



SPONSOR: Rep. B. Short & Rep. Yearick & Sen. Walsh &  
Sen. Pettyjohn  
Reps. Brady, Carson, Hudson, Jaques, Q. Johnson,  
Keeley, Mulrooney, Osienski, Paradee, D. Short,  
M. Smith, Viola; Sens. Delcollo, Henry, Hocker

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 226  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1  
AND  
HOUSE AMENDMENT NO. 3  
AND  
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND THE DELAWARE CODE RELATING TO STATE ECONOMIC DEVELOPMENT AND TRANSFERRING THE FUNCTIONS OF THE DELAWARE ECONOMIC DEVELOPMENT OFFICE TO A DIVISION OF THE DEPARTMENT OF STATE.

WHEREAS, the Honorable John C. Carney, Governor of the State of Delaware, issued Executive Order One on January 18, 2017 creating a Working Group of business and government leaders to study methods to improve coordination between the public and private sectors, attract and grow businesses and foster economic development throughout the State; and

WHEREAS, the Governor appointed members of the Working Group from government, business and the community representing each area of the State; and

WHEREAS, the Working Group held public meetings in the State to gather input on issues related to business development and retention in the changing economy; and

WHEREAS, the Working Group consulted experts on economic development and studied economic models in other states; and

WHEREAS, the Working Group issued a report to the Governor on April 7, 2017 finding that it is in the best interest of sustained economic growth to establish a public/private partnership in the form of a nonprofit corporation to focus on investment attraction, entrepreneurship and innovation, talent development and retention, and research and analysis; and

WHEREAS, the public/private partnership will attract early stage technology enterprises and entrepreneurs, recruit large employers, expand international business opportunities and develop and implement marketing strategies; and

WHEREAS, the public/private partnership will support start-up businesses and early stage ventures, focusing on high-growth firms and industries, work with employers to fill talent gaps in the workforce and conduct research on trends in industry and opportunities that could impact Delaware's economy; and

WHEREAS, the establishment of the public/private partnership requires the dissolution of the existing Delaware Economic Development Office; and

WHEREAS, efforts to support small businesses and tourism are critical to the State's economy and these duties and functions should transfer to the Department of State into a Division of Small Business, Development and Tourism; and

WHEREAS, the public/private partnership and the Division of Small Business, Development and Tourism will coordinate and cooperate to improve efficiency, eliminate redundancy and foster business attraction, innovation, tourism, small business development, business retention, minority, women, disadvantaged and veteran owned businesses.

NOW, THEREFORE:

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

Section 1. Amend Title 29 of the Delaware Code by creating a new Chapter 87A entitled "Economic Development" and transferring Chapter 50 of Title 29 to Chapter 87A of Title 29, and then by making insertions as shown by underline and deletions as shown by strike through as follows:

Subchapter I. General Provisions

§ ~~5001~~. 8701A. Legislative findings.

(a) The General Assembly finds and declares that the good order of the State depends upon the steady employment in useful occupations of the citizens of the State. Such steady and useful employment can be made available by encouraging the economic development of the State through the inducement of a full range of commercial, industrial, agricultural and other enterprises to locate, remain and expand in the State. Uncontrolled industrialization and expansion, however, may contribute to possible dangers to the public health and welfare through the pollution of the air, water and soil of the State. The reduction, abatement and prevention of the pollution of the State's environment and the protection of its natural resources are important concerns to be considered in the process of encouraging the economic development of the State.

(b) The General Assembly further finds that promotion of the State as a destination for tourists and other travelers will help to enhance the State's economy and provide employment and recreational opportunities for citizens of the State.

(c) The General Assembly further finds that promotion and assistance to small and minority-owned businesses is vital to the overall balance between large and small firms, and that it is in the State's interest to insure a strong and diversified business community.

(d) The General Assembly further finds and declares that the creation of ~~an office for economic development with powers and duties as specified by this chapter can best accomplish the orderly development of the State while insuring that the protection and enhancement of its resources and environment will continue to be a critical concern~~ a public/private partnership to attract large employers, innovative enterprises and international business opportunities while transferring duties formerly performed by the Delaware Economic Development Office to a division within the Department of State is in the best interest of the State to foster development in an increasingly competitive economy.

§ ~~5002~~. 8702A. Definitions.

As used in this chapter:

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

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

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

~~(e)~~ (4) "Director" means the Director of the ~~Delaware Economic Development Office~~ Division of Small Business, Development and Tourism.

~~(d)~~ (5) "Office" "Division" means the ~~Delaware Economic Development Office~~ Division of Small Business, Development and Tourism.

~~(e)~~ (6) "Plan" means the Comprehensive State Plan for Economic Development created by § ~~5005~~-8705A of this title.

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

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

§ ~~5003~~. 8703A. ~~Delaware Economic Development Office~~ Division of Small Business, Development and Tourism — Created; purposes.

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

(b) The ~~Office-Division~~ shall be ~~in the Executive Department~~ responsible to the ~~Governor~~ Secretary.

(c) The ~~Office-Division~~ shall serve as the ~~Governor's staff agency~~ Secretary in all general and economic development matters, and it shall function, as required, as an advisory, coordinating ~~or~~ and implementing agency:

- (1) To harmonize its activities with similar activities of other departments, boards, commissions, agencies or instrumentalities of federal, state, county or municipal government;
- (2) To render, as necessary, assistance to all units of government and to private enterprise;
- (3) To stimulate public interest and participation in the orderly growth and development of the State; and
- (4) To insure that all private and public development activities are carried out in conformity with state law.

§ 5004- 8704A. ~~Delaware Economic Development Office~~ Division of Small Business, Development and Tourism

— Appointment, qualifications and compensation of Director; Acting Director.

(a) The ~~Office-Division~~ shall be headed by the Director. The Director shall be appointed by the ~~Governor~~ Secretary, ~~with the advice and consent of the Senate~~, and shall serve at the ~~Governor's~~ pleasure of the Secretary. The Director shall be qualified by training and experience to perform the duties of the position, and preference shall be given to a resident of this State, provided the resident is acceptable and equally qualified. The Director shall be paid an annual salary established by the ~~Governor~~ Secretary within the limitation of the funds appropriated therefor.

(b) In the event of the death, resignation, temporary incapacity or removal of the Director, and prior to the appointment of a successor, the ~~Governor~~ Secretary may appoint any qualified employee of the ~~Office-Division~~ or any of its subdivisions to serve as Acting Director. The Director may, during an absence from the State, appoint any qualified employee of the ~~Office-Division~~ or any of its subdivisions to serve as Acting Director during such absence. In either case, the Acting Director shall have all the powers and shall perform all the duties and functions of the Director during the Director's absence or incapacity or until a successor is duly appointed and qualified.

§ 5005- 8705A. ~~Delaware Economic Development Office~~ Division of Small Business, Development and Tourism

— Powers, duties, and functions of Director.

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

- (1) To supervise, direct and account for the administration and operation of the ~~Office-Division~~, its subdivisions, offices, functions and employees.
- (2) To serve as Chairperson of the Delaware Economic Development Authority and to supervise the administration of the Authority and to perform all duties heretofore vested in the Director of the Delaware Economic Development Office and the Secretary of the Department of Community Affairs and Economic Development as shall be related to the Authority.
- (3) To appoint and remove the staff of the ~~Office-Division~~ in accordance with this chapter and such other limitations as may be imposed by law.

(4) To advise the ~~Governor~~ Secretary and other officials of the state government on all matters of economic development and to consult with them on matters of economic development affecting the duties and responsibilities of their offices.

(5) To have access (or to designate staff members who shall have access) to information, reports and data which relate to economic development which are in the possession of departments, boards, commissions, agencies or instrumentalities of the State or in the possession of county, municipal or other local agencies and instrumentalities.

(6) To hold hearings on matters of general economic development or such other matters as may be required by law after notice thereof to interested parties.

(7) To attend and participate in meetings of federal, county or municipal economic development bodies, interstate agencies and other entities, whether public or private. The Director may cooperate with such instrumentalities in matters affecting the duties and responsibilities of the ~~Office~~ Division.

(8) To establish, consolidate or abolish such subdivisions within the ~~Office~~ Division or transfer or combine the powers, duties and functions of the subdivisions within the ~~Office~~ Division as the Director may deem necessary, and subject to the approval of the Secretary, provided that all powers, duties and functions required by law shall be provided for and maintained.

(9) To make and enter into any and all contracts, agreements or stipulations, to retain, employ and contract for the services of private and public consultants, professional, research and technical personnel, including the temporary exchange of personnel from all public or private entities, and to procure by contract consulting, research, professional, technical and other services, whenever they shall be deemed by the Director, subject to the approval of the Secretary, necessary or desirable in the performance of the functions of the ~~Office~~ Division and whenever funds shall be available for such purpose. Legal services shall be procured pursuant to Chapter 25 of this title.

(10) To delegate any of the Director's powers, duties or functions to a member of the staff authorized by this subchapter, except the power to remove employees of the ~~Office~~ Division or to fix their compensation.

(11) To establish and promulgate such rules and regulations governing the administration and operation of the ~~Office~~ Division as may be deemed necessary by the Director and which are not inconsistent with the laws of this State.

(12) To occupy and/or maintain such facilities as may be required for the effective and efficient operation of the ~~Office~~ Division.

