to the commitment being communicated to the intended recipient of those funds.~~ [Repealed.]

(c) ~~In order that the Agriculture/Aquaculture Business Program continue as a revolving fund, any and all balance of and future payments to the Agriculture/Aquaculture Business line as authorized in § 5 of 68 Del. Laws, c. 156 shall be disbursed to the Delaware Strategic Fund.~~ [Repealed.]

Section 10. Amend § 8738A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8738A. Reporting.

~~The Division shall annually report to the Governor and the General Assembly on or before January 15.~~ [Repealed.]

Section 11. Amend Subchapter IV, Chapter 87A, Title 29 of the Delaware Code by deleting Subchapter IV in its entirety.

Section 12. Amend § 8750A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8750A. Delaware Motion Picture and Television Development Commission.

(a) There is hereby established the Delaware Motion Picture and Television Development Commission (the "Commission") which shall consist of 9 members who shall be residents of the State and shall consist of the following:

(1) Director of the Division of Small Business~~, Development and Tourism~~ or the Director's designee;

(2) Secretary of the Department of Natural Resources and Environmental Control;

(3) Three members appointed by the Governor;

(4) Two members appointed by the President Pro Tempore;

(5) Two members appointed by the Speaker of the House.

Section 13. Amend § 8751A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8751A. Findings; declaration of policy.

(a) It is determined and declared as a matter of legislative finding that:

(9) There is a need to encourage the development of the State as a banking and financial service center by expanding the types of projects and activities for which the State will provide financing assistance, thereby enhancing the inducements for banks and financial service enterprises to locate, remain and expand in the State which in time will result in increased employment opportunities and commercial transactions in the State; and

(10) There is a need to assist in the financing of facilities and activities of exempt persons in order to contribute to the prosperity, health or general welfare of the citizens of the ~~State; and~~ State.

(11) ~~There is a need to assist the Delaware State Housing Authority and Dover-Del Housing Corp. in solving housing problems for low- and moderate-income residents of Liberty Court Apartments, Dover, Delaware, thereby contributing to the prosperity, health or general welfare of the citizens of the State.~~ [Repealed.]

Section 14. Amend § 8753A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8753A. Established; organization.

(g) The Authority shall prepare an annual budget for each fiscal year of the Authority (the "annual budget") and shall submit the annual budget to the Director of the Office of Management and Budget and General Assembly with the Department of State's budget request in accordance with Chapter 63 of this title. The annual budget need not include amounts representing expenditures for debt service on bonds, except for such amounts with respect to projects which are financed by proceeds from state-guaranteed bonds and for which either:

(1) Any payment due to the Authority or to a trustee or other person as assignee of the Authority is in default; or

(2) Sufficient revenues are not available to make payments due to such trustee or other person.

Section 15. Amend § 8754A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8754A. Deauthorization of state-guaranteed bonds.

(e) The Authority shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this subchapter including without limitation the power:

(19) To do and perform any acts and things authorized by this subchapter under, through or by means of its own officers, agents and employees, or by contracts with any person; and

(20) To procure insurance against any losses in connection with its property, operations or assets in such amounts and from such insurers as it deems ~~desirable; and~~ desirable.

(21) ~~To acquire all of the issued and outstanding stock of Dover-Del Housing Corp., a Delaware nonprofit housing development corporation, and to serve as the sole member thereof during such period of time that Liberty Court Apartments, Dover, Delaware, is being rehabilitated and, upon completion of such rehabilitation, to cause Dover-Del Housing Corp. to convey title to such apartments to the Delaware State Housing Authority for such consideration as the Authority shall, at such time, deem adequate and, as soon as practicable thereafter, to divest its interest in Dover-Del Housing Corp., and to take any and all other actions deemed to be necessary or appropriate by the Authority in connection with the foregoing.~~ [Repealed.]

Section 16. Amend § 8773A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8773A. Annual report.

~~The Director, in the annual report required by § 8716A(a) of this title shall include, but not be limited to, descriptions of all programs funded, an evaluation of the performance of each program, a summary of the public moneys expended and an analysis of the participants in the programs, to include a report on the number of minority and economically disadvantaged individuals.~~ [Repealed.]

Section 17. Amend § 5112, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5112. Employees not to be supplied with, nor reimbursed for, food consumed during working hours; exceptions.

(b) Subsection (a) of this section shall not apply to:

(1) Employees of state agencies who regularly receive wages in kind in addition to their salaries;

(2) Employees of the Division of Small Business~~, Development and Tourism~~;

(3) The expenditures of funds for food supplies as part of employee recognition activities established pursuant to § 5950 of this title;

(4) The expenditures of funds for food supplied as part of an agency training function, such as a retreat or workshop, held away from the agency's home location.

