SPONSOR: Rep. D.P. Williams & Sen. Cook

J. Johnson	Ennis
M. Marshall	Henry
Mitchell	McBride
Booth	Cloutier
Miro	Connor

HOUSE OF REPRESENTATIVES
145th GENERAL ASSEMBLY

HOUSE BILL NO. 290

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2010; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS.

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

Section 1. The several amounts named in this Act, or such part thereof as may be necessary and essential to the proper conduct of the business of the agencies named herein, during the fiscal year ending June 30, 2010, are hereby appropriated and authorized to be paid out of the Treasury of the State by the respective departments and divisions of State Government, and other specified spending agencies, subject to the limitations of this Act and to the provisions of Title 29, Part VI, Delaware Code, as amended or qualified by this Act, all other provisions of the Delaware Code notwithstanding. All parts or portions of the several sums appropriated by this Act which, on the last day of June 2010, shall not have been paid out of the State Treasury, shall revert to the General Fund; provided, however, that no funds shall revert which are encumbered pursuant to Title 29, Section 6521, Delaware Code.

The several amounts hereby appropriated are as follows:

GENERAL

Section 2. Any previous Act inconsistent with the provisions of this Act is hereby repealed to the extent of such inconsistency.

Section 3. If any provision of this Act, or of any rule, regulation or order thereunder, or the application of such provision to any person or circumstances, shall be invalid, the remainder of this Act and the application of such provisions of this Act or of such rule, regulation or order to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 4. The monies appropriated in Section l of this Act shall be paid by the State Treasurer from the General Fund, except as otherwise referenced in Section l.

Section 5. The provisions of this Act to the contrary notwithstanding, any section, chapter or title of the Delaware Code and any Laws of Delaware providing for the application of "Sunset" shall be operative for those agencies, commissions or boards effective during the current fiscal year.

Section 6. Due to the pilot budget format, the restructuring of divisions into programs within divisions has created more exempt positions per division than allowed by law for the participating departments; therefore, all exempt positions authorized by 29 Del. C. § 5903, prior to July 1, 1987, shall remain exempt for this current fiscal year, except as otherwise specified in this Act.

Section 7. (a) Notwithstanding the provisions of 29 Del. C. § 6334(c), for Fiscal Year 2010, the proposed budget plan, as prepared by the Director of the Office of Management and Budget, shall be in such a format that it can readily be analyzed and comprehensive in nature.

(b) Notwithstanding the provisions of 29 Del. C. § 6340(a), Section 1 of this Act summarizes salary and wage and other employment costs into a single line entitled Personnel Costs.

(c) For Fiscal Year 2010, the payroll recovery rate for the Worker's Compensation Program shall be 2.00 percent.

(d) Notwithstanding 29 Del. C. c. 60A or any other provision of the Delaware Code or this Act to the contrary, the employer contribution from state agencies and non-state entities to qualified participants of the Deferred Compensation Program shall be suspended beginning July 1, 2008. It is the intent of the General Assembly that this program be reinstated when funding becomes available.

(e) Section 1 of this Act provides funding for a state employee pension rate of 15.27 percent. The components of the rate are 6.71 percent for the pension liability, 7.16 percent for retiree health insurance costs and 1.40 percent for the Post-retirement Increase Fund.

(f) Section 1 of this Act provides funding for a judicial pension rate of 30.89 percent.

(g) Section 1 of this Act provides funding for a new State Police pension rate of 15.81 percent.

(h) The abbreviations set forth in this Act for authorized positions or funding mean the following:

GF – General Fund

ASF – Appropriated Special Funds

NSF – Non-appropriated Special Funds

TFO – Trust Fund Operations

TFC – Trust Fund Capital

FTE – Full-time Equivalent

All Merit Rules referenced in this Act refer to the Merit Rules in effect June 30, 2009.

Section 8. **MERIT SYSTEM AND MERIT COMPARABLE SALARY SCHEDULES.**

(a) All provisions of Subsections (a)(i), (b), (c), and (i) through (l) of this Section shall not apply to those Merit System employees who are covered by the provisions of 19 Del. C. § 1311A. The effective dates of agreements pursuant to 19 Del. C. §1311A shall occur simultaneously with the fiscal year following final agreement between the State of Delaware and ratification of that agreement by the respective certified bargaining unit provided funds are appropriated in Section 1 of this Act for said agreements. Section 1 of this Act makes no appropriation, and no subsequent appropriation shall be made during the fiscal year, for any compensation items as defined in 19 Del. C. § 1311A reached as a result of negotiations, mediation or interest arbitration. Should a bargaining agreement not be finalized by December 1 of each fiscal year, employees represented by the bargaining unit negotiating said agreement shall receive compensation pursuant to the provisions of this Section until such time as an agreement takes effect. A final bargaining agreement shall be defined as an agreement between the State of Delaware and a certified bargaining unit which is not retroactive and in which the agreements completion is achieved through ratification by the respective bargaining unit, mediation or binding interest arbitration.

(i) Effective July 1, 2009, the following pay plans are established for state merit system employees:

Annual Salary

STATE OF DELAWARE PAY PLAN*

(Standard Work Schedule of 37.5 Hours per Work Week)

PAY GRADE	80% of Midpoint	100% of Midpoint	120% of Midpoint
1	17,082**	20,229	24,275
2	17,316	21,645	25,974
3	18,533	23,166	27,799
4	19,826	24,782	29,738
5	21,217	26,521	31,825
6	22,701	28,376	34,051
7	24,288	30,360	36,432
8	25,987	32,484	38,981
9	27,810	34,762	41,714
10	29,755	37,194	44,633
11	31,836	39,795	47,754
12	34,066	42,582	51,098
13	36,451	45,564	54,677
14	38,998	48,747	58,496
15	41,730	52,163	62,596
16	44,656	55,820	66,984
17	47,780	59,725	71,670
18	51,122	63,902	76,682
19	54,702	68,377	82,052
20	58,534	73,168	87,802
21	62,630	78,287	93,944
22	67,014	83,767	100,520
23	71,706	89,633	107,560
24	76,729	95,911	115,093
25	82,097	102,621	123,145
26	87,842	109,803	131,764

* - Annual Salary in Whole Dollars.
** - Minimum State Salary.

STATE OF DELAWARE PAY PLAN*

(Standard Work Schedule of 40 Hours per Work Week)

PAY GRADE	80% of Midpoint	100% of Midpoint	120% of Midpoint
1	**17,262**	**21,577**	**25,892**
2	**18,470**	**23,088**	**27,706**
3	**19,765**	**24,706**	**29,647**
4	**21,146**	**26,433**	**31,720**
5	**22,630**	**28,288**	**33,946**
6	**24,213**	**30,266**	**36,319**
7	**25,908**	**32,385**	**38,862**
8	**27,722**	**34,652**	**41,582**
9	**29,662**	**37,078**	**44,494**
10	**31,738**	**39,673**	**47,608**
11	**33,958**	**42,447**	**50,936**
12	**36,337**	**45,421**	**54,505**
13	**38,879**	**48,599**	**58,319**
14	**41,603**	**52,004**	**62,405**
15	**44,514**	**55,643**	**66,772**
16	**47,632**	**59,540**	**71,448**
17	**50,964**	**63,705**	**76,446**
18	**54,531**	**68,164**	**81,797**
19	**58,350**	**72,937**	**87,524**
20	**62,437**	**78,046**	**93,655**
21	**66,806**	**83,508**	**100,210**
22	**71,484**	**89,355**	**107,226**
23	**76,485**	**95,606**	**114,727**
24	**81,840**	**102,300**	**122,760**
25	**87,568**	**109,460**	**131,352**
26	**93,698**	**117,123**	**140,548**

* - Annual Salary in Whole Dollars.

(ii) Merit Rule 4.13.3 notwithstanding, the standard work week for employees in the following classification series as approved by the Director of the Office of Management and Budget and the Controller General shall be 40 hours:

DEPARTMENT	**CLASS SERIES**
Department of State	Drug Control Administrator
Department of Correction	Quality Improvement Program Administrator
	Community Work Program Coordinator
	Correctional Food Services Administrator
	Director of Probation and Parole

	Pre-trial Presentence Manager
	Probation and Parole Officer
	Probation and Parole Regional Manager
	Probation and Parole Supervisor
	Probation and Parole Operations Manager
	Support Services Manager-DCC
	Special Services Manager
	Trainer/Educator I, II, III
	Correctional Treatment Administrator-DCC
	Correctional Treatment Administrator-SCI
	Correctional Officer
	Correctional Security Superintendent
	Warden and Deputy Warden
Department of Agriculture	Meat Inspectors/Supervisor
	Meat and Poultry Inspector Officer
	Food Products Inspection Administrator
Fire Prevention Commission	Training Administrator I
Department of Safety and Homeland Security	Drug Control and Enforcement Agent
	Chief Drug Control and Enforcement Agent
	Telecommunications Specialist Series (ERC)
	Telecommunications Central Control Specialist Series
	Capitol Police Officer Series
	Capitol Police Security Officer
	Capitol Police Communications Dispatcher
Department of Transportation	Toll Collector
	Toll Plaza Manager

Toll Corporal

Toll Sergeant

TMC EPS Technician

TMC Planner IV

(iii) During the fiscal year ending June 30, 2010, the Director of the Office of Management and Budget and the Controller General may designate other appropriate classes or groups of employees to work and be paid according to a standard work week of 40 hours. Such designation shall be based upon the operational necessity of agencies to require employees to regularly and consistently work in excess of 37.5 hours per week and upon the availability of any required funding.

(iv) To the extent or where an employee is covered by an existing collective bargaining agreement pursuant to 19 Del. C. § 1311A, the provisions contained within said agreement pertaining to compensation shall apply.

(b) SELECTIVE MARKET VARIATIONS.

Recognizing the need for flexibility to respond to critical external market pressures, selective market variations are permitted to the uniform pay plan structure for job classes that are key to the performance of state functions.

(1) The appointing authority shall identify job classes or job families to be considered for selective market variations according to turnover rates, recruitment problems, vacancy rates, feasibility for the work to be performed on a contractual basis and other criteria established by the Director of the Office of Management and Budget.

(2) Upon receipt of the identified classes, the Director of the Office of Management and Budget shall survey the appropriate labor market to determine the State's position in this labor market.

(3) The Director of the Office of Management and Budget and the Controller General shall review the information provided in Sections 8(b)(1) and (2) and shall recommend approval or disapproval for the classes for selective market compensation variations.

(4) Any such selective market variations that the Director of the Office of Management and Budget and the Controller General have determined to be warranted and have been approved by the

Joint Finance Committee shall be designated to become effective July 1, 2009, provided that such variations have been processed as part of the regular budgetary process and the funds for such changes shall be appropriated.

(5) The Director of the Office of Management and Budget and the Controller General shall establish criteria to allow for selective market variations to be effective January 1, 2010. An appointing authority may apply for selective market variation for January 1, 2010 for job classes or job families that are experiencing severe recruitment and retention issues. Funds must be available within the agency budget to fund the selective market variation until such time as the General Assembly appropriates the necessary funds.

(6) Upon approval, the minimum, mid-point and maximum salary values shall be raised according to the results of the labor market surveys for the job class. For the purposes of this section, the minimum value of the salary scale shall remain at 75 percent of midpoint and the maximum value shall remain at 125 percent unless the minimum value under the selective market range for a class is less than the minimum value of the merit system pay range. The minimum for the class on selective market shall be no less than the merit system pay range minimum value. No further increases shall be applied to the scale and/or the midpoints.

(7) Employees assigned to job classifications approved under the Selective Market Variation Program shall have their salaries adjusted in accordance with the following:

(i) The salary of employees in positions added to the Selective Market Variation Program on or after July 1, 2009, whose salary in effect as of June 30, 2009 is below the adjusted minimum salary for the assigned job classification shall be increased to the adjusted minimum salary or an advanced starting salary recommended by the Director of the Office of Management and Budget. If such an increase does not yield at least a five percent increase, the salary will be further adjusted to yield a total increase of five percent. This procedure applies only to employees newly approved for Selective Market variation on or after January 1, 2009.

(ii) The salary of employees in positions added to the Selective Market Variation Program before June 30, 2009, whose salary in effect as of June 30, 2009, is below the adjusted minimum salary for the assigned job classification shall be increased to the adjusted minimum salary or an advanced starting salary recommended by the Director of the Office of Management and Budget. The salary of employees whose current salary falls within the adjusted salary range shall not be increased.

(8) All classes assigned to selective market variation shall have their selective market variation pay ranges reduced by 2.5% for Fiscal Year 2010 and salaries adjusted accordingly. All classes shall remain on Selective Market until the selective market ranges meet the merit pay plan ranges or until such time as the classes become covered by a collective bargaining agreement pursuant to the provisions of 19 Del. C. § 1311A.

(9) Effective July 1, 2009, the shift differential rates paid to registered nurses in accordance with the provisions of Merit Rule 4.15 shall reflect the salary scale in effect for the current fiscal year or that which is superseded by a collective bargaining agreement pursuant to the provisions of 19 Del. C. § 1311A.

(c) SALARIES FOR FISCAL YEAR 2010.

The amount appropriated by Section 1 of this Act for salaries provides ~~increases~~ for:

(1) Salary adjustments for departments 01 through 77 and Delaware Technical and Community College Plan B:

(i) Effective July 1, 2009, the salary of each employee shall be reduced by 2.5 percent;

(ii) Statutory step increases for Department of Education and Delaware Technical and Community College plans A and D, as provided in Title 14;

(iii) The provisions of Subsection (c) of this Section shall apply to salaries of employees employed in accordance with 29 Del. C. § 5903(17) and negotiated, collective bargaining increases for Uniformed members of the Delaware State Police and full-time and regular part-time non-merit Telecommunications Specialists, Senior Telecommunications Specialists, Telecommunication Shift Supervisors, Telecommunication Central Control

Specialists, Senior Telecommunications Central Control Specialists and Telecommunications Central Control Shift Supervisors employed in the Communications Section of the Division of State Police in the Department of Safety and Homeland Security, and non-uniformed support staff within the Delaware State Police covered under the Communication Workers of America;

(iv) Delaware National Guard employees will be paid consistent with the federal salary plan;

(v) In Fiscal Year 2010, the Department of Natural Resources and Environmental Control Enforcement competency-based salary matrix amounts will be reduced by 2.5 percent. Salary matrix increases within pay grades will not continue and career ladder movement between pay grades will revert to the regular career ladder process for Fiscal Year 2010; and

(vi) In Fiscal Year 2010, the Office of the Attorney General and the Public Defender's Office salary matrix amounts will be reduced by 2.5 percent. Salary matrix increases within the same pay grade is only permissible for internal competitive promotions or for an appointed division head for specific identified positions. Career ladder movements between pay grades will revert to the regular career ladder process.

(d) MAINTENANCE REVIEWS.

(1) Any such reclassifications/regrades that the Director of the Office of Management and Budget determines to be warranted as a result of the classification maintenance reviews regularly scheduled by the Office of Management and Budget shall be designated to become effective July 1, 2009, provided that such reclassifications/regrades have been processed as part of the regular budgetary process and the funds for such reclassifications/regrades have been appropriated. Maintenance review classification determinations may be appealed to the Merit Employee Relations Board in accordance with 29 Del. C. § 5915. Pay grade determinations shall not be appealed.

(2) Any such title changes that the Director of the Office of Management and Budget determines to be warranted as a result of a consolidation review shall be implemented as they are completed

with the concurrence of the Controller General. A consolidation review is for the specific purpose of combining current class titles and class specifications that are in the same occupational area and require sufficiently similar knowledge, skills, abilities and minimum qualifications. A consolidation review will not impact the current levels of work and corresponding pay grades in a class series. It will only affect the current title assigned to positions; the corresponding class specification, levels of work and minimum qualifications will be written general in nature rather than agency or program specific.

(e) CRITICAL RECLASSIFICATIONS.

The classification of any position whose salary is covered by the appropriations in Section 1 of this Act may be changed to be effective January 1, 2010 or July 1, 2010 if the requested change is certified critical by the appointing authority and is approved by the Director of the Office of Management and Budget and the Controller General prior to the effective date. Critical reclassification requests and pay grade determinations shall not be appealed to the Merit Employee Relations Board.

(f) OTHER RECLASSIFICATIONS.

Other than those reclassifications/regrades approved in accordance with Section 8(d) or 8(e), no position shall be reclassified or regraded during the fiscal year ending June 30, 2010.

(g) STATE AGENCY TEACHERS AND ADMINISTRATORS.

Teachers and administrators employed by state agencies and who are paid based on the Basic Schedule contained in 14 Del. C. § 1305, as amended by this Act, shall receive as a salary an amount equal to the index value specified in the appropriate training and experience cell multiplied by the base salary amount defined in 14 Del. C. § 1305(b), divided by 0.7 for ten months employment. If employed on an 11- or 12-month basis, the ten-month amount shall be multiplied by 1.1 or 1.2, respectively. In addition to the above calculation, teachers and administrators qualifying for professional development clusters in accordance with 14 Del. C. § 1305(l) shall receive an additional amount equal to the approved cluster percentage multiplied by the base salary amount defined in 14 Del. C. § 1305(b). This calculation shall not be increased for 11 or 12 month employment. The percentage shall only be applied to the base 10 month salary for 10, 11 and 12 month employees. In accordance with 14 Del. C. § 1305(p), the cluster percentage is capped at 15 percent. The provisions of this Subsection

shall not apply to those Merit System employees who are covered by a collective bargaining agreement which has met all provisions of 19 Del. C. § 1311A.

(h) ADMINISTRATIVE REGULATIONS.

(1) The administrative regulations and procedures necessary to implement this Section shall be promulgated by the Director of the Office of Management and Budget and the Controller General.

(2) Consistent with Chapter 13 of the Merit Rules, all state agencies shall implement the performance review prescribed by the Office of Management and Budget after applicable training by the Office of Management and Budget. A performance review shall be completed for employees between January 1 and December 31, 2010.

(3) Employees who retain salary upon voluntary demotion in accordance with Merit Rule 4.7 shall be ineligible for a promotional increase upon promotion to a pay grade lower than or equal to their original pay grade prior to voluntary demotion for a one year period from the date of their voluntary demotion.

(i) HOLIDAY PAY - DEPARTMENT OF TRANSPORTATION TOLL COLLECTION AND TRANSPORTATION MANAGEMENT CENTER EMPLOYEES.

Merit Rule 4.14 notwithstanding, all Department of Transportation employees directly engaged in toll collection operations, or directly engaged in the Transportation Management Center's 24-hour operation, shall be entitled to receive compensation at their normal rate of pay for holidays in lieu of compensatory time, and they shall also be entitled to receive compensation in accordance with the Fair Labor Standards Act. To the extent or where an employee is covered by a collective bargaining agreement pursuant to 19 Del. C. § 1311A, the terms and conditions in said agreement shall supersede this Subsection.

(j) OVERTIME.

(1) Merit Rule Chapter 4 notwithstanding:

(i) All overtime paid at time and half will not commence until an employee has actually worked 40 hours that week.

(ii) Hours worked includes only hours actually worked by the employee.

To the extent or where an employee is covered by a collective bargaining agreement pursuant to 19 Del. C. § 1311A, the terms and conditions in said agreement shall supersede this Subsection.

(1) Department of Transportation personnel responding to weather-related emergencies and who are not subject to the Fair Labor Standards Act shall be entitled to receive compensation at one-and-one-half times their normal rate of pay for all overtime services performed beyond 40 hours per week. This shall apply to employees classified through the Area Supervisor level. All additional personnel assigned to assist the area yards during weather-related emergencies and who are above the level of Area Supervisor shall be entitled to receive compensation at their straight time rate of pay for all overtime services performed beyond the normal work week.

(2) Office of Management and Budget, Facilities Management and Department of Health and Social Services, Management Services personnel who respond to weather-related emergencies and who are not covered under the Fair Labor Standards Act shall be entitled to receive compensation at their straight time rate of pay for all overtime services beyond 40 hours per week. The method of compensation is subject to the availability of funds and/or the operational needs of the respective department.

(3) Delaware Emergency Management Agency personnel responding to emergencies or working at the State Emergency Operations Center (EOC) during activation for weather, technological, or terrorist-related incidents, who are not covered by the Fair Labor Standards Act, shall be entitled to receive compensation at their normal rate of pay for all overtime services beyond 40 hours per week. This shall be in effect only when there is a Declared State of Emergency by the Governor, the State receives a presidential Disaster Declaration, and federal funds are made available to compensate for the overtime worked.

(k) CALL BACK PAY - HIGHWAY EMERGENCY RESPONSE TEAM.

Merit Rule 4.16 notwithstanding, employees designated as Highway Emergency Response Team members shall be eligible for call back pay regardless of their classification. To the extent or where an employee is covered by a collective bargaining agreement pursuant to 19 Del. C. § 1311A, the terms and conditions in said agreement shall supersede this Subsection.

(l) STANDBY PAY - HIGHWAY EMERGENCY RESPONSE TEAM.

Merit Rule 4.17 notwithstanding, employees designated as Highway Emergency Response Team members shall be eligible for standby pay regardless of their classification. To the extent or where an employee is covered by a collective bargaining agreement pursuant to 19 Del. C. § 1311A, the terms and conditions in said agreement shall supersede this Subsection.

(**m) SALARY PLAN - PUBLIC EDUCATION.**

Salary schedules and staffing formulas contained in 14 Del. C. c. 13, shall be revised as specified in this Subsection.

(1) Amend 14 Del. C. § 1305(b), by deleting the first sentence and inserting in lieu thereof the following sentence:

"The base salary amount for this section, for the fiscal year ending June 30, 2010, shall be $26,276."

Further amend 14 Del C. § 1305 by deleting sections (e), (f) and (g) and inserting in lieu thereof the following:

"Beginning in fiscal year 2010 and each succeeding fiscal year, salary derived from subsections (a) and (b) of this section for 10 months' employment shall mean a total of 186 full workdays to be utilized as follows:

(1) 180 days devoted to actual school sessions for pupils;

(2) 2 days devoted to start-up/closing;

(3) 4 days devoted solely to professional development."

(2) Amend 14 Del. C. § 1308(a), by striking the salary schedule contained in said subsection in its entirety and by substituting in lieu thereof the following:

"Years of Experience	**Clerk**	**Secretary**	**Senior Secretary**	**Financial Secretary**	**Administrative Secretary**
0	14,824	16,309	17,116	17,562	18,302
1	15,367	16,852	17,617	18,066	18,812
2	15,908	17,351	18,119	18,571	19,324
3	16,452	17,851	18,621	19,074	19,833
4	16,960	18,350	19,123	19,578	20,404
5	17,441	18,851	19,625	20,107	20,980
6	17,920	19,350	20,156	20,677	21,558
7	18,399	19,847	20,724	21,245	22,133
8	18,880	20,407	21,289	21,815	22,712
9	19,360	20,971	21,856	22,383	23,287
10	19,839	21,534	22,420	22,954	23,864
11	20,377	22,097	22,986	23,523	24,440
12	20,918	22,660	23,553	24,090	25,018
13	21,460	23,225	24,120	24,661	25,594
14	22,002	23,788	24,684	25,231	26,169
15	22,544	24,353	25,251	25,798	26,749
16	23,085	24,914	25,817	26,366	27,325
17	23,629	25,479	26,384	26,936	27,901
18	24,169	26,042	26,950	27,504	28,478
19	24,711	26,607	27,515	28,076	29,055
20	25,252	27,169	28,081	28,645	29,630
21	25,806	27,746	28,659	29,226	30,220
22	26,375	28,335	29,251	29,819	30,823
23	26,957	28,937	29,855	30,426	31,438
24	27,552	29,551	30,473	31,045	32,067”

(3) Amend 14 Del. C. § 1311(a), by striking the salary schedule contained in said subsection in its entirety and by substituting in lieu thereof the following:

"Years of Exp.	**Custodian**	**Custodian Firefighter**	**Chief Custodian 5 or Fewer**	**Chief Custodian 6 or More**	**Maintenance Mechanic**	**Skilled Craftsperson**
0	17,746	18,249	18,505	19,516	19,985	20,430
1	18,125	18,629	18,885	19,896	20,459	21,003
2	18,505	19,009	19,264	20,291	20,960	21,572
3	18,884	19,389	19,642	20,717	21,453	22,141
4	19,264	19,767	20,025	21,147	21,886	22,713
5	19,642	20,144	20,432	21,576	22,445	23,282
6	20,025	20,576	20,862	22,000	22,943	23,851
7	20,432	21,005	21,287	22,426	23,439	24,422
8	20,862	21,431	21,716	22,855	23,936	24,992
9	21,287	21,859	22,141	23,282	24,430	25,564
10	21,716	22,286	22,570	23,710	24,929	26,132
11	22,141	22,716	22,999	24,135	25,424	26,703
12	22,578	23,156	23,438	24,568	25,932	27,288
13	23,024	23,606	23,888	25,011	26,450	27,887
14	23,478	24,065	24,350	25,452	26,979	28,500
15	23,943	24,532	24,818	25,920	27,518	29,126"

(4) Amend 14 Del. C. § 1322(a), by striking the salary schedule contained in said subsection in its entirety and by substituting in lieu thereof the following:

"SCHOOL FOOD SERVICE MANAGERS

Number of Pupils in School Served by Cafeteria

"Years of Exp.	**Below 351**	**351-500**	**501-800**	**801-1200**	**1201-1600**	**1601-2000**	**2000+**
0	16,485	17,410	18,332	19,252	20,160	21,278	21,833
1	16,946	17,867	18,793	19,715	20,576	21,415	22,252
2	17,410	18,332	19,252	20,160	20,995	21,833	22,671
3	17,867	18,793	19,715	20,576	21,415	22,252	23,089
4	18,332	19,252	20,160	20,995	21,833	22,671	23,508
5	18,793	19,715	20,576	21,415	22,252	23,089	23,927
6	19,252	20,160	20,995	21,833	22,671	23,508	24,382
7	19,715	20,576	21,415	22,252	23,089	23,927	24,844
8	20,160	20,995	21,833	22,671	23,508	24,382	25,308
9	20,576	21,415	22,252	23,089	23,927	24,844	25,769
10	20,995	21,833	22,671	23,508	24,382	25,308	26,228
11	21,415	22,252	23,089	23,927	24,844	25,769	26,690
12	21,833	22,671	23,508	24,382	25,308	26,228	27,154
13	22,252	23,089	23,927	24,844	25,769	26,690	27,614
14	22,671	23,508	24,382	25,308	26,228	27,154	28,080
15	23,089	23,927	24,844	25,769	26,690	27,614	28,543
16	23,520	24,397	25,316	26,420	27,162	28,084	29,015
17	23,960	24,882	25,799	26,720	27,644	28,562	29,497
18	24,409	25,377	26,291	27,209	28,136	29,048	29,986
19	24,865	25,883	26,791	27,708	28,636	29,543	30,483"

(5) Amend 14 Del. C. § 1322(c), by striking the salary schedule contained in said subsection in its entirety and by substituting in lieu thereof the following:

"SCHOOL LUNCH COOKS AND GENERAL WORKERS

"Years of Experience	**General Worker**	**Cook/Baker**
0	10.35	11.15
1	10.48	11.27
2	10.64	11.40
3	10.73	11.50
4	10.84	11.63
5	11.01	11.81
6	11.14	11.90
7	11.24	11.98
8	11.32	12.08
9	11.42	12.21
10	11.52	12.35
11	11.72	12.47
12	11.84	12.61
13	11.95	12.73
14	12.08	12.83
15	12.21	12.98
16	12.36	13.13
17	12.49	13.23
18	12.64	13.32
19	12.79	13.43
20	12.93	13.52
21	13.07	13.63"

(6) Amend 14 Del. C. § 1324(b), by striking the salary schedule contained in said subsection in its entirety and by substituting in lieu thereof the following:

"Years of Experience	Service Aides	Instructional Aides
0	14,645	17,228
1	15,210	17,628
2	15,538	18,030
3	15,866	18,431
4	16,199	18,835
5	16,526	19,236
6	16,854	19,640
7	17,182	20,042
8	17,512	20,445
9	17,841	20,845
10	18,171	21,247
11	18,499	21,648
12	18,825	22,016
13	19,157	22,380
14	19,484	22,747
15	19,812	23,109
16	20,142	23,479
17	20,471	23,843
18	20,800	24,209
19	21,128	24,573
20	21,456	24,940
21	21,754	25,305
22	22,059	25,679
23	22,371	26,097
24	22,688	26,522
25	23,009	26,955"

(7) Each school district shall continue to use salary schedules not less than those in 14 Del. C. §1322, for all school lunch employees.

(8) Effective July 1, 2006, the State shall pay 73.0 percent of the annual salary rate for school lunch employees as set forth in the salary schedules in 14 Del. C. § 1322(a)(b), and 62.0 percent of salary rate for school lunch employees as set forth in the salary schedule 14 Del. C. § 1322(c). The remaining percentage of the hourly salary rate for school lunch employees shall be paid from local funds. The State shall pay other employment costs for school lunch employees at the ratio of state supported salaries to total salaries, provided for by this Section, for school lunch employees.

(9) No provision in this Act shall be construed as affecting the eligibility of school lunch employees as an employee under 29 Del. C. § 5501.

(10) Section 1 of this Act provides an amount for salaries and other employment costs for Formula Employees in Public Education. Additional amounts are included in some Block Grants and Pass Through Programs (95-03-00). Local school districts must charge payroll for local share salary supplements and other employment costs and fringe benefits simultaneously with state-share charges. The amount of salary and other employment costs that can be charged to state appropriations for any one-day period or for any one individual cannot exceed the amount the individual is entitled to receive based on the state salary schedules provided by this Act and 14 Del. C. c. 13, divided by the number of pays the individual has chosen to schedule per year. The provisions of this Section do not apply to Division III - Equalization (Appropriation 0186) which may be charged for local contractual obligations before local current operating funds are used.

Section 9. Salaries and wage rates for state employees who are not covered by the provisions of 14 Del. C. c. 13, 19 Del. C. § 1311A, or by the Merit System, excluding employees of the General Assembly-House or the General Assembly-Senate, Uniformed State Police, all full-time and regular part-time non-Merit Telecommunications Specialists, Senior Telecommunications Specialists, Telecommunication Shift Supervisors, Telecommunications Central Control Specialists, Senior Telecommunications Central Control Specialists and Telecommunications Central Control Shift Supervisors employed in the Communications Section of the Department of Safety and Homeland Security, Delaware State Police, employees of the University of Delaware, employees of Delaware State University, employees of Delaware Technical and Community College who are paid on the Administrative Salary Plan or Faculty Plan, Plans D and A, respectively, Executive Director of the Delaware Center for Educational Technology, members and employees of the Delaware National Guard and employees whose salaries are governed by Section 10 of this Act, shall have the following:

(a) The salary of employees shall be comparable to salaries and wage rates paid from funds appropriated by the State to employees with similar training and experience who serve in similar positions in the Merit System. In the event that there are no similar positions in the Merit System, the Director of the Office of Management and Budget shall establish an exempt position classification only for the purpose of assigning a salary or wage rate to said position. On or before August 15, 2009, the Director of the Office of Management and Budget shall publish a list of exempt positions and the comparable Merit System class and/or pay grade for

each position. In addition, such listing shall show the name of the incumbent, if the position is filled, and shall show the statutory citation that authorizes the establishment of the exempt position(s). The Director of the Office of Management and Budget shall provide copies of such listing to members of the Joint Finance Committee and the Controller General. No exempt employee shall be hired until an approved comparability has been assigned to the position. No reclassification/regrading, change in pay grade comparability of a filled or vacant exempt position, or change of a Merit System position to an exempt position otherwise permitted under Delaware Law shall become effective unless approved by the Director of the Office of Management and Budget and the Controller General. In order to permit the development of the comparability list, state agencies shall provide to the Director of the Office of Management and Budget job descriptions of all exempt positions and position classification questionnaires describing the duties and responsibilities of each of the positions. The certification of comparability by the Director of the Office of Management and Budget shall not be withheld unreasonably. Those positions assigned on a list of comparability that are assigned a comparable class and/or pay grade in the Merit System shall be paid in accordance with Sections 8(b) and (c) of this Act and Merit System Rules 4.4.3, 4.5, 4.6 and 4.12; no other salary increases shall be given to such employees unless specifically authorized in this Act.

(b) The salary of employees whose salary in effect as of June 30, 2009 is below the minimum salary of the assigned pay grade of the pay plan shall be raised to the minimum salary.

(c) Notwithstanding any other provision of the Delaware Law or this Act to the contrary, civilian employees of the Delaware National Guard shall be compensated at a salary and wage rate established by the Federal Civil Service Commission.

Section 10. (a) For the fiscal year ending June 30, 2010, the salaries displayed below represent the salary effective on July 1, 2009.

Budget Unit	Line Item	General Funds	All Other Funds
(01-01-01)	Representative	$ 41,680	
(01-02-01)	Senator	41,680	
(02-00-00)	Judicial Secretaries	46,655	
(02-00-00)	Judicial Secretaries to Presiding Judges	48,800	
(02-01-00)	Chief Justice - Supreme Court	194,750	
(02-01-00)	Justice - Supreme Court	185,050	
(02-01-00)	Judicial Secretary to the Chief Justice	49,385	
(02-01-00)	Supreme Court Judicial Secretary	48,800	
(02-02-00)	Chancellor - Court of Chancery	185,750	
(02-02-00)	Vice Chancellor - Court of Chancery	174,950	
(02-03-00)	President Judge - Superior Court	183,650	
(02-03-00)	Associate Judge - Superior Court	168,850	
(02-03-00)	Commissioner - Superior Court	104,250	
(02-03-00)	New Castle County Prothonotary	63,910	
(02-03-00)	Kent County Prothonotary	57,085	
(02-03-00)	Sussex County Prothonotary	57,085	
(02-06-00)	Chief Judge - Court of Common Pleas	183,650	
(02-06-00)	Judge - Court of Common Pleas	168,850	
(02-06-00)	Commissioner - Court of Common Pleas	104,250	
(02-08-00)	Chief Judge - Family Court	183,650	
(02-08-00)	Associate Judge - Family Court	168,850	
(02-08-00)	Commissioner - Family Court	104,250	
(02-13-00)	Chief Magistrate – Justices of the Peace Courts	121,750	

Budget Unit	Line Item	General Funds	All Other Funds
(02-13-00)	Magistrate - Justices of the Peace Courts - 1st Term	70,750	
(02-13-00)	Magistrate - Justices of the Peace Courts - 2nd Term	73,250	
(02-13-00)	Magistrate - Justices of the Peace Courts - 3rd Term	75,550	
(02-13-00)	Judicial Secretary to the Chief Magistrate	46,655	
(02-17-00)	St. Court Administrator - Off. of the St. Court Administrator	123,385	
(02-17-00)	Judicial Secretary to the State Court Administrator	48,800	
(02-18-00)	Public Guardian	67,030	
(02-18-00)	Executive Director - Violent Crimes Compensation Board		59,230
(02-18-00)	Executive Director - Child Placement Review Board	60,985	
(10-01-01)	Governor	171,000	
(10-02-00)	Director - Office of Management and Budget	139,475	
(10-02-08)	Director - SAC	87,215	
(10-02-50)	Executive Secretary - Architectural Accessibility Board	49,190	
(10-03-01)	Director - Delaware Economic Development Office	120,755	
(10-07-01)	Executive Director - CJC	88,775	
(10-07-01)	Director - Domestic Violence Coordinating Council	66,055	
(10-07-02)	Executive Director - DELJIS	81,265	
(10-08-01)	Director - Delaware State Housing Authority		112,660
(11-00-00)	Chief Information Officer	151,565	
(12-01-01)	Lieutenant Governor	74,345	
(12-02-01)	Auditor	102,715	
(12-03-01)	Insurance Commissioner		102,715

Budget Unit	Line Item	General Funds	All Other Funds
(12-05-01)	State Treasurer	107,300	
(15-01-01)	Attorney General	137,425	
(15-01-01)	Chief Deputy Attorney General	120,950	
(15-02-01)	Public Defender	132,650	
(15-02-01)	Chief Deputy Public Defender	120,950	
(15-03-01)	Parole Board Chairman	74,930	
(20-01-00)	Secretary - State	120,755	
(20-01-00)	Executive Director - Public Employment Relations Board	85,315	
(20-02-00)	Director - Human Relations	70,345	
(20-03-00)	Director - Division of Archives	76,295	
(20-04-00)	Public Advocate		80,780
(20-04-00)	Director - Public Service Commission		90,920
(20-04-00)	Director - Professional Regulation		92,480
(20-05-00)	Director - Corporations		107,980
(20-06-00)	Director - Historical and Cultural Affairs	88,970	
(20-07-00)	Director - Arts	77,075	
(20-08-00)	State Librarian	79,315	
(20-15-00)	State Banking Commissioner		105,445
(25-01-00)	Secretary - Finance	139,475	
(25-05-00)	Director - Accounting	101,255	
(25-06-00)	Director - Revenue	117,925	
(25-07-00)	Director - State Lottery		99,695
(35-01-00)	Secretary - Health and Social Services	139,475	
(35-01-00)	Director - Management Services	97,800	10,865
(35-02-00)	Director - Medicaid and Medical Assistance	54,430	54,430

(35-04-00)	Chief Medical Examiner	187,885	
(35-05-00)	Director - Public Health	160,875	
(35-06-00)	Director - Substance Abuse and Mental Health	136,015	
(35-07-00)	Director - Division of Social Services	54,430	54,430
(35-08-00)	Director - Visually Impaired	83,605	
Budget Unit	Line Item	General Funds	All Other Funds
(35-09-00)	Director - Long-term Care Residents Protection	87,700	
(35-10-00)	Director - Child Support Enforcement	28,910	58,695
(35-11-00)	Director - Developmental Disabilities Services	108,760	
(35-12-00)	Director - State Service Centers	87,700	
(35-14-00)	Director - Services for Aging and Adults with Physical Disabilities	87,700	
(37-01-00)	Secretary - Services for Children, Youth and Their Families	125,630	
(37-01-00)	Director - Management Services	99,110	
(37-04-00)	Director - Child Mental Health Services	99,110	
(37-05-00)	Director - Youth Rehabilitative Services	99,110	
(37-06-00)	Director - Family Services	99,110	
(38-01-00)	Commissioner - Correction	139,475	
(38-01-00)	Bureau Chief - Management Services	97,060	
(38-04-00)	Bureau Chief - Prisons	108,760	
(38-06-00)	Bureau Chief - Community Corrections	103,690	
(40-01-00)	Secretary - Natural Resources and Environmental Control	120,755	
(40-01-00)	Deputy Secretary - Natural Resources and Environmental Control	101,350	
(40-05-00)	Director - Fish and Wildlife	46,630	46,630

Budget Unit	Line Item	General Funds	All Other Funds
(40-06-00)	Director - Parks and Recreation	93,940	
(40-07-00)	Director - Soil and Water Conservation	93,260	
(40-08-00)	Director - Water Resources	93,260	
(40-09-00)	Director - Air and Waste Management	95,890	
(40-09-00)	Director - Boiler Safety	61,180	
(45-01-00)	Secretary - Safety and Homeland Security	125,630	
(45-01-00)	Director - Del. Emergency Management Agency	39,025	39,025
(45-03-00)	Commissioner - Alcoholic Beverage Control	108,470	
(45-04-00)	Director - Alcohol and Tobacco Enforcement	76,930	
(45-06-00)	Superintendent - State Police	147,745	
(45-06-00)	Assistant Superintendent - State Police	120,605	
(55-01-01)	Secretary - Transportation		130,600
(55-01-02)	Director - Finance		109,835
(55-02-01)	Director - Technology and Support Services		110,320
(55-03-01)	Director - Planning		110,320
(55-04-01)	Director - Maintenance and Operations		110,320
(55-06-01)	Director - Delaware Transit Corporation		110,320
(55-08-30)	Chief Engineer		116,075
(55-11-10)	Director - Motor Vehicles		110,320
(60-01-00)	Secretary - Labor	11,265	101,395
(60-06-00)	Director - Unemployment Insurance		93,355
(60-07-00)	Director - Industrial Affairs		90,920
(60-08-00)	Director - Vocational Rehabilitation		90,920
(60-09-00)	Director - Employment and Training		90,920
(65-01-00)	Secretary - Agriculture	112,660	
(65-01-00)	Deputy Secretary - Agriculture	81,560	

(70-01-01)	Commissioner - Elections	76,780	
(70-02-01)	Administrative Director - New Castle County Elections	72,685	
(70-02-01)	Deputy Administrative Director - New Castle County Elections	71,225	
(70-03-01)	Administrative Director - Kent County Elections	72,685	

Budget Unit	Line Item	General Funds	All Other Funds
(70-03-01)	Deputy Administrative Director - Kent County Elections	71,225	
(70-04-01)	Administrative Director - Sussex County Elections	72,685	
(70-04-01)	Deputy Administrative Director - Sussex County Elections	71,225	
(75-01-01)	State Fire Marshal	54,865	25,820
(75-02-01)	Director - State Fire School	80,680	
(76-01-01)	Adjutant General	115,295	
(95-01-00)	Secretary of Education	151,565	
(95-01-00)	Deputy Secretary of Education	124,070	
(95-06-00)	Executive Secretary - Advisory Council on Career and Technical Education	92,770	

(b) (i) Salaries of designated positions in Section 10(a) of this Act shall have no further increase applied by any other section of this Act, except as provided in Section 10(b)(ii), (iii), (iv), (vii) and (viii).