(13) To adopt an official seal or seals for the ~~Office~~ Division, subject to the approval of the Secretary.

(14) To exercise all other powers necessary and proper for the discharge of the Director's duties and such other powers as may be delegated by the ~~Governor~~ Secretary, not inconsistent with state law.

(15) [Repealed.]

(16) To develop a 5-year Comprehensive State Plan for Economic Development.

a. The Plan shall include all of the following:

1. Description of the ~~Office's~~Division's vision, goals, objectives, and strategies.
2. Identification of business sectors, including those sectors which have potential growth in this State's economy and global business image.
3. Strategies to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State.
4. Potential partners for the implementation of the strategy required in paragraph (16)a.3. of this section, including federal and local governments, local and regional organizations for economic development growth, chambers of commerce, private businesses and investors, and nonprofit entities.
5. Strategies for talent development necessary to encourage economic development growth in this State, taking into consideration factors such as this State's education and training opportunities and available workforce.
6. Strategies to engage women, veterans, and minorities in developing businesses.
7. Strategies to improve and develop tourism.
8. An analysis of current and projected economic indicators, which shall be completed through the ~~Office's~~Division's coordination with the appropriate state agencies and shall include:
  - A. Unemployment rate.
  - B. Average annual wage.
  - C. Gross domestic product.
  - D. Number of jobs created.
  - E. Number of jobs retained.
9. An analysis of the return on investment produced through the Strategic Fund.

b. At least 2 months prior to submitting the Plan as required in this chapter, the ~~Office~~Division shall hold a public meeting to allow public input regarding the Plan. The meeting shall be held in all 3 counties in this State. The ~~Office~~Division may hold separate meetings in each county or hold 1 meeting and, through the use of technology, provide the public with access to attend and participate in the meeting simultaneously from each of the 3 counties.

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

~~§ 5006. 8706A. Delaware Economic Development Office—Powers and duties~~ Responsibilities of the Public/Private Partnership and the Division.

(a) The Public/Private Partnership shall be governed by a Board of Directors comprised of no less than 15 members, and shall to be composed of the following:

(1) The Governor, who shall serve as co-chair.

(2) 1 member of the majority party and 1 member of the minority party of the Senate appointed by the President Pro Tempore.

(3) 1 member of the majority party and 1 member of the minority party of the House of Representatives appointed by the Speaker of the House.

(4) At least 10 additional members appointed by the Governor. Such members shall collectively represent expertise on various economic development topics, including land use planning, finance, entrepreneurial investment and incubation, workforce development, labor, higher education, and regulatory compliance. 6 of these 10 members shall be chosen from a list of recommended candidates provided by the Delaware State Chamber of Commerce and the Delaware Business Roundtable. 1 of the 6 individuals chosen from this list of recommendations shall be appointed by the Governor to serve as co-chair. The Governor may appoint additional members as necessary.

(b) No financial contribution to the Public/Private Partnership shall be required as a condition of or in connection with an appointment to the Board of Directors.

(c) The Public/Private Partnership formed pursuant to § 8702A(c) shall have the following responsibilities:

(1) Work with the Division to assist early stage technology enterprises and entrepreneurs to apply for grants, loans, bonds or other financial incentives.

(2) Develop the workforce and establish recruiting processes to fill talent gaps in a changing market and continually supply trained workers for an innovative, technology based economy.

(3) Recruit innovative and high-technology employers.

(4) Expand international business opportunities.

(5) Develop marketing strategies for long term growth.

(6) Provide guidance to start-up businesses and early stage ventures, focusing on high-growth firms and industries.

(7) Conduct research on trends in industry and opportunities that may impact Delaware's economy.

(8) Coordinate such other activities to encourage the economic development of the State through commercial, industrial, agricultural and other enterprises to locate, remain and expand in the State.

(d) The Public/Private Partnership shall submit the following annual reports, which shall be subject to Chapter 100 of this title, to the Governor and the General Assembly on or before June 30 each year:

(1) Internal Revenue Service Form 990 tax returns.

(2) Audited financial reports.

(3) The organization's conflict, audit and expense policies.

(e) The Public/Private Partnership shall make available for inspection corporate documents and meeting minutes upon request by the Governor or the General Assembly.

(f) Any director of the Public/Private Partnership who is not a public officer as defined by § 5812(n)(1) of this title shall submit, on or before June 30 each year, to the General Assembly and the Governor the financial information listed in § 5813(a)(1-5) of this title in a form substantially similar to that used by public officers to disclose financial information to the Public Integrity Commission; provided however, that any financial information submitted by such directors shall not constitute public records subject to Chapter 100 of this title.

(g) The conflict of interest policy for the Public/Private Partnership shall include the following provisions:

(1) All members, directors, officers, or members of any committee with powers delegated to it by the Board of Directors of the Public/Private Partnership shall have a duty to disclose any actual or possible conflict of interest or financial interest related to any proposed transaction, contract, or arrangement under consideration by the Public/Private Partnership.

(2) Procedures for addressing a conflict of interest, including consideration of alternatives to the proposed transaction, contract, or arrangement that do not present a conflict of interest.

(3) Procedures to determine whether a violation of the conflict of interest policy has occurred.

(4) A clear statement that any person found to have violated the conflict of interest policy shall be removed from that person's position.

(5) Provision for periodic review of the operations of the Public/Private Partnership to ensure compliance with the conflict of interest policy and that compensation arrangements and benefits are reasonable and the result of arm's length bargaining.



(h) The Office Division shall:

(1) Be responsible for attracting new investors and businesses to the State, promoting the expansion of existing industry, assisting small and minority-owned businesses, promoting and developing tourism and creating new and improved employment opportunities for all citizens of the State at every economic level, provided that such development is carried out with a view to preserving existing agriculture, commercial, industrial and recreational opportunities to be had within the State and conserving the natural resources and wildlife of the State.

(2) Act as the Governor's principal staff agency in economic development matters; make studies and investigations, insofar as they may be relevant to the State's economy, of the resources of the State and of existing and emerging problems of agriculture, industry, commerce, transportation and other matters affecting the development of the State and, in making such studies, seek the cooperation and collaboration of the appropriate departments, boards, commissions, agencies and instrumentalities of federal, state and local government, educational institutions and research organizations, whether public or private, and of civic groups and private persons and organizations; render advice and act as the Governor's designated agency in the execution of such matters relating to its powers as the Governor may request.

(3) Provide information to, and cooperate with, the General Assembly or any of its committees in connection with studies relevant to the overall development of the State's economy.

(4) Cooperate with, and within the limitations of its appropriations, provide requested assistance to county or local governments in the State, or any of their instrumentalities; and cooperate with and assist departments and other agencies or instrumentalities of federal, state and local government, as well as regional, metropolitan, county, municipal or other local or private agencies in the execution of their functions with a view to harmonizing their development activities with the overall development plans and policies of the State. Whenever cooperation or assistance under this subdivision includes the rendering of technical services, such services may be rendered free or in accordance with an agreement for reimbursement.

(5) Provide information to officials of departments, boards, commissions, agencies and instrumentalities of state and local government, to civic and other groups, and to the public at large in order to foster public awareness and understanding of the objectives of a strong state economy and to stimulate public interest and participation in the orderly and integrated development of the State.

(6) Accept and receive, in furtherance of its function, funds, grants and services from the federal government or its agencies, from departments, agencies and instrumentalities of state or local government or from private and civic sources.

(7) Collect, compile and audit the information and data necessary to discharge its principal functions.

Where such data cannot be secured from federal, state or local agencies or private organizations, the ~~Office~~ Division may engage in the required research. Before publishing any historical information, the information shall be reviewed and approved by the Department of State of the State.

(8) Perform and be responsible for the performance of all powers, duties and functions heretofore vested in the Delaware Office of Economic Development immediately prior to July 1, 2017, and the powers, duties and functions heretofore vested in the Division of Economic Development of the Department of Community Affairs and Economic Development immediately prior to November 1, 1981.

(9) Exercise all other powers necessary and proper for the discharge of its duties.

(i) The Public/Private Partnership and the Division will coordinate on proposed economic development projects for consideration by the Council, as necessary.

§ 5007: 8707A. Council on Development Finance.

(a) The Council on Development Finance is hereby established and shall serve in an advisory capacity to the Director and shall consider matters relating to the financing and modernization of agricultural, industrial, commercial, emerging technologies and other facilities in the State and such other matters as may be referred to it by the Governor, or by the Director. The Council may study research, plan and advise the Director and the Governor on matters relating to economic development and strategic opportunities. The Council may consider projects and initiatives proposed by a Public/Private Partnership and make recommendations to the Division.

(b)(1) The Office of Management and Budget and the Office of the Controller General shall appoint 1 designee from each of their respective offices to support the staff of the Council. Upon request of the Council, the designees shall assist the Council by providing relevant analysis and research. The designees must be available to attend all Council meetings.

(2) The chair of the Council, with prior notice to the Controller General, may engage professional contractual services when necessary to provide analysis and research for specific applications recommended to the Council by the ~~Delaware Economic Development Office~~ Division of Small Business, Development, and Tourism. The Office of the Controller General shall administer contracts for such services.

§ 5008: 8708A. Tourism Advisory Board.