(5) State Police recruits during the period of their training; or

(6) Circumstances where approval has been granted by the Director of the Office of Management and Budget and the Controller General.

Section 18. Amend § 6102A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6102A. Twenty-First Century Fund Investments Act.

(f) *Neighborhood revitalization. —*

(1) A special fund appropriation account is hereby created in the Division of Small Business~~, Development and Tourism~~ to be known as the "Neighborhood Revitalization Account." The sum appropriated from the Twenty-First Century Fund for Neighborhood Housing Revitalization shall be used to create a program to be administered according to guidelines and procedures developed by the Council on Housing and the State Housing Director to expand affordable housing opportunities for families and improve entire communities through the rehabilitation of existing houses. The Account shall serve as a revolving account and shall be eligible to receive loan repayments.

Section 19. Amend § 6938, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6938. Purchase of recycled, reusable and recyclable products.

(d) There is established an interagency work group comprised of 1 representative from the Office of Management and Budget, the Department of Natural Resources and Environmental Control, ~~the Division of Small Business, Development and Tourism,~~ the Department of Transportation and the Department of Health and Social Services. This work group shall be known as the State Materials Recycling Team (SMRT) and its members shall be appointed by the respective Department heads. The Chair of the SMRT will be selected by the team's membership. The work group's primary purposes shall be:

Section 20. Amend § 7601, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7601. State Clearinghouse Committee.

There is hereby established the Delaware State Clearinghouse Committee for federal grant and nonfederal grant coordination. The Committee shall consist of the Chairperson and the Vice Chairperson of the Joint Finance Committee, who shall serve as the Chairperson and the Vice Chairperson, respectively, of the Clearinghouse Committee, the Controller General, the ~~Director of the Office of Management and Budget, the Director of the Division of Small Business, Development and Tourism,~~ Secretary of State, the Secretary of Finance, and 4 members of the General Assembly, as follows: One member appointed by the President Pro Tempore and 1 member appointed by the Minority Leader of the Senate; and 1 member appointed by the Speaker of the House and 1 member appointed by the Minority Leader of the House of Representatives. The Director of the Office of Management and Budget shall function as the Secretary of the Committee, and the Office of Management and Budget shall provide the necessary staff support. The Office of Controller

General shall provide staff support to the Committee, as required by the Chairperson or the Vice Chairperson. The members of the Committee shall serve until their successors are selected.

Section 21. Amend § 8011, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8011. Water Infrastructure Advisory Council.

(g) The Council shall work in concert with the DNREC, DHSS, the Department of Transportation, ~~the Division of Small Business, Development and Tourism,~~ the Department of Agriculture, Conservation Districts, the Delaware Geological Survey, the Public Service Commission, the DOF, the Cabinet Committee on State Planning Issues and any other appropriate department, agency or committee focusing on statewide planning issues and each shall provide reasonable staff time and resources as may be required by the Council to fulfill its duties and responsibilities. The Council shall also work in concert with the Water Resources Agency of New Castle County and any other appropriate agency designated by the counties. The DNREC and DHSS shall be the lead agencies in coordinating support for the Council.

Section 22. Amend § 8030, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8030. Energy Efficiency Investment Fund.

(b) The Department of Natural Resources and Environmental Control shall manage the Energy Efficiency Investment Fund. The Fund shall be used to incentivize investments in energy efficiency by consumers or users of gas or electricity whose purchase of those commodities from a distributor is subject to the public utility tax on gas or electricity imposed by Chapter 55 of Title 30. The Department shall support implementation of projects that reduce the use of gas, electricity, or other sources through the issuance of competitive grants, low-interest loans, or other financing support from the Fund. The Department shall establish the contents and deadline for applications for financing from the Fund and shall give preference to those applications proposing projects that are anticipated to produce the greatest reduction in energy consumption per Fund dollar invested, improve environmental performance, spur capital construction and facility modernization, encourage job retention and creation, and are likely to be substantially complete no later than 1 year following the issuance of financing from the Fund. In no event shall the Fund provide grant funding for more than 30 percent of the costs of any proposed project or support projects already receiving support from the Green Energy Fund under this chapter or the Strategic Fund under subchapter II of Chapter 87A of this title. The Fund shall be administered in consultation with the Sustainable Energy Utility and the ~~Division of Small Business, Development and Tourism~~ Department. The Department shall make an annual report on the use of the Energy Efficiency Investment Fund and the value of energy savings resulting therefrom to the Governor's Energy Advisory Council and the General Assembly not later than August 30 of each year after 2011. The Department shall retain no more than 4 percent of the Fund for expenses to

administer this section. All terms used herein that are defined in Chapter 55 of Title 30 shall have the same definition used in that chapter.

Section 23. Amend § 8053, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8053. State Energy Office; State Energy Coordinator; establishment; powers and duties.