(ii) If a position in Section 10(a) becomes vacant during the fiscal year, the appointing authority shall submit a request with appropriate justification to the Director of the Office of Management and Budget to establish the salary commensurate with the qualifications of the proposed incumbent and within the position's evaluated pay range. In reviewing requests made pursuant to this paragraph, the Director of the Office of Management and Budget shall provide an

analysis of the request and shall solicit the advice and written consent of the Controller General in the event the salary is higher than the amount listed in Section 10(a).

(iii) Regardless of the provisions of this Act, any state employee who is offered a promotional opportunity to become a division level manager shall be eligible for a five percent promotional salary increase. This eligibility shall be conditioned on a determination that the duties and responsibilities of the division level manager position are at least one pay grade higher than the position proposed to be vacated based on a comparison of equivalent value. For the purpose of this subsection, the equivalent value of one pay grade is defined as seven percent difference in the constant fiscal year dollar value of the evaluated pay range midpoint of the division level manager position compared to the position that the employee is vacating. The appointing authority may request a promotional increase in excess of five percent based upon the qualifications of the selected candidate. The request and appropriate justification shall be submitted to the Director of the Office of Management and Budget. In reviewing requests made pursuant to this paragraph, the Director of the Office of Management and Budget shall provide an analysis of the request, and shall solicit the advice and written consent of the Controller General.

If an employee is offered an appointment to a division level manager position that has an equivalent value equal to or less than the pay grade assigned to the position the employee is vacating, the employee may retain his/her current salary provided it does not exceed the midpoint of the evaluated pay range for the division level manager position. The appointing authority may request the retention of salary in excess of the midpoint of the evaluated pay range for the division level manager position by submitting appropriate justification to the Director of the Office of Management and Budget. In reviewing requests made pursuant to this paragraph, the Director of the Office of Management and Budget shall provide an analysis of the request, and shall solicit the advice and written consent of, the Controller General.

(iv) Positions designated in Section 10(a) of this Act may be paid a salary that is less than the designated salary if the position is filled on an "acting" basis.

(v) An agency may request a dual incumbency for a division director or equivalent position in Section 10(a), provided that the Director of the Office of Management and Budget and the Controller General determine that the position is essential to fill during the interim period it would otherwise be vacant. The agency shall submit a request to the Office of Management and Budget. The Director of the Office Management and Budget shall review this request and seek the advice and written consent of the Controller General.

(vi) If the incumbent in the position of Secretary - Health and Social Services holds a state medical license, the salary listed in Section 10(a) of this Act for that position shall be increased by $12.0. Additionally, if the incumbent in the position of Secretary-Health and Social Services is a board-certified physician, a $3.0 supplement shall be added to the annual salary listed in Section 10(a) of this Act.

(vii) The salary for the Superintendent and Assistant Superintendent of the State Police shall remain as listed in Section 10 of this Act during the fiscal year. Upon vacancy of the Superintendent or Assistant Superintendent, the salary in Section 10 shall be calculated in accordance with 11 Del. C. § 8303. No changes shall be made to the salaries of any incumbent Superintendent or Assistant Superintendent of the State Police during the fiscal year; and necessary adjustments shall be made through the normal budgetary process.

(c) Effective May 1, 2010, the Office of Management and Budget shall submit to the Joint Finance Committee a listing of employees designated in Section 10(a). The listing shall indicate for each position the number of Hay points applicable for Fiscal Year 2010 and the number of Hay points of any recommended changes for any position for Fiscal Year 2011.

(d) For this fiscal year, the following represent the maximum salaries appropriated within Section 1 of this Act. These maximum salaries may be increased upon approval of the Director of the Office of Management and Budget and the Controller General to accommodate changes in statutory requirements.

July 1, 2009

Budget Unit	Line Item	General Funds	All Other Funds
(10-02-32)	Board Members - Pensions		15.0
(10-02-50)	Board Members - Architectural Accessibility Board	2.3	
(15-01-01)	Board Members - Consumer Protection	3.5	
(15-03-01)	Board Members - Parole	46.1	
(20-01-00)	Board Members - Public Employment Relations Board	7.4	
(20-01-00)	Board Members - Merit Employee Relations Board	20.0	
(20-02-00)	Board Members - Human Relations	2.5	
(20-04-00)	Board Members - Professional Regulation		71.5
(20-04-00)	Board Members - Public Service Commission		155.0
(25-01-00)	Board Members - Revenue	33.0	
(38-04-00)	Board Members - Institutional Classification	12.0	
(45-04-00)	Board Members - Alcoholic Beverage Control Commission	8.6	
(60-07-00)	Board Members - Industrial Accident Board		230.0
(65-01-05)	Harness Racing Commission		13.6
(65-01-10)	Thoroughbred Racing Commission		13.6
(65-01-12)	Nutrient Management Commission	22.4	
(70-02-01)	Board Members - New Castle County Elections	21.5	
(70-03-01)	Board Members - Kent County Elections	13.0	
(70-04-01)	Board Members - Sussex County Elections	13.0	
(95-01-01)	Board Members - State Board of Education	16.8	
(95-08-01)	Higher Education Commissioners	2.4	

Section 11. Merit Rule 4.13.7 notwithstanding, merit compensatory time will not be forfeited if not used within 180 calendar days of accrual.

Section 12. With the exception of the custodial work associated with Legislative Hall and the Governor's Office, the Office of Management and Budget may not hire any permanent, full-time custodial employees in any fiscal year without the concurrence of the Controller General.

Section 13. Chapters 4.0 and 5.0 of the Merit Rules notwithstanding, the Director of the Office of Management and Budget and the Controller General shall have the authority to designate and approve

pilot projects within specified agencies. Such pilot projects shall accrue to the mutual benefit of the State as an employer and its affected employees in the Department of Health and Social Services, the Department of Services for Children, Youth and Their Families, the Department of Correction, and the Department of Transportation. These pilot projects may include employee incentives which have the impact of reducing overtime usage in these departments, and are designed to achieve a net reduction in costs to the State. Such projects may include elimination of preemployment testing for certain classifications, eliminating the cap on vacation carryover, gain sharing, and the substitution of certain fixed state holidays by floating holidays. Such pilot projects shall not exceed a period of two years duration, subject to renewal on a six-month basis, and shall include a written assessment to the Director of the Office of Management and Budget and the Controller General of their effectiveness at the end of each period. To the extent or where employees participating in pilot projects pursuant to this section are covered by a collective bargaining agreement pursuant to 19 Del. C. § 1311A, any such pilot project shall not include employee incentives or compensation contrary to that provided in the negotiated collective bargaining agreement.

Section 14. For the fiscal year, the provisions of 29 Del. C. § 6502(a), shall be waived for school districts. In its place, school districts shall be required to provide to the Director of the Office of Management and Budget and the Controller General a signed copy of its approved district budget.

Section 15. All agencies receiving an Energy appropriation in Section 1 of this Act must work through Department of Natural Resources and Environmental Control and the Executive Department, Office of Management and Budget to attain any contract(s) dealing with the retail wheeling of natural gas or electricity. This includes agencies 01 through 95 with the exception of the University of Delaware.

During the current fiscal year, all energy use systems for new facilities, rental/leasing changes, and/or renovations to energy use systems must be coordinated with the Energy Office within the Department of Natural Resources and Environmental Control and with the Executive Department, Office of Management and Budget.

Any internal program unit/budget unit having energy funding (electricity, natural or propane gas and heating oils) for the purpose of reimbursing a host internal program unit/budget unit must release the remaining sums to the host internal program unit/budget unit in the event that the tenant internal program unit/budget unit vacates the premises. It is the responsibility of the host internal program unit/budget unit to initiate the transfer

request. Those agencies which are budgeted energy as a result of occupying a portion of a host facility's property, and do not directly pay energy bills, may not transfer energy funds other than to the host agency.

Section 16. (a) Increased use of videophones and related technologies by agencies comprising the criminal justice system is beginning to have a positive impact on the operations of these agencies. One such positive impact is the reduction in the number of trips Department of Correction personnel need to make to transport offenders from the secure facilities in the prisons to the courts for various hearings and other procedural matters. To help quantify these positive impacts, agencies with videophones obtained through the Videophone Committee of the Criminal Justice Council shall submit to the Director of the Office of Management and Budget and the Controller General a report on their use of their videophone(s) by December 1 of each year. This report shall be based on a period from July 1 through June 30 and shall contain information such as, but not limited to, 1) the number of videophones used; 2) the types of activities for which the videophone(s) is/are used; 3) the number of times the videophone(s) was/were used for each activity; 4) any savings or deferred costs resulting from the use of the videophone(s); 5) any costs directly associated with the use of the videophone(s); and 6) future plans for the use of the videophone(s).

(b) The Department of Correction shall submit a report of videophone usage to the Director of the Office of Management and Budget, Controller General and members of the Joint Finance Committee by December 1 of each year. This report shall be based on a period from July 1 through June 30 and shall include a detailed description of the actual savings, deferred costs and previously anticipated savings and deferrals that were not realized.

Section 17. Notwithstanding any other provision of the Delaware Code or this Act to the contrary, the Office of Management and Budget, subject to the approval of the Controller General, is authorized to make technical adjustments to the personnel complement of any agency as appropriated in Section 1 of this Act in those situations where, due to the rounding of split-funded positions, such an adjustment is necessary so that an agency may establish its authorized complement.

Section 18. Notwithstanding Merit Rules 4.4.2 and 4.4.3, an agency that requests approval of a starting rate higher than 85 percent of the midpoint, or that requests that incumbents be leveled up to a newly-hired employee, shall provide documentation showing that sufficient funds exist within the agency's base budget to

fund such actions. An agency that requests approval of a starting rate higher than 85 percent of midpoint shall also indicate if the approval of such starting rate will result in a request to level up the salary of the existing employees, and shall indicate if sufficient funds exist within the agency's base budget to fund such a leveling-up action. Notwithstanding any provisions of this Act or the Delaware Code to the contrary, no provision of Chapter 4.0 of the Merit Rules shall be considered compensation for the purposes of collective bargaining and leveling up can only occur with the concurrence of the Director of the Office of Management and Budget and the Controller General. The Director of the Office of Management and Budget and Controller General, with the concurrence of the co-chairs of the Joint Finance Committee shall promulgate policies and procedures to implement this section.

Section 19. The State Employee Benefits Committee shall have the authority to transfer Medicare Part D Retiree Drug subsidy from the Employees' Health Insurance Fund to the other Post Employment Benefits Fund to provide a source for future payment of retiree health benefits.

Section 20. In an effort to reduce the financial impact of worker's compensation and property losses to the State, the agencies and school districts shall work with the Insurance Coverage Office to implement safety and return to work policies. Any employee who has been on Worker's Compensation shall be a preferential hire for any position for which the employee is qualified. In accordance with State law, the employee shall receive a salary supplement based on that employee's prior earnings in the event the new salary is less than their current salary.

Section 21. In accordance with the provisions of 29 Del. C. § 5106, effective for all fiscal years commencing after June 30, 2003, exceptions to the standard practice of paycheck deductions shall be made for employees paying dues to the Delaware State Education Association (DSEA). For all employees designating that DSEA membership dues be deducted from their bi-weekly paycheck shall have those dues deducted from the 22 pay periods occurring within the 10 month school year. This change will facilitate the maintenance of the state payroll system as well as establish a consistent process for managing the collection of dues from members of the Delaware State Education Association.

Section 22. Notwithstanding Chapter 10.0 and Chapter 19.0 of the Merit Rules, upon approval by the Director of the Office of Management and Budget and the Controller General, temporary appointees may be

assigned to the same position as that already assigned to a permanent employee in order to complete a special project.

Section 23. Employees of the State of Delaware who are enrolled in a health insurance benefit plan must re-enroll in a plan of their choice during the open enrollment period as determined by the State Employee Benefits Committee. Should such employee(s) neglect to re-enroll in the allotted time, said employee(s) and any spouse or dependents shall be automatically re-enrolled in their previous plan as long as verification of employment is provided by the employee and the Office of Management and Budget.

Section 24. Notwithstanding any provision of the Delaware Code to the contrary, 29 Del. C. § 5207 shall not apply to individuals employed in accordance with 29 Del. C. § 5903(17).

Section 25. Notwithstanding the provisions of any other law, any non-state organizations identified in 29 Del. C. § 5209 and not participating in the State Group Health Insurance Program as of June 30, 2009, shall be prohibited from participation for the fiscal year ending June 30, 2010.

Section 26. Notwithstanding any provision in the Delaware Code to the contrary, for the purposes of developing and implementing the Enterprise Resource Planning (ERP) Financial Reengineering Project's PeopleSoft Financials application, necessary adjustments to existing state accounting, budgeting and financial reporting processes and practices may be implemented during Fiscal Year 2010 with the written approval of the Director of the Office of Management and Budget, Controller General, Secretary of Finance and Chief Information Officer.

Section 27. The responsibilities and authorities established by 75 Del. Laws c. 243 shall remain in effect through Fiscal Year 2010 or until a bill codifying energy procurement is signed into law. The following provisions shall apply:

(a) The Director of the Office of Management and Budget shall provide the Controller General with a detailed description of any significant change in energy procurement strategy and procedures previously approved by the Controller General. The detailed description shall be provided to the Controller General at least two weeks prior to the execution of an energy supply contract that incorporate the changes.

(b) The Director of the Office of Management and Budget shall have the authority to enter into wholesale or retail supply contracts for natural gas and other types of fuel and energy in accordance with the responsibilities and authorities established for the purchase of electricity as per 75 Del. Laws, c. 243.

(c) Aggregation partner, as defined in 75 Del. Laws, c. 243 shall also be construed to mean public libraries, corporations and authorities established by the General Assembly including, but not limited to the Delaware Riverfront Development Corporation, Delaware River and Bay Authority and Diamond State Port Corporation upon approval of the Director of the Office of Management and Budget and the Controller General.

(d) The provisions of 75 Del. Laws, c. 243, Section (b) shall be construed to include electricity, gas and other sources of fuel and energy procured on both retail and wholesale energy markets.

Section 28. This Act appropriates funding for various programs and projects that are passed through to non-state agencies. Agencies receiving pass through funding shall be required to provide a detailed program description and budget expenditure report for which state funds are intended to be used in fiscal year 2009 to the Office of Management and Budget and the Office of the Controller General by September 30, 2008. These agencies shall also identify all other funding received from the State which could include but not be limited to; grants-in-aid, state agency contract funding and tobacco settlement funds.

Section 29. Notwithstanding the provisions of the Administrative Procedures Act, 29 Del. C. c. 101 or any other laws to the contrary, the State Employee Benefits Committee is authorized to amend the rules for Employees Eligible to Participate in the State Group Health Insurance Program by approving such amendments and causing the amendments to be published in the Register of Regulations with such amendments to be effective as of the date of such publication unless otherwise specified by the State Employee Benefits Committee.

Section 30. The Office of Management and Budget, with the concurrence of the Controller General and co-chairs of the Joint Finance Committee, is authorized to continue the pilot web-based procurement program in the Department of Health and Social Services; Department of Natural Resources and Environmental Control, Parks and Recreation; Department of Technology and Information; and Department of Safety and Homeland Security, Delaware Emergency Management Agency and expand such program in up to four additional state agencies during Fiscal Year 2010. To ensure efficiencies in statewide procurement activities, the pilot programs

shall include, but not be limited to, placing legal notices in statewide publications of record directing interested bidders to the pilot agencies' websites for detailed information on procurement opportunities. For purposes of this pilot program, said publication of legal notices shall fulfill the advertising requirement of 29 Del. C. c. 69. Agencies participating in the pilot program shall report on the outcomes of this initiative to the co-chairs of JFC, Controller General, and Director of Office of Management and Budget by May 15, 2010.

Section 31. Notwithstanding the provisions of 24 Del. C. § 1702(9)e, the rendering by a physician located outside the State of a written or otherwise documented medical opinion to a person covered by the State Group Health Insurance Program pursuant to any second opinion or diagnosis evaluation program offered by the State Group Health Insurance Program shall not constitute the practice of medicine.

Section 32. All agency heads shall assure that state employees, where feasible, make use of the videophones available for meetings in lieu of the use of state-owned vehicles.

Section 33. (a) For the fiscal year ending June 30, 2009, any sums in the following accounts shall remain as continuing appropriations and shall not be subject to a reversion until June 30, 2010. Any appropriation listed below that has a balance of zero on June 30, 2009 shall not continue:

Fiscal Year Appropriation	**Account Codes**	**Remarks**
2009	01-01-01-0140	Travel
2009	01-01-01-0141	Leg-Mileage
2009	01-01-01-0150	Contractual
2009	01-01-01-0160	Supplies
2008	01-01-01-0170	Capital
2009	01-01-01-0181	Committee Expenses
20007/08/09	01-02-01-0140	Travel
2008/09	01-02-01-0141	Leg-Mileage
2008/09	01-02-01-0150	Contractual
2008/09	01-02-01-0160	Supplies
2008/09	01-02-01-0170	Capital
2008/09	01-02-01-0181	Committee Expenses

1	2008	01-02-01-0182	Ad Substance Abuse
2	2008/09	01-05-01-0141	Leg Travel
3	2008/09	01-05-01-0150	Contractual
4	2008/09	01-05-01-0151	State Governments
5	2009	01-05-01-0160	Supplies
6	2006/07/08/09	01-08-01-0151	Print Laws
7	2009	01-08-01-0170	Capital
8	2009	01-08-02-0140	Travel
9	2007/08/09	01-08-02-0150	Contractual
10	2008/09	01-08-02-0160	Supplies
11	2009	01-08-02-0170	Capital
12	2007/08/09	01-08-02-0181	Contingency – Legislative
13	2008/09	01-08-02-0182	Family Law Commission
14	2000/09	01-08-02-0186	Juvenile Detention Oversight Committee
15	2009	01-08-02-0190	Neighborhood Schools
16	2008/09	01-08-02-0191	Clean Air
17	2008/09	01-08-02-0193	JFC/CIP Contingency
18	2008/09	01-08-02-0197	Contingency – Intern
19	2009	01-08-02-0200	Alternate Energy
20	2007	01-08-02-0198	One Time Revolutionary War Monument
21	2006	01-08-02-0200	TriCent Committee
22	2009	01-08-02-0201	Security
23	2006	01-08-02-0879	BioTech Engineer
24	2006	01-08-02-0891	Legislative Hall Improvements
25	2002	01-08-02-0985	Senior Center Projects
26	2008	01-08-02-0988	JFC CIP Contract
27	2006	01-08-02-0989	Senior Center Fund

1	2009	01-08-03-0150	Contractual
2	2009	01-08-06-0140	Travel
3	2009	01-08-06-0150	Contractual
4	2008	02-01-10-0180	Court on the Judiciary
5	2009	02-03-10-0180	Jury Expenses
6	2009	02-17-01-0180	Retired Judges
7	2009	02-17-01-0184	Conflict Attorneys
8	2009	02-17-01-0185	CASA Attorneys
9	2009	02-17-01-0186	Civil Attorneys
10	2009	02-17-01-0188	Court Appointed Attorneys
11	2009	02-17-01-0189	Interpreters
12	2007/08/09	02-17-01-0190	New Castle County Courthouse
13	2004	02-17-01-0192	COTS Support
14	2008	02-17-01-0197	Data Development
15	2009	02-17-04-0182	COTS Maintenance
16	2009	02-18-03-0180	Ivy Davis
17	2009	10-02-05-0202	Evaluation Project
18	2009	10-02-06-0196	Contingency Fund
19	2007	10-02-08-0286	Race and Incarceration
20	2008/09	10-02-10-0185	Data Development
21	2009	10-02-11-0185	Legal Fees
22	2009	10-02-11-0189	Salary/OEC
23	2009	10-02-11-0218	Judicial Nominating Committee
24	2008	10-02-11-0198	One Time
25	2008	10-02-20-0198	One Time
26	2007	10-02-20-0274	Recruit and Retention
27	2009	10-02-31-0150	Contractual

1	2009	10-02-31-0183	Self Insurance
2	2008	10-02-50-0190	NCCCH DOC Lot
3	2009	10-05-01-0181	Education
4	2006	10-05-01-0185	Universal Health Insurance Study
5	2009	10-05-02-0180	Operations
6	2008/09	10-05-03-0180	Operations
7	2009	10-07-0201-0297	Local Law Enforcement Education Fund
8	2007	20-03-01-0198	One Time
9	2007	20-06-04-0181	Museum Conservation Fund
10	2009	20-07-01-0182	Delaware Art
11	2009	20-08-01-0180	Library Standards
12	2008/09	20-08-01-0186	DelNET - Statewide
13	2008	25-06-01-0199	First Quality
14	2009	35-01-20-0198	One Time
15	2008	35-02-01-0190	SBHC Audit
16	2009	35-02-01-0193	Family Planning Audit
17	2009	35-05-20-0182	Immunization
18	2009	35-05-20-0183	Hepatitis B
19	2009	35-05-30-0977	Paramedic
20	2008/09	35-06-10-0187	Clinical Care
21	2009	35-06-20-0181	Group Homes
22	2009	35-06-30-0182	DPC Contingency
23	2009	35-07-01-0185	Child Care
24	2006/07	35-10-01-0197	Data Development
25	2009	35-11-30-0180	Community Services
26	2009	35-11-30-0181	Purchase of Care
27	2006	37-01-20-0180	CAP Phase 2

1	2009	37-01-50-0181	MIS Development
2	2007	37-05-10-0151	Transitional Living
3	2009	37-06-40-0187	Child Welfare
4	2006/08	38-01-01-0184	Sustainability Contingency
5	2009	38-01-10-0186	Warehouse
6	2008/09	38-01-10-0199	MIS
7	2008/09	38-01-30-0180	Medical Services
8	2008	38-01-30-0183	Maintenance and Restoration
9	2009	38-01-30-0184	Maintenance and Restoration
10	2008	38-01-30-0197	Data Development
11	2009	38-01-31-0180	Drug Treatment
12	2008	38-01-40-0200	Maintenance and Restoration
13	2008	38-06-02-0198	One Time
14	2008	40-01-01-0195	First Quality
15	1986	45-01-01-0381	Hazardous Waste Revolving Fund
16	2009	45-01-30-0201	Emergency Management Fund
17	2009	45-06-01-0201	DSP Recruitment
18	2005	60-01-10-0197	First Quality
19	2009	60-09-20-0188	Skill Grant
20	2007/08	70-01-01-0184	HAVA Repayment
21	2009	70-02-01-0201	Technology Development
22	2009	95-01-01-0131	Parents as Teachers
23	2008/09	95-01-01-0200	Standards and Assessment
24	2008/09	95-01-01-0202	DSTP
25	2008/09	95-01-01-0203	Pupil Accounting
26	2009	95-01-01-0210	DE Science Coalition
27	2009	95-01-01-0229	Infrastructure Capacity

2009	95-01-01-0230	Educator Accountability
2007/09	95-02-02-0204	School Improvement
2007/08/09	95-03-10-0191	Professional Development
2009	95-03-20-0181	Unique Alternatives
2009	95-03-20-0190	Prison Education
2008	95-03-20-0198	One Time
2008	95-04-01-0190	Pupil Transportation
2008/09	95-07-01-0180	Operations
2009	95-08-01-0183	Scholarships
2008/09	95-08-01-0185	Ferguson DSTP Scholarship
2007	95-08-01-0188	Physician Loan
2008	95-08-01-0189	Legislative Essay

(b) Funds appropriated for the following programs shall be appropriated on a 15 month basis and not be subject to reversion until September 30, 2010: LEP (appropriation 0233), Professional and Curriculum Development (appropriation 0205), and Student Success Block Grant (appropriation 0234). Program expenses may not be incurred subsequent to the start of the regular 2010-2011 school year. For the fiscal year ending June 30, 2009, the Student Success Block Grant (appropriation 0234) shall be appropriated on a 15 month basis not subject to reversion until September 30, 2009.

(c) For the fiscal year ending June 30, 2009, any sums in Fiscal Year 2009 appropriation 0213 (Charter School Operations) for Public Education, shall remain as continuing and not be subject to reversion until June 30, 2010.

(d) For the fiscal year ending June 30, 2009, any sums for Fiscal Year 2009 Division II - All Other Costs (appropriation 0165), Division II - All Other Costs for Vocational Education (appropriation 0265), Division II - Energy (appropriation 0159), Division III - Equalization (appropriation 0186), Education Expense and Property Tax Relief Funds (appropriation 0287), and Innovative After School Initiative (appropriation 0245) shall become a continuing appropriation in each local school district for the period of one fiscal year.

(e) For the fiscal year ending June 30, 2009, any fiscal year 2007, 2008 or 2009 School Improvement Funds (appropriation 0244) shall become a continuing appropriation in each local school district for the period of one fiscal year.

(f) Of the Continuing Appropriation for Fiscal Year 1996, (01-08-02-01-87), up to $100.0 may be used for the Legislative Clean Air Policy Committee, Inc. legal and consulting expenses. With the approval of Legislative Council, up to $20.0 may be used for technical assessment.

(g) The Department of Transportation shall promulgate and carry out the policies and procedures necessary to deauthorize any unexpended, unencumbered or unprogrammed operating appropriations remaining at the end of the fiscal year.

(h) The Department of Transportation shall provide a list of operating appropriations to be continued into the next fiscal year to include the following: 1) unprogrammed appropriations from prior years, and 2) unencumbered or unprogrammed appropriations from the immediately preceding fiscal year. The list shall be comprised of the accounting code, fiscal year and program description for each appropriation to be continued. The department may request additional authority, on a project by project basis, during the fiscal year. Such requests shall be submitted to the Director of the Office of Management and Budget and Controller General for approval.

(i) For the fiscal year ending June 30, 2009, any authorizations in the following accounts shall remain as continuing appropriations and shall not be subject to deauthorization until June 30, 2010.

Fiscal Year Appropriation	Account Codes	Remarks
2009	55-01-01-6800	Operations/Capital
2009	55-01-01-6805	Salary Contingency
2009	55-01-01-6815	Personnel Costs
2009	55-01-02-6800	Operations/Capital
2003	55-01-02-6809	Prior Year Operations
2009	55-01-02-6815	Personnel Costs
2009	55-01-03-6800	Operations/Capital
2009	55-01-03-6815	Personnel Costs

1	2009	55-01-04-6801	Travel
2	2009	55-01-04-6802	Contractual/Supplies
3	2009	55-01-04-6815	Personnel Costs
4	2009	55-02-01-6801	Travel
5	2009	55-02-01-6802	Contractual/Supplies
6	2009	55-02-01-6803	Energy
7	2009	55-02-01-6804	Capital Outlay
8	2009	55-02-01-6815	Personnel Costs
9	2009	55-03-01-6800	Operations/Capital
10	2009	55-03-01-6815	Personnel Costs
11	2009	55-04-01-6800	Operations/Capital
12	2009	55-04-01-6815	Personnel Costs
13	2009	55-04-70-6802	Contractual/Supplies
14	2009	55-04-70-6803	Energy
15	2009	55-04-70-6804	Capital Outlay
16	2009	55-04-70-6805	Storm Contingency
17	2009	55-04-70-6815	Personnel Costs
18	2009	55-04-90-6801	Travel
19	2009	55-04-90-6802	Contractual/Supplies
20	2009	55-04-90-6803	Energy
21	2009	55-04-90-6804	Capital Outlay
22	2009	55-04-90-6805	E-ZPass Operations
23	2009	55-04-90-6815	Personnel Costs
24	2009	55-06-01-8572	Transit Operations
25	2009	55-06-01-8581	Newark Transportation
26	2009	55-06-01-8583	Kent and Sussex
27	2009	55-06-01-8589	Taxi Service

1	2009	55-08-10-6815	Personnel Costs
2	2009	55-08-20-6815	Personnel Costs
3	2009	55-08-30-6801	Travel
4	2009	55-08-30-6802	Contractual/Supplies
5	2009	55-08-30-6803	Energy
6	2009	55-08-30-6804	Capital Outlay
7	2009	55-08-30-6815	Personnel Costs
8	2009	55-08-40-6802	Contractual/Supplies
9	2009	55-08-40-6803	Energy
10	2009	55-08-40-6804	Capital Outlay
11	2009	55-08-40-6815	Personnel Costs
12	2009	55-11-10-6801	Travel
13	2009	55-11-10-6804	Capital Outlay
14	2009	55-11-10-6807	Contractual Services
15	2009	55-11-10-6808	Supplies and Materials
16	2009	55-11-10-6815	Personnel Costs
17	2009	55-11-10-6820	Motorcycle Safety
18	2009	55-11-20-6804	Capital Outlay
19	2009	55-11-20-6807	Contractual Services
20	2009	55-11-20-6808	Supplies and Materials
21	2009	55-11-20-6815	Personnel Costs
22	2009	55-11-20-6822	CDL Fees
23	2009	55-11-30-6801	Travel
24	2009	55-11-30-6804	Capital Outlay
25	2009	55-11-30-6807	Contractual Services
26	2009	55-11-30-6808	Supplies and Materials
27	2009	55-11-30-6815	Personnel Costs

1	2009	55-11-30-6823	Odometer Forms
2	2009	55-11-30-6824	Special License Plates
3	2009	55-11-30-6825	DMVT
4	2009	55-11-50-6801	Travel
5	2009	55-11-50-6804	Capital Outlay
6	2009	55-11-50-6807	Contractual Services
7	2009	55-11-50-6808	Supplies and Materials
8	2009	55-11-50-6815	Personnel Costs

TOBACCO – MASTER SETTLEMENT AGREEMENT

Section 34. (a) Section 1 of this Act includes Appropriated Special Funds of $45,642.3 from funds received as a result of the Master Settlement Agreement on tobacco funds. These funds are allocated as follows:

(10-02-11) Office of Management and Budget – Contingencies and One-Time Items

$3,247.3	2 Year Nursing Expansion
$ 500.0	4 Year Nursing Expansion

(10-02-30) Office of Management and Budget – Statewide Benefits

$ 98.5	Blood Bank Membership Dues

(15-01-01) Attorney General

$ 204.6	2.0 ASF FTEs - legal matters relating to tobacco laws and regulations

(35-01-10) Health and Social Services – Office of the Secretary – Health Care Commission

$1,250.0	Uninsured Action Plan
$ 48.1	1.0 ASF FTE - Assistance to the Commission on health issues
$ 9.0	Casual and Seasonal assistance

(35-02-01) Health and Social Services - Medicaid and Medical Assistance

$4,420.0	Delaware Prescription Assistance Program
$3,054.8	Medical Assistance Transition (MAT) Program
$ 650.0	Increase Medicaid eligibility for pregnant women/infants to 200 percent of poverty
$ 698.8	Medicaid for Workers with Disabilities
$ 499.5	Money Follows the Person
$ 635.1	Delaware Healthy Children Program
$ 1,570.0	Legal Non-Citizen Health Care

(35-05-20) Health and Social Services - Community Health

$ 500.0	Diabetes
$2,189.8	New Nurse Development Program at Delaware Technical and Community College
$ 127.7	Delaware State University Nursing Program
$ 653.7	Personnel Costs associated with Tobacco Control Programs

This Act makes an appropriation to the Division of Community Health for Tobacco Fund Contractual Services. Of that appropriation, funds are allocated as follows:

$3,374.2	Tobacco prevention through Community Based organizations
$ 322.1	E-Resources Program - Delaware Academy of Medicine
$ 193.2	Kent County/Sussex County Consumer Health Services - Delaware Academy of Medicine
$ 307.0	Wesley College Nursing Program
$ 122.3	Polytech Adult Education Nursing Program
$ 125.2	Delaware Hospice
$ 115.3	Planned Parenthood of Delaware
$ 100.2	St. Francis Hospital
$ 75.0	Hepatitis B Vaccine
$ 52.4	American Lung Association - Asthma Project
$ 201.3	Child and Families First - Resource Mothers Program
$ 37.6	Kelly Heinz - Grundner Brain Tumor Foundation - Awareness Program
$ 24.2	Neonatal Intensive Care Unit Family Support Project - March of Dimes
$ 20.1	AIDS Delaware

Also appropriated in this Act is $15,714.4 for Cancer Council Recommendations, of this amount, funding is included for the following agencies:

$ 80.5	Delaware Breast Cancer Coalition
$ 600.0	Breast and Cervical Cancer Treatment (35-02-01)
$ 120.8	Cancer Care Connection
$ 161.0	The Wellness Community
$ 238.2	Delaware Helpline

(35-05-30) Health and Social Services - Emergency Medical Services

$ 250.0	Public Access Defibrillation initiative

(35-06-40) Health and Social Services - Substance Abuse and Mental Health

$ 60.3	Limen House
$ 177.1	Transitional housing for persons completing detoxification
$ 550.0	Heroin Residential Program
$ 38.3	University of Delaware - Delaware School Survey
$ 142.2	Brandywine Counseling

(35-07-01) Health and Social Services - Social Services

$1,240.4	SSI Supplement

(35-11-30) Health and Social Service - Community Services

$ 70.0	Family Support Services

(35-14-01) Health and Social Services - Services for Aging and Adults with Physical Disabilities

$ 760.0	Attendant Care
$ 178.1	Caregiver Support
$ 90.3	Money Follows the Person
$ 43.2	Easter Seals - Respite Care Services

(37-01-60) Services for Children, Youth and Their Families - Prevention/ Early Intervention

$ 110.0	Tobacco Prevention Programs for Youth

(45-04-10) Safety and Homeland Security - Alcoholic Beverage Control and Tobacco Enforcement

$	524.0	Enhanced Enforcement and 3.0 FTE Agents and 1.0 FTE Clerical

(95-01-01) Public Education - Department of Education

$	77.0	1.0 ASF FTE School Health Coordinator for statewide training
$	120.0	Professional development of public school staff, promotion of prevention activities in private schools, and prevention and health promotion supplies in public schools
$	70.0	Pilot Life Skills Training Program or other research-based programs

All of the above allocations are contained in the specified budget units in Section 1 of this Act including associated positions and line item funding. The funds herein appropriated shall be disbursed in accordance with the recommendations of the Delaware Health Fund Advisory Committee as amended by the Joint Finance Committee.

