

LAWS OF DELAWARE
VOLUME 85
CHAPTER 233
153rd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 270

AN ACT TO AMEND THE LAWS OF DELAWARE RELATING TO THE BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF THEIR AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2026.

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

1 Section 1. Amend Chapter 64, Volume 85, Section 4 of the Laws of Delaware by making deletions as
2 shown by strike throughs and insertions as shown by underlines as follows:

3 **Section 4. Transfer to the State Treasurer's Agency Bond Reversion Account.**

4	Department, Agency, Instrumentality	Appropriation Code	Amount
5	Office of Management and Budget		
6	Motor Pool Building Conversion	2020-10-02-50-50200	\$221,903.61
7	Veteran's Home Generator	2021-10-02-50-50212	61,060.60
8	BWCi HVAC Replacement	2022-10-02-50-50304	262,692.00
9	New JTVCC Sally Port/Intake	2025-10-02-50-50042	8,000,000.00
10	DOL – Sussex Facility	2026-10-02-50-50555	7,000,000.00
11			
12	Department of Health and Social Services		
13	Wellness Center	2022-35-05-20-50257	47,103.75
14	TOTAL		\$8,592,759.96 \$15,592,759.96

15 Section 2. Amend Chapter 64, Volume 85, Section 5 of the Laws of Delaware by making deletions as
16 shown by strike throughs and insertions as shown by underlines as follows:

17 **Section 5. Transfer from the State Treasurer's Agency Bond Reversion Account.** Notwithstanding the

18 provisions of any other state law, the State Treasurer shall transfer, as funds become available, the sum of
19 \$8,592,759.96 \$15,592,759.96 from the State Treasurer's Bond Reversion Account (94-12-05-03-50015) to the
20 following departments in the following amount for the purpose set forth in the Section 1 Addendum of this Act.

21	Department, Agency, Instrumentality	Amount
22	Office of Management and Budget	
23	<i>OMB Projects</i>	
24	Minor Capital Improvement and Equipment	\$61,060.60
25	<u>Delaware Veterans Cemetery Expansion</u>	<u>7,000,000.00</u>
26		
27	<i>Correction Projects</i>	
28	Automatic Transfer Switch and Emergency Generator Replacements	
29	(HRYCI, BWCI, JTVCC, and SCI)	2,500,000.00
30	HYRCI West Side, JTVCC Infirmary Roof Top and PCCC	
31	Administration Building HVAC Replacements	5,886,560.00
32	JTVCC Building 13 Roof Replacement	98,035.61
33	Department of Health and Social Services	
34	Maintenance and Restoration	47,103.75
35	TOTAL	\$8,592,759.96 <u>\$15,592,759.96</u>

36 Section 3. Amend Chapter 64, Volume 85, Section 18 of the Laws of Delaware by making deletions as
 37 shown by strike throughs and insertions as shown by underlines as follows:

38 **Section 18. Legislative Building Committee.** (a) The Legislative Building Committee (“Committee”) is
 39 established to do all of the following:

40 (1) Develop design standards for Legislative Hall, including as related to paint colors, carpeting,
 41 curtains and blinds, furniture, or bathroom tile and fixtures.

42 (2) Develop plans to enable the General Assembly to meet the need for public meeting space, spaces to
 43 serve the public visiting Legislative Hall, parking to serve legislators, staff, and the public, additional staff
 44 offices, and adequate space for Capitol Police.

45 (1)(3) Serve as a liaison between the General Assembly and the Division of Facilities Management,
 46 architect, general contractor, and others involved in the design, construction, and furnishing of equipment for
 47 the addition to, and parking garage for, Legislative Hall, called on by the Committee to assist the Committee’s
 48 work under paragraphs (a)(1) and (2) of this section.

49 (4) The Committee may make decisions related to the design, construction, and furnishing of
 50 equipment for the addition to, and parking garage for, Legislative Hall or may make Make recommendations to
 51 Legislative Council on needed decisions related to the design, construction, and furnishing of equipment for the
 52 addition to, and parking garage for, Legislative Hall. the Committee’s work under paragraphs (a)(1) and (2) of
 53 this section.

(2)(5) Engage legislators, legislative staff, others who routinely appear before the General Assembly, and the public regarding the design, construction, and furnishing of equipment for the addition to, and parking garage for, Legislative Hall. the Committee's work under paragraphs (a)(1) and (2) of this section.