(c) The State Energy Office shall:

(2) Coordinate with other state and federal agencies ~~including, but not limited to,~~ including the Delaware Public Service Commission, the Office of State Planning and Coordination, the Office of Management and Budget, ~~the Division of Small Business, Development and Tourism,~~ the Delaware Emergency Management ~~Agency~~ Agency, and the Department of Agriculture in carrying out its duties under this subchapter;

Section 24. Amend § 8054, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8054. Cabinet Committee on Energy.

(a) A Cabinet Committee on Energy is established and shall serve in an advisory capacity to the Governor. It shall be comprised of the following members:

(1) The Secretary of the Department of Natural Resources and Environmental Control.

(2) The Secretary of the Department of Agriculture.

(3) The Secretary of the Department of Transportation.

(4) The Secretary of the Department of Health and Social Services.

(5) The Secretary of the Department of Safety and Homeland Security.

(6) The Secretary of the Department of State.

(7) ~~The Director of the Division of Small Business, Development and Tourism.~~ [Repealed.]

(8) The Director of the Office of Management and Budget.

(9) Such others as the Governor may designate.

Section 25. Amend § 8055, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8055. Governor's Energy Advisory Council.

(d) The Governor's Energy Advisory Council shall be composed of ~~17~~ 16 members as follows:

(7) The Secretaries of Transportation, Natural Resources and Environmental ~~Control~~ Control, and Agriculture ~~and the Director of the Division of Small Business, Development and Tourism~~ shall serve as ex-officio members.

Section 26. Amend § 8057, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8057. Green Energy Fund.

(a) The State Energy Office shall administer moneys in the Green Energy Fund, in consultation with other offices within Department of Natural Resources and Environmental Control ~~(DNREC), the Division of Small Business, Development and Tourism~~ (DNREC) and the Division of the Public Advocate, through a program of environmental incentive grants and loans for the development, promotion and support of energy efficiency programs and renewable or alternative energy technology in the State.

Section 27. Amend § 8404, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8404. Powers, duties and functions of the Secretary.

The Secretary shall have the following powers, duties and functions:

(4) To collect and analyze statistical and planning information on all modes of transportation and make studies required to carry out state transportation programs; to coordinate and develop, in cooperation with federal, state, county and local governmental agencies, comprehensive balanced transportation planning, programming and policy for the movement of people and goods within the State; to prepare a statewide master transportation plan that is consistent with the state's social, economic and environmental needs and goals; and to develop a unified intermodal transportation planning program in cooperation with ~~the Division of Small Business, Development and Tourism and~~ other planning agencies to fulfill the transportation planning requirements of the federal government;

Section 28. Amend § 8525, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8525. Development of employment opportunities.

The Department of Labor and the Division of Small Business~~, Development and Tourism~~ shall be jointly responsible for developing new and improved employment opportunities and coordinating with all other state and local agencies and private organizations in this field. The Governor and the General Assembly shall be kept fully apprised by the Department of Labor and the Division of Small Business~~, Development and Tourism~~ of all state, local and private activities in the employment development field.

Section 29. Amend § 8781, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8781. Creation of Diamond State Port Corporation.

(b) The Corporation shall be governed by a board of directors consisting of 15 members, all of whom shall be residents of this State. Eight of these directors shall be:

(1) The Secretary of State;

(2) The Secretary of Transportation; and

(3) ~~The Director of the Division of Small Business, Development and Tourism;~~ [Repealed.]

(4) The Secretary of Finance;

(5) The Controller General;

(6) The Co-Chairs of the General Assembly's Joint Legislative Committee on the Capital Improvement Program or their designee or designees; and

(7) The Secretary of the Department of Safety and Homeland Security.

Section 30. Amend § 9101, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9101. Cabinet Committee on State Planning Issues.

(a) A Cabinet Committee on State Planning Issues is established and shall serve in an advisory capacity to the Governor. It shall be comprised of the following members or their respective designees:

(1) The Secretary of the Department of Natural Resources and Environmental Control.

(2) The Secretary of the Department of Transportation.

(3) The Secretary of the Department of Agriculture.

(4) ~~The Director of the Division of Small Business, Development and Tourism.~~ [Repealed.]

(5) The Director of the Delaware State Housing Authority.

(6) The Secretary of the Department of Safety and Homeland Security.

(7) Such others as the Governor may designate.

Section 31. Amend § 9308, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9308. Authority of the agency; rules and regulations.

(c) If a project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, the agency may ~~enter into such agreements with the Division of Small Business, Development and Tourism or~~ take ~~such other~~ action as necessary or appropriate to provide such housing by use of funds authorized for such project.

(d) In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of displaced persons who are displaced from dwellings because of any project or program, the agency may ~~enter into agreements with the Division of Small Business, Development and Tourism or~~ take ~~such other~~ actions as necessary or appropriate to utilize federal loans for planning and preliminary expenses for additional housing as provided under 42 U.S.C. § 4635.