(b) For Fiscal Year 2010, effective June 25, 2010, all remaining unallocated funds for Fiscal Year 2010 shall be invested by the Cash Management Policy Board and any interest accrued shall be deposited to the credit of the funds of the Master Settlement Agreement. All funds from the above allocations left unexpended or unencumbered shall be transferred back to the Cash Management Policy Board and reinvested.

(c) These funds shall be available for Fiscal Year 2010 only.

Section 35. Section 1 of this Act makes an ASF appropriation to the Department of Health and Social Services, Division of Medicaid and Medical Assistance (35-02-00) for the Prescription Assistance Program and other programs funded with Tobacco Settlement funds. These funds may be used for both the client services and administrative costs of the programs.

Section 36. The Delaware Health Fund Advisory Committee is directed to submit their proposed recommendations each fiscal year to the Office of Management and Budget no later than November 15th per Senate Bill 8 as amended of the 140th General Assembly. It is the intent of the General Assembly that the Delaware Health Fund Advisory Committee will present their proposed recommendations before the Joint Finance Committee in a public budget hearing.

STATE FISCAL STABILIZATION FUND

Section 37. Title XIV of the American Recovery and Reinvestment Act (ARRA) of 2009 enacted by the federal government creates a State Fiscal Stabilization Fund that authorizes and appropriates a total of $53.6 billion in fiscal relief grants for states. Of this appropriation, Delaware will receive $134.8 million which can be utilized over two fiscal years, of which $110.3 million must be used for public and higher education while $24.5 million can be used for general government services.

During fiscal year 2010, Delaware will utilize these funds to provide support to programs previously funded with general fund moneys. The Government Services allocation shall be utilized for the Elder Tax Relief and Education Expense Fund program and Medicaid expenses.

The Education Stabilization allocation shall be utilized over two fiscal years and will ensure that school districts, charter schools and public institutes of higher education receive the same level of resources in fiscal years 2010 and 2011 as in fiscal year 2009.

In public education, state funding for the Reading Resource Teacher program, the Math Specialist program, the Student Success Block Grant, Education Expense and Tax Relief funds, the Limited English Proficient program, the Technology Block Grant and the Academic Excellence Unit Allotment have been eliminated. In Fiscal Year 2010, school districts and charter schools will receive an allocation of State Fiscal Stabilization Funds (SFSF) that is equivalent to the resources received in Fiscal Year 2009 for the eliminated programs. Each school district and charter school has the ability to use their SFSF allocation as they deem appropriate within the federal guidelines however, districts are strongly encouraged to utilize these resources to preserve jobs and advance educational reforms such as increasing teacher effectiveness and providing targeted, intensive support and interventions for struggling schools. School districts and charter schools must submit an application in order to receive the SFSF allocation in accordance with the federal guidance on the State Fiscal Stabilization Funds. The Delaware Department of Education and Office of Management and Budget will issue guidance on the submission of this application by July 15, 2010.

Institutes of higher education will also receive a SFSF allocation that is equivalent to the reduction of general fund support detailed in this act and are encouraged to utilize these resources to mitigate the need for increases in tuition and fees paid by in-state students.

Additionally, all funds allocated through the State Fiscal Stabilization Fund program are subject to the transparency and reporting requirements of the ARRA. School Districts, Charter Schools and Institutes of Higher Education must ensure that they are spending and reporting these funds in accordance with the required provisions.

LEGISLATIVE

Section 38. Of the total positions authorized in Section 1 of this Act for the Division of Research (01-08-01), the position of Research Assistant to the House and Senate Sunset Standing Committees shall be an exempt position and shall report to the Director.

Section 39. Section l of this Act provides an appropriation to the Office of the Controller General (0l-08-02) for Contingencies: Legislative Council. Requests from the Chairs of Standing Legislative Committees for professional staff assistance shall be submitted to the Legislative Council for approval or disapproval. Approvals for professional staff assistance shall be allowed within the limits of the appropriation and as provided by guidelines established by the Legislative Council.

Section 40. Section 1 of this Act provides an appropriation to the Office of the Controller General (01-08-02) for Contingencies: Legislative Council. Requests from various task forces and committees of either the House of Representatives or the Senate for travel expenses, meeting expenses, contractual services and any other expenses shall be submitted to the Legislative Council for consideration.

Section 41. The Controller General shall receive compensation at a rate of a Tier 2 level Cabinet position as determined by the Compensation Commission. Such compensation may be adjusted by the Legislative Council as defined in 29 Del. C. § 1110(e).

JUDICIAL

Section 42. Notwithstanding the provisions of 10 Del. C. §9204, for the purpose of creating cost and operational efficiencies, the Justice of the Peace Court is authorized to consolidate Justice of the Peace Courts 11, 15, the Administrative Office, and Constable Central in New Castle County with written approval from the Director of the Office of Management and Budget and the Controller General. The City of Wilmington Justice of the Peace Court 20 shall be exempt from this section.

Section 43. This Act appropriates Appropriated Special Funds to the Court of Chancery (02-02-00) and to the Court of Common Pleas (02-06-00). Notwithstanding other statutes to the contrary, the Court of Chancery is authorized to retain a portion of the fees, costs and interest it will collect in an amount sufficient to cover the personnel and operating costs of the statewide Register in Chancery office. Notwithstanding other statutes to the contrary, the Court of Common Pleas is authorized to retain a portion of the fines and fees it will collect in an amount sufficient to cover the personnel and operating costs of three Judicial Case Processors and one Controller. Adjustments to the Appropriated Special Fund spending authority for these courts may be made upon the concurrence and approval of the Director of the Office of Management and Budget and the Controller General.

Section 44. The positions of Master in Chancery/Chief Staff Attorney (BP#s 56683 and 100226), as well as any additional Master in Chancery/Chief Staff Attorney position(s) that may be established in the future for the Court of Chancery (02-02-10), shall receive the same salary as Commissioner in the Superior Court.

Section 45. (a) Notwithstanding any other provisions of the Delaware Code to the contrary, $655.0 shall be transferred from the Victims Compensation Fund for the following purposes: $230.2 ASF shall be transferred to Contractual Services in the Office of the Attorney General (15-01-01) to fund family violence services in Kent and Sussex counties; $273.8 ASF Victims Rights in the Office of the Attorney General; and $151.0 ASF Contractual Services in the Department of Correction, Community Corrections, Probation and Parole (38-06-02) to support a community restorative justice program in New Castle County.

(b) It is the intent of the General Assembly and the Administration that the funds identified in subsection (a) shall be established in the base budget appropriations within the respective departments in the Fiscal Year 2011 budget.

Section 46. Section 1 of this Act appropriates $56.4 in Contractual Services to Justices of the Peace Courts (02-13-10) to support lease obligations associated with the Justice of the Peace Court 1 facility located in the Town of Frankford.

Section 47. Upon the approval of a plan submitted to the Director of the Office of Management and Budget, Controller General and the co-chairs of the Joint Finance Committee, the Chief Justice shall have the flexibility to transfer positions from individual courts to the Administrative Office of the Courts for the purpose of further centralizing personnel, finance, collections and filing/records management functions therein. Notwithstanding any other provisions of this Act or the Delaware Code to the contrary, positions and related operating funds may be transferred from Supreme Court (02-01-00), Court of Chancery (02-02-00), Superior Court (02-03-00), Court of Common Pleas (02-06-00), Family Court (02-08-00) and Justices of the Peace Courts (02-13-00) to the Administrative Office of the Courts, Office of the State Court Administrator (02-17-01), the Administrative Office of the Courts, Office of State Court Collections Enforcement (02-17-03) or the Administrative Office of the Courts, Judicial Information Center (02-17-04). Only positions from the courts or other judicial positions located in New Castle County may be considered for transfer under this section. In the cases where Merit System positions are transferred, the incumbents shall retain their Merit System status.

Section 48. Section 1 of this Act appropriates $233.7 to the Office of Management and Budget, Contingencies and One-Time Items (10-02-11) for the purpose of providing civil legal services to the indigent. Upon the concurrence and approval of the Director of the Office of Management and Budget and the Controller General, this amount shall be used by the Administrative Office of the Courts, Office of the State Court Administrator (02-17-01) exclusively for civil legal services to the indigent with the guidance of the Delaware Bar Foundation.

Section 49. The Administrative Office of the Courts (AOC) shall coordinate with the Department of Technology and Information to develop electronic document systems projects for the Courts, subject to review and approval by the Technology Investment Council (TIC); provided however, that such review and approval by the TIC shall not apply to existing licensing agreements, contracts or projects related to electronic document systems entered into or approved by the AOC on or prior to June 30, 2006. Notwithstanding 29 Del. C. c. 69, or any other law to the contrary, the AOC is authorized to enter into licensing agreements or other contracts with

private companies on behalf of the Courts for electronic document systems. Such systems shall include filing and publication of judicial opinions and related docket files, electronic tracking and researching services, as well as internet access for video transmission of court proceedings, video conferencing and related technological services. Fees derived from such contracts or licensing agreements shall be applied by the respective Courts to offset expenses related to e-filing, video conferencing, video streaming, technological improvements, and related court and courtroom improvements.

Section 50. Section 1 of this Act provides an appropriation to the Child Death, Near Death and Stillbirth Commission (02-18-06) for the Fetal Infant Mortality Review. Included in this appropriation are funds for 3.0 FTEs and associated operating costs.

Section 51. Section 1 of this Act makes an appropriation to the Administrative Office of the Courts, Non-Judicial Services, Delaware Nursing Home Residents Quality Assurance Commission (02-18-07) to fund an Administrative Specialist III. This position shall provide clerical support for the Commission. The position shall be hired by and report to the Commission.

Section 52. Section 1 of this Act includes appropriations to the Office of the State Court Administrator (02-17-01) for Conflict Attorneys, Court Appointed Special Advocate (CASA) Attorneys, Family Court Attorneys, and Court Appointed Attorneys. Upon approval by the Director of the Office of Management and Budget and the Controller General, the Chief Justice may use said appropriations, as well as any carryover funding in said appropriations, to address recruitment and retention of contract attorneys under these programs. The Chief Justice may decide upon, but is not limited to, the following options: implement new contract rates, including setting regional or market-based contract rate structures; increase the number of contracts; or split full-time contracts into part-time contracts. The Chief Justice may implement any combination of these or other reasonable options in an effort to maximize the recruitment and retention of qualified attorneys to serve these programs.

Section 53. (a) For Fiscal Year 2010, the following technology development projects are eligible to receive an allocation from 2006 10-02-05-0814 to be used for planning, development, procuring services or conducting a feasibility/investment analysis provided they meet all of the requirements contained within this Section:

DEPARTMENT/AGENCY	SERVICE NEED
Technology and Information	
Data Center and Operations	Biggs Mainframe Upgrade
Correction	
Administration, Information Technology	Sentence Automation System

Allocation of the funds from 2006 10-02-05-0814 for this purpose shall be made by the Director of the Office of Management and Budget in consultation with the affected department/agency head. Project allocations shall not be transferred to another department/agency unless approved by the Director of the Office of Management and Budget. In the event federal funds are available for match in support of a project or projects, the Director of the Office of Management and Budget and the Controller General may transfer such funds as are necessary to meet the match requirements to the department/agency involved.

(b) In no instance shall any information technology (IT) project identified in Subsection (a) of this Section be initiated by the department/agency during this fiscal year until its formalized plan has been approved by the department/agency head, Director of the Office of Management and Budget and state Chief Information Officer. The project plan and the request for funding to be transferred shall consist of a business case for the project, which includes:

(i) needs analysis;

(ii) business process to be impacted/reengineered;

(iii) risk assessment;

(iv) stakeholder impact assessment;

(v) cost-benefit analysis; and,

(vi) an analysis of the total cost of ownership, which includes costs incurred during all phases of the development and operational life cycles.

In no instance shall any project be approved by the Director of the Office of Management and Budget if any portion of the above project plan requirements are absent from the department's/agency's request for a transfer of funds.

(c) No IT project that receives funds through Subsection (a) that has a scope beyond the scope of work approved by the department/agency head and the Director of the Office of Management and Budget is to be undertaken. Changes in scope or cost that fundamentally alter the original intent of an approved project shall be communicated to the Director of the Office of Management and Budget, Controller General and the state Chief Information Officer. Departments/agencies failing to communicate this information in a prompt manner may cause the project to be postponed or terminated. This requirement applies to all IT or technology-related systems development performed by the Department of Technology and Information, the department/agency itself, or an outside consultant or contractor. Further, this requirement applies to IT applications or systems purchased or otherwise acquired and placed in use.

(d) Funding shall be transferred on a phase-by-phase basis. Except for the initial transfer where the project plan needs to be approved, subsequent funding transfer requests shall be contingent upon the receipt and review of quarterly project status reports by the Director of the Office of Management and Budget, Controller General and Chief Information Officer. In instances where the project requires a transfer prior to the deadline for the quarterly report, a report of the project's status at the time of the request will be necessary.

(e) In all projects executed between the Department of Technology and Information, the Office of Management and Budget, and the concerned department/agency, the Department of Technology and Information shall maintain staff support to the benefit of the department/agency at the projected level of effort (subject to recruitment delays) until the project work has been accomplished.

(f) In no case shall funds appropriated in Section 1 of this Act be used to employ data or word processing professionals in support of current or proposed IT projects without the express written approval of the Director of the Office of Management and Budget.

Section 54. The General Assembly and the Governor are committed to further reducing the size of state government through a thoughtful process that allows for realizing significant savings via attrition and the consolidation and/or possible elimination of certain government services. The Governor's Performance Review Initiative will identify efficiencies, consolidation opportunities and areas where the State should scale back and/or eliminate certain government services. These opportunities will allow the State to reduce the size of state government by aggressively managing attrition. To that end, Section 1 of this Act includes a reduction of $13,750.0 in Personnel Costs to reflect projected savings as a result of a concerted effort between the Administration and the General Assembly to reduce the state government workforce through attrition. The Director of the Office of Management and Budget, upon the concurrence of the Controller General, shall de-authorize positions as they become vacant throughout the fiscal year. Further, notwithstanding any other provision of law to the contrary, the Director of the Office of Management and Budget shall, upon concurrence of the Controller General, have the authority to reallocate personnel costs as well as positions throughout and among respective state agencies, including the Judiciary and Other Elective offices in order to meet critical workforce needs.

Section 55. Notwithstanding the provision of 18 Del. Code C. c. §708(c)(3), for Fiscal Year 2010, $7,000.0 in surplus funds shall be transferred to the Office of Management and Budget. These funds are available because of not being utilized for post-retirement increases by the eligible counties and municipalities.

Section 56. Amend 1 Del. C. § 501 by deleting "the third Monday in February, known as Presidents' Day;" and "the second Monday in October, known as Columbus Day;". In lieu of, the Director of the Office of Management and Budget shall promulgate policies and procedures to implement 2 floating holidays.

Section 57. Amend 29 Del. C. § 5253(b)(1) and (5) by deleting all instances of the number "20" and inserting in lieu thereof the number "60".

Section 58. Amend 29 Del. C. § 5253(b)(3) by inserting "or reductions in salary instituted" following the word "awarded".

Section 59. Amend 29 Del. C. § 5253 by striking section (c)(5) in its entirety and substituting in lieu thereof the follow: "(c)(5) Upon the exhaustion of the maximum short-term disability benefit period, any employee, except those entitled to hazardous duty pay as defined in 29 Del. C. § 5933 (c), shall no longer be an

employee of the State or any of its political subdivisions provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible. Employees entitled to hazardous duty pay as defined in 29 Del. C. § 5933 (c) who exhaust the maximum short-term disability benefit period shall no longer be an employee of the State or any of its political subdivisions at the end of their entitlement to hazardous duty pay provided the employee has exhausted their FMLA entitlement and/or is not FMLA eligible."

Section 60. Amend 29 Del. C. § 5258 by deleting the number "180" and inserting in lieu thereof the number "90".

Section 61. Section 1 of this Act appropriates $50.0 in Local Law Enforcement Education to the Office of Management and Budget, Contingencies and One Time Items (10-02-11) for educational reimbursement as provided for in subsection (a).

(a) A certified police officer or other law enforcement officer as defined in 11 Del. C. § 1911(a) or a State of Delaware Probation and Parole Officer employed by the Department of Correction who is employed full-time in the State is eligible for post-secondary education tuition reimbursement under the following conditions:

(1) The officer must make application for tuition reimbursement in accordance with rules and regulations promulgated by the Director of the Criminal Justice Council or the Director's designee.

(2) Education benefits authorized by this Section may be used only at a college or university within the State.

(3) An officer may not attend a class or course of instruction during scheduled work hours unless the officer uses his or her earned leave or earned compensation time.

(4) An officer may be reimbursed under this program for only two classes or courses of instruction for undergraduate study or one class or course for graduate study each grading period. The classes will be reimbursed at 100 percent of the tuition paid following the completion of the course with a grade of 'C' or better at a college or university within the State for classes related to Corrections, Public Safety, Criminal Justice, Computer Science, Psychology, Sociology, Education and related fields. Related fields shall include any courses

necessary to complete a degree program in Criminal Justice, Corrections, Public Safety, Computer Science, Psychology, Sociology, and Education.

(5) A class or course of instruction taken under this Section must:

(a) improve an officer's competence and capacity in employment;

(b) have direct value to the State; and

(c) provide knowledge or skills that are not available through in-service or other professional training.

(6) In order to receive tuition reimbursement for a post-secondary class or course of instruction authorized by this Section, an officer must:

(a) Earn a grade no lower than a 2.0 on a 4.0 scale, or its equivalent, for each class or course of instruction for which the tuition reimbursement is granted. In any class or course of instruction for which a specific grade is not issued, the officer must show documentation to verify satisfactory completion; and

(b) Submit to the Director of the Criminal Justice Council or the Director's designee within 30 days after completing a class or course of instruction proof of:

(1) the course title and grade received;

(2) the amount of tuition paid for the course; and

(3) the name of the post-secondary institution where the course was taken.

(7) The Director of the Criminal Justice Council or the designee shall adopt rules and regulations as deemed necessary and proper for the efficient administration of this Section. The rules and regulations must contain appeal procedures.

(8) An officer who receives tuition reimbursement pursuant to this Section but is terminated from law enforcement employment for cause or who otherwise fails to comply with any requirement of this Section shall immediately become ineligible to receive education benefits pursuant to this Section and shall repay all tuition reimbursement previously extended to the employee, including interest on a pro rata basis from the time of termination or noncompliance. The Director of the Criminal Justice Council or the Director's designee shall

determine the amount of repayment due by the employee pursuant to this Subsection. If law enforcement employment is terminated for other than just cause, the officer will not be required to repay previously reimbursed tuition.

(9) Nothing in this section is intended to inhibit or deny officer promotion or transfer to other law enforcement agencies within this State.

(10) The Director of the Criminal Justice Council shall include in the agency's annual report:

(a) the number of officers who participated at each post-secondary educational institution during the year;

(b) the total amount of tuition expenditures made pursuant to this Section during the year not to exceed $50,000; and

(c) the total amount required to be repaid to the State by defaulting officers during the year; and Intergovernmental Voucher the total amount actually repaid by defaulting officers during the year.

Section 62. Effective July 1, 2006, BP #879 shall receive compensation at a rate of a tier 3 level Cabinet position as determined by the Compensation Committee.

Section 63. The Director of the Office of Management and Budget, upon concurrence of the Controller General and the Co-Chairs of the Joint Finance Committee, may restructure internal program units to create greater efficiencies within the Office of Management and Budget.

Section 64. Section 1 of this Act appropriates $3,247.3 ASF to the Office of Management and Budget, Contingencies and One-Times Items (10-02-11) from Tobacco Settlement Funds for Two Year Nursing Expansion Initiative. Said funds shall be used to address Delaware Technical and Community College's (DTCC) recommendations to mitigate the shortage in the nursing and allied healthcare fields. Said funds maybe used to hire up to 36 faculty and staff FTEs relevant to meeting said nursing shortage and shall be transferred to DTCC upon approval of the Director of the Office of Management and Budget, Controller General and Co-Chairs of the Joint Finance Committee.

Section 65. Section 1 of this Act appropriates $500.0 ASF to the Office of the Management and Budget, Contingencies and One Times (10-02-11) from Tobacco Settlement Funds for Four Year Nursing

Expansion Initiative. Of the amount appropriated, $250.0 shall be allocated to the University of Delaware and $250.0 shall be allocated to Delaware State University to expand their nursing programs. Both universities shall provide a detailed expansion plan to the Director of the Office of Management and Budget and Controller General no later than July 31, 2009. Said funds shall be transferred to the University of Delaware and Delaware State University upon approval of the Director of the Office of Management and Budget, Controller General and the Co-Chairs of the Joint Finance Committee.

Section 66. Notwithstanding 29 Del. C. c. 69, the Office of Management and Budget is authorized to contract for an upgraded budget development system to enable interface functionality with the State's new financial system.

Section 67. Notwithstanding any other provision of the Delaware Code or this Act to the contrary, the Office of Management and Budget is authorized to contract with the University of Delaware for statistical analysis of data, for state operated programs, services, policies and/or procedures.

Section 68. The General Assembly finds that the establishment of the federal Temporary Aid to Needy Families (TANF) block grant has left the state vulnerable to deficits from caseload increases attributable to an economic downturn. In order to minimize such exposure, the funds within the Reserve Account for Children's Services Cost Recovery Program (CSCRP) Disallowances (10-02-05-80-51) shall be available to mitigate to the extent possible, projected deficits in TANF supported programs within the Department of Health and Social Services. The use of such funds for such purposes shall require the approval of the Director of the Office of Management and Budget and Controller General.

Section 69. The amount appropriated to the Office of Management and Budget, Contingencies and One-Time Items, Prior Years' Obligations, shall be used to pay Personnel Costs, reimbursement of overpayment of fringe benefits, and other obligations except coding errors by a school district which requires adjustment of the state's accounts. Any use of the Prior Years' Obligations account by any agency receiving funds in Section 1 of this Act, in excess of the amount reverted from the applicable line code on June 30 of the fiscal year in which the expense was incurred, will require the requesting agency or school district to reimburse the Prior Years' Obligations account by the amount equal to the excess requested. A line code reversion sum does not negate the necessity of encumbering sufficient funds to cover known expenses, proof of circumstances beyond an agency's

ability to encumber must be documented on the request for transfer to be excluded from the reimbursement clause. All requests for prior year funds to complete the payment of one-time items will require a reimbursement to the Prior Years' Obligations account by the requesting agency from any appropriation other than personnel costs. The reimbursement can be removed from the current fiscal year's budget. The reimbursement clause shall not apply to legal judgments against the agency or school district. A reimbursement under this Section shall not be deemed to be prohibited by 10 Del. C. § 8111.

Section 70. (a) For Fiscal Year 2010, 29 Del. C. § 6529 is interpreted to include the ability to implement a hiring review process. All State agencies with the exception of Legislative, Judicial, Higher Education and school districts shall be subject to the provisions of 29 Del. C. § 6529 as interpreted by this section. Implementation of a hiring review process shall require all positions to be reviewed and approved by the Director of the Office of Management and Budget prior to filling. All non-cabinet agency hiring requests shall also require the review and approval of the Controller General prior to filling.

(b) In the event the authority granted in subsection (a) of this section is implemented, Chapters 3.0000 and 13.0000 of the Merit Rules notwithstanding, the Director of the Office of Management and Budget shall have the authority to extend temporary promotions based on agency need until the hiring review process has ended. At the time the hiring review process has ended, those temporary promotions granted during the hiring review process shall be subject to the limitations identified in the Merit Rules governing the duration of temporary promotions.

Section 71. For Fiscal Year 2010, the Director of the Office of Management and Budget, pursuant to 29 Del. C. § 6529, may implement an overtime management practices review process for all State agencies with the exception of Legislative, Judicial, Higher Education and school districts. Said review shall include, but not be limited to, operational guidelines, guidelines to prohibit excessive utilization, staffing ratios, and standard work week schedules for employees. The Director of the Office of Management and Budget shall report to the Governor and the Co-Chairs of the Joint Finance Committee no later than May 1 of each fiscal year on the status of any review process implemented pursuant to this Section.

Section 72. The appropriation in Section 1 of this Act to the Office of Management and Budget, Contingencies and One-Time Items (10-02-11) for Contingency, Appropriated Special Funds for $27,000.0 shall

be used to make adjustments in the amount of state special fund appropriations in the event additional state special funds are received which were not previously anticipated. Such adjustments shall be made in accordance with the approval of the Director of the Office of Management and Budget and the Controller General.

Section 73. Notwithstanding 29 Del. C. c. 60B or any other provision of the Delaware Code or this Act to the contrary, the First State Quality Improvement Fund shall be suspended beginning July 1, 2009. It is the intent of the General Assembly that this program be reinstated when funding becomes available. For Fiscal Year 2009, any unencumbered First State Quality Improvement funds or funds available due to project completion shall revert to the General Fund.

Section 74. The Director of the Office of Management and Budget is authorized to create a State of Delaware Merit Employee Mediation Pilot Program within state agencies selected by the Director and, notwithstanding Chapters 12 and 18 of the Merit Rules and/or any provision of Delaware Code to the contrary, the Director of the Office of Management and Budget is further authorized to promulgate rules and regulations to implement the said pilot program. Matters that may be grieved shall be eligible for mediation. Matters that are otherwise not subject to the merit grievance procedure may be eligible for the pilot mediation program. With the consent of the employee and employing agency, participation in the Mediation Pilot Program will be offered as a voluntary alternative to the ordinary grievance procedure. All mediation proceedings shall be deemed confidential. If a grievance is subjected to mediation pursuant to this section, normal timelines associated with the filing of a grievance shall be tolled pending the completion of mediation. If an employee has filed a formal grievance, subsequent mutual consent to mediation will cause the grievance to be held in abeyance pending completion of mediation and the timelines that would otherwise have applied to the grievance shall likewise be tolled pending completion of mediation. Upon completion of mediation, an employee may continue to grieve and the normal timelines provided for grievances shall then apply. The Mediation Pilot Program is not intended to limit other dispute resolution procedures available to an agency or an employee or to deny a person a right granted under federal or other state law, including the right to administrative or judicial hearing.

Section 75. The Director of the Office of Management and Budget shall continue to assume the central leadership role for the Executive branch over all matters relating to Senate Bill 36, of the 144th General Assembly, and any other personnel and labor relations matters affecting the Executive branch and its departments and agencies, including collective bargaining negotiations with employee organizations, labor arbitration, Public Employment Relations Board, Department of Labor, Equal Employment Opportunity Commission, and other administrative proceedings. The Director of the Office of Management and Budget shall also, on behalf of the State, approve and sign all collective bargaining agreements and any other agreement or arrangements made involving employee organizations that represent employees subject to Executive branch authority.

Section 76. Notwithstanding the provisions of any other law, any organization identified in 29 Del. C. § 5551(6) and not participating in the County and Municipal Pension Plan as of June 30, 2009, shall be prohibited from participation for the fiscal year ending June 30, 2010. Notwithstanding the provisions of any other law, any organization identified in 11 Del. C. § 8801(5) and not participating in the County and Municipal Police/Firefighter Pension Plan as of June 30, 2009, shall be prohibited from participation for the fiscal year ending June 30, 2010.

Section 77. In recognition of the cost efficiency opportunities identified by the Leadership for Education Achievement in Delaware (LEAD), beginning in Fiscal Year 2010, the Office of Management and Budget is authorized to establish and implement a pilot centralized procurement program for local school districts, vocational-technical school districts and charter schools. Said pilot program may include, but not be limited to, centralized purchasing of supplies, commodities and non-professional services. The provisions of 29 Del. C. c. 69 shall apply to this pilot procurement program as the Office of Management and Budget, in its sole discretion, may deem appropriate.

Section 78. For Fiscal Year 2010, funding appropriated for 16 Del. C. c.102 shall be suspended. If non-state funding sources become available during the fiscal year, the program shall be reinstated with the approval of the Director of the Office of Management and Budget and the Controller General.

Section 79. Notwithstanding any provision of the Delaware Code to the contrary, the Office of Management and Budget is authorized to analyze and implement the most appropriate mechanism to cover any

liabilities as a result of Senate Bill 29 of the 144th General Assembly. Such mechanism may include but not be limited to self-insurance, a fully insured proposal, or some other means to insure against any potential liability.

Section 80. Section 1 of this Act includes 1.0 FTE in the Executive Department, Office of Management and Budget, Statistical Analysis Center (10-02-08) for the Director of the Statistical Analysis Center. This position shall be exempt from the Merit System until such time as the current incumbent vacates the position, at which time the position shall be classified by the Director of the Office of Management and Budget in accordance with the Merit System and 29 Del. C. c. 59.

Section 81. The Statistical Analysis Center (10-02-08) shall submit by July 15 an annual project schedule for the fiscal year that details the staff workload and time allocation. Requests for (special) projects to be included in this schedule should be made in advance to the Statistical Analysis Center. This schedule shall be reviewed by the Criminal Justice Council and approved by the Director of the Office of Management and Budget and the Controller General. No changes shall be made to the annual project schedule without the approval of the Director of the Office of Management and Budget. After July 15, all ad hoc requests for projects seeking completion during the fiscal year shall be reviewed by the Director of the Office of Management and Budget. Work shall not commence on these projects without the approval of the Director of the Office of Management and Budget.

Section 82. Any other statutory provision notwithstanding, any change to the Merit Rules required by an Act of Legislature, shall be codified in the Merit Rules by the Office of Management and Budget.

Section 83. Notwithstanding any provision to the contrary, for the purposes of developing and implementing PHRST Time & Labor, a new recruitment system, and other PeopleSoft modules, necessary adjustments to existing State human resource procedures shall be implemented during Fiscal Year 2010 with the written approval of the co-chairs of the Joint Finance Committee, the Director of the Office of Management and Budget and the Controller General.

All state organizations shall use all components of the PHRST system if so designated by the State's Enterprise Resource Planning Executive Sponsors.

Section 84. Whenever the annual valuation of the market value of the assets of the Special Pension Fund exceeds the actuarial value of benefits available to persons entitled to receive special pensions by a factor of at least 20 percent, the Board of Pension Trustees may transfer the excess over 20 percent or any part of it to the State Employees Pension Fund for the benefit of that Fund.

Section 85. Amend 29 Del. C. §5533 by adding a new subsection (e) to read as follows:

"(e) Any reduction in a State employee's salary, mandated as part of the Fiscal Year 2010 Annual Appropriations Act and implemented during Fiscal Year 2010, shall not be used when computing an employee's final average compensation. Rather, the State employee's base salary as of June 30, 2009 shall be used in calculating the employee's final average compensation as defined in §5501 (f) of this Chapter."

Section 86. Amend 11 Del. C. §8323 adding a new paragraph (j) thereto as follows:

"(j) Any reduction in a member's salary, mandated as part of the FY2010 budget bill and implemented during FY2010, shall not be used when computing a member's final monthly salary. Rather, the member's base salary as of June 30, 2009 shall be used in calculating the member's monthly salary as defined in §8323(a) of this chapter."

Section 87. Amend 11 Del. C. §8375, by designating the existing section as subsection "(a)" and adding a new subsection (b) thereto as follows:

"(b) Any reduction in a member's salary, mandated as part of the FY2010 budget bill and implemented during FY2010, shall not be used when computing an employee's final average compensation. Rather, the member's base salary as of June 30, 2009 shall be used in calculating the employee's final average compensation as defined in §8351(7) of this chapter."

Section 88. The Board of Pension Trustees may allocate the pension/health insurance monies received from the State during any month to ensure that funds are available to pay health insurance premiums for retirees in each month.

Section 89. During the fiscal year, the Office of Management and Budget Management, Facilities Management (10-02-50), shall retain the rental fees as Appropriated Special Funds for the buildings known as the Kent County Courthouse, Family Court Building, Sussex County Courthouse, Sussex County Chancery Court, Absolom Jones/Belvedere State Service Center and New Castle County Courthouse. The retained portion must be deposited as per state laws and shall be disbursed per Section 1 of this Act.

Section 90. Section 1 of this Act makes an appropriation of $75.0 ASF in Personnel, $795.2 ASF in Contractual Services, $71.1 ASF in Supplies and Materials and $524.7 ASF in Energy to the Office of Management and Budget, Facilities Management (10-02-50) for maintenance costs associated with the state-wide operations of Division of Motor Vehicles, the Transportation Mobile Center and the DelDOT Administration Building. The Department of Transportation shall remit $733.0 to the Office of Management and Budget on July 15 and January 15th of each fiscal year to cover the operational costs associated with maintaining these facilities. In addition, the Office of Management and Budget shall be responsible for the reconciliation of the account with the Department of Transportation.

Section 91. For energy backcharge purposes, the Office of Management and Budget, Facilities Management (host department) current fiscal year Energy Budget assumes that Motor Fuel Tax uses ten percent of the Public Safety Building, for which energy payment is the responsibility of the host department. The Department of Transportation is responsible for paying the Motor Fuel Tax portion of the energy bills upon request for payment by the host department.

Section 92. Notwithstanding the provisions of 29 Del. C. § 5117, state agencies may pay for employee parking in the Government Center Parking Garage as long as such payments are continuances of payments made prior to May 31, 1998. Such payments shall cease when the employee leaves the positions he or she occupied prior to May 31, 1998.

Section 93. The Delaware Economic Development Office, Economic Development Authority (10-03-03) will continue to use revenue from the Blue Collar Training Fund for the Workforce Development Grant. Funding for this grant shall be maintained at current levels.

Section 94. Section 1 of this Act appropriates $1,784.3 ASF to the Delaware Tourism Office. Of this amount, $449.0 shall be allocated to "Other Items" as designated in Section 1 of this Act and payable by the Delaware Tourism Office in quarterly allotments. The first installment shall be paid by September 30 of each fiscal year or as otherwise approved by the Director of the Office of Management and Budget and the Controller General.

Section 95. Notwithstanding the provisions of any other law, for the fiscal year ending June 30, 2010 interest earnings of the Delaware Strategic Fund as provided for in 29 Del. C. § 5027, shall to the extent of such interest earnings, be used in the following order and manner, not to exceed the amounts so noted:

(i) The first $445.9 shall be used for the general operating expenses of the Delaware Economic Development Office, as determined by the Director of the Delaware Economic Development Office. Should interest earnings not be available by September 1, funding shall be made available directly from the Strategic Fund.

(ii) The second $400.0 shall be used for the general operating expenses of the Small Business Development Center. Should interest earnings not be available by December 31, 2009, the Center

shall receive funding directly from the Strategic Fund for said expenses and shall waive further interest earnings for that period.

(iii) The third $300.0 shall be used to continue the Delaware Business Marketing Program within the Delaware Economic Development Authority (10-03-03). Should interest earnings not be available by September 1, funding shall be made directly from the Strategic Fund. It is the intent of the General Assembly that these funds shall be used for business marketing and recruitment. These funds may be used together with non-state contributions to the Delaware Business Marketing Program. However, in the event that non-state contributions are not available, or in the event such contributions are insufficient to fully access the resources of the Delaware Business Marketing Program, it is the intent of the General Assembly that the Delaware Business Marketing Program shall continue to fully operate using only the interest earnings on the Delaware Strategic Fund as provided for in 29 Del. C. § 5027.

In the event that non-state contributions are available, they may be made in cash or in-kind. Non-state cash contributions shall be deposited in a special fund for business marketing and recruitment purposes only. Non-state in-kind contributions shall be valued at their fair market value and documented by the Delaware Economic Development Authority in connection with the Delaware Business Marketing Program.

When non-state contributions are used, expenditures of the program shall be divided between non-state contributions and state funds for any fiscal year's appropriations such that non-state contributions are not less than fifty percent of total expenditures. Of the fifty percent non-state contributions, up to twenty-five percent shall be cash contributions, and up to twenty-five percent shall be in-kind contributions. These funds shall not be used for hiring full-time employees. Allocations shall be made by the Director of the Delaware Economic Development Office with the approval of the Director of the Office of Management and Budget and the Controller General.

On or before April 1, 2010, the Director of the Delaware Economic Development Office shall provide to the Director of the Office of Management and Budget and the Controller General

a report on the Delaware Business Marketing Program. The report shall include an itemized list of all non-state cash and in-kind contributions received, total expenditures and an assessment of the program to date.

(iv) The fourth $150.0 shall be used to provide customized information technology training to small and medium-sized businesses through grants made by Delaware Technical and Community College I.T. Learning Center.

(v) Any remaining funds shall be used for the purposes of the Delaware Strategic Fund.

Section 96. Of the Appropriated Special Funds allocated to the Delaware Tourism Office (10-03-02) pursuant to 30 Del. C. § 6102(b) contained in Section 1 of this Act, $50.0 ASF shall be used to fund a grants program. Funds awarded shall not be used for overhead or personnel related costs by the recipient entities. The Delaware Tourism Office, in cooperation with the Tourism Advisory Board, shall develop rules and regulations for the application and award of the grants. Of the grant funds allocated to the Delaware Tourism Office, all recipients shall apply for funding through the grant process. If successful in securing a grant, any special appropriations will be reduced by same said amount. The distribution of funds through the grant application process ensures accountability including ROI, out of state distribution plans and clear contribution to the PAT. The Grant program is only to be funded in the event that PAT revenues provide adequate**.**

Section 97. Notwithstanding the provisions of 29 Del. C. §6102, any Public Accommodations Tax revenue collected in Fiscal Year 2010 in excess of the $1,784.3 ASF appropriated in Section 1 of this Act to the Delaware Tourism Office (10-03-02) shall be deposited to the General Fund.

