

LAWS OF DELAWARE
VOLUME 84
CHAPTER 152
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 169

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO SCHOOL CONSTRUCTION.

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

Section 1. Amend § 7510, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7510. Certificate of necessity.

(a) When the Secretary of Education has prepared the proposed annual major capital improvement program budget the Secretary shall certify the necessity for same to the State Treasurer together with the amount of the total cost, the state share and the local share, if any, as authorized by any school construction bond authorization act and shall send a copy of such certification to the State Auditor of Accounts and the Director of the Office of Management and Budget and the board of education of such school district. Upon the receipt by the State Treasurer of the certification of said determination, the said school construction program shall be deemed to be authorized, and this chapter and any school construction bond authorization act for the issuance of state and local bonds to provide funds for school construction programs shall be in full force and effect with respect to such school construction program; provided, however, that, except in cases where a local share is not required by any school construction bond authorization act, such school construction program shall not be carried out until the local share shall have been deposited with the State Treasurer. The issuing officers may at any time after the State Treasurer receives such certificate proceed to issue bonds or notes of the State to provide the funds for the state share thereof, whether or not the requisite local share shall have been actually deposited with the State Treasurer, but the proceeds of said bonds or notes shall not be expended until the requisite local share shall have been so deposited.

(b) Instead of issuing bonds, as hereinabove provided, the State may pay its share of the total cost by using gifts or any other money on hand which are not required by law to be used for some other purpose.

(c) At the same time the Secretary submits the proposed annual major capital improvement program budget and certifies the necessity and total cost, the Secretary shall publish on its website and submit to the co-chairs of the Joint Committee on Capital Improvement, the Controller General, and the Director of the Division of Research a report that includes all of the following:

(1) A summary of each project rejected, the total proposed cost of each project rejected, the reason why the project was rejected, the number of times a district has applied for a certificate for the rejected project, the most recent year's capacity and enrollment numbers for the district, and a ranking of rejected projects by need.

(2) A list of all applications, both approved and rejected, with a designation of which priority level the project is assigned under the School Construction Technical Assistance Manual.

(3) A breakdown by school district of the total amount of state funds allocated through the certificate of necessity process for the current year, the prior five years, and any funds that are committed for future years through a current Certificate of Necessity.

Approved August 9, 2023