



SPONSOR: Sen. Paradee & Rep. Carson
Ennis Bentz
Lockman Bolden
Sturgeon Williams
Lawson Briggs King
Lopez Hensley

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 251

JUNE 7, 2022

AN ACT MAKING A ONE-TIME SUPPLEMENTAL APPROPRIATION FOR THE FISCAL YEAR ENDING JUNE 30, 2023 TO THE OFFICE OF MANAGEMENT AND BUDGET.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fourths of all members elected to each house thereof concurring therein):

1 **Section 1.** There is hereby appropriated \$378,613,700 (Three Hundred Seventy Eight Million, Six
2 Hundred Thirteen Thousand, Seven Hundred Dollars) in General Funds to the Office of Management and Budget,
3 Contingencies and One-Time Items (10-02-11) for the following purposes:

4	(01-08-02)	Technology Needs	\$1,500,000
5	(02-01-10)	Supplies and Materials	\$15,000
6	(02-02-10)	Supplies and Materials	\$25,000
7	(02-03-10)	Supplies and Materials	\$25,400
8	(02-13-10)	Supplies and Materials	\$3,000
9	(02-18-05)	Supplies and Materials	\$12,000
10	(10-02-11)	Board of Canvass	\$66,000
11	(10-02-11)	Salary Supplement – State Employees	\$28,000,000
12	(10-02-11)	Supplement – State Pensioners	\$17,137,100
13	(10-02-11)	Post Retirement Increase Supplement – FY22	\$45,576,300
14	(10-02-11)	Post Retirement Increase Supplement – FY23	\$104,640,900
15	(10-02-11)	Salary/OEC Contingency – 27th Pay Adjustment	\$12,092,500

16	(10-02-11)	Fuel Contingency	\$2,600,000
17	(10-02-11)	Legal Fees Contingency	\$1,500,000
18	(10-02-11)	Delaware Volunteer Firefighters Pension	\$38,100,000
19	(10-02-11)	UCS Server Replacements	\$8,730,000
20	(10-02-11)	Marijuana Control Act Contingency	\$3,933,000
21	(10-02-11)	OMB Technology Needs	\$1,300,000
22	(10-02-11)	Trauma Informed Services Contingency	\$3,000,000
23	(10-02-11)	Paid Leave Program	\$20,800,000
24	(10-02-11)	Redding Consortium	\$2,600,000
25	(10-07-01)	Supplies and Materials	\$23,000
26	(10-07-01)	Sentencing Reform Guidelines	\$300,000
27	(10-07-02)	DELJIS Technology Needs	\$120,000
28	(10-07-03)	Supplies and Materials	\$4,600
29	(12-05-06)	Delaware EARNs	\$300,000
30	(15-01-01)	Supplies and Materials	\$6,000
31	(16-05-02)	Self-Insurance	\$1,500,000
32	(20-01-08)	Web-based Ethics Training	\$100,000
33	(25-06-01)	Relief Rebate	\$50,500,000
34	(35-01-20)	Centralized Command Center	\$200,000
35	(35-01-20)	DHSS Technology Needs	\$3,127,000
36	(35-01-20)	Security Equipment	\$200,000
37	(35-02-01)	Behavioral Health Well Check Technology	\$500,000
38	(35-05-10)	My Healthy Community Data Portal	\$200,000
39	(38-01-03)	Prison Research Innovation Network (PRIN)	\$97,100
40	(38-01-14)	Security and Safety Equipment	\$384,100
41	(38-01-14)	Sentencing Reform Guidelines	\$450,000
42	(38-04-03)	Security and Safety Equipment	\$321,300
43	(38-04-04)	Security and Safety Equipment	\$99,900
44	(38-04-05)	Security and Safety Equipment	\$87,200