Section 98. Section 1 of this Act authorizes ASF positions and funding to the Delaware Tourism Office (10-03-02). Should said ASF authorization prove inadequate to support the authorized positions as contained in Section 1 at any time during Fiscal Year 2010, the Director of the Office of Management and Budget and Controller General are hereby authorized to transfer sufficient funding from any other source to Tourism's Personnel Cost line.

Section 99. Of the Appropriated Special Funds allocated to the Delaware Tourism Office (10-03-02) pursuant to 30 Del. C. § 6102 (b) contained in Section 1 of this Act, $125.0 is authorized for the Kalmar Nyckel. During the period beginning July 1, 2009, and ending on June 30, 2010, the State of Delaware, through the

Delaware Tourism Office, and the Riverfront Development Corporation, shall be entitled to charter the Kalmar Nyckel. Said use is to include docked guest entertaining privileges and /or day sails at no cost for as many State of Delaware guests as is consistent with Kalmar Nyckel safety policies. Scheduling for State and Riverfront Development Corporation use of the Kalmar Nyckel shall be at mutually agreeable times and locations to the Kalmar Nyckel, the Delaware Tourism Office on behalf of the State of Delaware and the Riverfront Development Corporation.

Section 100. The Kalmar Nyckel Foundation shall provide to the Office of Management and Budget and the Controller General's Office quarterly financial reports detailing year to date expenditures and revenues as well projected expenditures and revenues for the remainder of the fiscal year. Such reports shall be due October 1, January 1, March 1, and June 30 of each fiscal year.

Section 101. Section 1 of this Act appropriates funding for a 1.0 FTE Senior Secretary in Criminal Justice Council (10-07-01) to be used as dedicated secretarial support for the Executive Director of the Domestic Violence Coordinating Council. This position shall be an exempt position and shall be excluded from classified service as defined under 29 Del. C. § 5903.

Section 102. (a) Section 1 of this Act includes non-appropriated special fund positions funded through grants administered by the Criminal Justice Council (10-07-01). Further, the Delaware State Clearinghouse Committee may, during the fiscal year, approve additional non-appropriated special fund positions supported by Criminal Justice Council administered grants. By virtue of said positions being included in the Annual Appropriations Act and/or approved by the Clearinghouse Committee does not guarantee future state funding upon expiration of federal grants supporting the positions. Any requests for state funding for said positions shall be prioritized by the affected department in its budget request for Fiscal Year 2011.

(b) The Criminal Justice Council shall submit a report to the Director of the Office of Management and Budget and the Controller General on May 1 of each year. This report shall forecast to the extent possible the number of federal grants and position requests that may be presented as requests to the Delaware State Clearinghouse Committee during the course of the upcoming fiscal year.

(c) Section 1 of this Act includes non-appropriated special fund positions funded through grants administered by the Criminal Justice Council. Any said positions with funding set to expire during this fiscal year shall continue to be funded through June 30, 2010.

Section 103. Section 1 of this Act authorizes the Delaware Justice Information System (10-07-02) to spend up to $260.0 in Appropriated Special Funds. Notwithstanding any provision of the Delaware Code or this Act to the contrary, DELJIS is authorized to utilize these funds to undertake expenditures relating to operational costs.

Section 104. There is hereby established the Delaware Sentencing Research and Evaluation Committee. The committee shall be a permanent committee, and shall consist of the incumbent members of the SENTAC Research Committee. The Office of Management and Budget and the Controller General shall be notified of Committee meetings and a representative of each invited to attend and participate in all such meetings. The committee chair or his or her designee will serve as committee liaison to SENTAC, and will present all findings and reports to SENTAC in a timely fashion for their review and comment.

The Delaware Sentencing Research and Evaluation Committee shall recommend a plan annually to the Joint Finance Committee for the purpose of sustaining the comprehensive study of Delaware's Criminal Justice System begun by the SENTAC Research Committee. The committee will report regularly to the Joint Finance Committee on analysis, research, and evaluation findings, and will recommend system improvements based on these findings.

The Statistical Analysis Center will provide support for the research plan as directed by the committee and approved by the Office of Management and Budget. The Statistical Analysis Center is authorized at any time to contract employees on behalf of the committee as funds become available, as directed by the committee and approved by the Office of Management and Budget. Notwithstanding the provisions of 29 Del. C. § 69, the committee is authorized to seek and receive public and private funds and to enter into contracts as necessary to fulfill its mission.

The committee chairman shall have the right to appoint other committee members as he sees fit. The committee will have the right to seek input from executive agencies and courts in order to fulfill its mission, and all agencies shall provide relevant data, information, representation and additional support as requested.

Section 105. It is the intent of the General Assembly for the Director of the Office of Management and Budget to transfer funds to the Statistical Analysis Center (10-02-08) to support comprehensive research initiatives for the Delaware Sentencing Research and Evaluation Committee (DSREC) pending the receipt of federal funding for such purpose. Should federal funding not be received, the Office of Management and Budget shall continue to support DSREC in an amount not to exceed $40.0.

Section 106. (a) Section 1 of this Act includes an Appropriated Special Fund appropriation within Delaware State Housing Authority (10-08-01). Of these funds, $25.0 shall be used to extend the contractual administration for the Neighborhood Assistance Tax Credit Act (Senate Bill 248) of the 140th General Assembly through the fiscal year ending June 30, 2010. The Neighborhood Assistance Tax Credit Program is intended to foster business investment in low-income communities through financial support to neighborhoods as well as job training, education, crime prevention and community services.

(b) The Delaware State Housing Authority shall submit an annual report to the Director of the Office of Management and Budget and the Controller General by May 1 of each year, which will include but not be limited to a synopsis of the tax credit program, a detailed list of expenditures and a list of projects that have received tax credit awards.

TECHNOLOGY AND INFORMATION

Section 107. The Chief Information Officer shall not make any changes to the department's compensation plan regarding any aspect of employee compensation without the approval of the Director of the Office of Management and Budget and Controller General. Further, sufficient funding within the department must be available for any change to be approved.

Section 108. Section 1 of this Act includes 12.0 FTEs in the Department of Technology and Information (11-00-00) to address the utilization of existing positions for the ERP project. During the course of the fiscal year, the department shall continue to provide level of staff support previously agreed upon by the Executive Sponsors to ensure the continuation of this project without disruption.

Section 109. The state government of Delaware, recognizing the inherent value in implementing common standards, has chosen Microsoft as its statewide network platform and messaging system. In an effort to establish a single, common electronic messaging platform throughout the State, no state agency/department shall migrate, change or switch to an alternative messaging platform without the express written consent of the Chief Information Officer, Director of the Office of Management and Budget and Controller General. Any agency seeking exemption from this requirement must submit a request to the Chief Information Officer clearly stating the reasons why migrating to an alternative platform is necessary and/or desirable.

Section 110. (a) The Department of Technology and Information (11-00-00) shall receive a lump sum appropriation calculated as a fixed percentage of all salaries as appropriated to the Department in Section 1 of this Act. The lump sum amount shall be the product of the general salary increase in Section 8 of this Act and Personnel Costs lines less non-salary-driven Other Employment Costs components. Overtime and casual/seasonal components of the Personnel Costs lines shall not be part of the calculation. The resultant lump sum amount may be distributed to employees as determined by the Chief Information Officer. However, in no case shall individually awarded increases exceed ten percent of an individual's base salary, nor shall the aggregate amount awarded exceed the product of the calculation as described above. Further, in no case shall individually awarded amounts be given retroactively.

(b) Pursuant to Section 8, Department of Technology and Information salaries shall be reduced by 2.5% for each employee and subsection (a) of this section shall become null and void.

Section 111. Section 1 of this Act includes 8.0 FTEs in the Department of Technology and Information (11-00-00) to create financial efficiencies through the conversion of eight long-term contractors. The department may continue to fund the existing contractors until said positions are filled, at which time these services shall no longer be supported through contractual arrangements.

OTHER ELECTIVE

Section 112. Section 1 of this Act reflects for the Auditor of Accounts (12-02-01) sufficient state-match funding for federally-mandated audit services. If, during the first three months of any fiscal year, the State Auditor should experience a cash flow deficit in fulfillment of federal audit responsibilities, the Director of the Office of Management and Budget, upon the request of the State Auditor, shall attempt to advance sufficient funding from the Indirect Cost Account.

Section 113. For the purpose of the audits contracted by the Auditor of Accounts, agencies will be responsible for the cost of the audit written into the signed contract, if the agency was consulted and agreed to the costs prior to the contract being signed. Any overages billed by the contracted audit will be the responsibility of the Auditor of Accounts office unless the agency was made aware of the additional time needed for the audit and approved the time and the additional costs.

Section 114. Section 1 of this Act contains ASF position authorizations and associated appropriations for the Bureau of Examination, Rehabilitation and Guaranty, Insurance Commissioner (12-03-02). Said authorizations and appropriations include an authorization for 1.0 Director of Administration and 1.0 Arbitration Secretary, both of which shall be exempt.

Section 115. Section 1 of this Act provides an ASF appropriation of $3,504.1 to the State Treasurer, Administration (12-05-01), Cash Management Policy Board, authorized by 29 Del. C. c. 27, for the purpose of providing staff support and operational expenses, including payment of fees for banking services. The $3,504.1 in interest income on bank deposits shall be coded as special fund revenue to provide funds for operation of the Cash Management Policy Board.

Section 116. Section 1 of this Act establishes a special fund appropriation entitled Electronic Data Interchange, State Treasurer, Administration (12-05-01) Cash Management Policy Board to support the Electronic Data Interchange/Electronic Funds Transfer initiative. Use of these funds shall be coordinated with and approved by the Chief Information Officer of the Department of Technology and Information and the Secretary of Finance.

Section 117. The State Treasurer's Office shall develop a rate for the purpose of recovering costs associated with the state's acceptance of funds through the use of credit, debit and purchasing cards. Cost

recoverable activities shall include online transactions as well as traditional card transactions. The initial rate and periodic necessary adjustments to the rate shall be approved by the Office of Management and Budget. The Treasurer's Office may initiate an automated revenue reduction process, equal to the approved rate, for all cash receipts received by the aforementioned methods. The Treasurer's Office shall provide the agency with a statement of total revenue or payment, less transaction costs and net revenue. In lieu of an automated revenue reduction process the Treasurer's Office may invoice a state agency for necessary reimbursement. The use of these recovered funds shall be for the sole purpose of payment of Merchant Services fees.

Section 118. The State Treasurer's Office, with the assistance of the Department of Technology and Information and the Delaware Government Information Center, where appropriate, shall evaluate and approve the payment component of all new web-based technology initiatives involving the electronic remittance of funds to the state. Specifically, those projects promoting the use of online credit card payment, online debit card payment, Automated Clearing House payments, "e-checks" and other forms of electronic funds transfer shall be subject to this joint review and approval process. For those agencies that already use online credit card payment, online debit card payment, Automated Clearing House payment, "e-check" or other forms of electronic funds transfer, those agencies shall be exempt from this requirement unless and until such time as their current electronic payment component must undergo any type of upgrade or the contract is due to expire at which point the agency shall investigate the feasibility of implementing the state's designated payment component. A standard evaluation form will be designed by the State Treasurer's Office with the assistance of the Department of Technology and Information and the Government Information Center, where appropriate, and approved by the Office of Management and Budget.

Section 119. In accordance with 29 Del. C. c. 27, the Office of Management and Budget, Controller General's Office, Department of Technology and Information and State Treasurer, may approve pilot projects for the purpose of electronically transmitting remittance advices to those employees or contractors receiving payments via direct deposit and electronic funds transfer. Agencies, including school districts and higher education, shall submit their request and documentation of cost savings in accordance with the guidelines established by the Office of the State Treasurer. Pilot projects shall be approved for a period of no more than

two years, at which time agencies shall report the status of the project and cost savings to the General Assembly, State Treasurer and the Director of the Office of Management and Budget.

LEGAL

Section 120. (a) Section 1 of this Act authorizes an appropriation for Contractual Services for the Office of Attorney General (15-01-01). Of this amount, $805.0 shall be used for the purpose of providing services covering family violence in New Castle County, and $611.6 shall be used for the purpose of providing services covering family violence in Kent and Sussex counties.

(b) It is the intent of the General Assembly and the Administration to support Family Violence Prevention programs operated by Child, Inc. and People's Place II, Inc. Should federal funding not be approved to sustain Fiscal Year 2010 reductions, the Director of the Office of Management and Budget and the Controller General are hereby authorized to transfer funds to the Office of Attorney General (15-01-01) for the purpose of covering family violence programs.

Section 121. Of the total Deputy Attorneys General authorized in Section 1 of this Act to the Office of Attorney General (15-01-01):

(a) 2.0 FTEs Deputy Attorneys General shall be assigned to Family Court for service in Kent and Sussex counties. 2.0 FTEs additional Deputy Attorneys General shall be assigned to Family Court in Kent and Sussex counties for the purpose of prosecuting juvenile misdemeanor cases;

(b) 1.0 ASF FTE Deputy Attorney General shall be assigned to Family Court to be used to increase the existing staff assigned to prosecute child support cases;

(c) 2.0 NSF FTEs Deputy Attorneys General shall be assigned to Family Court to enhance prosecution of domestic violence cases;

(d) 1.0 FTE Deputy Attorney General shall be exclusively dedicated to Labor Law Enforcement in the Department of Labor, Division of Industrial Affairs, Office of Workers' Compensation, Safety and Health (60-07-01). The cost of this employee and all expenses associated with his/her employment shall be included in the annual tally pursuant to 19 Del. C. § 2392(c)(1) and the semi-annual administrative assessment per Subsection 2392(d) of the same Title;

(e) 0.5 FTE Deputy Attorney General shall be assigned to the Child Placement Review Board;

(f) 3.0 FTEs Deputy Attorneys General shall be assigned to provide legal representation as required to the Department of Correction;

(g) 2.0 FTEs Deputy Attorneys General shall be assigned to the Domestic Violence Units serving Kent and Sussex counties; 2.0 GF Administrative Assistants shall also be assigned to these units;

(h) 1.0 FTE Deputy Attorney General shall be devoted exclusively to the handling of the Office of Management and Budget and other related personnel issues and is not intended to supplant existing Deputy Attorneys General assignments in this area;

(i) The Attorney General shall provide legal assistance/representation as needed for the implementation of 6 Del. C. c. 46 (Delaware Fair Housing Act) until funds in the "Special Administration Fund" are sufficiently available;

(j) 1.0 ASF FTE Deputy Attorney General shall be assigned to the State Lottery Office to assist the State Lottery Director in the implementation of 69 Del. Laws, c. 446;

(k) 1.0 FTE Deputy Attorney General shall be assigned to provide legal services to the Delaware Economic Development Office;

(l) 1.0 ASF FTE Deputy Attorney General shall be assigned to provide legal representation to the boards and commissions under the Department of State, Regulation and Licensing, Professional Regulation. A second split-funded (0.5 GF and 0.5 ASF) Deputy Attorney General shall be assigned to provide additional contract review, general legal services and legal counsel as needed for the Department of State, Regulation and Licensing, Professional Regulation;

(m) 1.0 split-funded (0.5 NSF FTE and 0.5 FTE) Deputy Attorney General, 1.0 ASF FTE Deputy Attorney General and 3.0 NSF FTEs Deputy Attorneys General (one for each county) shall be assigned to the Department of Services for Children, Youth and Their Families, Family Services to work on termination of parental rights, pursuit of custody and adoption cases and to provide other legal advice and appearances related to the work done by this division;

(n) 1.0 FTE support staff position shall be assigned to the Family Division in Kent and Sussex counties to expedite casing processing in Family Court;

(o) 4.0 split-funded (1.0 and 3.0 NSF) FTEs, 1.0 Deputy Attorney General, 2.0 Investigators and 1.0 Secretary shall be assigned to the Medicaid Fraud Unit to be used for investigating incidents of abuse and neglect in Delaware nursing homes;

(p) 1.0 ASF FTE Deputy Attorney General shall be assigned to the Department of Services for Children, Youth and Their Families, Family Services to work on termination of parental rights, pursuit of custody and adoption cases and to provide other legal advice and appearances related to the work done by this division. Such work shall specifically include thoroughly preparing termination and temporary custody cases, in concert with division investigators and their supervisors, sufficiently before trial so as to ensure these cases are presented properly and effectively;

(q) .5 ASF FTE Deputy Attorney General shall be assigned to the Drug Unit to handle forfeiture cases statewide. Said Deputy Attorney General position shall be funded from assets and/or proceeds from the disposition of seized property resulting from forfeitures;

(r) 1.0 ASF FTE Deputy Attorney General and 2.0 ASF support staff shall be assigned to handle personal injury litigation involving state-owned vehicles;

(s) .5 ASF FTE split-funded Deputy Attorney General shall be assigned to the Department of Agriculture. This position shall be assigned to work on issues related to the Thoroughbred Racing Commission and Harness Racing Commission, and shall be funded by Appropriated Special Funds; and

(t) 1.0 FTE Deputy Attorney General shall be assigned to the Delaware State Police.

(u) Section 1 of this Act appropriates 2.0 ASF positions (one Deputy Attorney General and one Paralegal) relating to the tobacco settlement in an effort to supplement and enhance the ongoing aggressive enforcement efforts of the Office of the Attorney General of Delaware's tobacco laws pertaining to youth access and to enforce the Master Settlement Agreement in an effort to prevent the loss of settlement dollars.

(v) The Attorney General shall submit a semi-annual report to the Director of the Office of Management and Budget and Controller General that details the number of Deputy Attorney General FTEs, the source of their funding and the divisions to which they are assigned. These reports are due on November 30 and May 15 of each fiscal year.

Section 122. Section 1 of this Act appropriates Personnel Costs and 22.0 split-funded FTEs (66 percent ASF and 34 percent GF) to the Office of the Attorney General (15-01-01) to support the Child Support Enforcement function. The Child Support Enforcement function in the Attorney General's Office will operate on a reimbursement basis, wherein the State makes the initial expenditures and is reimbursed from federal funds

controlled by the Department of Health and Social Services. The reimbursement rate for operations will be 66 percent of total direct costs; the reimbursement rate for indirect costs will be 39.57 percent of federal dollars spent on direct salary costs.

Notwithstanding the provisions of 29 Del. C. § 6404(h)(1)(2), the Attorney General's Office shall be allowed to retain the federal reimbursement of direct costs in an Appropriated Special Funds account to pay the Appropriated Special Funds share of operating expenses associated with the Child Support function.

The Attorney General's Office shall also be allowed to retain up to a maximum of $30.0 of the departmental portion of indirect cost recoveries for this function to support the agency's overhead and $16.3 to be applied to the state's share for four clerical positions. The statewide portion of indirect cost recoveries will be deposited into the indirect cost account in the Office of Management and Budget. The remainder of the indirect cost recoveries and any unused portion of indirect cost funds in the Attorney General's Office will be deposited into a separate account and retained to support the General Fund portion of the budget for this function in subsequent years.

Adjustments to Appropriated Special Fund spending authority for the Office of the Attorney General may be made upon the concurrence and approval of the Director of the Office of Management and Budget and the Controller General.

Section 123. Section 1 of this Act includes Personnel Costs and 1.0 ASF FTE Administrative Specialist II (BP #8131) in the Office of the Attorney General (15-01-01). In order to provide funding for this position, the Department of Natural Resources and Environmental Control (40-00-00) shall allocate monies to the Office of the Attorney General by July 15 of each fiscal year.

Section 124. Section 1 of this Act includes Personnel Costs in Consumer Protection and 3.0 ASF FTEs in the Office of the Attorney General (15-01-01) for activities associated with the regulation of credit counseling and debt management companies as authorized in 6 Del. C. c. 24A, the Delaware Uniform Debt-Management Services Act.

Section 125. Section 1 of this Act appropriates Personnel Costs and 2.0 ASF FTEs to the Office of Attorney General (15-01-01) to support the Delaware Drug Nuisance and Social Vices Abatement Act.

Implementation of this section is contingent upon the passage of legislation to establish a Civil Enforcement Fund.

Section 126. Section 1 of this Act appropriates Personnel Costs and .5 ASF FTE State Detective (BP#1247) to support the issuance of licenses to carry a concealed deadly weapon. Implementation of this section is contingent upon the passage of House Bill 258 or similar legislation to increase application fees to carry a concealed deadly weapon.

STATE

Section 127. (a) Section 1 of this Act includes Personnel Costs and 3.0 FTEs (BP# 65750, 927 and 9322), $2.0 in Supplies and Materials, $60.0 in Contractual Services, $192.5 in International Trade, $120.0 in World Trade Center, and $10.0 in Italian/American Commission in the Department of State, Administration (20-01-01). The affected employees will remain exempt from classified service in accordance with 29 Del. C. § 5903, and will retain current compensation levels in addition to enacted salary policy.

(b) The appropriations in subsection (a) support the International Development Group which shall be the primary entity for the State related to all international trade matters including: export and import assistance to Delaware citizens and businesses; international trade missions; coordination with other state agencies, departments, international organizations, international commissions and councils.

(c) The International Trade Group shall be designated as the primary contact for the State regarding all international trade matters with the business community; U.S. federal agencies; regional, national and international organizations; foreign governments; and other domestic and international trade organizations world-wide.

(d) The International Development Group shall be responsible to host, arrange and coordinate the schedule for international trade delegations and foreign government officials visiting the State.

Section 128. Section 1 of this Act appropriates $15.0 ASF in the line item Historical Marker Maintenance to the Department of State, Delaware Public Archives (20-03-01). Of this amount, $10.0 ASF shall be used for replacement, repair and refurbishing of historical markers.

Section 129. Section 1 of this Act provides an appropriation to the Department of State, Office of the Secretary, Delaware Commission on Veteran's Affairs (20-01-02) for Contractual Services. Of that amount, $49.9 shall be used to provide mental health services for veterans in Kent and Sussex counties.

Section 130. (a) Section 1 of this Act establishes a special fund appropriation entitled Technology Infrastructure Fund, in the Division of Corporations (20-05-01). All revenues derived as a result of 8 Del. C. § 391(h)(1), 6 Del. C. § 15-1207(b)(1), 6 Del. C. § 17-1107(b)(1), 6 Del. C. § 18-1105(b)(1), and 12 Del. C § 3813(b)(1) up to $1.8 million ASF will be deposited into this fund to be used

for technological and infrastructure enhancements, ongoing maintenance, operational expenses for Corporations, electronic government information projects, and library initiatives. Quarterly reports regarding the status of this fund shall be made by the Department of State to the Director of the Office of Management and Budget and the Controller General.

(b) Of the amount appropriated in Section 1 of this Act, up to $500.0 may be allocated for matching grants pursuant to the Delaware Public Library Technology Assistance Act (29 Del. C. c. 66B) for the purposes of implementing a 3-year replacement cycle for public access hardware and software in Delaware's public libraries or, if funds are remaining, for other hardware, peripherals and software used to support local library services. An additional $100.0 may be provided to the Division of Libraries for other library technology initiatives.

Section 131. Section 1 of this Act provides an appropriation to the Department of State, Delaware Public Archives (20-03-01) for the Delaware Heritage Office. Of that amount, $15.0 shall be used at the discretion of the Delaware Heritage Office for scholar awards, challenge grants and publications.

Section 132. Section 1 of this Act contains an Appropriated Special Fund authorization for Contractual Services in the Division of Corporations (20-05-01). Of this amount, up to $200.0 may be transferred to a captive insurance regulatory and supervisory fund in the Insurance Commissioner's Office.

Section 133. The Delaware Heritage Office shall investigate which out of print books and writings on Delaware history should be considered for republication. Further, the Delaware Heritage Office shall investigate which writings in these categories would be valuable for republication. A report shall be made to the Controller General and Director of the Office of Management and Budget by December 1 of each fiscal year.

Section 134. Notwithstanding the provisions of 29 Del. C. § 6102(a) and 5 Del. C. § 1106, the Office of the State Banking Commissioner is authorized to retain $150.0 of the Bank Franchise Tax for costs associated with the collection and administration of the Bank Franchise Tax. Also, an additional $75.0 of the Bank Franchise Tax shall be used for costs associated with consumer education and information programs.

Section 135. Section 1 of this Act makes an appropriation to Libraries (20-08-01) in the amount of $2,608.7 GF and $1,760.8 ASF for Library Standards. Of that amount, Libraries may reserve up to $436.9 for planning and evaluation grants to determine each library's attainment of state and federal library standards. The

remaining funds shall be paid to libraries in two installments equal to 50 percent of the total amount allocated to that library, one installment upon signature of the contract and the second installment in January of the fiscal year. Funds granted to any library under the provisions of 29 Del. C. c. 66, if unspent at the end of the fiscal year shall not revert to the General Fund, but instead shall be held in an account for the benefit of the library from which the unspent funds came. These funds may be spent in subsequent years for purposes described in 29 Del. C. c. 66. The use of such carryover funds shall not be used as part of any subsequent years' formula payment.

Section 136. The Department of State shall establish the shift differential for Licensed Practical Nurses employed at the Delaware Veterans Home at 10 percent for 3-11 shifts on weekdays and 7-3 shifts on weekends. The shift differential shall be established at 15 percent for 11-7 shifts on weekdays and 3-11 shifts on weekends. The shift differential for the 11-7 weekend shifts shall be established at 20 percent. To the extent or where an employee is covered by a collective bargaining agreement pursuant to 19 Del. C. § 1311A, the terms and conditions of said agreement shall apply.

Section 137. The Department of State shall have the authority to fill vacant positions at the Delaware Veterans Home with qualified applicants for the Nursing Assistant, Certified Nursing Assistant, Active Treatment Facilitator, Licensed Practical Nurse, Registered Nurse, Physician, Dentist, and Psychiatrist classifications by agency recruitment efforts unless an eligibility list is required by federal law for that position.

Section 138. Section 1 of this Act appropriates Personnel Costs and 2.0 ASF FTEs in the Department of State, Regulation and Licensing, Professional Regulation (20-04-01) for the regulatory inspection of controlled substances. This function was reallocated from the Department of Health and Social Services, Public Health, Community Health (35-05-20) during Fiscal Year 2007. All revenue generated by the activities performed by, or on behalf of, the Division's Office of Controlled Substances, shall be deposited in an ASF account in the Division of Professional Regulation pursuant to 29 Del. C. § 8735 (c). These funds shall be used to fund all costs necessary to defray the expenses of the Office of Controlled Substances, up to the budget authority for any fiscal year or portion thereof.

Section 139. Any temporary shortfall in ASF revenue in implementing the Delaware Cultural Access Fund referenced in House Bill No. 262 may be supplemented by funds received by the Secretary of State through 29 Del. C. §2311.

FINANCE

Section 140. The Department of Finance, Office of the Secretary (25-01-01) is authorized during the fiscal year to maintain special funds with the State Treasurer for the acquisition of technology and payment of other costs incidental (including the hiring of seasonal employees) to the implementation and maintenance of computer systems at the Office of the Secretary or Revenue (25-06-01). Deposits to the special funds shall be from the collection of delinquent taxes and shall not exceed $1,500.0. Of this amount, $600.0 shall be used for the purpose of maintaining the State's mainframe computer system and Revenue's programs that reside thereon. Of the said $600.0, $130.0 shall be used to contract for system maintenance with the Department of Technology and Information.

Section 141. Revenue (25-06-01) is authorized to establish and maintain a special fund with the State Treasurer for the purpose of contracting and/or employing personnel for the collection of delinquent State taxes and other debts that Revenue has undertaken to collect. The contracts and/or personnel may provide for 1) collection or assistance in collection of delinquent accounts from businesses or persons; and/or 2) audit of business and personal taxables under the direct supervision of Revenue management; and/or 3) audit of physical inventory of alcoholic beverage wholesalers. Deposits to the special fund shall be from the collection of delinquent taxes. A detailed report on all expenditures from and collections to this special fund shall be sent annually to the Director of the Office of Management and Budget and the Controller General. Unencumbered balances on June 30 in excess of $275.0 shall revert to the General Fund.

Section 142. The Director of Revenue shall have the authority to accept, on whatever terms and conditions he/she may establish, payment by credit card of taxes, fees and other obligations that Revenue has undertaken to collect. The Director is authorized to enter into contracts for the processing of credit card payments and fees associated with such contracts. Up to $200.0 of the delinquent collections in the Appropriated Special Fund line may be used to pay for fees and expenses associated with the collection of taxes by credit cards.

Section 143. Notwithstanding the provisions of any other law, the Director of Revenue shall have the authority to enter into agreements according to which contingency and other fees are provided to finders of property to be escheated to the State or to other persons identifying abandoned property by means of audit or

otherwise. Notwithstanding the provisions of any other law, when the Director deems it to be appropriate, he/she may enter into escrow custodian or similar agreements for the purpose of protecting the state's interest in property to be escheated or fees payable pursuant to the aforesaid agreements. The Director may direct that payment for said fees or other costs incident to escheat of property under the aforesaid agreements, including litigation expenses incident to escheat administration, be made out of such money held in the escrow, custodian or other account established under this paragraph. Section 1 of this Act establishes an Appropriated Special Fund account, Escheat, from which charges relating to receiving and processing remittances and reports by holders, and claims by owners of abandoned property, as well as advertising and travel fees and associated costs may be paid and into which abandoned property remittances may, at the discretion of the Director, be deposited. Unencumbered balances on June 30 in excess of $150.0 shall revert to the General Fund. A semi-annual report of amounts in escrow or in custodian accounts shall be furnished to the Director of the Office of Management and Budget and the Controller General.

Section 144. There shall be established a special fund for the purpose of receiving the proceeds of liquidating stock acquired pursuant to 12 Del. C. c. 11 or liquidating investments described in this section. Such proceeds may at his discretion be invested and reinvested by the Secretary of Finance in issues of the United States Treasury or investments of comparable risk. The Secretary may at his/her discretion cause amounts in such special fund to be remitted to the General Fund of the State.

Section 145. (a) In the event that the State Lottery's amount of Contractual Services shall exceed the amount in Section 1 of this Act due to increased lottery ticket sales, the Appropriated Special Fund Budget in Section 1 of this Act may be amended by the Secretary of Finance, the Controller General and the Director of the Office of Management and Budget, provided that the total operating budget for this fiscal year shall not exceed 20 percent of gross sales as limited by 29 Del. C. § 4815(a).

(b) In the event that the State Lottery's amount of Contractual Services shall exceed the amount in Section 1 of this Act due to increased video lottery net proceeds, the Appropriated Special Funds in Section 1 of this Act may be amended by the Secretary of Finance, the Controller General and the Director of the Office of Management and Budget, subject to the limitations outlined in 29 Del. C. § 4815(b).

Section 146. Pursuant to 29 Del. C. § 4815(b)(2), funds from the State Lottery Fund shall be released to an appropriately established account within the Department of Health and Social Services, Substance Abuse and Mental Health (35-06-00) on or before the fifteenth day of each month, the amount of which shall be based on the results of video lottery operations conducted during the immediately preceding month.

Section 147. Pursuant to 29 Del. C. § 4805(b)(4), the State Lottery Office (25-07-01) is authorized to enter into an agreement with other state lotteries for participation in multi-jurisdictional, wide-area, progressive video lottery games. The State Lottery Office is authorized to contract with these other state lotteries for the procurement of services for implementation of multi-jurisdictional, wide-area, progressive video lottery games, and the provisions of 29 Del. C. c. 69 shall not apply.

Section 148. Notwithstanding any other provisions of 29 Del. C. c. 48 to the contrary, video lottery agents shall be required to reimburse the State Lottery Office (25-07-01) for the equipment costs and related fees associated with the installation of the ticket-in, ticket-out system for the video lottery machines.

HEALTH AND SOCIAL SERVICES

Section 149. Notwithstanding any other provisions of the Delaware Code, the Department of Health and Social Services shall have the authority to fill vacant positions with qualified applicants for the Certified Nursing Assistant, Active Treatment Facilitator, Activity Therapist, Licensed Practical Nurse, Registered Nurse, Physician, Dentist and Psychiatrist classifications by agency recruitment efforts unless an eligibility list is required by federal law for that position.

Section 150. Section 1 of this Act includes $25.0 ASF in the Department of Health and Social Services, Public Health, Delaware Hospital for the Chronically Ill (35-05-40) for Hospice. The division shall be allowed to collect and deposit funds into this account as a result of revenue generated from Hospice services being provided.

Section 151. (a) Results of investigations conducted by the Audit and Recovery Management Services concerning any and all public welfare programs administered by the Department of Health and Social Services that indicate possible error or fraud shall be transmitted to the Office of the Attorney General directly by the Secretary of the Department of Health and Social Services. The Office of the Attorney General shall prosecute those cases deemed actionable and return the rest to the Department of Health and Social Services for collection of overpayment. The Secretary of the Department of Health and Social Services shall file an annual report directly with the Director of the Office of Management and Budget and the Controller General.

(b) Section 1 of this Act provides an appropriation of $232.8 ASF in the Department of Health and Social Services, Administration, Management Services (35-01-20), Program Integrity for the operation of the Audit Recovery and Management Services (ARMS) unit. Revenue from ARMS collections related to Public Assistance programs shall fund this account. All revenue in excess of the Program Integrity's ASF authority shall be deposited as designated by 29 Del. C. § 6102.

Section 152. Section 1 of this Act appropriates $250.0 to the Delaware Health Care Commission (35-01-10) for the Uninsured Action Plan. It is the intent of the Administration and the General Assembly that these funds shall be used for the continuation of the services provided under the plan after all other available funds for this purpose have been exhausted. The Commission shall submit a report to the Director of the Office of

Management and Budget and the Controller General no later than October 15 of each fiscal year detailing the plan for the expenditure of these funds.

Section 153. (a) Section 1 of this Act appropriates $563.0 to the Delaware Institute of Dental Education and Research (DIDER) (35-01-10). This amount shall be allocated as follows:

Temple University School of Dentistry	$287.5
Temple University School of Dentistry-Financial Assistance	27.5
General Practice Residents Support	148.0
Loan Repayment Program	100.0

(b) In accordance with 16 Del. C. c. 99, the appropriation shall provide partial financial support for salaries and benefits for three general practice dental residents. The residents shall continue serving vulnerable populations at sites approved by the Delaware Health Care Commission and resume serving patients at the Delaware Psychiatric Center at such time as program requirements for residency training are met. The Commission shall submit a report to the Director of the Office and Management and Budget and Controller General by May 1 of each fiscal year outlining the expenditure of these funds.

(c) Of the allocation identified above, $100.0 shall be used to recruit and retain dentists and other practitioners eligible under the loan repayment program.

(d) $27.5 of the allocation identified above shall be used to provide financial assistance for the students attending the Temple University School of Dentistry.

(e) $287.5 of the allocation identified above shall be used to support eighteen dental slots at the Temple University School of Dentistry.

(f) Any loan or scholarship program developed by the DIDER Board shall be repaid under terms and conditions coordinated with the Delaware Higher Education Commission, who shall be responsible for monitoring and enforcement. In designing either a scholarship or loan program, the DIDER Board shall consider the need to assure that there is a continuing supply of dentists for Delaware. Scholarships, loans and loan repayment programs shall be approved by the Delaware Health Care Commission, the Director of the Office of Management and Budget and the Controller General**.**

Section 154. Section 1 of this Act appropriates $2,130.0 to the Delaware Institute of Medical Education and Research (DIMER) (35-01-10). This amount shall be allocated as follows:

Jefferson Medical College	$1,000.0
Philadelphia School of Osteopathic Medicine	250.0
University of Delaware	50.0
Christiana Care Health System	200.0
Scholarships/Loans	480.0
Loan Repayment	150.0

Any changes in this allocation must receive prior approval from the Director of the Office of Management and Budget and the Controller General.

Of the Scholarship/Loans allocation identified above, $400.0 is to be used to provide financial assistance for students attending the Jefferson Medical College and $80.0 is to be used for students attending Philadelphia College of Osteopathic Medicine. Any loan or scholarship program developed by the DIMER Board will be repaid under terms and conditions that will be coordinated with the Delaware Higher Education Commission, who shall be responsible for monitoring and enforcement. In designing either a scholarship or loan program, the DIMER Board will consider the need to assure that there is a continuing supply of physicians for Delaware. The loan repayment allocation of $150.0 shall be used to recruit physicians or other practitioners eligible under the loan repayment program and to recruit and retain practitioners in underserved areas of Delaware. Recruitment tools include, but are not limited to, loan repayment programs. Scholarships, loans and loan repayment programs will be approved by the Delaware Health Care Commission, the Director of the Office of Management and Budget and the Controller General.

Section 155. (a) Section 1 of this Act appropriates $2,858.9 in Administration, Management Services (35-01-20) under Early Intervention for the Part C Birth to Three Program. The Interagency Resource Management Committee (IRMC) shall consult and advise the lead agency in setting program eligibility standards and shall have the authority to allocate such funds, and may advise on the use of other funds specifically designated for this project. The IRMC shall also have the authority to maintain up to 37.5 FTEs and establish or contract for an additional 2.0 FTEs needed to provide appropriate services for Children Birth to Three, selected

through the early intervention process and to ensure coordination with the Program for Children with Disabilities. In addition, the IRMC may recommend the transfer of General Fund positions and/or General Fund dollars from the Department of Health and Social Services as necessary to operate this program.

