SPONSOR: Sen. Hansen & Sen. Sokola & Rep. Osienski & Rep. Bush & Rep. Schwartzkopf
Sens. Cloutier, Ennis, Hocker; Reps. Baumbach, Brady, Briggs King, Carson, Griffith, Michael Smith

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 61
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF TRANSPORTATION.

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

Section 1. Amend Chapter 84, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8421. Transportation Infrastructure Investment Fund; Fund Council.

(a) The Transportation Infrastructure Investment Fund (Fund) is established to provide economic assistance for renovation, construction, or any other type of improvements to roads and related transportation infrastructure in order to attract new businesses to this State, or expand existing businesses in this State, when such an economic development opportunity would create a significant number of direct, permanent, quality, full-time jobs.

(b) Improvements funded through the Fund must occur within the public right-of-way or on public land and directly benefit the traveling public. To be eligible for a grant under this section, improvements must meet all of the following, as defined by regulation:

(1) Have at least 1 public endorser.

(2) Meet certain employment standards.

(3) Be financially stable.

(4) Serve a public purpose.

(c) A business applying to the Transportation Infrastructure Investment Fund must meet all of the following:

(1) Validly exist as a corporation, limited liability company, or other regulated entity.

(2) Be in good standing under the laws of this State, duly-qualified to do business.

(3) Be in good standing in each other jurisdiction in which its conduct of business requires such qualification.

(4) Possess business and professional licenses required under Titles 24 and 30.

(d) The Department of Transportation may promulgate regulations as required to administer this section.

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(e) The Transportation Infrastructure Investment Fund Council. - The Transportation Infrastructure Investment Fund Council (the Council) is established to consider applications to the Fund and make recommendations to the Secretary of the Department of Transportation and the Secretary of State.

(1) The Council is composed of 9 members, as follows:

a. One member appointed by the President Pro Tempore of the Delaware State Senate.

b. One member appointed by the Speaker of the House of Representatives.

c. Six members appointed by the Governor. These members must include 2 New Castle County residents, 1 Kent County resident, 1 Sussex County resident, and 2 residents of this State, irrespective of county. These members may include a member of the Bar of the Supreme Court of Delaware, an officer of a bank or trust company of this State, an expert in private equity, or an expert in venture capital.

(2) The Governor shall appoint 1 additional member to serve as Chair at the Governor's pleasure.

(3) Members appointed by the Governor under paragraph (e)(2)c. of this section may be appointed for a term of up to 3 years to ensure that no more than 2 members' terms expire in a year.

(4) The Governor may not appoint more than 4 members from the same political party.

(5) Members of the Council serve without compensation, except that the members may be reimbursed for reasonable and necessary expenses incident to the members' duties.

(6) The Council shall conduct its business only when a quorum is present. A quorum consists of 5 members.

(7) The consent of a majority of the members present at a meeting with a quorum is required to approve a motion, including a motion to make a recommendation.

(8) Upon written request from the Council, the Governor may declare a vacancy for any member who is absent from 3 consecutive Council meetings.

(9) The Council Chair shall attempt to schedule meetings so that the meetings are centrally-located and geographically-balanced in number.

(f) The Secretary of the Department of Transportation and the Secretary of State shall consider a recommendation of the Council made under subsection (e) of this section. The Secretaries may not authorize the expenditure of moneys from the Fund unless the Secretaries determine that the business and the improvements are eligible under this section and the regulations promulgated under this section.

Section 2. The Act takes effect upon enactment and is implemented 10 days after the date of publication in the Registrar of Regulations of a notice by the Department of Transportation that final regulations required to administer this section have been promulgated.