(a) The Tourism Advisory Board is hereby established and shall serve in an advisory capacity to the Director and shall consider matters relating to the promotion of the State as a destination for tourists and other travelers and such other matters as may be referred to it, by the Governor, the Secretary, or by the Director. The Board may study, research, plan

and advise the Director, ~~the Secretary,~~ and the Governor, on matters it deems appropriate to enable the ~~Office~~ Division to function in the best possible manner.

(d) The Director ~~of the Office,~~ or such person designated by the Director, shall serve as Secretary to the Board, and shall maintain minutes of all meetings and such other records as are deemed necessary by the Director.

~~§ 5009. 8709A. Delaware Economic Development Office~~ Division of Small Business, Development and Tourism  
— Staff.

(a) The Director and all employees of the ~~Office~~ Division shall be exempt from Chapter 59 of this title.

(b) ~~The Division of Economic Development of the Department of Community Affairs and Economic Development and all positions therein classified as equal to or higher than pay grade 21 of the state classified service, pursuant to Chapter 59 of this title are hereby abolished. All positions within the Division classified as equal to or less than pay grade 20 shall remain as classified positions and any incumbent employee classified as equal to or less than pay grade 20 affected by this chapter shall continue to retain all rights, protections and privileges of the state classified service, pursuant to Chapter 59 of this title.~~

(c) ~~Any person classified as pay grade 21, or higher, of the state classified service, employed by the Office of Management, Budget and Planning or the Division of Economic Development of the Department of Community Affairs and Economic Development immediately prior to November 1, 1981, who is transferred to the Delaware Economic Development Office on or after November 1, 1981, and who is subsequently discharged by that Office, shall receive first preference in all other state employment opportunities which arise after such discharge and for which opportunities such person is qualified. Each such person shall also have the right of first refusal until permanent employment is obtained. Chapter 59 of this title and the rules created pursuant thereto shall apply with regard to the reemployment of such personnel.~~

(d) ~~In the event of any conflict between or among any personnel who are given a first preference in state employment opportunities or a right of first refusal by any provision of this chapter or by any other law of the State, such conflict shall be resolved according to the rules of the state classified service at the time such conflict arises. This subsection shall apply only if at least 1 person governed by a provision of this chapter is a party to such a conflict.~~

~~§ 5010. 8710A. Delaware Economic Development Office~~ Division of Small Business, Development and Tourism  
— Collection and distribution of information; sale of publications.

(a) The ~~Office~~ Division may collect and disseminate any data or other information including, but not limited to, the population, demographics and economy of the State. The ~~Office~~ Division shall take such steps as the Director deems

appropriate to emphasize the investment, business, employment and recreational opportunities and advantages of the State, and the potential for future development within the State.

(b) The ~~Office~~ Division may elect to publish any information on its own or to use any of the accepted advertising media to carry out the purposes of this chapter. The ~~Office~~ Division may also distribute information and materials donated to, or purchased by, the ~~Office~~ Division, from private or public agencies, organizations, corporations or individuals.

(d) Such moneys as received by the ~~Office~~ Division from the sale of publications and materials shall be deposited with the Treasurer of the State in a special fund of the State upon which the Director may draw to replace such publications and materials offered for sale. Unexpended funds remaining in the special fund at the close of the fiscal year, and not previously expended or encumbered, shall not revert but shall remain on deposit in such special fund for future use pursuant to this section.

~~§ 5011. 8711A.~~ Delaware Economic Development Office — Preparation of annual capital budget.

Transferred.

~~§ 5012. 8712A.~~ Assistance for tourism and business promotion.

~~§ 5013. 8713A.~~ Assumption of powers of ~~Office~~ Division.

The ~~Office~~ Division shall have the power to perform and shall be responsible for the performance of all powers, duties and functions heretofore vested by law in the Division of Economic Development of the Department of Community Affairs and Economic Development immediately prior to November 1, 1981, and the Delaware Economic Development Office prior to July 1, 2017, and which are not otherwise specifically transferred by this chapter.

~~§ 5014. 8714A.~~ Rights of appeals continued.

Any and all rights of appeal now existing by law with respect to any act or acts constituting the exercise of any function or functions transferred by this chapter to the ~~Office~~ Division, to any subdivision thereof or to any council or board created by this chapter shall continue to exist with respect to such act or acts as hereafter performed by the ~~Office~~ Division, by the subdivision, by the council or by the board to which such function is transferred by this chapter, and each such appeal shall be perfected in the manner heretofore provided by law.

~~§ 5015. 8715A.~~ Transition provisions.

(a) All property, including all books, records, papers, maps, charts, plans, equipment and other materials owned by or in the possession of any agency of the State and used in connection with a function transferred by ~~this chapter law~~ to the Delaware Economic Development Office shall, on November 1, 1981, and all property, including all books, records, papers, maps, charts, plans, equipment and other materials owned by or in the possession of any agency of the State and used in connection with a function transferred by this chapter to the Division on July 1, 2017, shall be delivered into the

custody of the ~~Office Division~~. All investigations, petitions, hearings and legal proceedings pending before, or instituted by, any agency from which functions are transferred by this chapter and which are not concluded prior to ~~November 1, 1981,~~ June 30, 2017, shall continue unabated and remain in full force and effect, notwithstanding the passage of this chapter and, where necessary, may be completed before, by or in the name of the ~~Office Division~~. All orders, rules and regulations made by any agency from which functions are transferred by this chapter and which govern such functions, and which are in effect upon ~~November 1, 1981~~ June 30, 2017, shall remain in full force and effect until revoked or modified in accordance with law by the ~~Office Division~~. All contracts and obligations of any agency made or undertaken in the performance of a function transferred by ~~this chapter~~ law to the Delaware Economic Development Office and being in force on November 1, 1981, and all contracts and obligations of any agency made or undertaken in the performance of a function transferred by this chapter to the Division, and being in force on June 30, 2017, shall, notwithstanding this chapter, remain in full force and effect and be performed by the ~~Office Division~~. All real estate owned by any agency from whom functions are transferred by this chapter to the Division, shall become property of the Division as of July 1, 2017.

(b) All definitions and references to any commission, board, department, council or agency which appear in any other act or law shall, to the extent that they are consistent with this chapter and in connection with a function transferred by this chapter to the ~~Office Division~~ or to any subdivision thereof or to any council or board created by this chapter, be construed as referring and relating to the ~~Office Division~~, to the appropriate subdivision thereof or to the council or board as created and established by this chapter.

(c) All definitions and references to any director, commissioner, executive secretary, commission, board or council member or other similar person which appear in any other act or law shall, to the extent that they are consistent with this chapter and in connection with a function transferred by this chapter to the ~~Office Division~~ or to any subdivision thereof or to any council or board created by this chapter, be construed as referring to or relating to the equivalent person or persons and their powers, duties and functions as established and created in this chapter.

§ ~~5016.~~ 8716A. Reports.

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

(b) The ~~Office Division~~ shall submit a summary of the work of the Council on Development Finance on or before October 15 of each year.

(c) The ~~Office Division~~ shall also submit special reports upon the request of the Governor, the General Assembly, the Secretary, the Council on Development Finance, the Tourism Advisory Board, or at the discretion of the Director of

those aspects of the ~~Office's~~ Division's work which may be deemed of current interest. Copies of all reports shall be made available for general distribution or sale and published on the ~~Office's~~ Division's public website.

(d) In preparing any reports on its operations, the ~~Office~~ Division may seek the advice of outside experts in the fields of tourist and travel promotion or general economic development.

(e) The ~~Office~~ Division shall submit all reports, when due, to the Governor, President Pro Tempore of the Senate, Speaker of the House of Representatives, the Secretary, and, for public distribution, to the Director of the Division of Research of Legislative Council and the Director of Public Archives. The ~~Office~~ Division shall also publish the reports on the ~~Office's~~ Division's public website.

§ 5017. 8717A. Misnomer of ~~Office~~ Division in donation.

Any misnomer shall not defeat or annul any gift, grant, devise or bequest to the ~~Office~~ Division if it sufficiently appears by the will, conveyance or other writing that the party making the same intended to pass and convey thereby to the ~~Office~~ Division, the estate or interest therein expressed or described.

§ 5018. 8718A. Budget.

The Director shall prepare a proposed budget for the operation of the ~~Office~~ Division to be submitted along with the proposal for the Department of State for the consideration of the Secretary, Governor and the General Assembly. The budget may be presented in any manner consistent with guidelines provided by the Director of the Office of Management and Budget; provided, however, that at least 1 budget unit, or successor budgetary component, shall detail the ~~Governor's~~ proposed budget for the support of tourism. The ~~Office~~ Division shall be operated within the limitation of the annual appropriation and any other funds appropriated by the General Assembly. Special funds may be used in accordance with approved programs, grants or appropriations.

§ 5019. 8719A. Supremacy.

#### ~~Subchapter I-A. Delaware State Housing Authority~~

#### ~~Subchapter I-B. II. Delaware Strategic Fund~~

§ 5027. 8727A. Findings and purpose; creation of the Fund.

(b) A special fund to be known as the "Delaware Strategic Fund" ("Fund") shall be created.

(1) The Fund shall initially consist of \$2,250,000 as authorized in 69 Del. Laws, c. 77 to the Delaware Economic Development Office ("~~Office~~") on behalf of the Delaware Economic Development Authority ("Authority") and funds subsequently appropriated to the Authority or the Division. Funds appropriated pursuant to this or subsequent acts are to be used for Fund activities as defined in the following paragraphs. The Fund shall also consist of present balances and future payments of moneys transferred from discontinued programs.