(b) The Secretary of the Department of Health and Social Services shall ensure that under the Part C Birth to Three Program, no child will be denied services because of his/her parent's inability to pay. The following will be adhered to by the Department of Health and Social Services in developing Part C/vendor agreements: 1) vendors will agree to bill Third Party Insurance including Medicaid and clients; 2) client fees will be based on the DHSS scale developed by the Ability to Pay Committee and found in the department's policy Memorandum 37; and 3) those agencies who have sliding payment scales currently will be permitted to continue using them as long as those scales do not require a greater financial burden than that of the Department of Health and Social Services scale.

Section 156. Section 1 of this Act makes an appropriation the Department of Health and Social Services, Administration, Management Services (35-01-20) for the Early Intervention Program. Of that amount, $150.0 is appropriated to provide evaluation and direct services for children.

Section 157. The Department of Health and Social Services is authorized to contract with a cooperative Multi-State purchasing contract alliance for the procurement of pharmaceutical products, services and allied supplies. The provisions of 29 Del. C. c. 69 shall not apply to such contract. Prior to entering into any such contracts the department will obtain the approval of the Director of the Office of Management and Budget.

Section 158. (a) The amount appropriated by Section 1 of this Act to the Department of Health and Social Services for Title XIX Federal Programs Medicaid shall be expended solely in accordance with the following conditions and limitations:

(i) This appropriation shall be used for the purpose of continuing the program of medical assistance provided within the State Plan under Title XIX of the Social Security Act and the requirement of Section 121(a) of P.L. 89-97 and all subsequent amendments enacted by the Congress of the United States and commonly known as Title XIX of the Social Security Act;

(ii) The State Plan of medical care to be carried out by the Department of Health and Social Services shall meet the requirement for Federal Financial Participation under the aforementioned Title XIX.

(b) Funds appropriated by Section 1 of this Act for Title XIX Medicaid may be expended by the Department of Health and Social Services for covered direct client services as well as transportation and disease management. Funds may be expended for other administrative costs involved in carrying out the purpose of this Section if approved by the Director of the Office of Management and Budget.

(c) The funds hereby appropriated for Medicaid shall be expended only on condition that the program is approved and federal matching funds are provided by the appropriate federal agency except that funds may be expended to cover certain mental health services received by Medicaid eligible clients even though the federal government has terminated matching funds.

(d) The Department of Health and Social Services shall file a report to the Director of the Office of Management and Budget and Controller General of all services provided by the Medicaid appropriation. The report shall clearly identify any services that were changed, added or deleted during the current fiscal year. This report is due by May 15 of each fiscal year.

Section 159. Section 1 of this Act makes appropriations to the Department of Health and Social Services, Medicaid and Medical Assistance (35-02-01), for various programs that pay for health care. In the Medicaid program, federal regulations mandate that drug companies must provide rebates in order to participate in the program. The Division of Medicaid and Medical Assistance shall establish a drug rebate process for any prescription benefits provided to clients enrolled in the following non-Medicaid programs administered by the Department of Health and Social Services including but not limited to: the Delaware Healthy Children program, the Renal Disease program, the Cancer Treatment program, the Delaware Prescription Assistance program and the Legal Non-Citizen Health Care program. The division shall establish a rebate process that it determines is in the best interests of the citizens who are being served. The rebate amount shall be calculated using the full methodology prescribed by the federal government for the Medicaid program. In addition, the division is authorized to negotiate rebates with drug companies for both Medicaid and other programs. Notwithstanding any provisions of the Delaware Code to the contrary, the division shall deposit any drug rebate funds received as well as third party insurance collections (minus retention amounts) and other collections into the appropriate Medicaid and Medical Assistance program account and use them to meet program costs.

Section 1 of this Act also makes appropriations to other agencies of state government for health care programs that purchase drugs. Division of Medicaid and Medical Assistance shall work with other state agencies to develop a drug rebate process for these programs.

The Director of the Office of Management and Budget and the Secretary of Health and Social Services shall continue to analyze cost containment initiatives in the area of additional drug rebates for prescription drugs. The Director of the Office of Management and Budget and the Secretary of Health and Social Services shall confer with the Controller General and the co-chairs of the Joint Finance Committee.

Section 160. Amend Title 29, § 6102 of the Delaware Code by creating a new section (v) as follows:

"(v) Notwithstanding any other provision in law to the contrary, the Division of Medicaid and Medical Assistance shall be allowed to deposit the applicable state share of any drug rebate funds, drug settlement proceeds, including qui tam cases, third party collections and other collections related to the provision of health care (minus retention amounts specified in state or federal law), as well as any fines, restitution or punitive damages related thereto into the appropriate Medicaid and Medical Assistance account and use them to meet program costs."

Section 161. The Department of Health and Social Services is authorized to contract for the procurement of managed care services for the Delaware Medical Assistance Program. The provisions of 29 Del. C. c. 69 shall not apply to such contracts.

Section 162. Section 1 of this Act provides an appropriation to the Department of Health and Social Services, Medicaid and Medical Assistance (35-02-01) for Renal Disease.

Public Health (35-05-00) will provide the following support for the Chronic Renal Disease Program: 1) provide staff support for the Chronic Renal Disease Advisory Committee, including the maintenance of the committee membership and appointment system; 2) assist in developing programs and other public health initiatives designed to prevent chronic renal disease; and, 3) carry out educational programs for health professionals and the public to increase general knowledge of the prevention and treatment of chronic renal disease.

Medicaid and Medical Assistance will provide the following support for the Chronic Renal Disease Program: 1) develop standards for determining eligibility for services provided by the program, with the advice

of the Advisory Committee; 2) extend assistance to persons suffering from chronic renal disease who meet eligibility criteria; 3) periodically provide information to the Advisory Committee on services provided and expenditures for these services; and 4) coordinate benefits with the Medicare Part D program for non-state employee clients. Those clients not Medicaid eligible will receive the same level of services as in previous years.

Section 163. Section 1 of this Act includes 2.0 NSF FTEs in the Department of Health and Social Services, Social Services (35-07-01). These Medicaid Eligibility Specialist positions will be funded through voluntary contributions from medical facilities and from federal matching funds. These positions will expedite the Medicaid Eligibility application process for Medicaid clients, and will ensure that these clients apply for services through Medicaid, if appropriate, thereby maximizing federal revenues for the State of Delaware. Other medical facilities throughout the state may participate in this program.

Section 164. Notwithstanding any other provisions of the Delaware Code, the merit position Nursing Home Director I, Governor Bacon Health Center (BP #4554) shall become exempt at such time as the current incumbent vacates such position.

When this position becomes vacant, the Director of the Office of Management and Budget shall take the appropriate steps to carry out the provisions of this section.

Section 165. Section 1 of this Act includes an appropriation to the Department of Health and Social Services, Public Health, Director's Office/Support Services (35-05-10) for Contractual Services. Of that amount, $446.4 shall be used for the purpose of providing school nursing services five days a week to non-public schools in New Castle County and Kent County.

The Secretary of the Department of Health and Social Services will ensure that the contracts with the various schools in this program are executed no later than August 15 of each fiscal year. The Secretary will also ensure that timely payments are made to all contractors.

Section 166. Section 1 of this Act provides an appropriation to the Department of Health and Social Services, Public Health, Community Health (35-05-20), for Contractual Services. Of that amount, $77.3 shall be available for medicine, equipment and part time nursing services for a community-based adult health services clinic serving the Claymont area of New Castle County.

Section 167. Section 1 of this Act provides an appropriation of $40.0 to the Department of Health and Social Services, Public Health, Community Health (35-05-20) to provide vaccinations to individuals who are members of volunteer ambulance companies or volunteer fire companies acting as "first responders" in the State of Delaware. Public Health shall purchase vaccine and administer or contract vaccine at local fire stations or other sites mutually agreed upon by the fire companies and Public Health. No such vaccinations shall be furnished until after certification by the volunteer fire or ambulance company on a form provided by Public Health, indicating that the person for whom the vaccination is desired, is a member in good standing of a volunteer ambulance or volunteer fire company in the State of Delaware. A record of the names and addresses of all persons immunized shall be maintained by Public Health. To insure the success of this program, Public Health and representatives of the Delaware Volunteer Firemen's Association shall work collaboratively in the best interests of all parties. Public Health may promulgate reasonable rules and regulations regarding the vaccination of volunteer firemen and individuals who volunteer for ambulance companies. If resources allow, after the needs of the volunteer community have been met, similar assistance may be offered to other fire and ambulance companies such as the Wilmington City fire company. Such funds, as are necessary from this fund, may also be spent to provide any required post vaccination antibody testing in order to assure adequate protection has been achieved.

Section 168. Section 1 of this Act provides an appropriation for the Department of Health and Social Services, Public Health, Community Health (35-05-20) to provide Hepatitis B and other necessary childhood vaccinations for children between infancy and young adulthood who are uninsured, are not eligible for any Federal program providing the vaccination, and are otherwise medically indigent.

Section 169. Section 1 of this Act makes an appropriation of $75.0 ASF in Contractual Services from the Tobacco Settlement to the Department of Health and Social Services, Division of Public Health, Community Health (35-05-20) to implement a Hepatitis B Vaccination Program for Correctional Officers and Probation and Parole Officers within the Department of Correction. For the purpose of this program, Correctional Officers shall be defined as any employee within the Correctional Officer Series through Captain and Probation and Parole Officers shall be defined as Probation and Parole Officers I through Senior Probation and Parole Officers. Public Health shall purchase and administer the vaccine upon request. It is the intent of the General Assembly

that in Fiscal Year 2010 the Correctional Officers and Probation and Parole Officers with the most direct prisoner contact will receive the vaccination series and in subsequent years the remaining staff shall be vaccinated.

Section 170. The State desires to establish a permanent funding program for rodent control activities at the local level by providing the City of Wilmington $15.0; New Castle County $15.0; Kent County $10.0; and Sussex County $10.0. The Department of Health and Social Services, Public Health, Community Health (35-05-20) shall dispense these funds to local governments in lump sum payments to be made no later than September 1 of each fiscal year; establish program objectives and spending guidelines; require regular expenditure reporting to the State; and allow unexpended funds to carry over at the local level into the next fiscal year.

Section 171. Public Health, Community Health (35-05-20) will receive a portion of the Federal Medicaid reimbursement for services to Medicaid eligible students in School Based Health Centers. The division shall be allowed to collect and deposit up to $102.0 of the revenue into an ASF account entitled School Based Health Centers to support the cost of this initiative. Up to $600.0 of the remaining revenue will be deposited into an ASF account in Medicaid and Medical Assistance (35-02-01) and used for expenses associated with the normal operations of the Medicaid program. This amount may be increased subject to approval from the Director of the Office of Management and Budget and Controller General.

Section 172. Section 1 of this Act makes an appropriation to the Department of Health and Social Services, Public Health, Community Health (35-05-20) for supplies and materials. Of that appropriation, $10.0 is to be used to purchase chemical reference materials for the Office of Environmental Health Evaluation.

Section 173. (a) Section 1 of this Act provides funding for the Department of Health and Social Services, Public Health, Community Health, Office of Drinking Water (35-05-20) to administer the Drinking Water State Revolving Fund (DWSRF). This Fund consists of funding from the State Twenty First Century Fund and United States Environmental Protection Agency and includes appropriations for technical assistance and water operator training for drinking water systems in the State. The Environmental Training Center at the Delaware Technical and Community College and the Delaware Rural Water Association are the current providers of water operator training and drinking water system technical assistance in Delaware. Therefore,

available funding through the DWSRF for training and technical assistance shall be distributed appropriately to these agencies.

(b) Notwithstanding the provisions of this section, upon approval of the Director of the Office of Management and Budget and the Controller General, the Office of Drinking Water may administer a competitive Request for Proposal (RFP) process for drinking water system technical assistance, if other providers are available and cost savings exist.

Section 174. Section 1 of this Act appropriates funds to the Division of Public Health, Community Health (35-05-20) and to the Administrative Office of the Courts, Non-Judicial Services, Child Death, Near Death and Stillbirth Commission (02-18-06) for infant mortality. More specifically, the funds are to implement recommendations of the Infant Mortality Task Force. Included are $4,685.7 in the Infant Mortality Task Force and 3.0 FTEs in Community Health (35-05-20) and funding for Personnel Costs in the Infant Mortality Task Force in Child Death, Near Death and Stillbirth Commission (02-18-06). The Department of Health and Social Services shall submit an update on the spending plan for these funds to the Director of the Office of Management and Budget and Controller General no later than November 1 of each fiscal year.

Section 175. Section 1 of this Act makes an appropriation to the Department of Health and Social Services, Division of Public Health (35-05-20) for Contractual Services. Of that amount, $39.1 is appropriated to the Gift of Life Program to promote organ and tissue donation in the State of Delaware.

Section 176. Section 1 of this Act makes an appropriation to the Department of Health and Social Services, Division of Social Services (35-07-01) for Contractual Services. Of that amount, $101.6 is appropriated to support services for the Ministry of Caring House of Joseph II AIDS hospice.

Section 177. Section 1 of this Act makes an appropriation to the Department of Health and Social Services, Division of Public Health (35-05-30) for Contractual Services. Of that amount, $7.8 shall be used to support the Delaware Organ and Tissue Awareness Program.

Section 178. Amend 16 Del. C. § 9808(b) by deleting the sentence “Recertification training and testing costs for those paramedics employed under this Chapter shall be paid at state expense.”

Section 179. Of the funds derived from those State Lottery funds transferred to the Division of Substance Abuse and Mental Health Services of the Department of Health and Social Services pursuant to 29

Del. C. § 4815 (b)(2), $20.0 ASF shall be used by the Division to create and/or continue an Addiction Prevention Program in all Delaware highs schools on the subject of compulsive gambling. These funds shall provide, but not be limited to, the following:

1) a prevention education booklet to be given to every high school student in the State;
2) a teacher guideline instructional booklet to assist teachers to impart this information to students; and
3) on-site training to teachers on appropriate teaching methods.

Section 180. The Division of Substance Abuse and Mental Health (35-06-00) is encouraged, where appropriate, to reallocate resources so as to create a balanced system of services and treatment among the Delaware Psychiatric Center (35-06-30), community hospitals, and community-based residential placements for persons with mental illness. Such reallocation initiatives must be made within the total division's appropriation limit with the approval of the Director of the Office of Management and Budget and the Controller General. These reallocation initiatives shall not compromise the standard of care of the remaining Delaware Psychiatric Center population.

Section 181. Section 1 of this Act provides an appropriation of $1,000.0 ASF to the Department of Health and Social Services, Substance Abuse and Mental Health, Community Mental Health (35-06-20). Substance Abuse and Mental Health expects to generate additional retroactive revenue as a result of the Tax Equity and Fiscal Responsibility Act (TEFRA) rebasing of Medicare payment rates at Delaware Psychiatric Center. These funds shall be used to fund the rebasing project and support the Division of Substance Abuse and Mental Health programs, including but not limited to purchasing medicines for clients.

Section 182. Delaware Psychiatric Center maintains appropriation account 35-06-30-98-37 to receive reimbursement for providing a work study program for local nursing schools and for assigning residents to work in non-psychiatric services at area hospitals on a rotating basis, respectively. Notwithstanding the provisions of 29 Del. C. § 6102, the IPU shall be allowed to collect and expend the proceeds from the aforementioned account.

Section 183. The Merit Rules notwithstanding, Department of Health and Social Services employees designated as Psychiatrists, as well as the Chief Psychiatrist in the Delaware Psychiatric Center (35-06-30) shall be eligible for standby pay and call back pay.

Section 184. Section 1 of this Act provides an appropriation of $1,200.0 ASF to the Division of Social Services (35-07-01) for TANF Cash Assistance Pass Through. The division shall be allowed to collect and deposit funds into this account as a result of child support payments collected by the Division of Child Support Enforcement on behalf of TANF clients. These funds will be used by the DSS to make supplemental payments to clients who are eligible to retain a portion of their child support under State and Federal TANF budgeting rules.

Section 185. Section 1 of this Act provides an appropriation to the Department of Health and Social Services, Substance Abuse and Mental Health, Delaware Psychiatric Center (35-06-30), for Contractual Services. Of that amount, $41.2 shall be made available for a Direct Patient Care Intern Program to enable direct care professionals to take courses to increase their skills in specialty areas.

It is understood that participants in this program will provide clinical services with compensation to Delaware Psychiatric Center during the duration of their education. It is further understood that these individuals shall remain in the employ of Delaware Psychiatric Center for a minimum of one year after graduation or reimburse the State for any and all tuition received.

Section 186. Section 1 of this Act provides an appropriation to the Department of Health and Social Services, Social Services (35-07-00) for Contractual Services. Of that amount, $750.0 is for DCIS II system maintenance. Social Services shall have the authority to contract for positions needed to provide system maintenance. The division shall also have the authority, with approval from the Director of the Office of Management and Budget and Controller General, to transfer a portion of these funds to Personnel Costs and establish up to 2.1 General Fund positions and 1.8 NSF positions in order to support DCIS II system maintenance.

Section 187. Notwithstanding any provisions of the Delaware Code to the contrary, Social Services (35-07-01) is authorized to make such policy changes in the administration of the Temporary Assistance for Needy Families (TANF) and Child Care Development Block Grant programs as may be necessary to assure that Delaware will qualify for the full amount of its federal block grant entitlement and any American Recovery and Reinvestment Act (ARRA) funds. Any changes require the prior approval of the Director of the Office of Management and Budget and Controller General.

Section 188. Section 1 of this Act appropriates Personnel Costs and 39.7 FTEs to Visually Impaired (35-08-00). This section authorizes 1.0 FTE in addition to the 8.0 FTEs itinerant teachers available to meet caseload requirements for the Braille Literacy Act. This additional FTE may be filled if the current fiscal year September educational unit count indicates the number of teachers required to meet caseloads for visually impaired students is greater than the current fiscal year complement of teachers.

Section 189. Section 1 of this Act provides an appropriation to the Department of Health and Social Services, Visually Impaired (35-08-01) for Contractual Services. Of that amount, $15.9 shall be used to compensate correctional inmates for the purpose of producing Braille materials for visually impaired school children.

Section 190. Section 1 of this Act provides an appropriation of $2,459.8 ASF in the Department of Health and Social Services, Child Support Enforcement (35-10-00) for the operation of the division. Revenue from child support collections shall fund this account and the related 26.9 ASF FTEs. The department shall continue its efforts to maintain collections related to child support programs, and all revenue in excess of the division's ASF authority shall be deposited as designated by 29 Del. C. § 6102.

Section 191. Section 1 of this Act provides an appropriation to the Department of Health and Social Services, Division of Child Support Enforcement (35-10-00) for Contractual Services. Of that amount, $211.1 is for programming costs for the DACSES Redevelopment Project. Child Support Enforcement shall have the authority to contract for IT resources needed to augment existing programming staff for the duration of this project. At the project's conclusion, the division shall have the authority, with approval from the Director of the Office of Management and Budget and Controller General, to transfer these funds to Personnel Costs and establish up to 3.0 General Fund positions and 5.0 NSF positions in order to support DACSES system maintenance.

Section 192. The Division of Developmental Disabilities Services (35-11-00) will rebase, once every one to three years, its Inventory for Client and Agency Planning (ICAP) based rate setting system. This rebasing will be predicated on raising the direct care staff wage and mirroring elements in the model to keep pace with changing economic conditions on regional and national level that will ensure a livable wage for workers and provide continuity of care to individuals with developmental disabilities.

Section 193. Section 1 of this Act provides an appropriation to the Department of Health and Social Services, Developmental Disabilities Services, Stockley Center (35-11-20) for Contractual Services. Of that amount, up to $7.8 shall be available for services provided by Camp Barnes.

Section 194. Section 1 of this Act appropriates funding to the Developmental Disabilities Services, Community Services (35-11-30) for the Purchase of Community Services. Of this amount, $44.5 shall be used for the Mary Campbell Center.

Section 195. Developmental Disabilities Services (35-11-00) is encouraged, where appropriate, to reallocate resources so as to maximize community-based residential placements for persons with mental retardation. Such reallocation initiatives must be made within the total Division's appropriation limit with the approval of the Director of the Office of Management and Budget and the Controller General. These reallocation initiatives shall not compromise the standard of care of the remaining Stockley Center population.

Section 196. Section 1 of this Act makes an appropriation to the Department of Health and Social Services, Division of Developmental Disabilities (35-11-00) for Purchase of Care. Of that appropriation, $50.0 is appropriated to support individuals receiving respite care services at the Fiscal Year 2005 contract levels.

Section 197. Developmental Disabilities Services, Community Services (35-11-30) receives Medicaid reimbursement for the provision of day rehabilitation services provided in state operated day centers. Notwithstanding the provisions of 29 Del. C. § 6102, the division shall be allowed to collect and deposit the Medicaid reimbursement in an Appropriated Special Fund. Receipts in the account may be used to fund community residential, day program, respite and other related contracts currently funded out of the Purchase of Care and Purchase of Community Services lines.

Section 198. Section 1 of this Act provides an appropriation of $2,094.0 ASF to the Division of Developmental Disabilities Services, Community Services (35-11-30) for Purchase of Care. The division shall be allowed to collect and deposit funds into this account as a result of revenue from implementation of a sliding fee scale, Medicaid transportation reimbursements, patient payments and tenant fees and Medicaid receipts from state operated group homes and state operated apartments.

Section 199. (a) Section 1 of this Act for Department of Health and Social Services, State Service Centers, Family Support (35-12-10) includes 1.0 FTE (BP #3094) and Personnel Costs which support the

Delaware Helpline. Upon vacancy, this position shall be deleted and the corresponding funding shall be transferred to Contractual Services for the Delaware Helpline.

(b) Section 1 of this Act includes funding for Contractual Services for Department of Health and Social Services, State Service Centers, Family Support (35-12-10). Of this amount, $10.0 shall be used for the Delaware Helpline. Available funds designated for the Delaware Helpline may be distributed annually in a lump sum at the beginning of the contract year.

Section 200. Section 1 of this Act appropriates $3.0 in Contractual Services to the Department of Health and Social Services, Division of State Service Centers, Community Services (35-12-30). These funds are to be used to reimburse emergency shelters for housing homeless women in Kent County during Code Purple conditions. Code Purple is defined as nights when the temperature is 25 degrees or below or in emergency weather conditions such as an ice storm or a blizzard.

Section 201. Services for Aging and Adults with Physical Disabilities (35-14-00) will receive Medicaid reimbursement for the administration of community based services for the Aging and Adults with Physical Disabilities population. Notwithstanding the provisions of 29 Del. C. § 6102, the division shall be allowed to collect and deposit the Medicaid reimbursement in an Appropriated Special Fund account entitled "Community Based Services Reimbursement." Receipts in the account may be used to maintain existing services and provide additional services for adults with physical disabilities. Such services are not to exceed the estimated annualized revenue, and are subject to initial and on-going review by the Director of the Office of Management and Budget and the Controller General.

Section 202. Section 1 of this Act makes an appropriation to the Department of Health and Social Services, Division of Services for Aging and Adults with Physical Disabilities (35-14-00) for Respite Care. Of that appropriation, $110.0 is appropriated to support families provided respite care services through the Caregiver Program.

Section 203. Recognizing Delaware has an obligation to establish a rational long term care system to prevent expensive and premature institutionalization and to insure Delaware's senior and disabled population who are able to remain in their homes and community should receive services needed to remain as independent

as possible, it is the intent of the General Assembly that a Task Force on shall be formed to develop the following:

(1) A summary analysis of all existing studies on the subject of long term care housing needs for Delaware's Aging and Disabled population;

(2) An analysis of programs and innovations in other states that have maximized consumer choice in the selection of a setting in which to receive long-term care services and supports and their ability to be replicated in Delaware.

(3) An analysis of service needs required for individuals to receive long term care in their homes and community, including an analysis of the supply of organizations providing services and existing or anticipated gaps in services required for home or community living;

(4) An analysis and recommended actions the State of Delaware should consider to increase consumer options and ability to choose and to support long term care housing needs for individuals, including affordable and accessible housing and home and community based service required by individuals who desire to receive long term care services in home and community;

(5) An analysis of publicly subsidized and other affordable housing options in Delaware and their role in providing home and community based services to older people and people with disabilities;

(6) An analysis and recommended actions regarding projected demand for skilled nursing facility care; and

The Task Force shall be chaired by the chair, vice-chair, or other committee member designated by the chair of the House Joint Finance Committee, and, in addition to its chair, that the chair appoint the following Task Force members:

(1) one member of the House Health and Human Development Committee;

(2) one member of the Housing and Community Affairs Committee;

(3) Delaware's Long Term Care Ombudsman;

(4) one representative of the American Hospital Association;

(5) one representative of the Delaware Healthcare Facilities Association;

(6) one representative of AARP;

(7) one representative of Delaware's physical disabilities community;

(8) one representative from Delaware Medicaid's Money Follows the Person leadership team;

(9) one representative from the Division of Aging and Adults with Physical Disabilities;

(10) one representative from the University of Delaware's Center for applied Demography and Survey Research;

(11) one professor of aging from an accredited Delaware University;

(12) one representative from a Delaware Home Health Agency;

(13) one representative from the Delaware Aging Network;

(14) one representative from the Delaware Nursing Home Quality Residents Assurance Commission;

(15) one member from the United Way of Delaware; and

(16) staff support will be available through AARP.

The Task Force will report on its findings to the General Assembly no later than March 15, 2010.

Section 204. Section 1 of this Act appropriates funding and .5 ASF and .5 NSF position to the Department of Health and Social Services, Division of Aging and Adults with Physical Disabilities for a Home and Community-Based Services Ombudsman (HCBSO). This position will report directly to the State Long-Term Care Ombudsman and will serve as a principal point of contact for adult home and community-based consumers. The HCBSO will function as a mediator and facilitate conflict resolution relative to services for adults residing in home and community-based settings and/or receiving services from providers licensed to provide home and community-based services in the State of Delaware. In addition, the HCBSO will contribute to the development of state long-term care policy by means of sharing data, information, and funding from an array of home and community-based service system monitoring and related activities.

Section 205. Amend 16 Del. C. § 1141(k) by inserting the word "not" between "shall" and "be". Further amend 16 Del. C. § 1141(k) by deleting the last 2 sentences in its entirety.

Section 206. Amend 16 Del. C. § 1145(n) by inserting the word “not” between “shall” and “be”.

Further amend 16 Del. C. § 1145(n) by deleting the last 2 sentences in its entirety.

CHILDREN, YOUTH AND THEIR FAMILIES

Section 207. To maintain the accuracy of information regarding Delaware's juvenile justice system, specifically its institutions, Levels III, IV and V residential alternative programs and non-secure detention:

All juvenile related Statistical Analysis Center (SAC) (10-02-08) positions shall be located in Youth Rehabilitative Services (YRS) (37-05-00) with access to all appropriate computer systems. After July 1, 2009, the Director of the Office of Management and Budget and the Controller General shall transfer $51.7 in Personnel Costs; $1.6 in Travel; $3.0 in Contractual Services; $1.3 in Supplies and Materials; and $4.0 in Capital Outlay from the Office of the Secretary (37-01-10) to the Statistical Analysis Center (10-02-08).

Section 208. During the fiscal year, the Department of Services for Children, Youth and Their Families may develop proposals to enhance or develop services provided in the State of Delaware. These proposals shall include cost estimates that will demonstrate the cost effectiveness of the new or enhanced services. In the event that a new service would require additional state employees, the department may request new positions that will be funded by a structural change from existing appropriations within the department. Any new positions and funding changes must be approved by the Director of the Office of Management and Budget and the Controller General.

Section 209. Management Services (37-01-00) shall have 1.0 FTE exempt position in addition to those authorized by 29 Del. C. § 5903.

Section 210. Section 1 of this Act provides an appropriation of $588.5 and $284.3 ASF to the Department of Services for Children, Youth and Their Families, Child Mental Health Services (37-04-00). These funds shall be used to operate a Drug Court Program with Family Court. In addition, recovered Medicaid funds will be directed towards the Drug Court Program. Said funds are intended to serve 140 youth during this fiscal year, with a maximum of 70 youth at any one time.

Section 211. Funds which are appropriated for foster care of children in Section 1 of this Act in the Department of Services for Children, Youth and Their Families, Family Services (37-06-00), are made available with the goal of limiting the number of children who remain in foster care for more than two years. For the year beginning October 1, 2009, the goal will be 220 children. This goal statement is intended to satisfy the requirements of the Federal Adoption Assistance and Child Welfare Act (P.L. 96-272).

Section 212. (a) As a means of monitoring and continuing to improve the expenditure of casual/seasonal and overtime in Youth Rehabilitative Services, Secure Care (37-05-50), the Secretary of the Department of Services for Children, Youth and Their Families shall file a quarterly report with the Director of the Office of Management and Budget and the Controller General on casual/seasonal and overtime expenditures. The report shall include, but not be limited to, sick leave usage, vacancy rates, training and transportation costs at the Ferris School, New Castle County Detention Center and Stevenson House. The report should reflect all actions (including disciplinary) being taken to expeditiously correct the noted problem areas.

(b) The Department of Services for Children, Youth and Their Families shall report on a quarterly basis to the Controller General and Director of the Office of Management and Budget the status of the Stevenson House Facility in Milford. This report shall include, but not be limited to, staffing vacancies, total budgetary expenditures vs. appropriations, overtime, casual/seasonal expenditures, population statistics, facility condition and capacities, and incident reports.

Section 213. Section 1 of this Act provides $341.7 ASF to the Department of Services for Children, Youth and Their Families for the purpose of supporting the Young Criminal Offender Program located at the Department of Correction, Prisons, Howard R. Young Correctional Institution (38-04-06).

Section 214. Section 1 of this Act provides $113.3 ASF to the Department of Services for Children, Youth and Their Families for the purpose of supporting a Family Court Commissioner to assist in the Child Protection Registry appeal process as required pursuant to 16 Del. C. c. 9.

Section 215. (a) In addition to the positions authorized in Section 1 of this Act for Family Services, Intake/Investigation (37-06-30) and Intervention/Treatment (37-06-40), the Director of the Office of Management and Budget may authorize additional training positions for the purpose of training investigative and treatment workers.

(b) An additional 2.0 FTEs were authorized in Fiscal Year 2000 in Family Services, Office of the Director (37-06-10) for the purposes of training workers hired in accordance with 29 Del. C. § 9015 (d). As the need for the over-hire provisions and the associated training authority is reduced, the Director of the Office of Management and Budget and the Controller General may eliminate 2.0 positions through attrition.

Section 216. Section 1 of this Act provides an appropriation to the Department of Services for Children, Youth and Their Families, Family Services, Office of the Director (37-06-10) of $1,237.9 for Pass Throughs. It includes:

Police Athletic League – Wilmington	$ 78.2
Child Advocacy Center	$831.1
People's Place, Milford	$ 68.0
The Brandywine Program	$ 78.2
CHILD, Inc.	$182.4

The recipient of said funds shall provide a quarterly report to the Director of the Office and Management and Budget, Controller General, and the Department of Services for Children, Youth and Their Families. This report shall include, but not be limited to, the following: the number of clients served and/or treated, and a summary of expenditures of said funds.

Section 217. If the quarterly average daily population at the New Castle County Detention Center is below 114, the Director of the Office of Management and Budget and the Controller General may reduce the number of casual seasonal or full time positions through attrition.

Section 218. Notwithstanding the provisions of 29 Del. C. § 5916 (e)(3), staff who are employed by the Department of Services for Children, Youth and Their Families and are assigned to work in the Division of Youth Rehabilitative Services facilities shall continue to receive hazardous duty pay, subject to the approval of the Director of the Office of Management and Budget and the Controller General.

CORRECTION

Section 219. (a) Section 1 of this Act includes funding for relief positions in the Department of Correction, Administration, Human Resources/Employee Development Center (38-01-02). These positions shall be used primarily for training relief. The Department of Correction shall provide a quarterly report to the Director of the Office of Management and Budget and the Controller General detailing the non-training relief assignments of the staff training relief officers.

(b) In addition to the positions authorized in Section 1 of this Act for the Department of Correction, additional positions are authorized in Human Resources/Employee Development Center for the purpose of training classes. During the training sessions, up to 60 positions will be made available to accommodate the class being trained. Funding is authorized to seed the first-time use of 30 of these 60 positions. In order to utilize these positions after the first-time use, and to use the remaining 30 positions, the department will use salary savings realized throughout the year.

(c) In addition to the positions authorized in Section 1 of this Act for the Department of Correction, additional positions are authorized in Human Resources/Employee Development Center for the purpose of Probation and Parole Officer Basic Training classes. During the training sessions, up to 23 FTEs will be made available to accommodate the class being trained. No funding will be authorized for these 23 FTEs. In order to utilize these positions, the department will use salary savings realized throughout the year.

Section 220. Section 1 of this Act makes an appropriation to the Department of Correction, Correctional Healthcare Services, Medical Treatment and Services (38-02-01). Of the total appropriation, $25.0 shall be used for the purpose of inmate hospice care.

Section 221. The Department of Correction is authorized to contract for the procurement of health care services to the Department's incarcerated population. For Fiscal Year 2010, the provisions of 29 Del. C. c. 69 shall not apply to such contracts.

Section 222. The Department of Correction, Administration, Office of the Commissioner (38-01-01) shall provide a report to the members of the Joint Finance Committee, the Controller General and the Director of the Office of Management and Budget relating to bilingual medical services. For each institution, the report shall detail the number of bilingual staff maintained by the medical vendor and the number of inmates who

require communication in another language or for whom English is a second language. The semi-annual reports shall be due by the end of October and March.

Section 223. Section 1 of this Act appropriates $40.0 in Personnel Costs to the Department of Correction, Community Corrections, New Castle County Community Corrections (38-06-06) for the purpose of maintenance overtime costs at Riverview Cemetery. Implementation shall not commence until the City of Wilmington agrees to be financially responsible for tipping or hauling expenses associated with Riverview Cemetery.

Section 224. Section 1 of this Act provides an appropriation for the Prison Arts Program funded in the Department of Correction, Prisons, Bureau Chief - Prisons (38-04-01). Included in this appropriation is 1.0 FTE Correctional Arts Program Coordinator and Personnel Costs, and $23.1 for Operating Costs.

Section 225. Section 1 of this Act makes an appropriation to the Department of Correction, Prisons, Bureau Chief - Prisons (38-04-01), Contractual Services. Of this amount, $20.0 shall be used for the purpose of collecting DNA samples.

Section 226. Section 1 of this Act provides an appropriation for Personnel Costs to the Department of Correction, Prisons, James T. Vaughn Correctional Center (38-04-03). Included in this appropriation is 1.0 FTE and Personnel Costs to allow the department to oversee a program to manufacture reading materials in Braille for the visually impaired.

Section 227. Section 1 of this Act appropriates funds to Department of Correction, Prisons, Delores J. Baylor Correctional Institution (38-04-05) in Contractual Services for a contract to provide a program for female offenders at Delores J. Baylor Correctional Institution to address anger and behavior issues from a feminine psychological perspective. The Warden of the facility will submit an annual report to the Joint Finance Committee, Director of the Office of Management and Budget, Controller General and Commissioner of Correction by June 1 of each year, which will include but not be limited to the mission of the organization, the statement of the problem, a synopsis of the program, the number of participants, statistics relating to recidivism rates of those participating in the program and an annual budget of the organization.

Section 228. (a) Section 1 of this Act makes an appropriation of $4,381.0 to the Department of Correction, Correctional Healthcare Services, Medical Treatment and Services (38-02-01) for Drug and Alcohol

Treatment Services; and $282.0 to the Department of Correction, Community Corrections, Bureau Chief - Community Corrections (38-06-01). Funding in Department of Correction, Community Corrections, Probation and Parole (38-06-02) will be augmented by $250.0 ASF from the Substance Abuse Rehabilitation, Treatment, Education and Prevention Fund. All funds described in this section are intended to support drug and alcohol treatment programs provided by the department to individuals in its custody or under its supervision. The administration of these contracts shall be the responsibility of the Commissioner of Correction or his designee.

(b) On or before August 1, the department is to submit a plan on how these funds will be spent during the fiscal year. This plan shall be submitted for approval to the Director of the Office of Management and Budget and the Controller General.

(c) The Commissioner of Correction and the Secretary of Health and Social Services, or their designees, shall jointly participate in developing the appropriate requests for proposals (RFPs) for contract services to provide drug and alcohol treatment. All selected contract providers shall report on a regular basis to the Department of Correction on all follow-up regarding referrals and services provided to the offender population.

Section 229. Section 1 of this Act provides an appropriation to Community Corrections, Probation and Parole (38-06-02). The department must submit a semi-annual report to the Director of the Office of Management and Budget and the Controller General that details the expenditure of these funds by SENTAC level (levels I, II and III) and the average personnel complement for each level. These reports are due on December 31 and June 30.

Section 230. (a) The Department of Correction shall have the authority, upon the concurrence and approval of the Director of the Office of Management and Budget and Controller General, to establish up to 6.0 ASF FTEs. The positions shall be Correctional Officers who will supervise inmate work crews assigned to the completion of projects requested by the Department of Transportation. Upon approval, 4.0 ASF FTEs shall be assigned to the Department of Correction, Community Corrections, New Castle County Community Corrections (38-06-06) and 2.0 ASF FTEs in Department of Correction, Community Corrections, Kent County Community Corrections (38-06-08). The source of funding shall be the Department of Transportation, Maintenance and Operations, Maintenance Districts (55-04-70). Adjustments to Appropriated Special Fund spending authority

for this program can be made upon the concurrence and approval of the Director of the Office of Management and Budget and the Controller General.