Section 32. Amend § 9404, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9404. Commission on State Surplus Real Property.

(a) A Commission on State Surplus Real Property is established and shall report in an advisory capacity to the Governor and to the General Assembly. It shall be comprised of the following members:

(1) The Speaker of the House of Representatives;

(2) The President Pro Tempore of the Senate;

(3) The Director of the Division of Small Business~~, Development and Tourism~~;

(4) The Secretary of the Department of Transportation;

(5) The Director of the Office of Management and Budget.

Section 33. Amend § 1404, Title 2 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1404. Establishment of Transportation Trust Fund.

There is hereby established in the Authority a fund to be known as the "Transportation Trust Fund." Except as otherwise provided by contract between the Authority and the holders of bonds of the Authority and excluding the receipts and revenues of subsidiary corporations of the Authority, all taxes, fees, charges, tolls, reimbursements and revenues collected or received by or paid or appropriated to the Authority and any amounts received from the Corps of Engineers in connection with the construction or reconstruction of a bridge in the area of the St. Georges Bridge shall be credited to the Transportation Trust Fund. In addition, the proceeds of bonds issued by the Authority and supported by a pledge or other interest in the money in the Transportation Trust Fund shall be held in or for the Transportation Trust Fund. The Transportation Trust Fund shall be deemed to be a special fund. There may be established in the Transportation Trust Fund 1 or more accounts to which shall be credited and from which there shall be paid the taxes, fees, charges, tolls and revenues credited to the Transportation Trust Fund. The Authority may transfer money from the Transportation Trust Fund to a special fund of the State to meet obligations of the State payable from the Transportation Trust Fund. No such money credited to the Transportation Trust Fund, or any account in the Transportation Trust Fund, shall be available to pay any bonds issued by the Authority pursuant to any trust agreement or other contract entered into by the Authority prior to the creation of the Transportation Trust Fund unless the Authority specifically agrees to the contrary after the adoption of this chapter. Nothing in this chapter shall adversely affect the security of any bonds issued by the Authority pursuant to a trust agreement dated as of September 1, 1979, as amended, between the Authority and the trustee for holders of bonds secured thereunder or pursuant to a trust agreement dated as of September 1, 1981, as amended, between the Authority and the trustee for holders of bonds secured thereunder. Notwithstanding other provisions of the Delaware Code, transfers from the Transportation Trust Fund to other public agencies for projects approved in the annual Capital Improvements Act shall not require the approval of the Budget Commission or be subject to Chapter 69 of Title 29. Projects for which Transportation Trust Fund appropriations are provided in the Suburban Street, Drainage and Miscellaneous funding category in the annual Capital Improvements Act shall, whenever the prevailing wage provisions of § 6960 of Title 29 would otherwise be

applicable, be subject to the "highway construction" rate developed through the regulatory process implementing § 6960 of Title 29.

Subject to appropriations in the annual Capital Improvements Acts, the Department shall create a special account in the Fund for the purposes of capitalizing the Small Retail Gasoline Station Assistance Loan Fund ("Small Station Fund") established in Chapter 74 of Title 7. This special account shall be subject to the following terms and conditions:

(1) The total authorization in any fiscal year for this Small Station Fund shall not exceed $4 million, including administrative expenses;

(2) The total authorization of moneys for the Small Station Fund shall not exceed $12 million;

(3) All loan repayments under this program shall immediately upon receipt be deposited into accounts of the Transportation Trust Fund; and

(4) A memorandum of understanding shall be executed between the Secretary of the Department of ~~Transportation,~~ Transportation and the Secretary of the Department of Natural Resources and Environmental Control ~~and the Director of the Division of Small Business, Development and Tourism~~, which shall include ~~by way of illustration and not limitation,~~ the following:

a. An agreement as to eligibility requirements;

b. A cap on administrative expenses;

c. Provisions for auditing the Small Station Fund Program; and

d. A requirement for a Quarterly Activity Report on the administration of the Small Station Fund Program, showing the loans made, amounts repaid and an itemization of administrative expenses.

Section 34. Amend § 605, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 605. Delaware Viticulture Council.

(a) A Delaware Viticulture Council is hereby created for the purposes of assisting the Department with the enhancement and promotion of viticulture activities and operations within the State. Duties of the Council shall include, but not be limited to, the following:

(1) Examine the impact of laws and regulations on the viticulture industry and recommend to the Secretary methods to simplify regulatory processes or otherwise enhance the regulatory climate with respect to the efficient siting and operation of viticulture operations;

(2) Examine the viticulture incentive programs used by other states, determine those programs used, determine programs that would best enhance viticulture operations and report to the Secretary on what actions are required to address these needs;

(3) Examine research and educational needs as they relate to the improvement of management and operations of viticulture operations and report to the Secretary on what actions are required to address these needs;

(4) Respond to requests of the Secretary to examine other issues relating to the enhancement of viticulture activities and operations in Delaware.