45	(38-04-06)	Security and Safety Equipment	\$87,200
46	(38-04-08)	Security and Safety Equipment	\$30,900
47	(38-06-02)	Security and Safety Equipment	\$189,400
48	(38-06-07)	Security and Safety Equipment	\$682,900
49	(38-06-08)	Security and Safety Equipment	\$231,200
50	(38-06-13)	Security and Safety Equipment	\$231,200
51	(38-06-14)	Security and Safety Equipment	\$231,200
52	(40-01-01)	In-Car Cameras for Enforcement Officers	\$130,000
53	(40-01-05)	Permitting and Data Management Projects	\$989,300
54	(45-01-01)	Special Equipment	\$1,193,000
55	(45-01-30)	DEMA Trailer	\$3,000
56	(45-02-01)	Supplies and Materials	\$79,500
57	(45-06-02)	General Maintenance Projects	\$60,000
58	(45-06-12)	Vehicles and Equipment	\$233,500
59	(60-07-02)	Wage Theft Investigations	\$110,000
60	(65-01-01)	Agriculture Technology Needs	\$20,000
61	(70-01-01)	Primary and General Election	\$1,155,700
62	(70-01-01)	Early Voting Contingency	\$928,100
63	(70-01-01)	Early Voting Equipment	\$1,713,500
64	(70-02-01)	Primary and General Election	\$2,299,200
65	(70-03-01)	Primary and General Election	\$1,268,400
66	(70-04-01)	Primary and General Election	\$1,162,600
67	(90-01-01)	College of Earth, Ocean and Environment	\$100,000
68	(90-01-02)	Delaware Geological Survey Technology	\$203,400
69	(95-02-02)	Education Funding Assessment	\$1,000,000
70	(95-02-02)	Mental Health Services Unit Contingency	\$12,604,100
71	(95-03-50)	Adult Education and Workforce Training	\$1,500,000

72 **Section 2.** Section 1 of this Act makes an appropriation to the Executive, Office of Management and
73 Budget, Contingencies and One-Time Items (10-02-11) of \$28,000,000 for a Salary Supplement. These funds

74 shall be used to provide a one-time salary supplement of \$500.00 for state employees, subject to the following
75 restrictions:

76 a. Employees must have been on the payroll as of April 30, 2022, and also appear on the payroll as of
77 October 21, 2022.

78 b. Eligible employees in Departments 01 – 77, those employees of Delaware Technical Community
79 College Plans A, B and D, and local education agency employees covered under 14 Del. C. §1305, §1308, §1311,
80 §1322 (a), §1322(c), and §1324 shall receive this supplement.

81 c. Part-time employees, hourly employees, and those employees employed in accordance with 29 Del. C.
82 § 5903(17) shall be entitled to this supplement, contingent upon the requirement that these employees were on the
83 payroll as of April 30, 2022, received compensation from the State at any time during the period of April 30,
84 2022, through October 21, 2022, and are on the payroll as of October 21, 2022.

85 d. This supplement shall not be given to the Governor.

86 e. Funds have been appropriated for the University of Delaware and Delaware State University to
87 provide for a lump sum amount for those salaries paid from General Funds. The resultant lump sum amount may
88 be distributed at the discretion of each institution.

89 f. In no instance shall an employee receive more than one salary supplement authorized in this Act.

90 g. This supplement shall be considered within the pension definitions stated in 29 Del. C. § 5501 (c),
91 §5501 (d), §5501 (e), §5600 (3), and 11 Del. C. §8351 (2).

92 h. The provisions of 29 Del C. §5105 (c) notwithstanding, all employees granted a leave of absence for
93 military service according to the provisions of 29 Del. C. §5105 (a) shall be entitled to receive the one-time salary
94 supplement.

95 i. There is hereby appropriated \$92,500 (Nine Hundred Ninety-Two Thousand Five Hundred Dollars) in
96 Trust Fund Operations to the Department of Transportation, Office of the Secretary (55-01-01), One-Time Salary
97 Supplement to implement the provisions of this Act for qualifying Department of Transportation employees.

98 **Section 3.** Section 1 of this Act makes an appropriation to Executive, Office of Management and Budget,
99 Contingencies and One-Time Items (10-02-11) of \$17,137,100 for a Supplement - State Pensioners. This
100 funding shall provide a one-time pension supplement of \$500.00 for pensioners, who retired on or before
101 October 21, 2022.

102 **Section 4.** The provisions of 29 Del. C. c. 101 notwithstanding, the administrative regulations and
103 procedures necessary to implement sections 2 and 3 of this Act shall be promulgated by the Secretary of Human
104 Resources, the Director of the Office of Management and Budget and the Controller General.

105 **Section 5.** (a) Section 1 of this Act makes an appropriation to Executive, Office of Management and
106 Budget, Contingencies and One-Time Items (10-02-11) of \$45,576,300 for fully funding the Post Retirement
107 Pension Actuarial Liability resulting from the benefit increase granted on July 1, 2021.

108 (b) Section 1 of this Act makes an appropriation to Executive, Office of Management and Budget,
109 Contingencies and One-Time Items (10-02-11) of \$104,640,900 for fully funding the Post Retirement Pension
110 Actuarial Liability resulting from the benefit increase granted on July 1, 2022.

