SPONSOR: Sen. Brown & Rep. Dorsey Walker & Rep. Bush
Sens. Lockman, Mantzavinos, Pinkney, Richardson; Rep. K. Johnson

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 83
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO THE DELAWARE COMMUNITY INVESTMENT VENTURE FUND.

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

Section 1. Amend Subchapter I, Chapter 1, Title 5 of the Delaware Code by adding a new § 109, and by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 109. Delaware Community Investment Venture Fund.

(a) In this section, the following words have the meanings indicated:

(1) "Low- to moderate-income tract" means a census tract delineated by the United States Census Bureau in the most recent decennial census as published by the Federal Financial Institutions Examination Council that corresponds to low- to moderate-income level classifications as defined by the regulation of the Federal Reserve Board implementing the Federal Community Reinvestment Act, 12 C.F.R. 228.12; provided, however, that the Commissioner may designate a successor index for the low- to moderate-income tract if the Federal Financial Institutions Examination Council tract income level data is no longer published.

(b) There is hereby created a special fund to be designated as the Delaware Community Investment Venture Fund.

(c) The purpose of the Delaware Community Investment Venture Fund is to develop opportunities for banking organizations, Community Development Financial Institutions, and credit unions doing business in this State to better serve the needs of low- to moderate-income tracts in this State by:

(1) Investing in the development of financial product or financial product underwriting innovations that will enhance access to capital, funding, and other financial services for businesses in low- to moderate-income tracts in Delaware;

(2) Deploying, testing, and evaluating these innovations for providing capital and funding to businesses in low- to moderate-income tracts in Delaware; and

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(3) Promoting and making these innovations available to a variety of banking organizations, Community Development Financial Institutions, and credit unions for use in enhancing access to capital, funding, and other financial services for businesses in low- to moderate-income tracts in Delaware.

(d) The Commissioner may transfer the following amounts, in one or more transfers, from the State Bank Commissioner Regulatory Revolving Fund to the Delaware Community Investment Venture Fund:

(1) An initial amount up to $2,500,000.

(2) An additional amount up to $250,000 to cover the expenses associated with organizing the activities of the Delaware Community Investment Venture Fund, including accounting, advisory, third-party service provider, marketing, and other necessary expenses.

(3) Through June 30, 2028, an additional amount up to $500,000 each fiscal year.

(4) After June 30, 2028, the Commissioner may not transfer any amount from the State Bank Commissioner Regulatory Revolving Fund to the Delaware Community Investment Venture Fund.

(e) The Council on Banking, with the approval of the Commissioner, may:

(1) Authorize expenditures from the Delaware Community Investment Venture Fund to accomplish the purposes of this section.

(2) Adopt guidelines or regulations to carry out the purposes of this section.

(f) Expenditures from the Delaware Community Investment Venture Fund shall be exempt from Chapter 69 of Title 29.

(g) All amounts transferred to the Delaware Community Investment Venture Fund shall be invested by the State Treasurer consistent with the standards established by the Cash Management Policy Board. The State Treasurer shall credit interest to the fund on a monthly basis consistent with the rate established by the Cash Management Policy Board.

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