(b) The Council shall be composed of no less than 12 members. Members shall include:

(1) The Secretary of the Department of Natural Resources and Environmental Control or the Secretary's designee;

(2) The Director of the Division of Small Business~~, Development and Tourism~~ or the Director's designee;

(3) A representative of the University of Delaware to be appointed by the President of the University;

(4) A representative of Delaware State University to be appointed by the President of the University;

(5) A representative of the Delaware Farm Bureau to be appointed by the President of the Delaware Farm Bureau;

(6) Three individuals that are actively involved in commercial viticulture activities or operations to be appointed by the Chairperson of the Council;

(7) Three individuals with an interest in viticulture activities to be appointed by the Chairperson of the Council.

(c) The Secretary shall act as chairperson of the Council, or may appoint a designee.

Section 35. Amend § 7006, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7006. State Coastal Zone Industrial Control Board created; composition; conflict of interest; quorum.

There is hereby created a State Coastal Zone Industrial Control Board, which shall have 9 voting members. Five of these shall be regular members appointed by the Governor and confirmed by the Senate. No more than 2 of the regular members shall be affiliated with the same political party. At least 1 regular member shall be a resident of New Castle County, 1 a resident of Kent County and 1 a resident of Sussex County, provided that no more than 2 residents of any county shall serve on the Board at the same time. The additional 4 members shall be the Director of the Division of Small Business, ~~Development and Tourism,~~ and the chairpersons of the planning commissions of each county, who shall be ex officio voting members. The term of 1 appointed regular member shall be for 1 year; 1 for 2 years; 1 for 3 years; 1 for 4 years; and the chairperson, to be designated as such by the Governor, and serve at the Governor's pleasure. Thereafter, all regular members shall be appointed for 5-year terms. The members shall receive no compensation except for expenses. Any member of the Board with a conflict of interest in a matter in question shall disqualify himself or herself from consideration of that matter. A majority of the total membership of the Board less those disqualifying themselves shall constitute a quorum. A majority of the total membership of the Board shall be necessary to make a final decision on a permit request.

Section 36. Amend § 7423, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7423. Small Station Fund eligibility.

(a) Any applicant for a Small Station Fund loan must demonstrate that the applicant meets the following criteria:

(6) The loan for the project to be provided to the small station by the Small Station Fund shall be approved by the Secretary of the ~~Department,~~ Department and the Secretary of the Department of Transportation~~, and the Director of the Division of Small Business, Development and Tourism~~.

(b) Before making any loan from the Small Station Fund, the Department, in coordination with ~~the Division of Small Business, Development and Tourism and~~ the Department of Transportation, shall specify:

Section 37. Amend § 7505, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7505. Delaware Open Space Council.

(b) The Secretaries of the Departments of Agriculture and ~~State, the Director of the Division of Small Business, Development and Tourism,~~ State and the State Liaison Officer for the federal Land and Water Conservation Fund, or designees appointed by the respective Secretary, Director, or Officer, who shall be ex officio advisors to the Council without voting powers.

Section 38. Amend § 7712, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7712. Information program.

(a) The Department, assisted by the Division of Public Health of the Department of Health and Social ~~Services,~~ Services and the Department of Safety and Homeland Security ~~and the Division of Small Business, Development and Tourism,~~ shall prepare and implement an information program designed to inform the general public, local public officials and the business community about the requirements of this chapter and regulations adopted thereto, about the health risks of accidental releases of extremely hazardous substances and about means available to minimize the chances of accidental catastrophic releases of such substances.

Section 39. Amend § 7804, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7804. Pollution Prevention Program.

(a) The Department shall establish the Implementation Committee and appoint the members thereof.

(1) The Implementation Committee shall be composed of, but not be limited to, the following individuals or their designee:

a. The Secretary of the Department;

b. ~~The Director of the Division of Small Business, Development and Tourism;~~ [Repealed.]

c. The Secretary of the Department of Agriculture;

d. The Director of the Office of Management and Budget;

e. The President of the Delaware State Chamber of Commerce;

f. The Secretary of Education;

g. The General Manager of the Delaware Solid Waste Authority;

h. A representative of the League of Local Governments;

i. A representative of the Chemical Industry Council;

j. A representative of Delaware State University;

k. A representative of Delaware Technical and Community College;

l. A representative of the University of Delaware;

m. A representative from the private solid waste collection industry;

n. A representative of civic organizations; and

o. A representative of an environmental organization.

The Implementation Committee will be chaired by the Secretary of the Department and be staffed by the Department. The members of the Implementation Committee are appointed for a period of 1 1/2 years and shall meet at least monthly during this period.