§ ~~5028~~. 8728A. Fund purposes.

(a) Moneys appropriated to the Fund may be loaned, granted or used in other financing mechanisms by the Authority within the State. The Fund may be used for the following purposes:

(4) To the extent provided in subsection (c) of this section, and for 1 or more of the purposes set forth in paragraphs (a)(1) through (3) of this section, environmental assessment and remediation of certified brownfields and Subchapter III of this chapter regarding the Delaware Technical Innovative Program.

For purposes other than stated above, the Co-Chairs of the Joint Legislative ~~Committee~~- Committee on the Capital Improvement Program, Director of the Office of Management and Budget and Controller General shall be informed prior to any action by the ~~Delaware Economic Development Office~~ Division.

(b) Moneys appropriated to the Fund may be used for the following activities:

(7) Assistance for the development of re-use strategies and implementation plans for sites located in the State and targeted for development by the ~~Office~~ Division;

§ ~~5029~~. 8729A. Findings and determinations for assistance.

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

(d) The amount and type of assistance provided by ~~Delaware Economic Development Office~~ the Division to a firm through the Strategic Fund will be based upon the following criteria:

~~Subchapter H. Business Development Corridor and Economic Support Program~~

~~Subchapter H-A. III. Delaware Technical Innovation Program~~

§ ~~5035~~. 8735A. Delaware Technical Innovation Program - Creation; definitions.

(a) There is hereby created the Delaware Technical Innovation Program to be administered by the ~~Delaware Economic Development Office~~ Division.

(b) For the purpose of this subchapter the following definitions shall apply:

(1) "~~Council~~" means ~~the Council on Development Finance as defined in § 5007 of this title.~~

(2) "~~Office~~" means ~~the Delaware Economic Development Office.~~

(3) "Small business" means a corporation, partnership, limited liability company, statutory or common law business trust, sole proprietorship or individual, operating a business for profit, with 100 employees or fewer, including employees employed in any subsidiary or affiliated corporation or other form of business entity which otherwise meets the requirements of the federal Small Business Innovation Research Program or Small Business Technology Transfer Program.

(4) "Small Business Technology Transfer Program" or "STTR Program" means that program, enacted pursuant to the Small Business Technology Transfer Act of 1992, P.L. 102-564 (15 U.S.C. § 638), which provides funds to small businesses to conduct jointly with nonprofit research institutions, cooperative research and development having commercial application.

(5) "Small Business Innovation Research Program" or "SBIR Program" means that program, enacted pursuant to the Small Business Innovation Development Act of 1982 (P.L. 97-219) [15 U.S.C. § 638], which provides funds to small businesses to conduct innovative research having commercial application.

§ ~~5036~~. 8736A. Duties.

In carrying out this Program, to promote technology development and utilization within the small business sector, the duties of the ~~Delaware Economic Development Office~~ Division shall include but not be limited to:

§ ~~5037~~. 8737A. Matching funds for federal Small Business Innovation Research Program.

(b) The Council shall establish criteria and the ~~Office~~-Division shall administer the state matching funds.

§ ~~5038~~. 8738A. Reporting.

The ~~Delaware Economic Development Office~~ Division shall annually report to the Governor and the General Assembly on or before January 15, ~~1990~~, and every year thereafter.

#### Subchapter ~~H-B~~. IV. Human Investment and Partnership Program

§ ~~5039~~. 8739A. Declaration of policy.

The General Assembly recognizes that a successful economic development effort is critical to the long term viability of our State. It further recognizes that the majority of the economic development benefits and increases in jobs will come from the businesses that are currently in the State. It is therefore crucial that the State, through its economic development program, meets the needs of those businesses in an ever changing work place. One of the critical needs for business is a well-trained and well-educated work force. As the pool of younger workers shrinks, business must turn more to women, minorities and senior citizens to fill those jobs. This labor group brings great potential for productivity, but also special needs (such as child care, elder care, flexible work times and retraining). The General Assembly, therefore, intends through this subchapter to address this situation by establishing, in the ~~Delaware Economic Development Office~~ Division, a



Human Investment and Partnership Program, whose responsibility will be to assist Delaware businesses to better utilize that work force talent. With the help of businesses who have successfully dealt with many of these issues and others in the community who have facilitated such activities, the ~~Delaware Economic Development Office~~ Division will provide that assistance to Delaware businesses.

§ 5040: 8740A. Establishment of the Human Investment and Partnership Program.

There is hereby established a Human Investment and Partnership Program within the ~~Delaware Economic Development Office~~ Division whose purpose is to provide assistance to Delaware businesses in order for them to better utilize the talent pool of women, minorities and senior citizens.

§ 5041: 8741A. Responsibilities and functions of the Human Investment and Partnership Program.

§ 5042: 8742A. Human Investment and Partnership Council.

Repealed by 77 Del. Laws, c. 106, § 6, effective July 6, 2009.;

§ 5043: 8743A. Reporting to the Governor and the General Assembly.

The ~~Delaware Economic Development Office~~ Division and the Department of Labor shall issue an annual report on progress made by December 30 of each calendar year. The ~~Office~~ Division will report on its progress, the barriers that exist to women, minorities and senior citizens entering the work force, and what resources, both public and private, are necessary to facilitate the expansion of Delaware's work force.

#### ~~Subchapter III. Advanced Real Property Acquisition Fund~~

##### Subchapter III-A. V. The Small Business Revolving Loan and Credit Enhancement Fund

§ 5046: 8746A. Legislative intent.

The General Assembly finds that small businesses in the State are of vital significance to Delaware's economic well-being and that small businesses provide the vast majority of jobs in the State. The General Assembly also finds that small businesses have a difficult time borrowing needed funds on a conventional basis due to the high cost of these funds and the reluctance of banks to provide 100 percent financing. To help allay these obstacles, the General Assembly hereby directs the ~~Delaware Economic Development Office~~ Division to use the Small Business Revolving Loan and Credit Enhancement Fund to assist small businesses in reducing the cost of loan funds by offering partial, low-cost loans or by purchasing credit enhancements for small business' sustenance and growth.

§ 5047: 8747A. Creation of the Fund.

§ 5048: 8748A. Fund purposes.

§ 5049: 8749A. Fund eligibility.

In order for a project to be eligible for the Fund purposes cited in § ~~5048-8748A~~ of this title, the project must meet the following criteria:

Subchapter ~~IV~~. VII. Delaware Economic Development Authority

§ ~~5051~~. 8751A. Findings; declaration of policy.

§ ~~5052~~. 8752A. Definitions.

The following words and terms, unless the context clearly indicates a different meaning, shall have the following respective meaning:

(3) "Authority" means the Delaware Economic Development Authority created by § ~~5053-8753A~~ of this title.

(7) "~~Director~~" means the ~~Director of the Delaware Economic Development Office~~.

(16) "~~State~~" means the ~~State of Delaware~~.

§ ~~5053~~. 8753A. Established; organization.

(b) The Authority shall consist of the Director who shall serve ex officio. The Director shall hold office for the term of the Director's appointment. Should a vacancy in the Office of the Director occur, then the Authority shall consist of the Acting Director (with references to the Director in this ~~subchapter~~ chapter deemed to refer to such Acting Director) until the Director's successor is duly qualified and appointed.

(e) The Director may designate officers or employees of the ~~Delaware Economic Development Office~~ Division to represent the Director, and each such designee may lawfully act on behalf of the Director; provided, however, that, except in instances where the Director determines that the Director may have a direct interest in a project as provided in subsection (i) of this section and therefore disassociates from that project, no such designee may lawfully approve a project or adopt a resolution. However, notwithstanding the foregoing, the Director may during absence from the State, in accordance with § ~~5004~~ 8704A of this title, appoint any qualified employee of the ~~Delaware Economic Development Office~~ Division to serve as Acting Director during such absence and such Acting Director may, among other things, lawfully approve a project, adopt a resolution or sign a bond. Neither the Director nor any such designee shall be subject to any personal liability or accountability by reason of execution of any bonds or the issuance thereof.

(h) The Office of Auditor of Accounts shall cause an audit of the Authority's bonds issued under § ~~5054~~(~~d~~) 8754A(d) of this title to be made annually by a certified public accountant licensed to practice in the State. In addition, the Authority shall make an annual report of its activities to the Governor which shall set forth a complete operating and financial statement covering the Authority's operations during the year and shall include the report of the certified public accountant who makes the audit of the Authority's books and accounts. The Authority shall furnish a copy of the annual

report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, the Auditor of Accounts and Controller General.

§ ~~5054~~. 8754A. Deauthorization of state-guaranteed bonds.

(b) The Authority may issue bonds to refund bonds previously issued by the Authority or any other issuer, past or present, within the State (including, without limitation, the former Department of Community Affairs and Economic Development and the former Delaware Office of Economic Development), including the payment of any redemption premium thereon and any interest accrued to the date of redemption of such bonds.