(b) Of the total positions authorized in Section 1 of this Act for the Department of Correction, the following shall be used to continue the existing highway beautification projects: Community Corrections, Kent County Community Corrections (38-06-08) - at least 5.0 positions, Community Corrections, Sussex County Community Corrections (38-06-07) - at least 3.0 positions and Community Corrections, New Castle County Community Corrections (38-06-06) - at least 2.0 positions.

(c) Section 1 of this Act also makes an appropriation for Contractual Services to Department of Correction, Community Corrections, Kent County Community Corrections (38-06-08).

Section 231. The Department of Correction, Administration, Office of the Commissioner (38-01-01) shall maintain an overtime expenditure report and shall provide such report quarterly to the Director of the Office of Management and Budget and Controller General. The report shall include the number of overtime hours worked and the amount of overtime salary expended by each agency within the Department, and shall include a breakdown of the reason for overtime.

Section 232. Prison education services shall be provided by utilizing existing teachers that are in the Department of Correction as well as authorized teaching positions in the Department of Education. The management of all educational positions shall be provided by the Department of Education. Department of Correction teachers shall have the opportunity each year to notify both agencies of their intent to transfer to the Department of Education. Such notification shall be made by April 15 of each year to become effective July 1 of that calendar year. Any position transfer made pursuant to this section shall be permanent.

If a remaining Department of Correction teacher applies for and is accepted into an authorized position in the Department of Education, the position and associated funding shall be transferred to the Department of Education for the operation of prison education services. If a remaining Department of Correction teacher position becomes otherwise vacant, the position and associated funding shall be transferred to the Department of Education for the operation of prison education services.

Section 233. The Department of Correction, Community Corrections, House Arrest (38-06-04) shall provide 24 hour, 7 day a week supervision of community correction's offenders. The department shall

determine the number of employees needed on duty throughout each 24-hour period and arrange staff coverage accordingly. At no time shall the ratio of Probation Officers I's to other staff exceed 50 percent during night time and weekend hours.

Section 234. The Merit Rules notwithstanding, Department of Correction employees designated as Correctional Emergency Response Team (CERT) members, as well as the Chief of Security and Inspections (BP #61023), in the Office of the Commissioner (38-01-01), and the Health Services Director (BP #85588) and Treatment Administrators (BP #67423 and 99247) in Medical Treatment and Services (38-02-01) shall be eligible for standby pay regardless of their classification.

Section 235. For the upcoming fiscal year, the Videophones System Specialist in the Office of the Public Defender (15-02-01) shall work with the Department of Correction under the manager of the Research and Planning Unit within the Office of the Commissioner to continue a pilot Distance Learning Program for persons supervised in Level V facilities, employee development and telemedicine. The Department shall submit an annual report on distance learning including pilot project recommendations to the Director of the Office of Management and Budget and the Controller General.

Section 236. The Department of Correction is hereby authorized to review the current security status classification of its facilities and submit a report, including but not limited to, any proposed security level changes deemed necessary and appropriate to accommodate the needs of the Department. Such report shall be submitted to the Director of the Office of Management and Budget and the Controller General no later than January 1 of each fiscal year. No change shall be made to the security status of the facility without the prior approval of the Director of the Office of Management and Budget and the Controller General.

Section 237. Section 1 of this Act appropriates $64.0 in Contractual Services to Department of Correction, Probation and Parole (38-06-02). These funds shall be used to support reentry services provided by The Way Home.

Section 238. Section 1 of this Act appropriates $47,891.4 to the Department of Correction, Correctional Healthcare Services, Medical Treatment and Services (38-02-01). The Department of Correction shall provide quarterly reports relating to medical vendor performance to the Chairs of the Joint Finance Committee, the Chairs of the House and Senate Correction Committees, the Controller General and the Director of the Office of

Management and Budget. Reports shall include, but not be limited to, medical staffing levels, overall performance and plans for improvement.

NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Section 239. Section 1 of this Act appropriates 1.0 ASF FTE Enforcement Coordinator position, which shall be exempt from the Merit System, to the Department of Natural Resources and Environmental Control, Office of the Secretary (40-01-01) to be funded through expenses incurred and recovered by the department, related to processing of administrative enforcement actions under 7 Del. C. c. 60. Violators shall be liable for the following expenses of the investigation incurred by the State after the notice of violation is issued: direct costs of the investigation; legal assistance including paralegal assistance; public hearings; all other costs expressly determined by the Secretary as reasonably related to the investigation of the incident; and the indirect costs related to all of the above.

Section 240. Section 1 of this Act appropriates Personnel Costs and 1.0 ASF FTE Green Energy Program Administrator, $1.0 ASF in Travel, and $5.0 ASF in Contractual Services from the Green Energy Fund to the Department of Natural Resources and Environmental Control, Office of the Secretary, Energy Office (40-01-04).

Section 241. Fish and Wildlife is authorized to expend funds carried forward from the sale of boat registration fees, effective Fiscal Year 2000 and thereafter, for the purpose of supporting fisheries programs and marine enforcement.

Section 242. (a) Notwithstanding the provisions of 7 Del. C. § 6042(c), Section 1 of this Act appropriates .5 ASF FTE Ombudsman to the Department of Natural Resources and Environmental Control, Office of the Secretary (40-01-01) to be funded through the Community Environmental Fund.

Section 243. Section 1 of this Act makes an appropriation for Contractual Services to the Department of Natural Resources and Environmental Control, Fish and Wildlife, Wildlife/Fisheries (40-05-02). Of that total appropriation $25.0 is to be dedicated to beaver control.

Section 244. Section 1 of this Act appropriates funding to Fish and Wildlife, Wildlife/Fisheries (40-05-02) for the Deer Damage Assistance Program. This funding includes Personnel Costs and 1.0 FTE for an Environmental Scientist III, $61.5 in Contractual Services for butchering fees, seminars and deer school.

Section 245. Section 1 of this Act authorizes Fish and Wildlife, Wildlife/Fisheries (40-05-02) to spend up to $4,284.5 in Appropriated Special Funds. Within this amount, the division is authorized to undertake

capital expenditures to maintain/develop fish and wildlife recreational areas. These expenditures should be in accordance with the Capital Development Plan for the division, submitted as an attachment to the department's Annual Fiscal Year Capital Improvement Program. Any deviation from the listed projects must be approved by the Director of the Office of Management and Budget and the Controller General.

Section 246. (a) Pursuant to 7 Del. C. c. 17, it is the intent of the General Assembly that the contract for statewide dog control with Kent County SPCA, or its successor, shall be extended to December 31, 2009. During the extended contract period, the department shall maintain all administrative responsibilities for the statewide dog control program.

(b) Until December 31, 2009, the department shall continue to sell dog licenses using the existing fee structure and may retain up to $25.0 in special fund revenue to administer the program. The remaining revenue collected from the sale of dog licenses shall be applied towards the statewide contractual obligation. The remaining contractual obligation shall be borne by the counties in a prorated amount as previously determined by negotiations. Each county shall pay its obligation for the contract extension by July 31, 2009.

(c) It is the intent of the General Assembly that the department shall work with the counties to transfer full authority and control of the statewide dog control program no later than December 31, 2009. Any dog license purchased from the department shall remain valid through the expiration date noted, upon which a county license shall be purchased.

Section 247. Section 1 of this Act makes an appropriation in Personnel Costs to the Department of Natural Resources and Environmental Control, Fish and Wildlife, Fish and Wildlife Enforcement (40-05-06). This appropriation is to fund four casual/seasonal enforcement officers to patrol the inland bays.

Section 248. Section 1 of this Act appropriates funds for Contractual Services in Parks and Recreation (40-06-00). Of this amount, $14.4 shall be used for the leasing of an enforcement vehicle and Interpretive Program vehicle at Killens Pond State Park.

Section 249. Section 1 of this Act makes an appropriation to the Department of Natural Resources, Parks and Recreation, Operations and Maintenance (40-06-02). Of this amount, $115.0 shall be used to fund casual/seasonal positions for Killens Pond Waterpark and $8.5 shall be used for program services and contractual services at the Bellevue State Park system.

Section 250. Section 1 of this Act makes an appropriation to the Department of Natural Resources and Environmental Control, Parks and Recreation, Operations and Management (40-06-02). Of that appropriation $10.1 is to be spent on promotion and programs for Trap Pond State Park as follows: $5.0 for Contractual Services, $5.0 for Supplies and Materials and $0.1 for Travel.

Section 251. Section 1 of this Act makes an appropriation to the Division of Parks and Recreation, Wilmington State Parks (40-06-05). Of this amount, $35.0 shall be used for monument and general maintenance within the parks, including the maintenance of war memorials and ball fields.

Section 252. Section 1 of this Act provides an appropriation and 1.0 FTE to the Division of Parks and Recreation, Wilmington Parks (40-06-05) to fund a Park Technician II. This position shall be dedicated primarily to the South Park Drive area and the Brandywine Zoo with additional duties throughout Wilmington State Parks.

Section 253. Section 1 of this Act makes an appropriation to Soil and Water Conservation, District Operations (40-07-04) for Contractual Services. Of that amount, $180.0 shall be used for additional field staff personnel for the preparation of nutrient management plans.

Section 254. Section 1 of this Act makes an appropriation for Contractual Services to the Department of Natural Resources and Environmental Control, Water Resources, (40-08-01). Of that amount $42.5 shall be used to support the Partnership for the Delaware Estuary.

Section 255. Section 1 of this Act makes an appropriation to the Department of Natural Resources and Environmental Control, Water Resources, Management and Support - Water Resources (40-08-01). Of the total appropriation, $245.0 will pass through the department to fund the Environmental Training Center at Delaware Technical and Community College, Owens Campus. Funding is to be used to provide training for state and local water and wastewater operators.

Section 256. Section 1 of this Act makes an appropriation to the Department of Natural Resources and Environmental Control, Water Resources, Management and Support - Water Resources (40-08-01). Of that amount, $1.0 shall be set aside for the Environmental Science Scholarship program.

Section 257. Section 1 of this Act appropriates $122.6 to Water Resources, Watershed Assessment (40-08-07) for Inland Bays Research. The appropriation shall be used to support citizen-monitoring activities

including, but not limited to, the Stream Watch Program in the amount of $82.9 and the Inland Bays Citizen Monitoring Program in the amount of $39.7. In addition, $211.1 of the Watershed Assessment (40-08-07) Contractual Services funding shall be used by the Center for the Inland Bays for programs promoting strategies to improve the quality of water in the Inland Bays.

Section 258. It is intent of the General Assembly that the Department of Natural Resources and Environmental Control shall be required, pending legal review, to post on its Internet website within three working days, all unclassified misdemeanors issued by Air and Waste Management Enforcement Officers after such citations have been entered in the courts.

Section 259. Section 1 of this Act appropriates funds to support 2.0 FTEs within the Department of Natural Resources and Environmental Control, Air and Waste Management, Air Quality Management (40-09-02). One position is an Environmental Engineer II/IV assigned to the Delaware City Petro Chemical Complex. The second position is an Environmental Engineer II/IV assigned to Claymont/Edgemoor Industrial Complex. The incumbents shall each submit an annual report to the Joint Finance Committee on February 1 of each year, which summarizes the complaints and activities of the previous calendar year. These positions will respond to and provide follow-up on complaints from the community on the air quality throughout New Castle County.

Section 260. Section 1 of this Act appropriates funds to the Hazardous Substance Cleanup Act (HSCA) Cleanup Fund in Air and Waste Management, Waste Management (40-09-03). Funds to address orphan underground storage tank (UST) system removal and any remediation of any resulting contamination from UST systems will be established pursuant to the annual expenditure plan for the HSCA Cleanup Fund as required under 7 Del. C § 9104(c)(2). The term orphan UST system shall be defined by the Department's Fund for the Inability to Rehabilitate Storage Tanks (FIRST) Fund policy and include but not be limited to, situations where the tank owner or responsible party has shown to the satisfaction of the Department that they do not have the ability to pay for the necessary UST system removal and the remediation of any contamination. In such case, the Department shall not seek cost recovery of the funds expended under the HSCA fund.

Section 261. Air and Waste Management (40-09-03) shall have 1.0 FTE exempt position in addition to those authorized by 29 Del. C. § 5903. When position BP #09228 becomes vacant, it shall be classified by the Director of the Office of Management and Budget in accordance with the Merit System, 29 Del. C. c. 59.

Section 262.The General Assembly herein acknowledges that certain programs within the Department are funded all or in part by fee-based revenues. At least every five years the Secretary shall perform a periodic review of fees assessed and collected by the Department to determine the revenue sufficiency of the fees and programs they support.

The review shall identify program elements that are funded through fees and other sources and shall include an evaluation of effectiveness and efficiency. The review may include but is not limited to, identification of operational changes that improve efficiency and effectiveness of operations and reduce costs. The Secretary shall appoint a peer review team consisting of individuals familiar with the program under review and provide them an opportunity for comment on the Department's findings.

Any changes in fees that require the approval of the General Assembly shall be submitted by the Department as part of the annual budgetary process.

SAFETY AND HOMELAND SECURITY

Section 263. The Department of Safety and Homeland Security is hereby authorized to continue funding its share of the existing 40 patrol officers that have been established through agreements between State Police (45-06-00) and Sussex County Council through the end of Fiscal Year 2009.

The prescribed establishment of 4.0 patrol officers during Fiscal Year 2010 shall be delayed until financial conditions improve. State Police will be authorized to establish these patrol officers as well as all additional patrol officers that are called for through the terms of the agreement as funding becomes available through the normal budgetary process.

In Section 1 of this Act, ASF authority has been provided to State Police, Patrol (45-06-03) in order to accommodate the match requirements stipulated by these agreements. In the event that the aforementioned agreements between State Police and Sussex County Council are terminated, this authority shall be deauthorized.

Section 264. State Police receives funds resulting from drug and other seizure activities. If seizure is defined as being under federal jurisdiction, then the funds flow to State Police, Executive (45-06-01), as Non-appropriated Special Funds. The division shall submit a plan for the expenditure of these funds to the Director of the Office of Management and Budget and the Controller General. This plan shall be updated quarterly. A quarterly report as to the expenditure of such funds and to the respective projects shall be submitted to the Director of the Office of Management and Budget and the Controller General.

Section 265. In addition to the positions authorized in Section 1 of this Act for State Police (45-06-00), additional positions are authorized in State Police, Patrol (45-06-03) for the purpose of training State Police recruits. During recruit training, up to 20 positions will be made available to accommodate the class being trained. Funding is authorized for initial use of these positions to accommodate an anticipated graduating class of 15 troopers. The Director of the Office of Management and Budget may authorize additional recruit positions accordingly.

Section 266. Notwithstanding 29 Del. C. c. 63 and c. 69 or any other statutory provision to the contrary, the Department of Safety and Homeland Security is authorized to enter into agreements with private telecommunications companies to use space for communication facilities on telecommunications towers under

their administration. The revenues paid to the State under these agreements shall be designated for use by State Police in support of mobile data computing telecommunications infrastructure cost, effective retroactively.

Section 267. The Department of Safety and Homeland Security, Office of the Secretary, Administration (45-01-01) shall maintain an overtime expenditure report tracking the overtime usage of Capitol Police (45-02-10). This report shall include the number of overtime hours worked as a result of normal operating demand, the number of overtime hours worked as a result of special events demand, the amount of overtime expenditures, and a detailed justification for the usage of the overtime hours. This report shall be submitted to the Director of the Office of Management and Budget and the Controller General on a quarterly basis.

Section 268. Section 1 of this Act appropriates Personnel Costs and 3.0 Traffic Light Enforcement FTEs in Safety and Homeland Security, State Police, Traffic (45-06-07). The source of the funding shall be from revenues generated as a result of the Red Light Enforcement Safety Program within the Department of Transportation.

Section 269. Section 1 of this Act appropriates $20.0 in Contractual Services to Developmental Disabilities Council (45-01-50) for the Partners in Policymaking Program.

Section 270. Section 1 of this Act includes Personnel Costs and 7.0 ASF FTEs; $58.6 ASF in Contractual Services; and $148.2 ASF in Supplies and Materials in the Department of Safety and Homeland Security, State Police, Traffic (45-06-07) for the personnel and operating costs associated with the Truck Enforcement Unit (TEU) to be funded through the Department of Transportation. Any additional enhancements that are made to the TEU to remain in compliance with Title 23, Code of Federal Regulations Part 657, shall occur through the annual budgetary process.

Section 271. Notwithstanding the provisions of 16 Del. C. § 10104, the Department of Safety and Homeland Security shall disburse funds from the E-911 Emergency Reporting System Fund to cover rent obligations at statewide 911 answering points. An annual report on the E-911 Emergency Reporting System Fund shall be submitted to the Director of the Office of Management and Budget and Controller General no later than September 15th of each year identifying prior year revenue and expenditures, and forecasted revenue and expenditures for the current and upcoming three fiscal years.

Section 272. The Department of Safety and Homeland Security shall transfer $107.3 into appropriation 10-02-32-8484 (Disability Insurance Program) as a result of the passage of Senate Bill 304 of the 144th General Assembly.

Section 273. Section 1 of this Act includes $40.0 ASF in Supplies and Materials in State Police, Training for the purpose of recovering costs associated with providing meals to recruits at the State Police Academy.

Section 274. Section 1 of this Act includes $160.0 ASF in Personnel Costs in State Police, Patrol for the purpose of recovering costs associated with providing patrol services at the State Fair.

Section 275. Amend 20 Del. C. § 3107A. by deleting the section in its entirety, and inserting in lieu thereof the following new section:

"3107A. The State Emergency Management Fund

The State Emergency Management Fund is established to provide DEMA with funds to manage natural and man-made disasters when federal funds are not available or when matching funds are required to receive federal funds. The fund may be used to make purchases of life saving or life sustaining equipment; pay for costs associated with the activation of the State Emergency Operations Center; pay for Delaware National Guard costs when deployment is authorized by the Governor; and reimburse state and local employees for travel costs associated with a deployment under the Emergency Management Assistance Compact (EMAC) for authorized missions that will be fully reimbursed by the requesting states. As the requesting states provide reimbursement, funds will be deposited back into the Fund."

Section 276. (a) Section 1 of this Act includes Personnel Costs and 2.0 ASF FTEs Forensic Chemists in State Police, Criminal Investigation (45-06-04). These positions and their associated funding have been reallocated to reflect the use of revenue generated by increases in the DUI conviction fees to pay for their Personnel Costs.

(b) Notwithstanding any provision of the Delaware Code to the contrary, the first $159.1 generated by the State for DUI fine revenue in accordance with 21 Del. C. c. 41 shall be deposited into an ASF account in State Police, Criminal Investigation and be used to pay for the Personnel Costs associated with the 2.0 ASF

FTEs Forensic Chemists. Any additional DUI fine revenue generated shall be deposited to the General Fund.

(c) Should House Bill 152 or similar legislation increasing the DUI conviction fees not be enacted by the 145th General Assembly by July 1, 2009, the Office of Management and Budget, subject to the approval of the Office of the Controller General, shall be authorized to increase the General Fund FTE complement of State Police, Criminal Investigation (45-06-04) by 2.0 FTEs. Additionally the Personnel Costs associated with the 2.0 Forensic Chemists shall be covered by contingency funds within the Office of Management and Budget.

Section 277. (a) Section 1 of this Act includes Personnel Costs and 2.0 ASF FTEs Sex Offender Registry Agents in State Police, State Bureau of Identification (45-06-08). These positions and their associated funding have been reallocated to reflect using revenue generated by the establishment of a Sex Offender Registry Fee to pay for their Personnel Costs.

(b) Should legislation establishing the Sex Offender Registry Fee not be enacted by the 145th General Assembly by July 1, 2009, the Office of Management and Budget, subject to the approval of the Office of the Controller General, shall be authorized to increase the General Fund FTE complement of State Police, State Bureau of Identification (45-06-08) by 2.0 FTEs. Additionally the Personnel Costs associated with the 2.0 Sex Offender Registry Agents shall be covered by contingency funds within the Office of Management and Budget.

TRANSPORTATION

Section 278. The Delaware Transportation Authority budget, as set forth in memorandum form in Section 1 of this Act, shall be expended in accordance with the following limitations:

(a) Debt Service estimates are for current project financing as authorized by 2 Del. C. c. 13.

(b) Funds provided for Newark Transportation are intended to cover the expenses of the public transportation system operated by the City of Newark. The funds may be used to provide up to 100 percent of the total operating cost of the system during the year.

(c) Funds provided for Kent and Sussex Transportation "E&H" are intended for continuation of transportation service for the elderly and handicapped in Kent and Sussex counties. It is intended that management and direction of the service will reside with the Delaware Transit Corporation which may contract for services as they see fit, and that Kent County and Sussex County governments will review and approve allocation of the service levels within each county.

(d) Funds provided for Kent and Sussex Transportation "E&H" includes funding for the Sussex County Reimbursable Program. To improve the operation of this program, the following provisions shall be implemented:

1) Sussex County Council, on behalf of the eligible transportation providers, shall submit annual operating budget requests to the Delaware Transit Corporation by September 1 of each year; and

2) Delaware Transit Corporation shall by May 1 distribute proposed contracts to each of the eligible transportation providers for transportation services commencing the ensuing July 1. Said contracts shall be subject to an annual appropriation for such purpose.

(e) It is intended that funds for Taxi Services Support "E&H" will be maintained at least at the same service level as in the previous year. It is intended that management and direction of these services shall reside with the Delaware Transit Corporation who may contract for this service as required.

(f) Funds of the Delaware Transit Corporation may not be provided as aids to local governments for transportation systems which restrict passengers because of residential requirements. Nothing in this Section is meant to require that governments must operate these transportation systems outside their political boundaries.

(g) Funds provided for Transit Operations are intended to include funding to allow the Delaware Transit Corporation or a private contractor to:

1) continue to provide the present level of service to dialysis patients on normal service days during the hours offered in New Castle County by the Delaware Transit Corporation to the extent that such service does not place the Delaware Transit Corporation in violation of the federal Americans with Disabilities Act.

2) provide service to dialysis patients in Kent and Sussex counties during hours identical to those offered in New Castle County.

Section 279. Section 1 of this Act appropriates $1,320.5 TFO to Finance (55-01-02) for Contractual Services. Of this amount, $200.0 shall be allocated to the Maritime Exchange for the Delaware River and Bay.

Section 280. Section 1 of this Act makes an appropriation of $1,337.1 TFO to Planning (55-03-01) for Contractual Services.

(a) Of this amount, $50.0 shall be used for infrastructure research and forums through the University of Delaware, Institute for Public Administration. An additional $50.0 shall be allocated for the purposes set forth in this Section to be funded from eligible Federal Funds. The activities funded by this appropriation shall be approved by the Secretary of the Department of Transportation.

(b) Of this amount, $250.0 shall be used for the purposes of funding research programs of the Delaware Center for Transportation. Use of these program funds is subject to prior approval of the research approach and specific research projects of the Center by the existing Policy Committee for the Center, which shall include representation from the Department of Transportation, the University of Delaware, the Chairperson of the House Transportation and Infrastructure Committee, and the Chairperson of the Senate Highways and Transportation Committee and/or the Energy and Transit Committee.

Section 281.Section 1 of this Act makes an appropriation in the amount of $60,197.6 TFO to Maintenance and Operations, Maintenance Districts (55-04-70) and $18,915.9 TFO to Maintenance and Operations, Toll Administration (55-04-90).

The appropriation for both units may be allocated among the State's toll roads as follows:

Line Item	Toll Operations	Maintenance	E-ZPass	Total All

	I-95	SR-1			
Personnel Costs	3,250.5	3,992.9	8,128.5		15,371.9
Travel	6.0				6.0
Contractual Services	1,322.7	661.7	555.6	8,596.5	11,136.5
Supplies and Materials	158.9	261.5	1,500.0		1,920.4
Energy	146.5	477.7	1,343.4		1,967.6
Capital Outlay	41.0		20.5		61.5
TOTALS	**4,925.6**	**5,393.8**	**11,548.0**	**8,596.5**	**30,463.9**
FTEs	**64.0**	**73.0**	**158.0**		**295.0**

Section 282. Section 1 of this Act provides an appropriation to Maintenance Districts (55-04-70) for Contractual Services. Of this appropriation, $5.0 TFO shall be allocated to the Tina Fallon Ferry.

Section 283. The Department of Transportation and/or its E-ZPass contractor is prohibited from monitoring the speed of motor vehicles through E-ZPass toll booths for the purpose of issuing traffic citations or the suspension of E-ZPass privileges. Nothing in this section shall prohibit the State Police from enforcing traffic laws including speed enforcement at the E-ZPass toll booths.

Section 284. Section 1 of this Act makes an appropriation to Maintenance and Operations, Maintenance Districts (55-04-70) in the amount of $3,277.4 TFO to establish a Special Line called Snow/Storm Contingency that will provide for the expenses of weather/emergency operations. Notwithstanding any other provision of the law to the contrary, any sums in this account not expended by the end of a fiscal year shall be carried over for use in future fiscal years, with appropriate transfers to current fiscal year accounts. The department shall be allowed to transfer funds from this account to divisions on an as-needed basis for expenditures incurred. The department may also transfer funds to municipalities and other qualified entities to reimburse them pursuant to contracts entered into by the department and the municipality to keep transit routes open during snow and storm emergencies. The transfer of funds from this account shall not require the approval of the Director of the Office of Management and Budget or the Controller General. The department shall provide quarterly reports each fiscal year to the Director of the Office of Management and Budget and the Controller General.

Section 285. In addition to the positions authorized in Section 1 of this Act for the Department of Transportation, Technology and Support Services (55-02-01), additional positions are authorized in Delaware Transportation Authority (55-06-01) for the purpose of information technology support. As remaining positions for the purpose of information technology support become vacant, up to 2.0 FTEs and associated funding from

the Delaware Transportation Authority may be reallocated to continue the centralization of the information technology function within Technology and Support Services (55-02-01). The Director of the Office of Management and Budget and Controller General may authorize this reallocation accordingly.

Section 286. During the fiscal year, the Department of Transportation shall be prohibited from changing its departmental policy regarding access pipe installation on private homeowner entrances. Specifically, the department shall not charge said homeowners for the labor costs associated with the installation of the access pipe.

Section 287. Notwithstanding any other provisions of the Delaware Code, the Department of Transportation, Motor Vehicles (55-11-00) shall have the authority to charge state agencies for state identification cards, not to exceed $20 per card. The amount to be reimbursed shall be determined by Motor Vehicles and will be deposited into a holding account coded as special fund revenue and shall not be subject to General Fund deposit or Transportation Trust Fund deposit at any time.

Section 288. Section 1 of this Act appropriates $200.0 TFO to the Department of Transportation, Motor Vehicles, Vehicle Services (55-11-30) for the purpose of replacing vehicle inspection equipment.

Section 289. Notwithstanding the provisions of 29 Del. C. § 6102(o)(3), any remaining balance in the Inspection and Maintenance (I/M) Fund shall not be subject to General Fund deposit until June 30, 2009. These funds may be used for costs associated with Motor Vehicles (55-11-00) lane construction.

Section 290. Notwithstanding the provisions of 2 Del. C. § 1325 or 29 Del. C. § 7106(d) the employees in the Delaware Transit Corporation that are riders of the State van pool program known as Fleetlink, effective March 1, 2007 may remain in this program provided that they remain on a single van, that the necessary liability policy as defined by the Insurance Risk Office of the Office of Management and Budget is provided and maintained in good standing by the Delaware Transit Corporation, and that riders continue to pay the fees associated with participation in this program. Such eligibility shall be continuous for these individuals until and unless these conditions are not met.

Section 291. Notwithstanding 29 Del. C. § 5903, the position of Deputy Principal Assistant (BP# 9493) in the Department of Transportation shall remain as exempt until vacated. Once vacated, this position will be

classified by the Director of the Office of Management and Budget and the Controller General in accordance with the Merit System and 29 Del. C. c. 59.

Section 292. The General Assembly directs the Department of Agriculture, the Department of Transportation and the Delaware Economic Development Office to promulgate regulations defining agritourism as a cultural and recreational interest for benefit of adoption into the Brown Sign Program. Final adoption of these regulations is contingent upon approval by the Federal Highway Administration (FHWA) under the Manual for Uniform Traffic Control Devices.

Section 293. Notwithstanding the provisions of 17 Del. C. or any regulation to the contrary, the Department of Transportation shall permit an existing church, school or fire department sign, located on the premises of such church, school or fire department, presently located within 25 feet of the right-of-way line of any public highway to be replaced with a variable message sign or new fixed outdoor advertising display, device or sign structure of equal or smaller dimension than the existing sign, sign structure, display or device, relating to the activities conducted on such property.

LABOR

Section 294. (a) Section 1 of this Act provides an appropriation of $430.0 in Employment and Training, Employment and Training Services (60-09-20) for the Delaware State Summer Youth Employment Program to operate a program commencing July 1, 2009. The budget will take into consideration the funds required to commence the program at the end of Fiscal Year 2010, on or about June 15, 2010. This sum is to be allocated in the following manner:

New Castle County (outside the City of Wilmington)	$ 70.5
City of Wilmington	259.7
Kent County	49.9
Sussex County	49.9
TOTAL	$430.0

(b) In each of the political subdivisions wherein funds have been appropriated, no more than $5.0 shall be expended for administrative purposes and no more than $2.0 shall be expended for equipment, supplies and mileage. A record of all equipment and supplies purchased with funds herein appropriated shall be kept by the sponsoring agent, and at the conclusion of the ten-week program such supplies and equipment shall be reverted to the Department of Labor.

(c) The funds appropriated for the Delaware State Summer Youth Employment Program shall not be co-mingled with funds appropriated from any other source. The guidelines for youth employment and administrative costs for all persons employed in the State Summer Youth Employment Program shall be based in accordance with prior year's practice of payment for services.

AGRICULTURE

Section 295. Section 1 of this Act makes an appropriation of $500.0 ASF to the Department of Agriculture for the Delaware Agriculture Land Preservation Foundation pursuant to 29 Del. C. § 6102A(d)(3). The Foundation shall not operate any accounts outside of the State accounting system.

Section 296. The Delaware Department of Agriculture may use up to $150.0 annually from forest timber sales for the following programs:

(a) $75.0 shall be used for marketing and promoting Delaware's agricultural and forestry products and commodities.

(b) $75.0 shall be used for a forestry cost share program. The allocation of these funds, and the determination of qualifying projects, shall be determined by the State Forester, provided the funds are allocated to supplement federal Rural Forestry Assistance and Urban Forestry Assistance programs.

Section 297. Section 1 of this Act makes an appropriation to the Harness Racing Commission (65-01-05) and the Thoroughbred Racing Commission (65-01-10) for fingerprinting. It is the intent of the General Assembly that the Commissions are required to use the State Bureau of Identification for all fingerprinting activities and background investigations per recommendation of the Joint Sunset Committee.

Section 298. Subject to the approval of the Director of Management and Budget and the Controller General, the State Lottery may:

(a) Deduct up to $450.0 from the proceeds due to the video lottery agents licensed only to conduct thoroughbred racing in the current fiscal year to pay for expenses associated with conducting thoroughbred racing at their respective racetrack; and

(b) Deduct up to $200.0 from the proceeds, which would otherwise fund purses for thoroughbred racing in the current fiscal year to pay for racing expenses.

Section 299. Subject to the approval of the Director of Management and Budget and the Controller General, the State Lottery may:

(a) Deduct up to $1,035.2 from the proceeds due to the video lottery agents licensed only to conduct harness racing in the current fiscal year to pay for expenses associated with conducting harness racing at their respective racetrack; and

(b) Deduct up to $178.4 from the proceeds, which would otherwise fund purses for harness racing in the current fiscal year to pay for racing expenses.

Section 300. The Department of Agriculture shall expend up to $246.0 from the ASF holding account within Pesticides (65-01-06) to fund the activities of the Nutrient Management Poultry Litter Transport Program. The Poultry Litter Transportation Program reimburses transportation costs associated with exporting excess poultry litter for alternative uses or land that can demonstrate a need for the product.

Section 301. Section 1 of this Act appropriates $50.0 ASF to the Department of Agriculture, Animal Health and Food Products Inspection (65-01-09) for the Spay/Neuter Program. Notwithstanding the Delaware Code or any other provision of this Act to the contrary, the Department of Agriculture is authorized to fund the Spay/Neuter Administrator from the special fund revenues received during the course of the fiscal year.

ELECTIONS

Section 302. Any Department of Election, upon approval of the respective Board of Elections, may establish polling places in which one or more small mandated districts of less than 300 registered voters as of 60 days prior to the date of an election may be administered by the election officers of another election district.

These entities shall hereinafter be referred to as "Combined Election Districts". Each election district that is part of a Combined Election District shall have designated voting machine(s), voting machine certificate, absentee ballot box, poll list, signature cards and other documents and/or materials necessary to certify the election.

The respective department may assign up to two additional clerks for each such mandated district so assigned to a Combined Election District. If any Board of Elections is unable to meet due to a vacancy, the Commissioner of Elections shall approve the establishment of Combined Election Districts within that respective county.

Section 303. 70 Del. Laws, c. 515 transferred the responsibility for the conduct of school board, referenda and bond issue elections to the Department of Elections, should this law be funded by the General Assembly.

Section 1 of this Act provides appropriations to the New Castle County Department of Elections (70-02-01) in the amount of $158.4, Kent County Department of Elections (70-03-01) in the amount of $45.8 and Sussex County Department of Elections (70-04-01) in the amount of $45.8, which includes all costs for transporting voting machines used in all public school elections. Funding may be reallocated between counties if necessary, with the approval of the Office of Management and Budget and the Controller General Office. Unencumbered balances on June 30 shall revert to the General Fund.

The Department of Elections for the county responsible for conducting a public school election shall appoint, compensate and train an inspector and such election officers as it deems necessary to properly staff the polling places designated for use in a public school election. The respective Department of Elections shall also designate two of the other election officers to join with the inspector in deciding all questions regarding voter eligibility. All other questions concerning operation of the polling place shall be decided by the inspector.

The total statewide expenditures for school elections shall not exceed the amount appropriated in Section 1 of this Act or approved transfers for said purpose.

Section 304. Section 1 of this Act contains an appropriation for Commissioner of Elections, (70-01-01), Other Items: Voter Purging, for the purpose of assisting the Department of Elections with its statewide efforts to maintain the voter rolls in an orderly manner.

Section 305. For purposes of designating and procuring polling places for primary, general and special elections, the respective county department of elections shall pay a rental fee totaling $300.00 for each facility used, no matter how many election districts are assigned to that facility.

Section 306.Any state agency, office or department is prohibited from publishing or funding the publication of voter guides.

Section 307. Based on findings of the 2001 Tax Compliance Audit, specifically those regarding poll worker compensation and deductions, all Department of Election poll workers shall be compensated through the Payroll/Human Resource Statewide Technology (PHRST) system if paid $1,400.00 or more during a calendar year. In addition, all appropriate deductions shall be taken from such compensation. All Department of Election poll workers who are paid under $1,400.00 may be paid through the Delaware Financial Management System.

FIRE PREVENTION

Section 308. Section 1 of this Act provides an appropriation of $79.5 to the State Fire Prevention Commission (75-03-01) in the line item Statewide Fire Safety Education. These funds are to be matched by members of the Delaware Volunteer Firemen's Association and are to be used for the purpose of operating a statewide Fire Safety Education Program.

Section 309. Section 1 of this Act appropriates $2.0 to the Office of the State Fire Marshal (75-01-01) for the purchase of smoke detectors and educational materials for the Juvenile Firesetter Intervention Program.

NATIONAL GUARD

Section 310. Section 1 of this Act provides an appropriation to Delaware National Guard (76-01-01) for energy. Within this appropriation, sufficient energy funds are included to defray energy expenses of the Lora Little School building that are not directly attributable to occupancy by the Delaware National Guard.

Section 311. (a) Section 1 of this Act provides an appropriation to the Delaware National Guard (76-01-01) for educational assistance. The National Guard shall not be required to pay fees.

(b) The Delaware National Guard, with the approval of the Director of the Office of Management and Budget and Controller General, is authorized to use excess educational funds to fund recruitment programs.

Section 312. Section 1 of this Act appropriates $2.0 to Delaware National Guard (76-01-01) for Service members' Group Life Insurance (SGLI). These funds are for the purpose of reimbursing insurance premiums for active duty Delaware National Guard members.

HIGHER EDUCATION

Section 313. Section 1 of this Act contains reductions to the appropriations for the University of Delaware (90-01-00), Delaware State University (90-03-00) and the Delaware Technical and Community College (90-04-00). It is the intent of the General Assembly that a portion of these reductions are the equivalent of a 2.5% salary reduction for the employees of those institutions to be comparable to the salary reduction that was implemented for merit, merit comparable and public education employees.

Section 314. Section 1 of this Act provides an appropriation for Operations of the University of Delaware (90-01-01) and an appropriation for Operations of the Delaware Geological Survey (90-01-02). This figure includes total state assistance for University operations costs as well as funds required to be appropriated by 29 Del. C. § 5505(6). The appropriation for Operations of the University of Delaware includes $3,929.6 for energy.