(2) The Implementation Committee shall select the target industry and location for the initial technical assistance program. The Committee shall evaluate the technical assistance program 1 year after the program commences or upon completion, whichever is earlier. The Committee shall then select a second target industry or location for the technical assistance program.

(b)

(1) The objectives of the Pollution Prevention Program shall be:

a. Targeting industries and locations for technical assistance; and

b. Providing pollution prevention education and outreach.

(2) These objectives shall be accomplished through implementation of, but not be limited to, the programs outlined in this section.

a. *Technical assistance. —*

1. The Department shall create a multimedia waste reduction assistance program to provide technical assistance to targeted industries, focusing on small companies within the industry because, for the most part, they do not have the economic or technical resources necessary to acquire recommendations on how to effectively minimize their wastes. The program will be made available to other industries which request

assistance. The overall objective of the multi-media opportunity audit program is to reduce or recycle, to the maximum extent practicable, all waste streams within an industry.

2. ~~An information clearinghouse shall be established and located at the Division of Small Business, Development and Tourism. The clearinghouse will contain a database of pollution prevention technologies and case studies of technology applications.~~ [Repealed]

Section 40. Amend § 2656, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2656. Required and optional elements of comprehensive plan; studies and surveys.

(g) The comprehensive plan shall include:

(10) An economic development element setting forth principles and guidelines for the commercial and industrial development, if any, and the employment and personnel utilization within the area. The element may detail the type of commercial and industrial development sought while correlating the present and projected employment needs of the area to other elements of the plan and may set forth methods by which a balanced and stable economic base will be pursued. The economic development element shall include a general area redevelopment component consisting of plans, criteria and programs for community redevelopment, including reuse of housing sites, business sites, industrial sites, central business districts, public building sites, recreational facilities and other locations. The economic development element shall be developed in consultation with and reviewed by the Division of Small Business~~, Development and Tourism~~.

Section 41. Amend § 4956, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4956. Required and optional elements of comprehensive plan; studies and surveys.

(g) The comprehensive plan shall include:

(10) An economic development element setting forth principles and guidelines for the commercial and industrial development, if any, and the employment and personnel utilization within the area. The element may detail the type of commercial and industrial development sought while correlating the present and projected employment needs of the area to other elements of the plan and may set forth methods by which a balanced and stable economic base will be pursued. The economic development element shall include a general area redevelopment component consisting of plans, criteria and programs for community redevelopment, including reuse of housing sites, business sites, industrial sites, central business districts, public building sites, recreational facilities and other locations. The economic development element shall be developed in consultation with and reviewed by the Division of Small Business~~, Development and Tourism~~.

Section 42. Amend § 6956, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6956. Required and optional elements of comprehensive plan; studies and surveys.

(g) The comprehensive plan shall include:

(10) An economic development element setting forth principles and guidelines for the commercial and industrial development, if any, and the employment and personnel utilization within the area. The element may detail the type of commercial and industrial development sought while correlating the present and projected employment needs of the area to other elements of the plan and may set forth methods by which a balanced and stable economic base will be pursued. The economic development element shall include a general area redevelopment component consisting of plans, criteria and programs for community redevelopment, including reuse of housing sites, business sites, industrial sites, central business districts, public building sites, recreational facilities and other locations. The economic development element shall be developed in consultation with and reviewed by the Division of Small Business~~, Development and Tourism~~.

Section 43. Amend § 137, Title 17 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 137. Acquisition and sale of real property.

(a)(1) The Department, in the name of the State, may only acquire private or public property and property rights needed to provide public thoroughfares such as pathways, roads, streets, highways, or to preserve the traffic capacity in existing thoroughfares in accordance with § 145(d) of this title, sidewalks, bus shelters, parking areas in support of public transit, maintenance yards and similar public transportation related facilities, including rights to access, air, view and light by gift, devise, purchase or in the exercise of the power of eminent domain, acquire the same by condemnation by proceeding in the manner prescribed in Chapter 61 of Title 10, be authorized by law to acquire such property or property rights for the purposes set forth in this section and within its jurisdiction. Property rights so acquired shall be in fee simple absolute or such lesser interest as the Department may deem appropriate. Except as provided in paragraph (a)(2) of this section, no acquisition of real property or property rights shall be made without Department approved final right-of-way plans depicting the proposed acquisitions and that approval coming only after the project has been developed and plans prepared in accordance with all applicable governing laws, rules and regulations pertaining to the development of transportation projects.