(d) The Authority may pledge the full faith and credit of the State to the payment of principal, premium, if any, and interest due on bonds (whether at stated or accelerated maturity or otherwise) subject to the following conditions:

(1) With respect to any project proposed to be financed by state-guaranteed bonds, the Authority shall find and determine, which findings and determinations shall be conclusive, in addition to making the appropriate findings and determinations required by § ~~5055-8755A~~ of this title, that:

a. The aggregate principal amount of state-guaranteed bonds, the proceeds of which are used to finance the proposed project together with the aggregate principal amount of outstanding bonds used to finance any other project or projects owned, used, leased or occupied by the same assisted person, or by a related person to the assisted person, does not exceed \$3,000,000;

b. Not more than 50 percent of the cost of the proposed project shall be financed by state-guaranteed bonds, and no part of the assisted person's contribution to the cost of a proposed project may be supplied, in whole or in part, by funds appropriated by an act of the General Assembly of the State; and

c. The fulfillment, discharge and satisfaction of the assisted person's obligations under the terms of the lease, mortgage, loan agreement or other financing agreements between the Authority and the assisted person shall be adequately secured.

(5) The assisted person shall be legally obligated to deposit (prior to the delivery of the bonds and from a source other than the proceeds of the bonds), and thereafter maintain, with a person in trust, a cash reserve fund in an amount equal to the maximum principal and interest payable on such bonds during any consecutive 12-month period by such assisted person to the Authority under the terms of the lease, mortgage, loan agreement or other financing agreement between the Authority and such assisted person. Such cash reserve fund shall be pledged solely for the purposes provided in § ~~5061-8761A~~ of this title and shall not be construed as a security deposit under the State's Landlord Tenant Code (Part III of Title 25).

(f) Notwithstanding any other provision in this subchapter, the Authority shall have the power to issue bonds for the benefit of any exempt person, subject only to the following conditions:

(2) Prior to approving an application for the issuance of such bonds, the Authority shall find and determine, which finding and determination shall be conclusive, on the basis of all information reasonably available to it, that any proposed financing for an exempt person will effectuate the purpose set forth in § ~~5051(a)(10)~~ 8751A(a)(10) of this title. With respect to such applications, the Authority need not make the findings and determinations otherwise required under this subchapter.

§ ~~5055~~: 8755A. Application for assistance; findings and determinations.

§ ~~5056~~: 8756A. Bonds.

§ ~~5057~~: 8757A. Covenants with bondholders.

§ ~~5058~~: 8758A. Pledge of revenues or other property.

§ ~~5059~~: 8759A. Limitation on liability of State.

§ ~~5060~~: 8760A. Negotiability of bonds.

§ ~~5061~~: 8761A. Default in payment of state-guaranteed bonds; insufficient revenues to make payment.

If any payment of principal, premium, if any, or interest due to the Authority or to a trustee or other person as assignee of the Authority with respect to a project financed by proceeds from state-guaranteed bonds is in default, or if sufficient revenues are not available to make such payment, the Authority:

(1) Shall forthwith direct (if it has not previously done so) the person holding the cash reserve fund deposited pursuant to § ~~5054(d)(5)~~ 8754A(d)(5) of this title to apply such cash reserve fund to the payment of principal, premium, if any, and interest on such state-guaranteed bonds as the same become due;

(2) Shall forthwith give notice of such default or occurrence to the Governor, the Secretary of State, the Secretary of Finance, the Auditor of Accounts, the Speaker of the House of Representatives, the President Pro Tempore of the State and the Controller General. Thereafter, the General Assembly shall appropriate sufficient funds to pay principal, premium, if any, and interest on such state-guaranteed bonds when due. Any funds made available pursuant to such appropriation shall be deposited by the Authority in the appropriate cash reserve fund;

§ ~~5062~~: 8762. Limitation of powers of State.

§ ~~5063~~: 8763A. Delaware Development Corporation.

§ ~~5064~~: 8764A. Bonds as legal investments for institutions and fiduciaries.

§ ~~5065~~: 8765A. Exemption from taxation.

§ ~~5066~~: 8766A. Property of Authority exempt from judicial process.

§ 5067. 8767A. Liberal construction of subchapter.

§ 5068. 8768A. Inconsistent laws inapplicable; facsimile signatures.

Subchapter ~~V~~. VIII. Delaware Economic Development Training Act

§ 5070. 8770A. Definitions.

(d) "~~Director~~" means the ~~Director of the Delaware Economic Development Office~~.

(g) "~~Office~~" means the ~~Delaware Economic Development Office~~.

§ 5071. 8771A. Economic Development Training Board.

Repealed by 71 Del. Laws, c. 163, § 1, effective July 9, 1997.;

§ 5072. 8772A. Powers and duties.

§ 5073. 8773A. Annual report.

~~The Board shall submit an annual report of activities conducted under this subchapter to accompany the report of the Director required by § 5016(a) of this title. The Director, in the annual report required by § 8716A(a) of this title shall include, but not be limited to, descriptions of all programs funded, an evaluation of the performance of each program, a summary of the public moneys expended and an analysis of the participants in the programs, to include a report on the number of minority and economically disadvantaged individuals.~~

~~Subchapter V A. Development Incentive Fund~~

~~Subchapter VI. First State Improvement Fund~~

§ 5080. ~~Created; appropriation.~~

~~(a) A special fund is created in the office of the State Treasurer to be known as the "First State Improvement Fund," hereinafter referred to in this subchapter as the "Fund."~~

~~(b) The Fund initially shall consist of \$40,000,000. The General Assembly at any time may appropriate money to be added to the Fund in addition to this initial amount.~~

§ 5081. ~~Purposes.~~

~~As prescribed by § 5083 of this title, and except as specifically provided in § 5085 of this title, the Fund shall be expended for minor capital improvements in public schools and state facilities, to match funds provided by local communities for capital improvements related to Delaware's 1987 bicentennial celebration and for economic development projects.~~

§ 5082. ~~Investment, accounting and disbursement; use of Capital Improvement Fund.~~

~~(a) The Fund shall be established as a special fund of the State and shall be invested by the Treasurer in securities consistent with the investment policies established by the Cash Management Policy Board. All income earned, and gains~~

realized from the sales of such securities, shall be reinvested in the Fund. Losses from any sales of securities shall be charged to the Fund.

~~(b) The State Treasurer shall establish as line items within the State's Capital Improvement Fund project descriptions and amounts, by department, for each project authorized from funds made available by the First State Improvement Fund.~~

~~(c) Upon execution of the foregoing, each department authorized to expend funds from the First State Improvement Fund may commence to encumber and disburse such moneys as are necessary, within the limits of the appropriations contained herein, for the timely completion of these projects. Funds so encumbered and disbursed shall be recorded by the State Treasurer in the same manner as projects authorized to be completed by the State with the proceeds of bonds. To the extent cash available in the Fund is insufficient to pay the costs of projects authorized for expenditure from the Fund, funds may be advanced from either the Capital Improvement Fund or the General Fund, subsequently reimbursed as the Fund's invested moneys become available.~~

~~§ 5083. Expenditures.~~

~~(a) No money shall be expended from the Fund except pursuant to an appropriation incorporated in the annual bond bill passed by the General Assembly and approved by the Governor.~~

~~(b) For any 1 fiscal year the Joint Legislative Committee shall not recommend, and the General Assembly shall not appropriate, an amount greater than 1/4 of the initial principal, plus anticipated interest, available in the Fund.~~

~~§ 5084. Funding of bicentennial community improvement projects; Bicentennial Community Improvement Committee.~~

~~(a) Any appropriations from the Fund for bicentennial community improvement projects shall be used to match funds provided by unincorporated areas, incorporated municipalities or counties. The Bicentennial Community Improvement Committee shall by rule establish the amount of nonfund participation required for eligibility for matching funds.~~

~~(b) There is established a Bicentennial Community Improvement Committee, comprising the Chairperson or the Chairperson's designee and Vice-Chairperson or the Vice-Chairperson's designee of the Joint Finance Committee, the Chairperson or the Chairperson's designee and Vice-Chairperson or the Vice-Chairperson's designee of the Joint Bond Bill Committee, the President Pro Tem of the State Senate or the President Pro Tem's designee, the minority leader of the Senate or the minority leader's designee, the Speaker of the State House of Representatives or the Speaker's designee, the minority leader of the House or the minority leader's designee, the Director of the Office of Management and Budget, the Secretary of State, Secretary of the Department of Transportation, the Director of the Delaware Economic Development~~

Office and the Chairperson of the Delaware Heritage Commission. The Secretary of State shall serve as Chairperson of the Committee. The Committee shall adopt rules and regulations necessary to implement this section, including guidelines for the distribution of these matching funds.

~~§ 5085. Emergency and special expenditures.~~

~~(a) Section 5083 of this title to the contrary notwithstanding, in the event of an emergency involving the health, safety or welfare of the citizens of the State, any portion of the balance remaining in the Fund may be expended pursuant to an act of appropriation passed by the General Assembly, with the concurrence of 3/5 of all of the members elected to each House thereof, and approved by the Governor.~~

~~(b) Section 5083 of this title to the contrary notwithstanding, in the event of cutbacks in federal funding of state programs affecting the health, safety or welfare of the citizens of the State, and upon the recommendation of the Joint Finance Committee, any portion of the balance remaining in the Fund may be expended pursuant to an act of appropriation passed by the General Assembly and approved by the Governor, including the annual budget bill.~~

~~§ 5086. Termination.~~

~~The First State Improvement Fund shall terminate on September 30, 1988. Any unencumbered moneys in the Fund not previously appropriated by the General Assembly at that time shall revert to the General Fund.~~

~~§ 5087. Liberal construction of subchapter.~~

~~This subchapter, being necessary for the prosperity and welfare of the State and its citizens, shall be construed liberally to effect the purposes of this subchapter.~~

~~§ 5088. Inconsistent laws superseded.~~

~~Insofar as this subchapter is inconsistent with any general, special or local laws, or part thereof, this subchapter shall be controlling.~~

Subchapter ~~VII.~~ IX. Allocation of State Private Activity Bond Ceiling to Governmental Units, Establishment of Industrial Revenue Bond Committee and Reporting Requirements

~~§ 5090. 8790A. Definitions.~~

The following words and terms, unless the context clearly indicates a different meaning, shall have the following respective meanings:

(1) "Authority" means the Delaware Economic Development Authority created by § ~~5053-8753A~~ of this title.