111 **Section 6.** (a) Section 1 of this Act makes an appropriation to Executive, Office of Management and
112 Budget, Contingencies and One-Time Items (10-02-11) of \$38,100,000 for Delaware Volunteer Firefighter’s
113 Pension. These funds shall be deposited to the Volunteer Firemen’s Pension Plan to fund the actuarial liability
114 resulting from an increase in the monthly benefit from five dollars per year of service up to a maximum of twenty-
115 five years of service to ten dollars per year of service up to a maximum of twenty-five years of service.

116 (b) Amend §6658, Chapter 66A, Title 16, Delaware Code, by making deletions as shown by strike
117 through and insertions as shown by underline as follows:

118 § 6658. Amount of pension.

119 The amount of the monthly pension payable to an eligible member shall be ~~\$5.00~~ \$10.00 times years of
120 credited service up to a maximum of 25 years.

121 (c) The provisions of subsection (b) of this section shall be effective January 1, 2023.

122 **Section 7.** Section 1 of this Act appropriates \$12,092,500 to the Office of Management and Budget, One-
123 Times and Contingencies for Salary/OEC Contingency – 27th Pay Adjustment for payment of the 27th pay during
124 Fiscal Year 2023. This appropriation is in addition to \$72,700,000 appropriated to the Office of Management and
125 Budget, One-Times and Contingencies for Salary/OEC Contingency – 27th Pay Adjustment in the Fiscal Year
126 2022 One-Time Appropriation legislation (83 Del. Laws c 55). In order to potentially avoid significant one-time
127 payments in future fiscal years resulting from payment of the 27th pay, the Office of Management and Budget, the
128 Department of Human Resources, the Department of Finance, the Department of Education, and the Controller
129 General’s Office shall investigate alternative funding mechanisms to account for the 27th pay liability. Options for
130 funding shall be presented to the Co-Chairs of the Joint Finance Committee no later than April 1, 2023.

131 **Section 8.** Section 1 of this Act appropriates \$20,800,000 to Executive, Office of Management and
132 Budget, Contingencies and One-Time Items (10-02-11) for the implementation of Senate Substitute 2 for Senate
133 Bill 1. In an effort to thoroughly review all options available to implement and execute a Paid Family Medical
134 Leave Insurance Program in Delaware including the cost and efficiency, the Department of Labor may issue a
135 request for proposal seeking the services of an outside contractor for the following: premium collections, claims
136 administration, data management, fraud control, marketing and advertising, and any other elements needed to
137 implement the program. Upon review and evaluation of the proposals, the Department of Labor is authorized to
138 enter into an agreement to help implement and execute a Paid Family Medical Leave Insurance Program in
139 Delaware.

140 **Section 9.** Section 1 of this Act provides an appropriation of \$25,400 for Supplies and Materials to
141 Judicial, Superior Court (02-03-10). Of this amount, \$22,400 of these funds shall be contingent upon the passage
142 of House Substitute 1 for House Bill 264 or similar legislation of the 151st General Assembly.

143 **Section 10.** Section 1 of this Act provides an appropriation of \$12,000 for Supplies and Materials to
144 Judicial, Administrative Office of the Courts – Non-Judicial Services, Office of the Child Advocate (02-18-05).
145 Of this amount, \$3,000 of these funds shall be contingent upon the passage of Senate Substitute 1 for Senate Bill
146 151 or similar legislation of the 151st General Assembly and \$3,000 of these funds shall be contingent upon the
147 passage of Senate Bill 290 with Senate Amendment 1 or similar legislation of the 151st General Assembly.

148 **Section 11.** Section 1 of this Act provides an appropriation of \$23,000 for Supplies and Materials to the
149 Criminal Justice Council (10-07-01). Of this amount, \$10,200 of these funds shall be contingent upon the passage
150 of House Bill 398 or similar legislation of the 151st General Assembly, and \$12,800 of these funds shall be for the
151 Sentencing Accounting and Guidelines Commission contingent upon the passage of House Bill 444 or similar
152 legislation of the 151st General Assembly.

153 **Section 12.** Section 1 of this Act provides an appropriation of \$300,000 for Sentencing Reform
154 Guidelines to the Criminal Justice Council, Sentencing Accounting and Guidelines Commission (10-07-01);
155 \$4,600 for Supplies and Materials to Executive, Criminal Justice, Statistical Analysis Center (10-07-03); and
156 \$450,000 for Sentencing Reform Guidelines to the Department of Correction, Administration, Information
157 Technology (38-01-14). The expenditure of these funds shall be contingent upon the passage of House Bill 444 or
158 similar legislation of the 151st General Assembly.