(2) The acquisition of real property by the Department in advance of final right-of-way plan approval, shall be reviewed by a committee consisting of the Secretary of the Department of Natural Resources and Environmental Control, the Secretary of the Department of Transportation, the Secretary of the Department of Agriculture, the Director of the Division of Small Business, ~~Development and Tourism,~~ the Governor's Chief of Staff, a member of the

Senate designated by the President Pro Tempore of the Senate, a member of the House of Representatives designated by the Speaker of the House of Representatives, a member of the public designated by the President Pro Tempore of the Senate and a member of the public designated by the Speaker of the House of Representatives to determine the consistency of such action with the State's overall goals for land use planning. If it determines that the acquisition will be inconsistent with State planning goals, the committee may disapprove the acquisition.

Section 44. Amend § 193, Title 17 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 193. Delaware Byway Advisory Board.

The Secretary shall appoint a Delaware Byway Advisory Board consisting of public and private parties, including not-for-profit organizations, to assist in and make recommendations regarding in the designation, development, operation, management and promotion of Delaware byways. Members of the Advisory Board created pursuant to this section shall include, but not be limited to, the Secretaries, chief administrative officers or representatives of the:

(1) Department of State;

(2) Department of Agriculture;

(3) Division of Small Business~~, Development and Tourism~~;

(4) Department of Natural Resources and Environmental Control; and

(5) Such other public or private members as the Secretary may determine would be of assistance in this process.

These members would include, but not be limited to, representatives from: federal, state and local governments; environmental groups; planning agencies; the real estate and outdoor advertising industries; business, farming and nature organizations; and such other groups which may be affected by a byway designation.

Section 45. Amend § 1723, Title 17 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1723. Proposals for commerce facilities or developments.

The Delaware River and Bay Authority shall not initiate any commerce facility or development (as defined in Article II of the Delaware-New Jersey Compact set out in § 1701 of this title) to be located in the State unless a proposal for such commerce facility or development has been first submitted to the Governor by ~~the Division of Small Business, Development and Tourism~~ the Department of State and then approved and submitted to the Authority by the Governor. The ~~Division of Small Business, Development and Tourism~~ Department of State shall, before submitting such proposal to the Governor, notify all members of the General Assembly and the local governmental officials of the area in which the proposed project is to be located.

Section 46. Amend § 3402, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3402. Disbursement of special assessment funds.

(b) All moneys collected under this chapter shall, in a timely manner after deposit pursuant to subsection (a) of this section, be deposited to the following special funds in the following amounts and for the following purposes:

(1) Ten percent of the total amount collected retained by the Division of Unemployment Insurance for costs associated with the collection of the tax.

(2)a. Twenty-five percent of the funds that remain after the cost of collecting the tax has been deducted to a special fund of the State to be administered by the Division of Small Business~~, Development and Tourism~~ to be awarded to appropriate subgrantees for industrial training for economic development in accordance with subchapter VIII of Chapter 87A of Title 29.

b. Of this 25 percent sum, not more than $100,000 shall be allocated for subgrants to fund career training for state employees. Appropriate regulations for the granting of these funds shall be developed by the Division of Small Business, Development and Tourism, in cooperation with the Secretary of the Department of Human Resources and a representative of a public employees' union representing state employees.

c. Of this same 25 percent sum, no more than 10 percent may be retained by the Division of Small Business~~, Development and Tourism~~ for the payment of administrative costs.

Section 47. Amend § 352, Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 352. Definitions.

As used in this subchapter:

(16) "Qualified fuel cell provider" means an entity that:

a. By no later than the commencement date of commercial operation of the full nameplate capacity of a fuel cell project, manufactures fuel cells in Delaware that are capable of being powered by renewable fuels; and

b. Prior to approval of required tariff provisions, is designated by the Director of the Division of Small Business~~, Development and Tourism~~ and the Secretary of DNREC as an economic development opportunity.

Section 48. Amend Subchapter X, Chapter 87A, Title 29 of the Delaware Code by deleting Subchapter X in its entirety.

Section 49. Amend § 1116, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1116. Delaware investment credit.

A resident and nonresident individual shall be allowed a credit against that individual's tax otherwise due under this chapter in an amount equal to 15% of the individual's investment that is qualified under subchapter X of Chapter 87A of Title 29 ("Delaware Investment Tax Credit Program") and certified as such by the Director of the Division of Small Business~~, Development and Tourism~~ to the Director of Revenue. Notwithstanding § 329 of this title to the contrary, determinations by the Delaware Economic Development Authority as to the qualification of any investment under the Delaware Investment Tax Credit Program shall not be appealable to the Tax Appeal Board. In no event shall the credit allowable under this section exceed the tax otherwise due under this chapter. Unused credits under this section may be carried forward 4 years from the tax year in which they are certified under the Delaware Investment Tax Credit Program.

Section 50. Amend § 2020, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2020. Definitions.