(5) "Committee" means the Industrial Revenue Bond Committee established pursuant to § ~~5092-8792A~~ of this title.

(7) "Secretary of Finance" means the Secretary of Finance of ~~the~~ this State.

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

~~§ 5091. 8791A.~~ Allocation of state ceiling.

~~§ 5092. 8792A.~~ Industrial Revenue Bond Committee.

(b) The Committee shall make recommendations to the Governor of the State regarding modification of the allocation of the state ceiling made in § ~~5091(a)~~ 8791A(a) of this title. The Secretary of Finance shall be responsible for monitoring the volume of private activity bonds issued by each of the participating jurisdictions and for recommending to the Committee changes in the allocation of the state ceiling as circumstances dictate.

~~§ 5093. 8793A.~~ Reports to Secretary of Finance.

(a) The Secretary of Finance is authorized to make such rules and regulations requiring any issuer allocated a volume cap for any calendar year under § ~~5091~~ 8791A of this title to file with the Secretary of Finance such reports as the Secretary of Finance may deem necessary to carry out the purposes of this subchapter. Any such reports required by the Secretary of Finance shall contain at least the following information with respect to each obligation issued or planned to be issued by such issuer:

- (1) A brief description of the project financed or to be financed by such obligation;
- (2) The amount of such obligation that is subject to such issuer's volume cap, and, to the extent that any portion of such obligation is claimed to be not subject to its volume cap, an opinion of bond counsel to that effect;
- (3) The date of issuance of such obligation or the date of preliminary approval if such obligation has not yet been issued; and
- (4) A status report on the issuance, including the anticipated date of issue, if not yet issued.

#### Subchapter ~~VIII.~~ X. Delaware Investment Tax Credit Program

~~§ 5095. 8795A.~~ Legislative findings; authorization.

The General Assembly finds that the growth of small businesses in the State results in increased job opportunities for Delaware residents, produces more spending in the State and increases tax bases. Existing or new small businesses and recently displaced Delaware employees beginning new businesses can provide significant economic benefits to the State provided they can obtain sufficient equity financing to carry them from start-up through the initial development phases of a business. In order to encourage the increased availability of risk equity capital to these enterprises, the ~~Delaware Economic Development Office through the~~ Delaware Economic Development Authority is authorized to establish criteria for, and issue, certifications of eligibility for investors qualifying for the Investment Tax Credit Program.

~~§ 5096. 8796A.~~ Eligibility for tax credits.



The Delaware Economic Development Authority ("the Authority") shall, by rules and regulations, establish the Delaware Investment Tax Credit Program ("the Program"), which Program shall provide for qualification of businesses to receive investment from individuals obtaining tax credit certification under the Program and for the certification of qualified investments by individuals for tax credits under § 1116 of Title 30. The Authority shall by rule or regulation set forth qualifications for participation in the Program in accordance with §§ ~~5097 and 5098~~ 8797A and 8798A of this title and may issue rules or regulations relating to such other matters as, in the judgment of the Authority, are necessary or desirable to further the purposes of the Program, not inconsistent with the provisions of this subchapter. Rules or regulations issued under this subchapter shall have the force and effect of law.

§ ~~5097~~. 8797A. Qualification of businesses seeking investment under Program.

§ ~~5098~~. 8798A. Certification of individuals for tax credits.

Without limitation, the requirements for qualifying for certification of individuals' investments for tax credits under the Program shall include the following:

(1) Individuals may apply for tax credit certification provided:

a. Such individual's investment is in a business approved to receive such investment under § ~~5097~~ 8797A of this title;

b. Such investment must be not less than \$10,000 or more than \$100,000 in any 1 business; provided that this paragraph shall not limit an applicant from making other investments in the business for which a tax credit is not requested; and

c. Such application shall be made in such form and at such time as the Authority may by regulation prescribe;

§ ~~5099~~. 8799A. Revocation of qualification or certification.

(d) Notwithstanding § 581 of Title 30, the Director of Revenue may disclose tax return information of any applicant to the Authority whenever the Authority notifies the Director of Revenue that such information is necessary or desirable for any determination required under this subchapter. The Authority may not further disclose any information received under this subsection except to the Council on Development Finance and then only to the extent necessary for the Council to carry out the duties specified in § ~~5097~~ 8797A of this title.

Section 2. Amend Title 29 of the Delaware Code by transferring Section 8319, Chapter 83 of Title 29 to Chapter 87A of Title 29 to create a new Subchapter VI entitled "Delaware Motion Picture and Television Development Commission" and then by making insertions as shown by underline and deletions as shown by strike through as follows:

Subchapter VI

Delaware Motion Picture and Television Development Commission

§ ~~8319~~: 8750A. Delaware Motion Picture and Television Development Commission.

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

(1) ~~Secretary of Finance~~ Director of the Division of Small Business, Development and Tourism;

(c) The Commission shall be formed under the ~~Delaware Department of Finance~~ Division of Small Business, Development and Tourism.

(f) The Commission shall have the following powers:

(8) To ~~directly secure any and all location~~ assist with obtaining permits from any department, division, board, bureau, commission or other agency of the State or from any county, municipality, authority, or other political subdivision within the State for applicants interested in motion picture and television production within the State.

(h) The ~~Office of the Secretary of Finance~~ Division shall be responsible for administrative support.

Section 3. Amend Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

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

(a) No full-time employee of the State whose salary is paid by the State shall receive any additional stipend for the purchase of food, be supplied with food or be reimbursed for food that was consumed during normal working hours within the State.

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

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

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

§ 5209. Employees of Delaware authorities or commissions.

(b) Any regularly scheduled full-time employee of the Delaware Stadium Corporation, the Delaware Riverfront Corporation, a Public/Private Partnership as defined in § 8702A of this title, or the Fort DuPont Redevelopment and Preservation Corporation may elect to participate in the health insurance plans provided by the State Group Health Insurance Program. The full cost of such coverage shall be remitted to the State no later than the first day of each calendar month for which coverage is being provided. The benefits provided to such employees and the cost of coverage shall be the same as provided to state employees covered by this chapter. Any Delaware Stadium Corporation, Public/Private

Partnership as defined in § 8702A of this title, or Fort DuPont Redevelopment and Preservation Corporation employee participating in the State Group Health Insurance Program shall be governed by all provisions, rules and regulations of this chapter and the State Employee Benefits Committee.

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

(f) Neighborhood revitalization. —

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

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

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

§ 7601. State Clearinghouse Committee.

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

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

§ 8011. Water Infrastructure Advisory Council.

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

§ 8030. Energy Efficiency Investment Fund.

(b) The Department of Natural Resources and Environmental Control shall manage the Energy Efficiency Investment Fund. The Fund shall be used to incentivize investments in energy efficiency by consumers or users of gas or electricity whose purchase of those commodities from a distributor is subject to the public utility tax on gas or electricity imposed by Chapter 55 of Title 30. The Department shall support implementation of projects that reduce the use of gas, electricity, or other sources through the issuance of competitive grants, low-interest loans, or other financing support from the Fund. The Department shall establish the contents and deadline for applications for financing from the Fund and shall give preference to those applications proposing projects that are anticipated to produce the greatest reduction in energy consumption per Fund dollar invested, improve environmental performance, spur capital construction and facility modernization, encourage job retention and creation, and are likely to be substantially complete no later than 1 year following the issuance of financing from the Fund. In no event shall the Fund provide grant funding for more than 30 percent of the costs of any proposed project or support projects already receiving support from the Green Energy Fund under this chapter or the Strategic Fund under ~~subchapter I-B of Chapter 50~~ subchapter II of Chapter 87A of this title. The Fund shall be administered in consultation with the Sustainable Energy Utility and the ~~Delaware Economic Development Office~~ Division of Small Business, Development and Tourism. The Department shall make an annual report on the use of the Energy Efficiency Investment Fund and the value of energy savings resulting therefrom to the Governor's Energy Advisory Council and the General Assembly not later than August 30 of each year after 2011. The Department shall retain no more than 4 percent of the Fund for expenses to administer this section. All terms used herein that are defined in Chapter 55 of Title 30 shall have the same definition used in that chapter.

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

(c) The State Energy Office shall:

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

§ 8054. Cabinet Committee on Energy.