159 **Section 13.** Section 1 of this Act provides an appropriation of \$6,000 for Supplies and Materials to
160 Legal, Department of Justice (15-01-01) and for \$110,000 for Wage Theft Investigations to the Department of
161 Labor, Industrial Affairs, Office of Labor Law Enforcement (60-07-02). The expenditure of these funds shall be
162 contingent upon the passage of Senate Bill 35 or similar legislation of the 151st General Assembly.

163 **Section 14.** Section 1 of this Act makes an appropriation to District and Charter Operations, Other Items
164 (95-02-02) of \$1,000,000 for the Education Mediation Settlement. These funds shall be used to complete an
165 assessment of the Delaware public school funding system by January 2024, to be delivered to the Governor,
166 Secretary of Education, Speaker of the House, Senate Pro Tempore and House and Senate Education Committees.
167 The assessment shall consider total funding levels, the mechanisms for raising and distributing education revenue
168 at the state and local level and make recommendations for improvements to equity and efficiency. The
169 assessment shall be completed by an organization independent of the State selected through a competitive bid
170 process in accordance with 29 Del. C. c. 69. This does not obligate the State to take any action and is limited to
171 providing information concerning potential modifications and improvements to the financing of Delaware’s public
172 school system.

173 **Section 15.** The funding by the State of Delaware of 27 pay periods in Fiscal Year 2023 does not obligate
174 the local school districts for the payment of the local share of employee’s salaries for a 27th pay period. The local
175 school districts’ Board of Education will independently address the funding of the 27 pay periods in the Fiscal
176 Year 2024. The first pay date for the school year 2023-2024 for 10-month employees will be the second pay date
177 in September (9/22/2023). Employees who elect 22 pay cycles will be paid the same amount of annual salary as if
178 they had elected to be paid over 26 pay cycles. This section applies only to those staff members that are employed
179 for the entire 2022-2023 school year. Those employees that begin employment or end employment during the
180 course of the 2022-2023 school year shall be subject to a ‘days worked’ calculation and shall not be entitled to the
181 27th pay.

182 **Section 16.** (a) Amend §5532, Chapter 55, Title 29, Delaware Code, by making insertions as shown by
183 underline as follows:

184 § 5532. Increases in pensions

185 (r). Any monthly service, disability, and survivor pension based on a former service or disability pension
186 that was effective on or before June 30, 1992, and is payable on July 1, 2022, shall be increased effective July 1,
187 2022, by 3%. Any monthly service, disability, and survivor pension based on a former service or disability

188 pension that was effective on or before June 30, 2017, but after June 30, 1992, and is payable on July 1, 2022,
189 shall be increased effective July 1, 2022, by 2%. These increases shall continue to be paid through June 30, 2023,
190 and every fiscal year thereafter provided that funds are appropriated by the General Assembly in accordance with
191 §5544 of this Chapter.

192 (b) The increases provided by this Act shall not apply to pensions awarded under §5527(d)(1), Chapter
193 55, Title 29, Delaware Code.

194 (c) Amend §5544, Chapter 55, Title 29, Delaware Code, by making insertions as shown by underline as
195 follows:

196 § 5544. Actuarial valuations and appropriations.

197 (t) (1) The State’s obligation to the State Employees’ Pension Plan, the State Judiciary Retirement Fund,
198 and the New State Police Retirement Fund to implement the provisions of §5532(r) of this Chapter shall be funded
199 through the appropriation contained in the Fiscal Year 2023 One-Time Supplemental Appropriations Act for “Post
200 Retirement Increase Supplement – FY 23”.

201 (2) The State’s obligation to the Special Pension Fund authorized by Volume 61, Chapter 455, Laws of
202 Delaware, to implement the provisions of §5532(r) of this title shall be treated as an actuarial loss during the next
203 actuarial valuation process of the Special Pension Fund.

204 **Section 17.** Section 1 of this Act appropriates \$50,500,000 to Executive, Office of Management and
205 Budget, Contingencies and One-Time Items (10-02-11) for the implementation of HB360 with House Amendment
206 1.

SYNOPSIS

This Act appropriates \$378,613,700 to provide one-time funded projects through the Office of Management and Budget.

Author: Joint Finance Committee