

CHAPTER 223
FORMERLY
SENATE SUBSTITUTE NO. 1

FOR

SENATE BILL NO. 202

AN ACT TO AMEND THE FISCAL YEAR 2010 BOND AND CAPITAL IMPROVEMENTS ACT; AMENDING TITLE 29 OF THE DELAWARE CODE RELATING TO DRAINAGE; AND AMENDING THE LAWS OF DELAWARE.

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

Section 1. Milford School District Transfers. Notwithstanding any provisions of the Delaware Code or any regulation to the contrary, the Milford School District with the approval of the Director of the Office of Management and Budget and Controller General is authorized to transfer funds between any major capital improvement certificates of necessity that were part of the referendum approved on February 15, 2007.

Section 2. Milford School District – Shared Space Concept. In support of the Milford School District's shared space concept for the newly constructed Central Academy and the existing Milford High School, renovations to existing high school program space for band and music instruction, that will be utilized by students from the Central Academy, shall be considered part of the new Central Academy project and its corresponding certificate of necessity.

Section 3. Milford School District. a) Amend 77 Del. Laws, c. 87, Section 1 Addendum, page A-4 by deleting the project entitled "Milford, Land Costs for Middle Academy (77/23)" and inserting in lieu thereof the project entitled "Milford, Land Acquisition/Extraordinary Site Costs for Middle Academy (77/23)".

b) Amend 77 Del. Laws, c. 87 § 2, page 3, by deleting the project entitled "Milford, Land Costs for Middle Academy (77/23)" on line 20 and inserting in lieu thereof the project entitled "Milford, Land Acquisition/Extraordinary Site Costs for Middle Academy (77/23)".

Section 4. Owens Campus Energy House. Delaware Technical & Community College shall apply for all State and local permits and approvals required by any applicable provision of the Delaware Code, or any ordinance, rule or regulation enacted pursuant thereto in connection with the design and construction of the Owens Campus Energy House; provided, nevertheless, that any such permit or approval shall be granted within 10 working days from the date upon which the College makes application therefor. If any required permit or approval is not granted within 10 working days as set forth above, the College may commence construction and shall be immune from any legal action or liability for failing to obtain such permit or approval.

Section 5. Amend 77 Del. Laws, c. 87, §83 by adding a new subsection (c) to read as follows:

"(c) New Transportation Trust Fund Debt Authorizations. To fund a portion of the projects authorized herein, the Delaware Transportation Authority is hereby authorized to issue GARVEE bonds in an amount not to exceed \$125,000,000 pursuant to the provisions of 2 Del. C. c. 13 and 14. All proceeds (net of issuance costs) from the GARVEE bond sale shall be used for the US301 Maryland State Line capital improvement project. Annual obligational authority from the Federal Highway Administration shall be used to repay debt associated with the term of the GARVEE bonds. The Secretary of Transportation is hereby authorized to pledge the State's annual obligational authority from the Federal Highway Administration as security for the GARVEE bonds, and is authorized to take any further action and execute any other documents necessary or convenient to consummate the issuance of the GARVEE bonds. A fifteen year amortization schedule shall be made available for the review and approval of the Director of Office of Management & Budget and Controller General annually."

Section 6. Amend 29 Del. C. §6102A (h)(6) by deleting said subsection in its entirety.

Section 7. State Video Lottery. Notwithstanding the provisions of any other law, including chapter 48 of title 29, the State Lottery Office shall be entitled to impose a one-time reimbursement from the video lottery agents in an amount equal to the costs incurred by the State related to the research, drafting and filing of a

petition for certiorari in Office of the Commissioner of Baseball, et al. v. Markell, et al., provided that such reimbursement shall not exceed \$250,000 in total, and that the \$250,000 reimbursement shall be divided among the video lottery agents in proportion to their respective proceeds attributable to the sports lottery, as determined by the State Lottery Office, during the fiscal year ending June 30, 2010 as of the effective date of this act, and further provided that such reimbursement shall be deducted from the amounts otherwise payable to video lottery agents pursuant to 29 Del. C. § 4815 as soon as practicable and without regard for the disposition of the petition for certiorari.

Approved February 01, 2010