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

- (1) The Secretary of the Department of Natural Resources and Environmental Control.
- (2) The Secretary of the Department of Agriculture.
- (3) The Secretary of the Department of Transportation.
- (4) The Secretary of the Department of Health and Social Services.
- (5) The Secretary of the Department of Safety and Homeland Security.
- (6) The Secretary of the Department of State.
- (7) The Director of the ~~Delaware Economic Development Office~~ Division of Small Business, Development and Tourism.
- (8) The Director of the Office of Management and Budget.
- (9) Such others as the Governor may designate.

§ 8055. Governor's Energy Advisory Council.

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

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

§ 8057. Green Energy Fund.

(a) The State Energy Office shall administer moneys in the Green Energy Fund, in consultation with other offices within Department of Natural Resources and Environmental Control (DNREC), the ~~Delaware Economic Development Office~~ Division of Small Business, Development and Tourism and the Division of the Public Advocate, through a program

of environmental incentive grants and loans for the development, promotion and support of energy efficiency programs and renewable or alternative energy technology in the State.

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

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

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

§ 8525. Development of employment opportunities.

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

§ 8781. Creation of Diamond State Port Corporation.

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

(i) The Secretary of State;

(ii) The Secretary of Transportation; and

(iii) The Director of the ~~Delaware Economic Development Office~~ Division of Small Business, Development and Tourism;

(iv) The Secretary of Finance;

(v) The Controller General;

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

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

§ 9101. Cabinet Committee on State Planning Issues.

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

- (1) The Secretary of the Department of Natural Resources and Environmental Control.
- (2) The Secretary of the Department of Transportation.
- (3) The Secretary of the Department of Agriculture.
- (4) The Director of the ~~Delaware Economic Development Office~~ Division of Small Business, Development and Tourism.
- (5) The Director of the Delaware State Housing Authority.
- (6) The Secretary of the Department of Safety and Homeland Security.
- (7) Such others as the Governor may designate.

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

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

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

§ 9404. Commission on State Surplus Real Property.

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

- (1) The Speaker of the House of Representatives;
- (2) The President Pro Tempore of the Senate;
- (3) The Director of the ~~Delaware Economic Development Office~~ Division of Small Business, Development and Tourism;
- (4) The Secretary of the Department of Transportation;
- (5) The Director of the Office of Management and Budget.

§ 10302. Definitions.

As used in this chapter:

(1) ~~"Board of Review" means the body established to review policies and rules adopted by the Delaware Economic Development Office for carrying out this chapter.~~

(2) "License" means the whole or part of any agency permit, license, certificate, approval, registration, charter or any form or permission required by law, including agency rule, to engage in any activity.

(3) "Master license" means the document designed for public display issued by the system which certifies individual state agency approval for licenses the State requires for any person subject to this chapter.

(4) ~~"Person" means any individual, sole proprietorship, partnership, association, cooperative, corporation, nonprofit organization, State or local government agency and any other organization required to register with the State to do business in the State and to obtain 1 or more licenses from the State or any of its agencies.~~

(5) "System" means the business registration and licensing center established by this chapter, ~~and located in and under the administrative control of the Delaware Economic Development Office.~~

~~§ 10303. Feasibility study authorized; duties; agencies to review licenses; development plan; rules and regulations.~~

~~(a) The Delaware Economic Development Office is directed to study the feasibility of a business registration and licensing system.~~

~~(b) The duties of the system shall be:~~

~~(1) To establish a service not later than 60 days after February 8, 1983, that will provide information to persons detailing all state licenses required to engage in business in this State and the locations for applying for those licenses;~~

~~(2) To adopt a common system of identifying businesses for licensing purposes for all state agencies prior to July 1, 1985. This common system of identification shall consist of the federal employer's identification number or the applicant's social security number;~~

~~(3) To recommend to the General Assembly not later than 6 months after February 8, 1983, criteria for evaluation of existing and proposed forms of licensing authorization;~~

~~(4) To develop not later than December 1, 1983, a plan for a computerized system capable of storing, retrieving and exchanging license information as well as issuing and renewing master licenses in an efficient manner;~~

~~(5) The Division of Revenue of the Department of Finance will develop a system to integrate license fee payment and renewal for various business and occupational licenses with the business license system currently~~



administered by the Division of Revenue. Initially selected licenses administered by the Alcoholic Beverage Control Commission, the Division of Professional Regulation of the Department of State and the Motor Fuel Tax Administration of the Department of Transportation will be included in the initial implementation of the consolidated license system. The Director of the Division of Revenue will report on these consolidation efforts to the General Assembly by March 31, 1985. Nothing in this section will restrict, alter or modify the regulatory authority of the Alcoholic Beverage Control Commission, the Division of Professional Regulation or the Motor Fuel Tax Administration.

~~(c) All annual business licenses that charge a fee less than \$10 annually shall become licenses renewed for a term of 3 years on January 1, 1985, or on the date of first renewal date after January 1, 1985. The license fee for the 3-year period shall be established at a rate equal to 3 times the current annual fee and each license will be effective for a 3-year period.~~

~~(d) The plan for developing the system shall include a phased approach approved by the Director that:~~

~~(1) Will include a feasibility study;~~

~~(2) Will provide for an evaluation of alternatives and the costs associated with each alternative;~~

~~(3) Will have interagency procedures for effectuating the system;~~

~~(4) Will have selected those licenses which will be included in the initial implementation of the system and the date and manner in which the licenses will be integrated into the system;~~

~~(5) Will have a cost benefit analysis of the final implementation of this chapter.~~

~~(e) The Director shall adopt such rules and regulations as under state statute are necessary to effectuate the purposes of this chapter.~~

~~§ 10304. Board of Review.~~

~~There is established a Board of Review to provide policy direction to the Delaware Economic Development Office as it establishes and operates the business registration and licensing system. The Board of Review shall be composed of the following officials, who will serve without compensation:~~

~~(1) Director of the Division of Revenue;~~

~~(2) Secretary of Labor;~~

~~(3) Secretary of Agriculture;~~

~~(4) Director of the Delaware Economic Development Office;~~

~~(5) Chairperson, Delaware Alcoholic Beverages Control Commission;~~

~~(6) Secretary, Department of Natural Resources and Environmental Control;~~

- ~~(7) Secretary of Finance;~~
- ~~(8) Secretary of Health and Social Services;~~
- ~~(9) Secretary, Department of Transportation;~~
- ~~(10) Director, Motor Vehicle Division;~~
- ~~(11) Secretary of State.~~

§ 10403. Definitions [For application of this section, see 80 Del. Laws, c. 112, § 7; and 80 Del. Laws, c. 113, § 8]

As used in this chapter:

(3) "Executive branch agency" means, for purposes of this chapter only, the Department of Agriculture, Department of Correction, ~~Delaware Economic Development Office~~, Delaware National Guard, Delaware State Housing Authority, Department of Education, Department of Finance, Department of Health and Social Services, Department of Labor, Office of Management and Budget, Department of Natural Resources and Environmental Control, Department of Safety and Homeland Security, Department of Services for Children, Youth and Their Families, Department of State, Department of Technology and Information, and Department of Transportation.

Section 4. Amend Section 1404, Title 2 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1404. Establishment of Transportation Trust Fund.

There is hereby established in the Authority a fund to be known as the "Transportation Trust Fund." Except as otherwise provided by contract between the Authority and the holders of bonds of the Authority and excluding the receipts and revenues of subsidiary corporations of the Authority, all taxes, fees, charges, tolls, reimbursements and revenues collected or received by or paid or appropriated to the Authority and any amounts received from the Corps of Engineers in connection with the construction or reconstruction of a bridge in the area of the St. Georges Bridge shall be credited to the Transportation Trust Fund. In addition, the proceeds of bonds issued by the Authority and supported by a pledge or other interest in the money in the Transportation Trust Fund shall be held in or for the Transportation Trust Fund. The Transportation Trust Fund shall be deemed to be a special fund. There may be established in the Transportation Trust Fund 1 or more accounts to which shall be credited and from which there shall be paid the taxes, fees, charges, tolls and revenues credited to the Transportation Trust Fund. The Authority may transfer money from the Transportation Trust Fund to a special fund of the State to meet obligations of the State payable from the Transportation Trust Fund. No such money credited to the Transportation Trust Fund, or any account in the Transportation Trust Fund, shall be available to pay any bonds issued by the Authority pursuant to any trust agreement or other contract entered into by the Authority prior to the creation of the Transportation Trust Fund unless the Authority specifically agrees to the contrary after the adoption of this

chapter. Nothing in this chapter shall adversely affect the security of any bonds issued by the Authority pursuant to a trust agreement dated as of September 1, 1979, as amended, between the Authority and the trustee for holders of bonds secured thereunder or pursuant to a trust agreement dated as of September 1, 1981, as amended, between the Authority and the trustee for holders of bonds secured thereunder. Notwithstanding other provisions of the Delaware Code, transfers from the Transportation Trust Fund to other public agencies for projects approved in the annual Capital Improvements Act shall not require the approval of the Budget Commission or be subject to Chapter 69 of Title 29. Projects for which Transportation Trust Fund appropriations are provided in the Suburban Street, Drainage and Miscellaneous funding category in the annual Capital Improvements Act shall, whenever the prevailing wage provisions of § 6960 of Title 29 would otherwise be applicable, be subject to the "highway construction" rate developed through the regulatory process implementing § 6960 of Title 29.

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

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

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

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

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

a. An agreement as to eligibility requirements;

b. A cap on administrative expenses;

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

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

Section 5. Amend Section 605, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 605. Delaware Viticulture Council.