As used in this subchapter:

(3) "Targeted area" is:

a. Any real property located within this State that is owned by the State, any political subdivision of the State or any agency or instrumentality of the State or its political subdivisions;

b. Any real property located within this State that is owned by an organization described in § 501(c) of the Internal Revenue Code (26 U.S.C. § 501(c)) which is organized and operated, and which holds such real property, solely for the purpose of fostering economic development within this State;

c. Any area located within this State that has been approved by the United States Department of Commerce as a general purpose foreign trade zone;

d. Any of the following 1990 Delaware census tracts, as defined by the United States Department of Commerce, Bureau of the Census:

1. Within the City of Wilmington: 1990 Delaware census tracts 001, 006.01, 006.02, 007, 008, 009, 016, 017, 019 and 020;

2. Within New Castle County (other than the City of Wilmington): 1990 Delaware census tracts 101.1, 107, 128, 129, 145.02, 153, 154, 155, 162 and 167;

3. Within Kent County: 1990 Delaware census tracts 408, 410, 414, 425 and 430; and

4. Within Sussex County: 1990 Delaware census tracts 504, 506, 514, 518 and 519; or

e. When socio-economic data becomes available from the 2000 Census, the Director of the Division of Small Business~~, Development and Tourism~~ in conjunction with the Secretary of Finance shall evaluate all census tracts using the following criteria: Percent of persons below poverty level; percent of households receiving public assistance; unemployment rate; median household income; a significant presence of vacant property within the

target area; the character of the community; and population. Based on these criteria census tracts shall be reallocated on the following basis: Ten in the City of Wilmington; 10 in New Castle County outside of the City of Wilmington; 5 in Kent County; and 5 in Sussex County. The provisions of this sub-subdivision shall supersede paragraph (1)d. of this section upon the reallocation of the census tracts. Upon request, the Director of the Division of Small Business, ~~Development and Tourism,~~ in conjunction with the Secretary of Finance, may consider extending the geographic boundary lines of the target area where the adjacent community otherwise satisfies the above-referenced criteria.

Section 51. Amend § 2081, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2081. Definitions.

As used in this subchapter:

(9) "Director" means the Director of the Division of Small Business~~, Development and Tourism as defined in § 8702A of Title 29~~.

Section 52. Amend § 2091, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2091. Definitions.

As used in this subchapter:

(7) "Director" means the Director of the Division of Small Business~~, Development and Tourism, as defined by § 8702A of Title 29~~.

(8) "Division" means the Division of Small Business~~, Development and Tourism~~ within the Department of State.

Section 53. Amend § 20A-100, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 20A-100. Declaration of purpose.

The purpose of this chapter shall be to provide Delaware's employers with an incentive to hire veterans who have served in overseas conflicts since 2001. Upon their return home, these veterans face a difficult job market and have experienced relatively high rates of unemployment. The tax credit created by this chapter is designed to work in conjunction with the combined efforts of the Departments of Labor and Finance, the Division of Small Business, ~~Development and Tourism,~~ and veterans' organizations throughout the State to develop and implement comprehensive and coordinated measures designed to assist these veterans as they transition to civilian life.

Section 54. Amend § 6123, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6123. Period to establish.

~~During the period required for Kent and Sussex Counties to establish their county-based Convention & Visitors Bureaus, funds due them shall be paid to the Division of Small Business, Development and Tourism. The Division of Small Business, Development and Tourism will administer the funds, making them available to nonprofit organizations in each county in such amounts and for such tourism related purposes as the Delaware Tourism Office deems appropriate.~~ [Repealed.]

Section 55. Amend § 1502, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1502. Establishment of program.

(a) The Delaware Welfare Employment Program (the "Program") is created within the Department of Health and Social Services (the "Department") as a critical component of the State's welfare-to-work strategy; provided, however, that the Program shall, as with the State's other welfare-to-work strategies, be administered by the Department in cooperation with the Department of Labor~~, the Division of Small Business, Development and Tourism~~ and the Delaware Work Force Development Council (hereinafter the "Cooperating Agencies"). To the extent necessary to enable the Department to make use of the Program for appropriate cases, the Department shall amend the State plans for the Aid to Families with Dependent Children ("AFDC") program and the jobs and basic skills ("JOBS") program and shall seek federal approval for plan amendments and any waivers from federal law. The Department shall implement the Program with maximum federal financial participation.

Section 56. Amend § 1924, Title 22 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1924. Administration.

(c) DSHA may delegate to, and receive assistance from, other entities including the Office, the Division of Small Business~~, Development and Tourism,~~ and other state agencies in carrying out its responsibilities hereunder.

Section 57. If a provision of this Act or the application thereof to a person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application; to that end, the provisions of this Act are declared to be severable.

If a provision of this Act or the application thereof to a person or circumstance is held invalid, unenforceable, or unconstitutional, the remainder of the provisions of this Act and the application of the provisions to a person or circumstances other than those to which it is held invalid, is not affected.

Section 58. This Act takes effect on July 1, 2018.