Section 315. (a) Section 1 of this Act appropriates amounts for Agricultural Programs and Other Programs to the University of Delaware (90-01-01). Those amounts shall be allocated as follows:

Agricultural Programs:	
Agricultural Experimental Station	$ 638.7
Agricultural Cooperative Extension	1,077.2
Agricultural Research and Education Center	536.6
Poultry Disease Research	1,105.3
Crop Extension	378.5
Agricultural Environmental Quality	202.8
Soil Testing and Pesticide Program	380.4
Carvel Research Center	410.9
Diagnostic Poultry Program	201.5
Total	$ 4,931.9
Other Programs:	
Sea Grant	$ 559.0
Urban Agent Program	135.6

1	Public Service and Applied Research Projects	452.9
2	Diversity Enhancement	293.0
3	Local Government Research and Assistance	238.7
4	Graduate Education (Southern Delaware)	37.3
5	Library Automation	52.0
6	Nurse Practitioner	269.0
7	Science, Engineering and Technology Service Program	156.3
8	Molecular Biology/Biotechnology Program	499.2
9	Math/Science Education for DE Teachers	1,020.1
10	Center for Community Development and Family Policy	261.2
11	Training and Research (Educational Management)	466.7
12	Computer Aided Math Instruction	80.0
13	Delaware Center for Teacher Education	656.0
14	Research on School Finance Issues	90.5
15	Delaware Education Research and Development Center	235.1
16	Milford Professional Development School	117.2
17	Information Technology Partnership	2,541.3
18	Biotechnology	734.3
19	Computer Aided Instruction, Arts & Science	100.0
20	Clinical Instruction in Teacher Education	238.5
21	Early Childhood Education	114.2
22	Civics Education for Teachers	100.0
23	Biotechnology Institute	584.8
24	Software License Support	314.6
25	Associate in Arts Degree	170.1
26	Early Learning Center	423.4
27	Nursing Program Expansion	318.7

Improved Campus Security	101.6
Coastal Community Development	302.9
Center for Translational Research	365.3
Undergraduate Multimedia Instruction	202.3
Secondary Clinical Teacher Education	127.1
Total	$12,358.9

(b) Subsection (a) of this section appropriates $200.0 for the Governor's Scholars Program. Of said funds, $100.0 shall be combined with University funds to honor commitments made to currently enrolled eligible recipients prior to Fiscal Year 2010, until said completion. The remaining $100.0 shall be used for new students in Fiscal Year 2010. Students that are pursuing educational or nursing degrees shall have priority in receiving a merit scholarship under this Program.

(c) Section 1 of this Act reduces the appropriation for Operations within the University of Delaware (90-01-01) by $8,870.4. It is the intent of the General Assembly that this reduction be restored in Fiscal Year 2010 and 2011 through the use of the State Fiscal Stabilization Fund (SFSF) appropriated under the American Recovery and Reinvestment Act. Anticipating expiration of the SFSF in the FY 2011 budget process the University shall present a consolidation program outlined in (a) of this section to create College level allocations to be managed by the dean of each respective college.

Section 316. Section 1 of this Act provides an appropriation to the University of Delaware (90-01-01) for Agricultural Programs. Within that appropriation are sufficient funds to fully fund 5.0 FTEs Agricultural Extension Agents in New Castle County, 3.0 FTEs Agents in Kent County, 2.5 FTEs Agents in Sussex County, and 1.0 FTE Agricultural Extension Engineer for the Agricultural Cooperative Extension Program.

Section 317. Section 1 of this Act provides an appropriation to the University of Delaware for the Milford Professional Development School. The University and the Milford School District shall submit to the Controller General and the Director of the Office of Management and Budget, by March 1, 2010, a joint report detailing the implementation status of this program as it relates to the appropriation herein.

Section 318. Section 1 of this Act makes an appropriation to Delaware State University, Operations (90-03-01), for General Scholarships. Of that amount, $22.0 shall be for state scholarships for high ability

students, $20.0 shall be for departmental scholarships to attract high achievers into the sciences, $200.0 shall be for scholarships to attract high ability students into the teaching program, and $100.0 shall be for scholarships for female athletes.

Section 319. For the fiscal year covered by this Act, in order to continue the assessment of procedures implemented during Fiscal Year 1993 intended to reduce the administrative burden incurred as a result of processing accounting transaction data into two independent accounting systems, the Director of the Office of Management and Budget has authorized Delaware State University to:

(a) Discontinue detail data input to the Delaware Financial Management System (DFMS) for encumbrance and vendor payment transactions related to General Fund, federal financial assistance and college funds;

(b) Effect vendor payment disbursements of the above identified funds on Delaware State University checks, generated through the University Accounting System and drawn on a University bank account; and,

(c) Summarize General Fund and federal financial assistance fund disbursements on a weekly, post disbursement basis, and draw down the corresponding amounts through the standard DFMS Payment Voucher process.

This authorization does not provide for any change to the processing of encumbrances and vendor payment transactions related to Bond/Capital funds; it does not affect payroll processing and does not relax or alter any control requirements prescribed by law or policy related to procurement, encumbrance and payment activity.

The University shall comply with specific procedures developed and prescribed by the Office of Management and Budget and the Department of Finance, Accounting. In addition, the University shall cooperate fully with the Office of Auditor of Accounts to aid in any review or examination of the University's accounting procedures, records and system.

Operations as enabled by this section shall be periodically reviewed and evaluated during the stated period by the Office of Management and Budget, the Department of Finance and the Office of Auditor of Accounts. Any procedural/control weaknesses identified shall be addressed and resolved, and this authority

may be withdrawn for cause at any time during the stated period, with the allowance that Delaware State University will be provided reasonable time to revert to standard processes.

Section 320. Section 1 of this Act provides an appropriation to Delaware Technical and Community College, Office of the President (90-04-01), for Associate in Arts Program - Operation and Associate in Arts Program - Academic. This appropriation is to assist in the provision of the Delaware Technical/University of Delaware Associate in Arts Program which will be operated jointly by the two institutions under a contract initiated by Delaware Technical and Community College. Under this contract, the University of Delaware will teach students at Delaware Technical and Community College's facilities. Future budget requests will be made jointly by Delaware Technical and Community College and the University of Delaware, and budget cuts, if necessary, will be shared on a pro rata basis. Approval of tuition and other fees will be made by the Board of Trustees of the institution that delivers the relevant service and after the institutions have reached an agreement for tuition sharing. Representatives from both institutions will meet at least once each semester to review program operations.

Section 321. Section 1 of this Act contains an appropriation of $314.6 for the Delaware Institute of Veterinary Medical Education (DIVME), (90-07-01). Notwithstanding current Laws of Delaware relating to the DIVME Program, these funds shall be used to provide tuition support for six Delaware residents studying at the veterinary medicine program at the University of Georgia, three Delaware residents studying at the veterinary medicine program at Oklahoma State University, plus four additional students accepted to a veterinary medicine program for the coming year.

Section 322. All higher education institutions in Delaware who have not been contracted members of the National Student Clearinghouse for the past year shall be required to join and input data. Participation will allow the Department of Education to track Delaware's students as they enroll or transfer into Delaware higher education institutions or other member higher education institutions across the country. Membership requires higher education institutions to report data elements to the National Student Clearinghouse.

Section 323. Amend 29 Del. C. §6307A by adding a new subsection (g) to read as follows:

"(g) For purposes of this section, the terms 'state agency' or 'state departments or agencies' shall not include institutions of higher education unless otherwise expressly provided."

Section 324. Amend 29 Del. C. §6308A (a) by adding a new paragraph (3) to read as follows:

"(3) 'State agency' or 'agency' shall not include institutions of higher education unless otherwise expressly provided."

Section 325. Amend 29 Del. C. §6308A (j) by inserting the phrase ", including institutions of higher education," after the words "state agencies" appearing therein.

Section 326. Beginning in Fiscal Year 2011, the requirements of 14 Del. C. § 5302 and § 6511 shall be waived until such time that State funding is appropriated for said program.

EDUCATION

Section 327. During the course of the fiscal year, the Department of Education is authorized to continue the work of the Public Education Compensation Committee to review and make recommendations to the Governor and Joint Finance Committee regarding the public education salary schedules authorized in 14 Del. C. c. 13. The committee shall consist of the following individuals or their designee: Controller General, Director of the Office of Management and Budget, Secretary of Education, Executive Director of the Delaware State Education Association (DSEA), one school business manager, and one school superintendent. The committee shall review comparability of salaries statewide, in addition to surrounding areas and alternative compensation models. A report of findings shall be submitted to the Governor and co-chairs of the Joint Finance Committee no later than May 1, 2010.

Section 328. It is the goal of the General Assembly to implement by Fiscal Year 2011 the recommendations of the Public Education Compensation Committee with respect to Instructional and Service Aides contained in the report of said committee, dated May 15, 2007, as follows; (1) to ensure that the first Step of the salary schedule for Instructional Aides is equivalent to the U.S. Department of Commerce poverty income level for a family of four for the year 2010; the first Step 0 of the salary schedule for Service Aides to be equivalent to 85 percent of the first Step 0-for Instructional Aides; (2) to reduce the number of steps on the Instructional Aides and Service Aides salary schedules to ten; (3) to ensure that the percentage difference between steps on the Instructional Aides and Service Aides salary schedules are equal percentage amounts as specified in the recommendation found in the aforementioned report.

Section 329. Notwithstanding the provisions of 14 Del. C. § 1305(m), (o) and (p), for those employees who have achieved certification from the National Board for Professional Teaching Standards and serve as teacher or lead mentors, the mentor stipend payment for such service will be excluded from the 15 percent salary supplement limit only.

Section 330. (a) For this fiscal year, employees who have been issued an initial license and are in a third or fourth year extension due to failure to pass Praxis I shall receive a ten percent salary reduction. Employees currently on an emergency certificate as a result of being assigned to an area outside the area of certification shall not receive a ten percent salary reduction.

(b) Section 1 of this Act makes an appropriation of $6,800.0 to Public Education, School District Operations, Other Items (95-02-02) for Skills, Knowledge and Responsibilities Pay Supplements. This appropriation provides funding for the supplements associated with professional development clusters, mentor stipends and National Board Certifications.

(c) Beginning May 21, 2008, and notwithstanding the provisions of 14 Del C. c. 13, a moratorium has been implemented for all new participation in professional development clusters, the National Board for Professional Teaching Standards (NBPTS) certification program and all national certification supplements. This moratorium is effective for any new cluster applications, replications and all previously approved cluster slots. Any employee completing a cluster that began before May 21 or currently receiving a stipend will continue to receive payment of the appropriate amount for the appropriate duration. Teachers or specialists who obtained NBTPS or other national certification in another state prior to May 21, 2008, may receive the appropriate stipend upon beginning employment in a Delaware school district. Any teacher or specialist currently in the process of completing a NBPTS or other national certification as of May 21, 2008 will receive the appropriate supplement when the certification is awarded including certification renewals. If a participant chooses to pursue NBPTS certification independently during the moratorium period, they will not be eligible for retroactive payments should funding be restored during the certification period but they would be eligible for the supplement for the remainder of the certification. Any teacher or specialist currently receiving a stipend for a national certification under 14 D. C. § 1305 (l) shall continue to receive it as long as the certification is kept current through the appropriate national organization.

(d) National Board for Professional Teaching Standards (NBPTS) certification by individuals paid under 14 Del. C. § 1305 excludes superintendents, assistance superintendents, directors, and individuals employed in non-instructional areas detailed in Section 1312(c), and employees of the Department of Education.

(e) The funds received by charter schools through the Department of Education associated with staff members who qualify for the salary supplement described in subsection (c) shall be paid to said employees in accordance with subsection (c).

Section 331. Section 1 of this Act makes an appropriation of $775.0 ASF and 2.0 ASF FTEs to the Department of Education (95-01-01) for the Delaware Interscholastic Athletic Fund. The Association shall not operate any accounts outside of the State accounting system and the Fund shall be interest bearing.

Funds shall be utilized to support the activities and operations of Delaware interscholastic athletics. During the fiscal year, the expenditure of funds from the Delaware Interscholastic Athletic Fund will be in accordance with the Division of Accounting budget and accounting procedures.

Section 332. For this fiscal year, the inflation factor for the local per pupil payments required under the state's Enrollment Choice Program, as specified in 14 Del. C. § 408(e), and for the local per pupil payments required under the state's Charter School Program, as specified in 14 Del. C. § 509(d), shall be zero.

Section 333. Any course offered at a vocational technical high school may be offered in the comprehensive high schools if a sufficient student interest can be demonstrated as determined by the Secretary of Education.

Section 334. Section 1 of this Act makes an appropriation to the Department of Education (95-01-01) for Educator Certification and Development activities. This appropriation to the Department of Education is intended to offset expenditures in the following areas: standard setting for PRAXIS II; teacher and administrator assessment procedures; revision and update of teacher and administrator evaluation procedures (DPASII); diversity and educator recruitment; professional recertification and expanding the Alternative Routes to Teacher Certification program.

Section 335. Section 1 of this Act provides an appropriation of $329.5 to the Department of Education (95-01-01) for Standards and Assessment. Part of the Standards and Assessment program agenda is to support the development and implementation of performance indicators.

Section 336. Section 1 of this Act makes an appropriation of $51.0 to the Department of Education (95-01-01) for Odyssey of the Mind. This appropriation shall be made available to school students to assist in defraying out of state travel expenses associated with this program.

Section 337. Section 1 of this Act appropriates $600.0 to the Department of Education (95-01-01) for Infrastructure Capacity. These funds shall be used to support the development and implementation of automated systems to manage such activities as the licensure and certification process; the Delaware Performance

Appraisal System; the tracking of skills and knowledge supplements; development of on-line standards-based units of instruction; and the accountability reporting system.

Section 338. Section 1 of this Act appropriates $1,342.9 to the Department of Education (95-01-01) for Educator Accountability. These funds shall be used to support the design and implementation of DPAS II; teacher recruitment and retention programs; and modification of the licensure and certification system. Prior to expending any of these funds, an approved budget must be submitted by the Secretary of Education, after consultation with the Professional Standards Board, and approved by the Director of the Office of Management and Budget and Controller General.

Section 339. Title 14, Del. C. § 122(e), requires the Department of Education to review all regulations to ensure that all regulations are current and not burdensome, and 14 Del. C. § 122(f) and (g) provide a means for districts to pursue waivers of state regulations. The Federal Education Flexibility Partnership Act of 1999 allows districts to apply for waivers of federal regulation in states that have adopted challenging content and performance standards, have aligned assessments to those standards, have established a system of school and district accountability, and allow waiver of State statutory and regulatory requirements relating to education.

Given federal approval of the Department of Education's application for Ed Flex, the Department may waive State statutory and regulatory requirements pursuant to the Federal Education Flexibility Partnership Act of 1999. Such waivers must be applied for according to procedures and policies determined by the Department of Education and must be related to Title I, Part B of Title II, Title IV, Title V, Title III, and the Carl D. Perkins Career and Technical Education Act of 2006. State programs for which waivers may be granted include, but are not limited to, Student Discipline, Academic Excellence, and Professional and Curriculum Development.

Section 340. Effective July 1, 2007, notwithstanding the provisions of 29 Del. C. c. 69, during Fiscal Year 2008, the Department of Education is authorized to extend, for a period not to exceed two years, its existing contract including any subsequent negotiated administrative changes for student assessment as required under the federal No Child Left Behind Act. For the remainder of the DSTP contract, the Department of Education is authorized to: 1) modify the administration of the Delaware Student Testing Program to eliminate the writing assessment for grades 3, 4, 6, 7 and 9; and 2) eliminate the reading and mathematics summer retests at grades 3, 5, and 8 in reading and grade 8 in mathematics. The Department of Education is also authorized to

make other administrative changes as negotiated with the test vendor. In addition, notwithstanding any law or regulation to the contrary, all consequences for individual students including summer school, Individual Improvement Plans, retention and DSTP retakes shall be eliminated for the remainder of the DSTP contract. Further provided, notwithstanding any law or regulation to the contrary, retests at high school grades and the related student consequences shall be eliminated.

Section 341. During Fiscal Year 2010, the Department of Education may be authorized to continue a needs-based funding structure within Brandywine and Seaford School Districts, to provide resources to students with disabilities in the most flexible and equitable manner possible, upon approval of the Director of the Office of Management and Budget and Controller General. Any changes to the existing structure must be approved by the Director of the Office of Management and Budget and the Controller General. In addition the Department may expand this funding structure to include all remaining school districts and all charter schools, provided those districts and charter schools shall not realize an increase or decrease in the number of units earned which is greater than three units over the previous school year until a district or charter school is funded fully by the needs-based formula

In addition, during Fiscal Year 2010, the Department of Education, in collaboration with the Governor's Advisory Council for Exceptional Citizens, shall finalize the needs based funding model for related services units and all other entitlement funding and provide the Office of Management and Budget and the Controller General's Office with this model for approval. The Department shall also provide a cost analysis of the statewide implementation of the needs based structure to the Office of Management and Budget and the Controller General's Office for review.

Section 342. The Delaware Code notwithstanding, during this fiscal year, the Director of the Office of Management and Budget is authorized to continue funding for issues such as, but not limited to, the number of administrative positions and activity busing for which the State was required to provide funding as a result of a 1978 federal court order. This authorization, as it relates to administrative positions, shall apply only to positions filled for employment, and shall not be considered as authorization to fund any cash options pursuant to 14 Del. C. § 13. It is the intent of the General Assembly that beginning in Fiscal Year 2010, existing filled

positions authorized pursuant to this section shall, upon vacancy, be permanently ineligible for the State share of salary pursuant to 14 Del. C. § 1305.

Section 343. General Fund appropriations to Public Education in appropriation units (95-03-00), (95-04-00) and the Delmar Tuition, General Contingency and Debt Service appropriations in appropriation units (95-01-00) and (95-02-00) shall not be subject to the limitations as defined for Division I and Division II in 14 Del. C. § 1706 and § 1709.

Section 344. For Fiscal Year 2010 only, Division II – All Other Costs allocations to school districts , excluding Division II vocational units earned, may used for any Division III purpose pursuant to 14 Del. C. §1304 and §1707(h).

Section 345. Notwithstanding the provisions of 14 Del. C. § 1703, the First State School Program shall be guaranteed state funding based upon a minimum of two Division I units. In addition, Section 1 of this Act appropriates $314.5 to Public Education, Block Grants and Pass Through Programs, Special Needs Programs for the First State School.

The Department of Education, Children's Services Cost Recovery Project is authorized to pursue Medicaid cost recovery for eligible services provided to Medicaid eligible children at the First State School. Students in the program are considered eligible for special education services and have Individual Education Programs in addition to their medical treatment plans. Any funds recovered shall be utilized to offset the guaranteed 2.0 units and First State School operational costs.

The Department of Education is authorized to provide AI duPont Hospital an amount not to exceed $50.0 for its program serving medically fragile students from funds appropriated in Section 1 of this Act to Public Education, School District Operations, Other Items (95-02-02).

Section 346. Section 1 of this Act provides certain appropriations to Public Education, School District Operations, Other Items and Debt Service. These amounts are not based on the unit system. Allocation of these funds shall conform to the following:

(a) Debt Service amounts are predicated upon the amortization schedule as provided by the State Treasurer.

(b) The line item Other Items in the internal program unit Other Items (95-02-02) shall be allocated as follows:

Caesar Rodney - Americanization	$ 14.1
Red Clay - Americanization	113.6
Margaret S. Sterck -	
Residence - Other Costs	85.4
Consultant Services	11.0
Preschool Summer Program	6.9
Christina Autistic -	
Residence - Other Costs	206.5
Contractual Services	11.4
John G. Leach	50.0
Sussex Orthopedic School	12.9
Total	$511.8

Section 347. Section 1 of this Act makes an appropriation to Public Education, School District Operations, Other Items (95-02-02) of $1,000.0 for School Improvement Funds that shall be used to provide technical assistance and support to schools and districts rated as academic review, academic watch or academic progress.

Section 348. Amend 14 Del. C. §1707(c) deleting the word “2009” as it appears in the last sentence and substituting in lieu thereof the word “2010”.

Section 349. For Fiscal Year 2010, all school districts shall receive Equalization funding based on the FY2009 average per unit amount for existing and new units.

Section 350. Section 1 of this Act makes an appropriation of $15,430.8 to Public Education, School District Operations, Other Items (95-02-02) for Full-day Kindergarten Implementation to continue the phase-in of statewide full-day Kindergarten. This appropriation will provide funding to continue the existing pilot program, as awarded by the Department of Education at the Fiscal Year 2008 funding level, in the Indian River School District.

Notwithstanding 14 Del. C. § 1703, this appropriation also provides funding for the following school districts/charter schools to generate Kindergarten units at a rate of 17.4: Academy of Dover, East Side, Thomas Edison, Kuumba Academy, Laurel, MOT, Providence Creek, Odyssey, Seaford, Smyrna, Woodbridge, Cape Henlopen, Appoquinimink, Capital, Caesar Rodney, Colonial, Newark, Brandywine, Red Clay, Delaware College Preparatory Academy, and Lake Forest. Students in Delmar will attend full-day Kindergarten through an agreement with Wicomico County, Maryland.

The intent of full-day Kindergarten is to offer voluntary comprehensive options to parents and students. When a district and/or charter school fully implements full-day Kindergarten, school districts will still have to make available a half-day option if parents request it. School districts shall have the flexibility to locate such half-day options at designated schools to ensure the most efficient use of state and local resources. Transportation shall be made available for half-day and full-day Kindergarten programs.

Section 351. Section 1 of this Act makes appropriations to the Department of Education, School District Operations, Division Funding (95-02-01) for Division II - All Other Costs and Energy. A Division II-Energy Unit shall be valued at $2,402.00. A Division II - All Other Costs Unit shall be valued at $3,115.00.

Section 352. Notwithstanding provisions of 29 Del. C. § 6102(r)(2) and § 6102(r)(3), for Fiscal Year 2010, the sum authorized to the Education Expense and Property Tax Relief Fund shall be allocated using State Fiscal Stabilization Funds and is to be allocated as follows. These funds are subject to the guidelines and reporting requirements of the American Recovery and Reinvestment Act of 2009:

District Allocation	**Increase Support for Education**	**Offset Local Current Expense Taxes**	**Total**
Appoquinimink	$ 0	$ 523,260	$ 523,260
Appoquinimink ILC	18,468	0	18,468
Brandywine	0	2,158,200	2,158,200
Bush	16,350	0	16,350
AI Institute	6,298	0	6,298
Brandywine ILC	75,210	0	75,210
Christina	0	3,691,830	3,691,830
Autistic Program	135,407	0	135,407
REACH	53,533	0	53,533
Sterck	85,023	0	85,023
Christina ILC	170,040	0	170,040
Colonial	0	2,001,240	2,001,240
Leach	75,576	0	75,576
Colonial ILC	42,510	0	42,510
Red Clay	0	2,897,220	2,897,220

Meadowood	75,576	0	75,576
Red Clay ILC	122,811	0	122,811
Caesar Rodney	0	567,840	567,840
Caesar Rodney ILC	9,204	0	9,204
Charlton	47,554	0	47,554
Capital	0	728,495	728,495
Capital ILC	4,820	0	4,820
Kent Orthopedic	16,874	0	16,874
Lake Forest	0	412,230	412,230
Milford	0	584,661	584,661
Milford ILC	5,062	0	5,062
Smyrna	0	520,000	520,000
Smyrna ILC	5,000	0	5,000
Cape Henlopen	0	24,174	24,174
Delmar	0	125,000	125,000
Delmar ILC	1,303	0	1,303
Indian River	0	592,680	592,680
Laurel	0	358,314	358,314
Laurel ILC	5,874	0	5,874
Seaford	0	263,895	263,895
Seaford ILC	6,025	0	6,025
Woodbridge	0	125,000	125,000
New Castle Vo-Tech	0	834,485	834,485
New Castle Vo-Tech ILC	25,192	0	25,192
Polytech	0	125,000	125,000
Polytech ILC	12,272	0	12,272
Sussex Technical	0	0	0
Total	$1,015,982	$16,533,524	$17,549,506

Section 353. Section 1 of this Act provides an appropriation to Public Education, Block Grants and Pass Through Programs, Adult Education Work Force Training Block Grant (95-03-10). This appropriation shall be allocated by the Department of Education to the following programs/districts:

Adult Trade Extension/Apprentice Program (statewide)	$1,720.7
James H. Groves High School (statewide)	3,522.8
Adult Basic Education (statewide)	451.3
New Castle County Learning Center (Christina School District)	221.0
Delaware Skills Center (N.C.C. Vo-Tech)	1,382.7
Alternative Secondary Education Program (statewide)	893.3
Marine Mechanics Apprentice Program (Sussex Vo-Tech)	21.0
Interagency Council on Adult Literacy	285.8
Diploma-at-a-Distance	126.1
TOTAL	$8,624.7

Section 354. Section 1 of this Act makes an appropriation to Public Education, Block Grants and Pass Through Programs, Professional Accountability and Instructional Advancement Fund (95-03-10).

(a) The following allocations shall be provided:

(1) $275.0 for Alternative Routes programs. $200.0 is provided for the Alternative Routes to Certification program, to include an expansion for Special Education. The remaining $75.0 may be used for the Summer Institute program.

(2) $1,566.5 shall be allocated by the Department of Education to districts for professional and curriculum development activities. Districts shall submit applications to the Department of Education detailing the district's plan for the utilization of these funds. The Department of Education shall review and approve plans and allocate an amount not to exceed $157.00 per certified employee, based on a district's personnel complement for the 2008-2009 school year. Grants are to be used for developing and implementing curriculum based on the content standards established by the Curriculum Frameworks Commission, as approved by the State Board of Education or for other professional development activities, including, but not limited to: Discipline, Special Education/Inclusion Collaboration/Consensus Building, Conflict Resolution, Shared Decision Making, local school board member training, and Educational Technology. Districts are encouraged to collaborate as a means of maximizing resources as well as focusing district activities on consistent principles. Grants may be utilized for training, planning, in-service programs and contractual services. The Department of Education is authorized to transfer 50 percent of the estimated district grant amount by July 30 of the fiscal year. The remaining 50 percent shall be transferred within 30 days of the final approval of the district application for funding.

In the application, districts shall detail the proposed utilization of funds as well as the incorporation of the following criteria:

(a) Integration of the proposal with existing resources and programs such as the Comprehensive Discipline Act, Delaware Principals Academy, Delaware Teachers Center, Drug Free

Schools, Title I and II, Special Education and local funds dedicated to Standards and Assessment.

(b) Inclusion of local staff in planning of the grant proposal, with representation from all involved in student learning, including all professional employees by category. The plan(s) should focus on overall improved student performance, with a built in level of accountability to determine effectiveness.

(3) $300.0 for Professional Mentoring. The intent of this appropriation is for exemplary teachers to assist new teachers through leadership and guidance, and includes a training component in order for teachers to become better mentors. This funding level allows for a statewide program.

(4) $150.0 for the Delaware Center for Teacher Education to support professional and curriculum development activities in the content areas of reading and social studies. The Department of Education shall determine, in coordination with the agency (or agencies) performing such activities, the training goals and objectives, including how the objectives of Standards and Assessment will be furthered. The Department of Education, Controller General and Director of the Office of Management and Budget shall ensure that the proposed development activities are cost efficient and meet the objectives outlined in this section before agreeing to transfer the appropriation from the Department of Education to the operating agency.

(5) $898.5 for Reading Cadre. This appropriation will provide each local school district, excluding charter schools, with the state share of salaries in accordance with 14 Del. C. § 1305 and the state share of the Division III Equalization Unit amount as defined in 14 Del. C. § 1707 for one 10-month Reading Specialist. The purpose of this Specialist will be the creation of a Reading to Reading Cadre which will provide assistance to districts in designing, demonstrating and implementing best practices in reading instruction. Such position shall be responsible for curriculum alignment and professional development in reading for district educators.

(6) $75.0 for Models of Excellence. These funds shall be used to identify the achievements of Delaware schools, to learn from program success in improving student achievement and to recognize and share best practices among districts.

(b) Any funds remaining subsequent to these allocations may be disbursed at the discretion of the Department of Education for professional accountability and instructional advancement activities.

Section 355. Section 1 of this Act makes an appropriation to Public Education, Block Grant and Pass Through Programs, Academic Excellence Block Grant (95-03-10). Of the amount appropriated, $33,584.7 shall be used to fund units for academic excellence in the school districts in accordance with 14 Del. C. § 1716. The balance of $4,595.4 was eliminated from this act but equivalent resources are being provided to school districts and charter schools eligible for the program under this section through the State Fiscal Stabilization Funds appropriated through the Federal American Recovery and Reinvestment Act of 2009. While this program is funded in this manner, the provisions of this section shall be treated as guidance to the districts and charter schools that are recipients of this funding. However, these funds are subject to the guidelines and reporting requirements of the American Recovery and Reinvestment Act of 2009. The balance of $4,595.4 shall be allocated to school districts in proportion to the number of Division I Units each district enrolls on the last school day in September. School districts may use the funds to: purchase computer hardware, software or services; calculators; library resources; fund homebound instruction costs; provide substitute teachers; provide additional nurses so long as the district is entitled to less than one nurse per school; provide a student work-study program; provide conflict resolution training; provide extended day or extended year programs for students performing below the standard level; and provide stipends for professionals engaged in curriculum or professional development activities sponsored by a local school district or the Department of Education, outside of the regular school day. School districts may form consortia, utilizing homebound funds, to purchase or provide homebound services. No homebound funds may be spent to provide services to students who have been suspended or expelled from school, except for special education students.

Section 356. For the fiscal year beginning July 1, 2009, any local school district that has had two consecutive failed current expense tax referendums during the time period July 1, 2007 to January 1, 2010, is authorized to exercise the cash option on Academic Excellence units up to the total number of units provided

under that program. This provision will apply for Fiscal Year 2010 only. In addition, districts meeting this criteria are authorized to utilize funds derived from this cash option to pay local salary supplements. Any district that has had a successful current expense tax referendum subsequent to two consecutive failed current expense tax referendums is ineligible for the provisions of this section.

Section 357. State funds for the Student Success Block Grant were eliminated from this act but equivalent resources are being provided to school districts and charter schools eligible for the program under this section through the State Fiscal Stabilization Funds appropriated through the Federal American Recovery and Reinvestment Act of 2009. While this program is funded in this manner, the provisions of this section shall be treated as guidance to the districts and charter schools that are recipients of this funding. However, these funds are subject to the guidelines and reporting requirements of the American Recovery and Reinvestment Act of 2009.

This appropriation shall be allocated by the Department of Education to school districts and charter schools based on Fiscal Year 2008 allocations. This block grant represents the consolidation of the Teacher to Teacher Instructional Cadre, Extra Time Early Intervention Reading Program, Extra Time K-12, and Student Discipline Part II funds. School districts shall be allowed to continue their Fiscal Year 2008 local match as it relates to Extra Time.

Each school district may be required to submit a plan to the Department of Education for the use, distribution and expected outcomes of allocated Student Success Block Grant funds. The plan provided to the Department of Education shall indicate the student populations to be served; the type of program(s) proposed; the levels of academic improvement the services are intended to achieve; and the measurement and/or evaluation process the district will use to determine program effectiveness. The plan shall be submitted and approved through the Education Success Planning and Evaluation System web-based consolidated application process.

To the extent that these funds are used to pay salary expenses, they may only be used for the state share in accordance in the schedule contained 14 Del. C. c. 13.

Section 358. Section 1 of this Act provides an appropriation of $11.8 to Public Education, Block Grants and Pass Through Programs, K-12 Pass Throughs (95-03-15) for the Delaware Nature Society. It is the intent

that this money be used to provide summer programs including an eighth grade program in environmental heritage.

Section 359. Section 1 of this Act provides an appropriation of $211.7 to Public Education, Block Grants and Pass Through Programs, K-12 Pass Throughs (95-03-15) for the READ-ALOUD Delaware Program. READ-ALOUD Delaware is to continue to develop and foster programs for the purpose of encouraging regular reading to preschool-aged children as an effective way to prepare them for learning. The monies passed through to READ-ALOUD Delaware shall be used to provide programs in each county, focused on the more disadvantaged segment of the population of preschool-aged children.

Section 360. Section 1 of this Act provides an appropriation of $73.8 to Public Education, Block Grants and Pass Through Programs, K-12 Pass Throughs (95-03-15) for Advanced Studies. The Department of Education shall transfer this appropriation to the University of Delaware to help fund a summer school program, for college credit, for gifted and talented students.

Section 361. Section 1 of this Act provides an appropriation of $118.7 to Public Education, Block Grants and Pass Through Programs, K-12 Pass Throughs (95-03-15) for the Delaware Institute for Arts in Education. Of this appropriation, $24.2 shall be used to implement a new Wolftrap program. The Department of Education shall transfer this appropriation to the University of Delaware, which acts as the fiscal agent for this statewide program.

Section 362. Section 1 of this Act provides an appropriation of $214.0 to Public Education, Block Grants and Pass-Through Programs, K-12 Pass Throughs (95-03-15) for the Center for Economic Education. Of this amount, $29.1 is appropriated to support a professional development model for systematically training teachers in content and pedagogy and provide them with ongoing support in the classroom.

Section 363. Section 1 of this Act provides an appropriation of $117.3 to Public Education, Block Grants and Pass Through Programs, K-12 Pass Throughs (95-03-15) for the Urban Community Empowerment Initiative demonstration pilot program “Achievement Matters Campaign”. The purpose of the Campaign is to build the competencies and achievement level of middle school students to provide a bridge from middle school to high school. These funds shall be used exclusively for direct program expenses and may not be used for salaries and benefits for existing staff of the Metropolitan Wilmington Urban League.

Section 364. Section 1 of this Act makes an ASF appropriation to Public Education, Block Grants and Pass Through Programs, Special Needs Programs (95-03-20) for the Children's Services Cost Recovery Project (CSCRP). All local school districts shall fully participate in the implementation and operation of the project for the fiscal year ending June 30. Local school district participation shall be on a district-wide basis.

The following resources are appropriated to operate the Children's Services Cost Recovery Project during the fiscal year ending June 30. No appropriation is made for the purchase of additional state-owned vehicles pursuant to this section. The appropriated funds for supplies and in-state travel which, pursuant to this section, are passed through to the local school district shall be dedicated to implementing the Children's Services Cost Recovery Project.

In addition, 14.0 FTEs staff positions are appropriated to support this project: 3.0 FTEs shall be located at the Department of Education. The Department of Education is hereby permitted to authorize the hiring of up to 11.0 FTEs in the local school districts for the sole purpose of implementing this section. The 11.0 FTEs in the local school districts shall be paid in accordance with the Financial Secretary Salary Schedules 1308 and 1309 including the local salary supplement in place at the employing school districts. At the discretion of the Department of Education, 1.0 FTE may be paid in accordance with the Administrative Secretary Salary Schedules as defined in 14 Del. C. § 1308 and § 1309, including the local salary supplement in place at the employing local school district.

When it is deemed in the best interest of the program to have positions transferred between school districts, the employees in those positions will be compensated in accordance with the local salary supplement in place at the new district. However, should the new district's local salary supplement be less than that of the transferring employee, the employee's local supplement will be frozen until the new district supplement meets or exceeds the amount of the original supplement. The employees may elect to have their sick and annual leave balances transfer with them between districts.

When any of the 11.0 positions authorized to the local school districts become vacant, the position shall be re-assigned to the Department of Education and compensated in accordance with the Department of Education compensation plan.

All revenue generated through the cost recovery project from local school district sources will, after the deduction of all operational project costs, be divided between the State General Fund and the local school district's operating funds in a proportion that equals the original sharing of expenses. Any funds returned to a local school district that were generated through recovery on non-transportation services provided by a tuition-based special school must be made available to the special school for expenditure at the special school.

Audit exceptions, including any penalties and fees, will be covered from drawdowns on future recoveries on a similar basis as indicated above.

Section 365. For the purpose of participating in the Children's Services Cost Recovery Project, provisions of the Delaware Code to the contrary notwithstanding, school psychologists certified or otherwise licensed by the Department of Education in accordance with the provisions 14 Del. C. § 1092, shall be considered in compliance with qualification standards equivalent to state licensure to practice psychology as set forth in 24 Del. C. § 3508. Such equivalent state licensure status shall be limited to the delivery of services related to the Department of Education or local school district approved school programs conducted within the course of the regular school day at a Department of Education or local school district approved school site or least restrictive environment location. The provisions of this section shall in no way be construed as entitling a person not otherwise qualified to do so to represent himself to the public by any title or description of services incorporating the words "psychology," "psychological," and/or "psychologist" within the meaning of 24 Del. C. § 3502, except as may be herein specifically provided.

Section 366. The Interagency Resource Management Committee (IRMC) fosters an interagency approach in coordinating the delivery of early care and education services in Delaware, and the establishment and operation of the Office of Early Childhood.

The IRMC will coordinate the implementation of the recommendations of the October 1999 report: "Early Success: Creating a Quality Early Care and Education System for Delaware's Children", where feasible, and, if applicable, subject to an annual appropriation. The IRMC shall report to the Governor, President Pro-Tempore of the Senate, and the Speaker of the House on April 15 of each fiscal year. Each report shall include:

1. A summary of IRMC experiences in attempting to accomplish its purposes as stated above; and,

2. A recommendation of the IRMC whether and how to institutionalize its activities and functions.

The IRMC may, at its discretion, apply for grant funds that will further any of the purposes of this section.