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

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

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

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

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

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

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

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

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

Section 6. Amend Section 7006, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

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

There is hereby created a State Coastal Zone Industrial Control Board, which shall have 9 voting members. Five of these shall be regular members appointed by the Governor and confirmed by the Senate. No more than 2 of the regular members shall be affiliated with the same political party. At least 1 regular member shall be a resident of New Castle County, 1 a resident of Kent County and 1 a resident of Sussex County, provided that no more than 2 residents of any county shall serve on the Board at the same time. The additional 4 members shall be the Director of the ~~Delaware Economic Development Office~~ Division of Small Business, Development and Tourism, and the chairpersons of the planning commissions of each county, who shall be ex officio voting members. The term of 1 appointed regular member shall be for 1 year; 1 for 2 years; 1 for 3 years; 1 for 4 years; and the chairperson, to be designated as such by the Governor, and serve at the Governor's pleasure. Thereafter, all regular members shall be appointed for 5-year terms. The members

shall receive no compensation except for expenses. Any member of the Board with a conflict of interest in a matter in question shall disqualify himself or herself from consideration of that matter. A majority of the total membership of the Board less those disqualifying themselves shall constitute a quorum. A majority of the total membership of the Board shall be necessary to make a final decision on a permit request.

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

§ 7423. Small Station Fund eligibility.

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

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

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

Section 8. Amend Section 7505, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7505. Delaware Open Space Council.

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

Section 9. Amend Section 7712, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7712. Information program.

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

Section 10. Amend Section 7804, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7804. Pollution Prevention Program.

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

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

b. The Director of the ~~Delaware Economic Development Office~~ Division of Small Business, Development and Tourism;

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

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

a. Technical assistance:

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

Section 11. Amend Section 2656, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

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

(g) The comprehensive plan shall include:

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

facilities and other locations. The economic development element shall be developed in consultation with and reviewed by the ~~Economic Development Office~~ Division of Small Business, Development and Tourism.

Section 12. Amend Section 4956, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

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

(g) The comprehensive plan shall include:

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

Section 13. Amend Section 6956, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

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

(g) The comprehensive plan shall include:

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

Section 14. Amend Section 137, Title 17 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 137. Acquisition and sale of real property.

(a) (2) The acquisition of real property by the Department after approval of the preferred alternative for new corridors or expansion of existing corridors by the Council on Transportation, or as a part of the Department's Corridor Capacity Preservation Program, shall be reviewed by a committee consisting of the Secretary of the Department of Natural Resources and Environmental Control, the Secretary of the Department of Transportation, the Secretary of the Department of Agriculture, the Director of the ~~Delaware Economic Development Office~~ Division of Small Business, Development and Tourism, the Governor's Chief of Staff, a member of the Senate designated by the President Pro Tempore of the Senate, a member of the House of Representatives designated by the Speaker of the House of Representatives, a member of the public designated by the President Pro Tempore of the Senate and a member of the public designated by the Speaker of the House of Representatives to determine the consistency of such action with the State's overall goals for land use planning. If it determines that the acquisition will be inconsistent with State planning goals, the committee may disapprove the acquisition.

Section 15. Amend Section 193, Title 17 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 193. Delaware Byway Advisory Board.

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

- (1) Department of State;
- (2) Department of Agriculture;
- (3) ~~Delaware Economic Development Office~~ Division of Small Business, Development and Tourism;
- (4) Department of Natural Resources and Environmental Control; and
- (5) Such other public or private members as the Secretary may determine would be of assistance in this process.

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

Section 16. Amend Section 1723, Title 17 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1723. Proposals for commerce facilities or developments.



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

Section 17. Amend Section 3402, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3402. Disbursement of special assessment funds.

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

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

(2)a. Twenty-five percent of the funds that remain after the cost of collecting the tax has been deducted to a special fund of the State to be administered by the ~~Delaware Economic Development Office~~ Division of Small Business, Development and Tourism to be awarded to appropriate subgrantees for industrial training for economic development in accordance with subchapter ~~V~~ VIII of Chapter ~~50-87A~~ of Title 29.

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

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

Section 18. Amend Section 352, Title 26 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 352. Definitions.

As used in this subchapter:

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

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

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

Section 19. Amend Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1116. Delaware investment credit.

A resident and nonresident individual shall be allowed a credit against that individual's tax otherwise due under this chapter in an amount equal to 15% of the individual's investment that is qualified under subchapter ~~VIII-X~~ of Chapter ~~50-87A~~ of Title 29 ("The Delaware Investment Tax Credit Program") and certified as such by the Director of the ~~Delaware Economic Development Office~~ Division of Small Business, Development and Tourism to the Director of Revenue.

Notwithstanding § 329 of this title to the contrary, determinations by the Delaware Economic Development Authority as to the qualification of any investment under the Delaware Investment Tax Credit Program shall not be appealable to the Tax Appeal Board. In no event shall the credit allowable under this section exceed the tax otherwise due under this chapter. Unused credits under this section may be carried forward 4 years from the tax year in which they are certified under the Delaware Investment Tax Credit Program.

§ 2020. Definitions.

As used in this subchapter:

(3) "Targeted area" is:

e. When socio-economic data becomes available from the 2000 Census, the Director of the Delaware Economic Development Office in conjunction with the Secretary of Finance shall evaluate all census tracts using the following criteria: Percent of persons below poverty level; percent of households receiving public assistance; unemployment rate; median household income; a significant presence of vacant property within the target area; the character of the community; and population. Based on these criteria census tracts shall be reallocated on the following basis: Ten in the City of Wilmington; 10 in New Castle County outside of the City of Wilmington; 5 in Kent County; and 5 in Sussex County. The provisions of this sub-subdivision shall supersede paragraph (1)d. of this section upon the reallocation of the census tracts. Upon request, the Director of the Delaware Economic Development Office, in conjunction with the Secretary of Finance, may consider extending the geographic boundary lines of the target area where the adjacent community otherwise satisfies the above-referenced criteria.

§ 2081. Definitions.

As used in this subchapter:

(9) "Director" means the Director of the ~~Delaware Economic Development Office~~ Division of Small Business, Development and Tourism as defined in § ~~5002(e)~~ 8702A of Title 29.

§ 2091. Definitions.

As used in this subchapter:

(7) "~~DEDO~~" means the ~~Delaware Economic Development Office, an office in the Executive Department of the State.~~

(8) (7) "Director" means the Director of the ~~Delaware Economic Development Office~~ Division of Small Business, Development and Tourism, as defined by § ~~5002(e)~~ 8702A of Title 29.

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

(10) "New business certification date" means the date ~~DEDO~~ the Division officially certifies the joint application of the sponsor firm and the new business firm.

§ 2092. Business finder's fee credit.

(b) ~~DEDO~~ The Division shall develop rules and regulations consistent with this subchapter to implement the provisions herein.

§ 2093. New business certification process.

(a) To qualify for a business finder's fee credit, a proposed sponsor firm and proposed new business firm shall submit a joint application to ~~DEDO~~ the Division, which shall consider whether the application meets the following criteria:

(b) ~~DEDO~~ The Division shall review the joint application, and the Director shall, within the exercise of the Director's discretion, certify those applications that meet the standards of subsection (a) of this section.

§ 2094. Tax credit application process.

(a) In order to obtain a credit, certified sponsor firms and certified new business firms shall submit a joint tax credit application to ~~DEDO~~ the Division for the business finder's fee tax credit on or after the anniversary of the new business certification date, which certifies the number of full-time Delaware employees that have been continuously employed by the new business firm for a period of at least 3 months prior to the date of the tax credit application.

(c) ~~DEDO~~ The Division shall review and conduct due diligence to verify the employment as reported in the credit application. After such review the Director shall, within the exercise of the Director's discretion, approve qualifying applications for a credit of \$500 for each full-time Delaware employee of the certified new business firm. The Director shall submit a written authorization for each such approved application to the certified sponsor firm, certified new business

firm, the Division of Revenue, and, if applicable, the Bank Commissioner and the Insurance Commissioner, indicating the amount of business finder's fee tax credit approved for each certified sponsor firm and certified new business firm.

§ 2095. Reports.

~~DEDO~~The Division shall report annually to the General Assembly, on or before March 1, the names of all certified sponsor and new business firms, the total amount of tax credits awarded pursuant to this Program, and the number of jobs created.

§ 2097. Limitations on credits.

(b) The Director shall ensure that each application has the date and time of submission recorded. Credits will be awarded in chronological order based upon the date and time upon which each complete application is received by the ~~DEDO~~ Division. If a credit award results in exceeding the \$3,000,000 limitation for the fiscal year in which it is awarded, the amount by which such credit award exceeds \$3,000,000 shall carry over to the succeeding fiscal year and shall receive priority for that year.

§ 20A-100. Declaration of purpose.

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

§ 6123. Period to establish.

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

Section 20. Amend Section 1502, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1502. Establishment of program.

(a) The Delaware Welfare Employment Program (the "Program") is created within the Department of Health and Social Services (the "Department") as a critical component of the State's welfare-to-work strategy; provided, however, that

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

Section 21. Amend Section 1924, Title 22 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1924. Administration.

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

Section 22. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application; and, to that end, the provisions of this Act are declared to be severable.

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

Section 23. The effective date of this Act is July 1, 2017.