The Director of the Office of Management and Budget and the Controller General are hereby authorized to transfer funds among the budgets of the departments represented on the IRMC if there is prior agreement by the secretary of the department, as the case may be, to which the funds were previously allocated. Such transfers shall be intended to further the purposes of this section. The IRMC shall be staffed by the Office of Early Childhood in the Department of Education. Such Office shall be composed of a director, an assistant director and a clerical support position. Funding shall be provided by the Department of Health and Social Services and the Department of Services for Children, Youth and Their Families no later than July of each fiscal year to support the operational costs associated with the assistant director and clerical support positions. Funds allocated in this section are to be used to support the work of the Office and to continue the interagency evaluation process for Delaware's early childhood programs.

Section 367. Section 1 of this Act makes an appropriation to Public Education, Block Grants and Pass Through Programs, Special Needs Programs (95-03-20) for the Student Discipline Program.

(a) A total of $4,000.2 is allocated for the statewide implementation of programs for severe discipline cases. Of that amount, a total of $2,400.0 will be allocated to the three counties in the following manner: 50 percent to New Castle County, 25 percent to Kent County and 25 percent to Sussex County. Of the $2,400.0, $150.0 in New Castle County and $75.0 in both Kent and Sussex counties must be utilized for transitional services. A total of $1,020.0 will be disbursed on a competitive basis among the existing school district consortiums or to individual school districts. Of the $1,020.0, $820.0 will be utilized for improvement of academic programs and $200.0 will be utilized for extended year opportunities. A total of $580.2 is allocated to increase resources for programs in Kent and Sussex Counties and shall be equally divided between the two programs as follows: $330.2 in Kent and $250.0 in Sussex. If funds are used for personnel costs, they may only be used for the state share in accordance with the schedules contained in 14 Del. C., c 13.

Programs receiving funds under this section may utilize no more than $300.0 in total from Pupil Transportation (95-04-01) for transportation expenses.

(b) For the purpose of facilitating the continuation of services, districts receiving an allocation under the provisions of subsections (a) and (b) of this section, may receive 50 percent of the prior year's base grant allocation at the outset of each fiscal year. These districts are required to present program proposals to the Department of Education no later than November 15 each year. Upon Department of Education approval, adjustments to program allocations will be made.

(c) The Department of Education shall determine common data definitions and data collection methodologies for each program in this section. Districts shall use such definitions and methodologies and shall provide information as requested by the Department of Education. This information shall include but not be limited to the following: the number of students served, reasons for service, measures of behavioral improvement, measures of academic improvement as appropriate, rates of recidivism within programs, and number and types of referrals for additional services. The Department of Education shall prepare a statewide management report to identify needs for program improvement and best practice.

(d) A total of $4,186.1 is authorized for prevention components administered by the Department of Education and the Department of Services for Children, Youth and Their Families. Funding shall be provided as follows:

(i) $4,186.1 to provide early intervention services through the Department of Services for Children, Youth and Their Families, Family Crisis Therapist Program. Services are intended for grades K-5 and shall address but not be limited to, problems such as Early Onset Conduct Disorder. The Department of Services for Children, Youth and Their Families may enter into contractual agreements, may employ casual/seasonal personnel, or may create the necessary positions with the approval of the Delaware State Clearinghouse Committee and maintain an ASF or NSF account with sufficient spending authority to operate the program.

(ii) For purposes of implementing (i) above, the Department of Education and the Department of Services for Children, Youth and Their Families shall administer a competitive Request for Proposal (RFP) process to determine grant awards to local districts. Grant awards shall be for a period of 12 months. Factors that may be utilized in the evaluation of proposals can be, but are not limited to, the following: links to Part II discipline funding or other district resources; the

use of collaborative partnerships; the relative need of the local school district community; and the recognition within a proposal of the need to provide services to meet the presenting problems of both the child and the family. To the extent possible, the Department of Services for Children, Youth and Their Families is authorized to pursue Medicaid cost recovery for eligible services provided to Medicaid eligible children. Funds resulting from these efforts may be used to expand these services with prior approval of the Director of the Office of Management and Budget and the Controller General.

(e) Based on the recommendations that resulted from House Joint Resolution 25 of the 139th General Assembly, a total of $1,325.0 shall be allocated for the continued operation of the alternative school program. The program shall be developed utilizing research based best-practice models. The program shall provide year-round services as deemed appropriate and determined by the consortium board and the Department of Education within the prescribed State appropriation. This program shall be considered a special school for the purposes of charging tuition payments to be made by school districts of residence under the statutory provisions of 14 Del. C. c. 6, such that the districts shall fund at least 30 percent of the total cost of the program. The New Castle County Consortium and the Department of Education shall oversee administration of the program, and may enter into contractual arrangements to operate the program. Such oversight shall include an annual evaluation of the program to be submitted to the Department of Education.

Section 368. Section 1 of this Act provides an appropriation to Public Education, Block Grants and Pass Through Programs, Special Needs Programs, Unique Alternatives (95-03-20). Funds may only be allocated to the Sussex ICT to provide direct services and supports to interagency students that would be referred to the ICT. The local share of payment shall continue to be subject to the same criteria as all other ICT decisions. This authorization is based on the signed Memorandum of Agreement between the school districts and other ICT agencies.

Section 369. Section 1 of this Act provides an appropriation to Public Education, Block Grants and Pass Through Programs, Special Needs Programs (95-03-20) for Exceptional Student Unit - Vocational. This appropriation shall be used to continue the program of vocational education for handicapped students. The funds appropriated shall provide for Divisions I, II, and III funding for a maximum of six units, prior to

application of the vocational deduct, units in a single program. The unit shall be based upon 13,500 pupil minutes per week of instruction or major fraction thereof after the first full unit and shall be in addition to the funding otherwise provided under 14 Del. C. § 1703(d).

Section 370. Section 1 of this Act appropriates 37.7 FTEs, of which up to 4.0 shall be authorized as teachers/supervisors, 29.7 authorized as teachers, 3.0 authorized as secretaries for the Department of Education, and 1.0 education associate to operate the Prison Education Program. The qualification of employees for the prison education program shall be the same as the qualification for employees in the public high schools. Teachers/supervisors shall have teaching responsibilities as defined by job responsibilities and duties developed by the Department of Education.

Salary for employees in the prison education program when paid from funds of this State, shall be in accordance with the regularly adopted salary schedules set forth in 14 Del. C. c. 13. The salary so computed shall be divided by .7 for ten months employment. If employed on an 11 or 12 month basis, the ten month amount shall be multiplied by 1.1 or 1.2 respectively. In addition to the above calculation, teachers and administrators qualifying for professional development clusters in accordance with 14 Del. C. § 1305(l) shall receive an additional amount equal to the approved cluster percentage multiplied by the base salary amount defined in 14 Del. C. § 1305(b). This calculation shall not be increased for 11 or 12 month employment. The percentage shall only be applied to the base 10 month salary for 10, 11 and 12 month employees. In accordance with 14 Del. C. § 1305(p), the cluster percentage is capped at 15 percent. Employees whose primary job location is onsite within the institution shall also receive hazardous duty supplements as provided in the Merit System. Teachers/supervisors shall receive an administrative supplement of four to eight percent to be determined by the Department of Education with the approval of the co-chairs of the Joint Finance Committee.

Students served under this program shall not be included in the calculation for unit count purposes as defined in 14 Del. C. c. 17. The Director of the Office of Management and Budget and Controller General may transfer funds between lines and departments to pay for this program.

Section 371. Any provisions of the Delaware Code to the contrary notwithstanding, the Department of Education with the approval of the Director of the Office of Management and Budget and Control General is authorized and directed to provide aides for the purpose of providing mainstreaming services to deaf students.

Section 372.Section 1 of this Act makes an appropriation to Public Education, Block Grants and Pass Through Programs, Special Needs Programs (95-03-20), for Tech Prep 2+2. A Delaware Tech Prep Consortium is formed to provide for overall program development and management, coordination and technical assistance. The Consortium will review and provide technical assistance and in-service training for each proposal submitted to the Department of Education by any partnership initiating or operating a Tech Prep Program. The Consortium will adopt rules and regulations consistent with state regulations and federal legislation.

The Consortium Board of Directors shall include: the President or designee of the Delaware Technical and Community College; the Superintendents of New Castle County Vocational-Technical School District, Polytech School District and the Sussex County Technical School District; the State Director of Vocational Education, Department of Education, (Ex-Officio); the Executive Director of Delaware Advisory Council on Career and Vocational Education; President or designee, Delaware State University and Wilmington University and one representative of business and industry. The superintendent or designee of two comprehensive local school districts will also be appointed consistent with the rules and regulations of the Consortium. Programs will be conducted in all three counties, on all campuses of Delaware Technical and Community College and other postsecondary institutions as specified by the Consortium consistent with federal legislation. All secondary schools are eligible.

Polytech School District will act as financial agent for the Consortium and an annual financial and program report will be submitted to the co-chairs of the Joint Finance Committee.

The Consortium may select another member to serve as the financial agent in a subsequent year consistent with the rules and procedures it adopts.

Section 373. State funds for the Limited English Proficient program were eliminated from this act but equivalent resources are being provided to school districts and charter schools eligible for the program under this section through the State Fiscal Stabilization Funds appropriated through the Federal American Recovery and Reinvestment Act of 2009. While this program is funded in this manner, the provisions of this section and any statutes governing the use of these funds shall be treated as guidance to the districts and charter schools that are recipients of this funding. However, these funds are subject to the guidelines and reporting requirements of the American Recovery and Reinvestment Act of 2009.

Section 374. State funds for the Reading Resource Teacher program were eliminated from this act but equivalent resources are being provided to school districts and charter schools eligible for the program under this section through the State Fiscal Stabilization Funds appropriated through the Federal American Recovery and Reinvestment Act of 2009. While this program is funded in this manner, the provisions of this section shall be treated as guidance to the districts and charter schools that are recipients of this funding. However, these funds are subject to the guidelines and reporting requirements of the American Recovery and Reinvestment Act of 2009.

Each school district, excluding state approved special schools, shall be entitled to one Reading Resource Teacher for each school which has a grade configuration of grade Kindergarten through Fifth. Reading Resource Teachers so earned may be assigned to any district school. Reading Resource Teachers may provide direct reading instruction to students which must include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency and reading comprehension strategies. Reading Resource Teachers may work with the Reading Cadre to ensure that appropriate reading activities and support are embedded in all curricular areas. Reading Resource Teachers may meet the requirements for the Standard Certification Reading Specialist.

This appropriation will provide districts and charter schools with the state share of salaries in accordance with 14 Del. C. § 1305 for 10-month Reading Resource Teachers, as well as the appropriate per unit amount of Division III funding. In order to maximize resources provided under this program local school districts are encouraged to match this funding on a 70/30 state/local basis pursuant to the provisions of 14 Del. C. § 1902(b).

The Department of Education will study and collect information from each school district regarding the utilization of these educators, achievements and anticipated outcomes. The Department will report this information to the Joint Finance Committee co-chairs, Director of the Office of Management and Budget and Controller General no later than December 31 of each fiscal year.

Section 375. State funds for the Mathematics Resource Teacher/Specialist program were eliminated from this act but equivalent resources are being provided to school districts and charter schools eligible for the program under this section through the State Fiscal Stabilization Funds appropriated through the Federal

American Recovery and Reinvestment Act of 2009. While this program is funded in this manner, the provisions of this section shall be treated as guidance to the districts and charter schools that are recipients of this funding. However, these funds are subject to the guidelines and reporting requirements of the American Recovery and Reinvestment Act of 2009.

Each school district shall be entitled to one Mathematics Resource Teacher/Specialist for each school with a grade configuration containing both seventh and eighth grades. Mathematics Resource/Teacher Specialists so earned may be assigned to any district school.

Mathematics Resource Teachers/Specialists may be utilized during the regular school day with students who need additional support and instruction in standards based mathematics with the intent that the students will be taught the skills they need to meet the Delaware mathematics standards as assessed by the DSTP. Specifically these Teachers/Specialists may examine DSTP and other standards based assessment data to determine students' progress toward meeting grade level expectations in Mathematics, and will instruct students individually or in small groups to teach specific skills and concepts in which students are deficient.

This appropriation will provide schools within districts and charter schools with the state share of salaries in accordance with 14 Del. C. § 1305 for 10-month Mathematics Resource Teachers/Specialists, as well as the appropriate per unit amount of Division III funding. In order to maximize resources provided under this program local school districts are encouraged to match this funding on a 70/30 state/local basis pursuant to the provisions of 14 Del. C. § 1902(b).

The Department of Education will collect and study information from each school district regarding the use of these educators, achievements and anticipated outcomes. The Department shall report this information to the Joint Finance Committee co-chairs, the Director of Office of Management and Budget and Controller General no later than February 1 of each fiscal year.

Section 376. Section 1 of this Act provides an appropriation of $62.5 to Public Education, Block Grants and Pass Through Programs, K-12 Pass Throughs (95-03-15) for Career Transition to create a three-year pilot program implementing the recommendations that resulted from House Resolution #36 of the 143rd General Assembly – Special Education Mentor Task Force. The Department of Education and the Division of Vocational Rehabilitation, Department of Labor shall oversee administration of the program. Such oversight

shall include an annual evaluation of the program. The Departments of Education and/or Labor may enter into contractual arrangements to operate the program.

Section 377. Section 1 of this Act makes an appropriation to Public Education, Block Grants and Pass Through Programs, Special Needs Programs (95-03-20) for Early Childhood Initiatives. These funds are to be used to support the T.E.A.C.H. program and the Early Childhood Apprenticeship program to support career training and education for early childhood workers. Additionally, the Department of Education may develop an implementation plan for creation of a Leadership Academy for Early Childhood workers and a program to train child care workers who are English Language Learners or have low literacy levels, as outlined in Early Success, for approval by the Director of the Office of Management and Budget and the Controller General prior to implementation.

Section 378. (a) Section 1 of this Act provides an appropriation of $1,992.5 to Public Education, Pupil Transportation (95-04-01) for Non-Public School Transportation Reimbursements. This appropriation shall be allocated for qualifying non-public, non-profit schools, based on the procedure adopted by the Joint Finance Committee on April 16, 1981. The Public School Transportation Committee, consisting of representatives from the Department of Education, Controller General's Office, Office of Management and Budget and representatives for bus contractors and school district transportation supervisors shall make recommendations to the Director of Office of Management and Budget and Controller General for revisions to components of the transportation formula no later than April 1, 2010.

(b) Transportation funds for public school districts during the fiscal year ending June 30, 2010, shall be allocated and shall not exceed $85,784.7 (of which $6,413.1 is designated as a transportation contingency for Charter initiatives), according to bus contract or district transportation formula, as adopted by the State Board of Education on July 23, 1987, subject to the following amendments and procedural modifications:

(1) The per gallon price used to calculate the fuel allowance shall be based on the state contract bid price for fuel plus $.07 per gallon for districts and plus $.31 per gallon for contractors. For districts and contractors north of the Chesapeake and Delaware Canal, the per gallon price shall be based on delivery to a large-sized tank (5,000 or more gallons). In the case of contractors located south of the Chesapeake and Delaware Canal, the per gallon price shall be based on

delivery to a small-sized tank (275 - 1,900 gallons). Upon determination by the Department of Education that a contractor located North of the Chesapeake and Delaware Canal and operating five or fewer buses does not have existing storage capacity in the large tank range, the per gallon price shall be based on the smaller tank size.

The initial fuel rates shall be based on the state contract bid price as of June 1 of the preceding fiscal year. Funding adjustment will be made when the annual average price increases or decreases by at least five cents per gallon. The first review will be based on the annual averages through December 31 of each year and additional reviews will be conducted each month thereafter until April 30. Reviews may also be conducted at any time upon the request of the Director of Office of Management and Budget and Controller General.

(2) For this Fiscal Year, the operating allowance shall be reduced by a rate of 2.5%.

(3) For the fiscal year ending June 30, 2010, the allowable cost of a new unused bus that was purchased by a contractor and put on contract and that was produced between January 1, 2009 and December 31, 2009 (as noted on the school bus identification plate) shall begin its seven-year capital allowance schedule using the 2009 state bid price for new school buses, minus two percent for salvage value, plus eleven percent to account for dealer charges and profits not reflected in the state bid price due to the higher number of buses being purchased and the lag time between ordering and delivery. Any bus produced on or after January 1, 2010 must meet the 2010 Federal emissions requirements in order to receive a capital allowance. Any bus produced and placed in service after January 1, 2010 the current fiscal year shall be entitled to an allowance based on the 2010 state bid price.

A used bus placed in service shall utilize the allowance schedule which would have been allowed had the bus been placed in service when new based on its production date. The bus shall receive the remaining years of capital allowance. The Department of Education shall continue to utilize the procedures developed in Fiscal Year 1989 for determining the allowable cost for any size bus that it did not bid in Fiscal Year 2009. In addition to the procedure for establishing the allowable cost of a new bus specified above, the Department of Education is

requested to structure its bids for buses in the fiscal year ending June 30, 2010, in such a manner that public school bus contractors will be permitted to purchase buses from the successful lower bidder at the same price as the State of Delaware. If a contractor elects to purchase a bus at the bid price, the lowest base bid of an awarded contract minus two percent for salvage value will be the allowable cost in subsequent reimbursements to the contractor.

(4) In Fiscal Year 2010, the school bus contractor insurance allowance shall be reduced by a rate of 2.5%.

(c) Except as specified in this section, or for changes in the price of fuel, or for the adjustments of those items changed by state or federal laws, the Department of Education shall not change the transportation formula unless the change has been authorized by the General Assembly and an appropriation therefore has been made by the General Assembly.

(d) Of the appropriation allocated for public school districts, $96.0 is allocated to purchase a maximum of twelve air conditioned buses to transport special need students. The Department of Education is authorized to amend its formula to allow the purchase of air conditioned buses which may be required to transport special education students that have a medical need for air conditioning (specified by a physician), and that go to a special education school.

Section 379. Notwithstanding any other provisions of the Delaware Code or this Act to the contrary, the Department of Education is authorized to approve and provide funding for additional transportation routes necessary to support the Seaford School District's pilot implementation of a balanced calendar schedule, beginning in Fiscal Year 2003.

Section 380. (a) During the fiscal year, the Department of Education is hereby directed to provide bus transportation of public school students previously declared ineligible by the Unique Hazards Committee, including the following:

(1) Students attending the Stanton Middle School who are now forced to walk along Telegraph Road with a constant threat of injury.

(2) Students attending Mt. Pleasant High School who are now forced to walk along Marsh Road with a constant threat of injury.

(3) Students in the town of Seaford, living west of Conrail and north of the Nanticoke River, who attend the Seaford schools, grades K-6.

(4) Students attending Seaford Central Elementary who live in the area east of Conrail, north of the Nanticoke River, and west of Williams Pond, within the Seaford city limits.

(5) Students attending the Cab Calloway School of the Arts and Wilmington Charter School on Lancaster Avenue to Delaware Avenue in the north-south grid and on Jackson Street to duPont Street on the east-west grid.

(6) Students attending Newark High School who live in Windy Hills and are forced to walk along Kirkwood Highway with a constant threat of injury.

(7) Students attending schools in Laurel living in the areas of Lakeside Manor, Route 24 east of Laurel town limits, Route 13A South of Laurel town limits and Dogwood Acres.

(8) Students attending Delcastle Technical High School who live in Newport and are forced to walk along Centerville Road (Rt. 141) with a constant threat of injury.

(9) Students attending Woodbridge Junior-Senior High School who must travel along Route 13A south of Bridgeville, and students living west of Bridgeville who must travel along Route 404 or Route 18.

(10) Students attending Smyrna Middle School who reside in the Sunnyside Acres area between Sunnyside Road and U.S. 13 and who would otherwise be required to walk along U.S. 13 in order to reach school.

(11) Students attending the Concord High School who live south of Naamans Road in the Talleybrook-Chalfonte, Brandywood, Brandon and Beacon Hill areas who must walk along Grubb and/or Naamans Road with a constant threat of injury.

(12) Students attending the Laurel Elementary Schools in Grades K-6 who live in the Town of Laurel and the surrounding areas.

(13) Students attending Dover High School who live in Old Sherwood, south of Waples Avenue.

(14) Students attending the Mt. Pleasant Elementary School, who would be forced to walk along Bellevue Road.

(15) Students attending the Mt. Pleasant Elementary School, who would be forced to cross over and/or walk along River Road between Lore and Bellevue.

(16) Students attending the Douglas Kindergarten Center, who would be forced to walk along Route 2 (Union Street) or through Canby Park via the paths, with a constant threat of injury.

(17) K-3 - New Todd Estates Development to Jeannie Smith Elementary School - because of hazards of Route 4 at Pierson Drive intersection.

(18) Children living in West Wilmington Manor who walk to Wilmington Manor Elementary School.

(19) Woodbridge Elementary School students living in the town of Greenwood, west of the railroad tracks.

(20) Woodbridge Jr./Sr. High School students living on Route 13A from Route 13 north of Bridgeville to Bridgeville north of town limits including streets with access to that part of Route 13A.

(21) Talley Jr. High School students who reside in the Ashbourne Hills, Greentree, Stoney Brook areas, students who reside in the Woodacre Apartments and students who live along Peachtree Road.

(22) Springer Middle School students residing in Eden Ridge III, Tavistock, Sharpley and Eden Ridge who must cross Concord Pike.

(23) Georgetown Elementary School students who live east of Bedford Street.

(24) Lombardy Elementary School students who must cross Foulk Road.

(25) Central Middle School students who reside in the vicinity of 1508 Dinahs Corner Road.

(26) Students attending Central Middle School, living in the area south of Kent General Hospital, to include students living along and south of Westview Terrace, Dover Street, Hope Street and Sackarackin Avenue.

(27) Students of the Appoquinimink School District who reside in Odessa Heights.

(28) Students attending Brandywine High School who live in Concord Manor and are forced to walk along Shellpot Drive and Windley Hill.

(29) Students attending Clayton Elementary, North Elementary or the Bassett Middle School in the Smyrna School District who live on Buresch Drive.

(30) Notwithstanding the construction of any sidewalk or footpath along Grubb Road between Naamans Road and Marsh Road, any child currently receiving bus transportation by the Brandywine School district who lives along Grubb Road (between Naamans Road and Marsh Road) or lives in a neighborhood which enters directly onto Grubb Road (between Naamans Road and Marsh Road) shall continue to receive bus transportation to and from school.

(31) Students residing in Brookview Apartments and lower Ashbourne Hills who attend Darley Road Elementary School.

(32) Stanton Middle School students residing in Kiamensi Gardens, Kiamensi Heights and Westfield who must cross Limestone Road.

(33) Students attending Warner Elementary or Warner Kindergarten who also attend the Brandywine Day Care Center.

(34) Students attending Brandywine Springs Elementary School who live along Newport Gap Pike.

(35) Students attending Mt. Pleasant High School who reside in the vicinity of Rysing Drive in Edgemoor Gardens, in the vicinity of Rysing Drive in the Village of Woods Edge, and in the vicinity of Edgemoor Road in Edgemoor Terrace, and the Village of Fox Point on The Governor Printz Boulevard.

(36) Students attending the Woodbridge School District, who live in the Canterbury Apartments in Bridgeville, will embark and disembark in the parking lot of the apartment complex in lieu of the bus stop area along the heavily traveled U.S. 13.

(37) Students attending McCullough Middle School living along and east of Route 9 from I-295 north to district boundary.

(38) Students attending Talley Middle School who can walk without hazard to the corner of Yardley Lane and Silverside Road.

(39) All students attending Kathleen H. Wilbur Elementary School in the Colonial School district.

(40) All students attending Kathleen H. Wilbur Elementary School in the Colonial School District.

(b) The transportation of the students specified herein shall continue until the funds requested are appropriated and construction is completed. Spur routes shall continue to be served as at present.

Section 381. Notwithstanding the provisions of any state law or regulation to the contrary, the Colonial School District is hereby directed to provide bus transportation for public school students who attend the Panda Early Education Center at 1169 South DuPont Highway in New Castle to and from Kathleen H. Wilbur Elementary School and Southern Elementary School. The Colonial School district is authorized to utilize state transportation dollars to fund the transportation of students as directed herein.

Section 382. Notwithstanding the provisions of any state law to the contrary, the Red Clay Consolidated School District is authorized to utilize state transportation dollars to fund students traveling from routes to and from the Cab Calloway School of the Arts and Brandywine Spring Elementary School and the Indian River School District is authorized to utilize state transportation dollars to fund students traveling from routes to and from the Southern Delaware School of the Arts.

Section 383. During the fiscal year, the Department of Education will continue and broaden implementation of the computerized routing system for school bus transportation. During this implementation, the Department is directed to continue to provide bus transportation services to any residential area which has received transportation services since October 1, 1977.

Section 384. Section 1 of this Act provides an appropriation to Department of Education, Pupil Transportation (95-04-00) for Public School Transportation. Notwithstanding the provisions of 21 Del. C. § 4366, the following reimbursement methodology is in effect:

(a) For those school districts or private contractors who are operating school buses equipped with cellular phone technology or have no radio or telephonic communication equipment, the Department of Education is authorized to bring said districts and contractors under a State negotiated cellular phone contract such that the State shall pay one-half of the costs associated with the monthly connect charge, subject to the availability of funds.

(b) For those school districts or private contractors who are operating school buses equipped with radio equipment, the department is authorized to reimburse said districts or contractors one-half of the installation cost of the radio equipment on a one-time basis.

Section 385. State funds for the Technology Block Grant were eliminated from this act but equivalent resources are being provided to school districts and charter schools eligible for the program under this section through the State Fiscal Stabilization Funds appropriated through the Federal American Recovery and Reinvestment Act of 2009. While this program is funded in this manner, the provisions of this section shall be treated as guidance to the districts and charter schools that are recipients of this funding. However, these funds are subject to the guidelines and reporting requirements of the American Recovery and Reinvestment Act of 2009. DCET shall administer a non-competitive application process to determine grant awards to local school districts and charter schools. Funds provided by this Act may be used in the following priority order: (1) Supporting the maintenance of existing equipment in the schools either through the use of a full time technology position or contractually, (2) replacement of existing equipment, or (3) such other technology needs as may arise which could improve or enhance the technology capabilities of the district. To the extent that these funds are used to pay salary expenses, they may only be used for the state share in accordance with the schedules contained in 14 Del. C. c. 13. Funding will be distributed based on the formula developed and approved by the co-chairs of the Joint Finance Committee in Fiscal Year 2001. Local districts are encouraged to match their allocation pursuant to the provisions of 14 Del. C. § 1902(b), provided the local match does not exceed those established under 71 Del Laws c. 378. Beginning in Fiscal Year 2008, the matching provisions provided in this section shall not be interpreted to provide duplicative rate increases. It shall be the responsibility of the Department of Education to receive and disburse these funds. The department shall also be charged with the authority to verify the use of the funds and shall require each school district to annually report on expenditures of the funds.

Section 386. Amend 14 Del C. §4202 by deleting subsections (b), (c), (d) and (e) in their entirety. Further amend 14 Del. C. §4203 by deleting subsection (3) in its entirety and renumbering the remaining subsections accordingly. Further amend 14 Del C. §4203 (4) by deleting the words “its Board” in their entirety as they appear therein. Further amend 14 Del. C §4203 (5) by deleting the words “and its Board” in their entirety as they appear therein. Further amend §4203 (6) deleting the word “Board” and replacing it with the word “Center”. Further amend §4205 (a) by deleting the words “the Board” in their entirety as they appear therein. Further amend §4205 (c) by deleting the word “Board” and replacing it with the word “Center”.

Section 387. Section 1 of this Act provides an appropriation to the Department of Education, Delaware Center for Education Technology (DCET). It is the intent of the General Assembly that DCET be responsible for and engage in activities related to total project needs and budgets for statewide education technology projects, the establishment of cost-sharing policies, the initiation and delivery of instructional technology programs, implementation on an on-going basis of professional training programs related to statewide education technology and providing technical assistance to the Department of Education for the initiation of system-wide applications including administrative and curriculum development.

The Department of Technology and Information shall support and enhance statewide education technology issues and network. In addition, DTI will collaborate with the Department of Education to provide professional training programs related to using technology in schools which promote and support Delaware's education standards initiative.

Section 388. Section 1 of this Act makes an appropriation to Public Education, Delaware Center for Educational Technology (95-07-01) for the Delaware Virtual School. These funds shall be used to support the development of the infrastructure needed to create and sustain a delivery system for Virtual school initiatives. Efforts should follow best practices and should be focused on creating new opportunities for students.

Section 389. The provisions of this Act to the contrary notwithstanding, consistent with the provisions of 14 Del. C. § 509(b), charter schools eligible to receive allocations from the Professional Accountability and Instructional Advancement fund, Student Success Block Grant, Limited English Proficient, Academic Excellence, Technology Block Grant and Minor Capital Improvements program will not be required to submit an application to the Department of Education. Any funds received as a result of the allocation of these programs may be used for current operations, Minor Capital Improvements, Debt Service payments or tuition payments.

Section 390. Notwithstanding 14 Del. C. § 508 or any regulation to the contrary, a charter school may negotiate a contract (multiyear, if desired) for contractor payment for school transportation up to the maximum rate specified which is currently 75 percent of the average cost per student of transportation within the vocational district in which the charter school is located or the charter school may publicly bid the transportation routes. If the actual negotiated or bid costs are lower than the maximum rate specified above, the charter school

may keep the difference. If the charter school includes a fuel adjustment contract provision, the charter school shall be responsible for increased payments to the contractor or it may keep funds taken back from the contractor.

Section 391. Section 1 of this Act makes an appropriation to the Department of Education, Delaware Higher Education Commission (95-08-01) for Scholarships and Grants. Of that amount, $36.7 shall be used for the Herman M. Holloway, Sr. Scholarship Program per the provisions of 14 Del. C. c. 34; $255.0 shall be used for the FAME Scholarship Program; $30.0 shall be used for the MERIT Scholarship Program; $275.0 shall be used for the Professional Librarian/Archives Incentive Program; $64.2 for the Charles L. Hebner Scholarship; $125.0 for Critical Teacher Scholarships; $250.0 for Delaware Teacher Corps and $40.0 for the Washington Center for Internships. Any funds excluding the Herman Holloway Sr. Scholarship Program remaining after payment to the prescribed Scholarships and Grants provided in this appropriation may be awarded to students with financial need who applied to the Scholarship Incentive Program. Any Herman M. Holloway Sr. Scholarship Program funds remaining after payment of the Holloway Scholarships may be awarded to Delaware State University students with financial need who applied to the Scholarship Incentive Program.

Section 392. The Delaware Higher Education Commission (DHEC) in the initial award cycle of the SCIP Program shall not exceed 120 percent of the annual SCIP appropriation. Funds unused in any given fiscal year may be carried over into a reserve account to be utilized for SCIP awards in the subsequent year with approval of the Department of Education. In the event that actual awards exceed projected award amounts, spring awards may be reduced to cover the difference.

Section 393. During the fiscal year, the Department of Education, with the approval of the State Board of Education, is authorized to establish and maintain procedures, by regulation pursuant to 14 Del. C. 3110(c), for the conduct of expedited due process hearings which shall be available to children with disabilities and their parents where required by federal or state law, and/or departmental regulation. For the purposes of such expedited due process hearings, during each fiscal year the Department of Education is authorized to engage the professional services of a cadre of single hearing officers to preside over such hearings.

Section 394.The Brandywine School District Board shall maintain as a stand alone program its Gifted and Talented Program (also known as the Odyssey Program, formally known as the Brandywine Academically

Gifted Program) at least through the end of the 2012-2013 school year. The program shall be fully maintained at Mt. Pleasant Elementary School and Claymont Elementary School and expanded to PS DuPont Middle school in the 2010-2011 school year. During this time, the District shall fully support the Odyssey Program in terms of outreach, recruitment, assessment of students for entry into the program, curriculum development, teacher assignment and other support elements as currently exist.

Section 395. The Department of Education shall continue to work towards the collection of school-level financial data. To this end, when processing transactions in the Delaware Financial Management System (DFMS), local school districts shall use a standard set of program codes as established by the Department of Education effective July 1, 2003.

Section 396. Notwithstanding the provisions of 14 Del. C. § 203, § 604 or any sections of this Act to the contrary, the Christina School District is authorized to operate the Sarah Pyle Academy as a special program and charge tuition for the support of the Academy as provided in 14 Del. C. § 604 during the 2009-2010 school year. The Academy shall operate as an academic recovery, drop-out prevention pilot at no additional cost to the State. The students attending this program shall continue to be counted in the enrollment of their regular school, however, the state funding associated with these students as determined by the Secretary of Education shall be utilized by the Sarah Pyle Academy. This program shall be for the express purpose of providing educational services for students in high school who are no less than 16 years of age, who have less than five credits toward graduation, and have a documented family or personal situation that indicates traditional school enrollment is not feasible. This program shall not be a discipline program as defined or authorized by 14 Del. C. c. 16. An independent evaluation, with oversight by the Department of Education, shall be conducted at the expense of the Christina School District. A final report shall be provided to the Secretary of Education, the Director of the Office of Management and Budget, the Controller General, and the Co-Chairs of the Joint Finance Committee by June 15 of each fiscal year.

Section 397. A school district operating a tuition eligible program or school may not reallocate state units earned for the special school or program, if such reallocation requires an increase in the tuition tax rate or tuition billing amount. If a reallocation of state units earned will not require such an increase, districts may

reallocate positions as necessary to ensure the most efficient delivery of services, except for those instances currently prohibited by Delaware Code.

Additionally the Department of Education shall be authorized to promulgate rules and regulations pertaining to tuition billings and tuition payments to include, but not be limited to, procedures to implement a specific billing and payment schedule; procedures for justification accounting for any increases from estimated to actual per pupil amounts billed; and procedures for the review of included costs to ensure appropriateness as it relates to the ratio of state to local resources.

Section 398. In accordance with the Salary and Personnel Performance Audit completed February 16, 2007, and the successful appeal as approved by the Office of Management and Budget and the Controller General, the Christina School District shall repay the amount of $1,190,247. These funds shall be repaid by withholding Division III Equalization funds in accordance with the following schedule:

Fiscal Year 2010	$297,562
Fiscal Year 2011	$297,561

Section 399. (a) Section 1 of this Act makes an appropriation to the Department of Education, Delaware Higher Education Commission (95-08-01) for SEED (Student Excellence Equals Degree) Scholarship. This appropriation shall be used to award scholarships to graduates of Delaware public and nonpublic high schools who meet the eligibility criteria pursuant to the provisions of 14 Del. C. c. 34 Subchapter XIV. Delaware Technical and Community College and the University of Delaware (The Institutions) have established regulations for the implementation and administration of the SEED Program. The Institutions are responsible for requesting a transfer of funds from the Department of Education based on the enrollment of students receiving the SEED Scholarship. Funds awarded under the SEED program are portable in the event that an eligible student transfers between the two eligible institutions.

(b) Delaware Technical and Community College shall provide the Director of the Office of Management and Budget with quarterly reports on the status of the SEED program.

Section 400. The Department of Education is hereby directed to maintain the Sussex County Learning Center at it current location at the Delaware Technical and Community College Owens Campus in the amount of $60.9 which includes one Resource Center Manager position.

Section 401. Beginning in Fiscal Year 2009, all school districts and charter schools shall access the data services and technical assistance of the New Castle County Data Service Center (DSC) for compliance with the provisions of 14 Del. C. § 122(11). Such access shall ensure that all financial reports remain available in the new financial system and are accessible by the Department of Education, Office of Management and Budget and Controller General's Office. Services provided by the DSC, which is owned and operated by the Colonial and Red Clay Consolidated School Districts, for compliance with this section shall be provided through a contract with the State of Delaware.

Section 402. Notwithstanding the provisions of 14 Del C. c. 13, any reference to years of experience for the purpose of determining placement on a salary schedule will equate to steps in the new state payroll system, when it becomes operational, where zero years of experience will be the equivalent of step one, one year of experience will be the equivalent of step two and so forth to align with the current salary schedules. This change in language shall not be interpreted to increase the number of levels of compensation provided on any given salary schedule.

Section 403. Amend 14 Del. C. 1705A. (b) by deleting the language "federal Title I," as it appears in this subsection.

Section 404. Amend 14 Del. C. § 1702(f) by adding the language "Mathematics Resource Teacher/Specialist," after the language "Reading Resource Teachers," as it appears therein.

Section 405. The Department of Education is authorized to study the provisions of 14 DE Administrative Code 506 Policies for Dual Enrollment and Awarding Dual Credit and make recommendations to the Office of Management and Budget and Controller General's Office on the development of a statewide policy to address the costs of said provision by December 1, 2009.

Section 406. Amend 14 Del. C. §1326(a) by adding the words "or is eligible to hold" between the language "who holds" and "a valid" in the first sentence therein.

Section 407. For Fiscal Year 2010 only, for purposes of 14 Del. C. § 1049(1), a district calendar that has been adopted by April 30th may be amended related to professional development days without the required 30-day public notice.

Section 408. Beginning in Fiscal Year 2010, for purposes of 14 Del. C. § 1321(11), § 1321(12), § 1716 and § 1716A, a school district electing to take a cash or contractual option shall submit the required application to the Department of Education no later than January 31st of the current fiscal year.

Section 409. For Fiscal Year 2010, notwithstanding any law, regulation or charter granted to a charter school by the approving authority pursuant to 14 Del. C. c. 5 to the contrary, a charter school may shorten the number of teacher days by the equivalent amount specified for other public school educators in this Act. The charter school shall only be required to provide a letter to the charter school's approving authority by August 31, 2009 indicating the decision to shorten the number of teacher days. Upon receipt of said letter, the charter school's charter shall be considered modified as it relates to the number of teacher days for Fiscal Year 2010, only.

SYNOPSIS

This Bill is the Fiscal Year 2010 Appropriation Act.