(3)(6) Provide periodic reports to Legislative Council and the Governor on the progress of the design of, construction of, and furnishing of equipment for the addition to, and parking garage for, Legislative Hall, on the Committee's work under paragraphs (a)(1) and (2) of this section.

(b) The Committee is comprised of the following members, or a designee selected by a member serving by virtue of position:

(1) Two members of the House of Representatives, 1 member of the majority caucus and 1 member of the minority caucus, appointed by the Speaker of the House of Representatives.

(2) Two members of the Senate, 1 member from the majority caucus and 1 member of the minority caucus, appointed by the President Pro Tempore of the Senate.

(3) Three citizens of this State, 1 appointed by the Governor, 1 appointed by the Speaker of the House of Representatives, and 1 appointed by the President Pro Tempore of the Senate.

(4) The Chief Clerk of the House of Representatives.

(5) The Secretary of the Senate.

(6) The Controller General.

(7) The Chief of the Capitol Police.

(8) The Director of the Division of Research, Legislative Services, who shall serve as Secretary to the Committee.

(9) The Director of Legislative Information Systems.

(10) The Chief of Staff for the Senate Majority Caucus.

(11) The Chief of Staff for the Senate Minority Caucus.

(12) The Chief of Staff for the House Majority Caucus.

(13) The Chief of Staff for the House Minority Caucus.

the Secretary of the Senate is the Chair in odd-numbered years.

(c) The Secretary of the Senate is the Chair in odd-numbered years and Vice-Chair in even-numbered years, and the Chief Clerk of the House of Representatives is Chair in even-numbered years and Vice-Chair in odd-numbered years.

82 (d) (1) A quorum of the Committee is a majority of its members.

83 (2) Official action by the Committee, including making decisions, findings, and recommendations, requires
84 the approval of a quorum of the Committee.

85 (3) The Committee may adopt rules necessary for its operation.

86 (4) The Chair may invite individuals with relevant expertise to participate in Committee discussions.

87 (5) A member of the Committee with the ability to designate another individual to attend a Committee
88 meeting must provide the designation in writing to the Chair. An individual attending a meeting for a member
89 as a designee has the same duties and rights as the member.

90 (e) The Chair is responsible for guiding the administration of the Committee by doing, at a minimum, all of the
91 following:

92 (1) Setting a date, time, and place for the initial organizational meeting.

93 (2) Notifying the individuals who are members of the Committee of the formation of the Committee and, if
94 applicable, notifying a person of the need to appoint a member.

95 (3) Supervising the Secretary's preparation and distribution of meeting notices, agendas, minutes,
96 correspondence, and reports of the Committee.

97 (4) Sending to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, after
98 the first meeting of the Committee, the names of the members of the Committee as follows:

99 a. By position, including if serving as a designee of a member serving by virtue of position.

100 b. By appointment, including the group the member represents.

101 (5) Ensuring that periodic written reports are submitted to the President Pro Tempore of the Senate and the
102 Speaker of the House of Representatives, with copies to all members of the General Assembly, the Governor, the
103 Librarian of the Division of ~~Research of Legislative Council~~, Legislative Services, and the Delaware Public
104 Archives.

105 Section 4. Amend Chapter 64, Volume 85, Section 36 of the Laws of Delaware by making deletions as
106 shown by strike throughs and insertions as shown by underlines as follows:

107 **Section 36. Troop 6 Residual Appropriation for Troop 4 and DATE Evidence Storage Building.** The
108 Office of Management and Budget, Division of Facilities Management is authorized to utilize any remaining funds
109 from the New Troop 6 - Wilmington appropriated under Section 1 Addendum of 83 Del. Laws, c. 340 for the New

110 Troop 4 – Georgetown, and DATE Evidence Storage Building, and Delaware State Police Firing Range
111 Improvements.

112 Section 5. Amend Chapter 64, Volume 85, Section 101 of the Laws of Delaware by making deletions as shown by
113 strike throughs and insertions as shown by underlines as follows:

114 **Section 101. Park Facility Rehab and Public Recreational Infrastructure.** (a) Section 1 Addendum of
115 this Act makes an appropriation to the Department of Natural Resources and Environmental Control for Park
116 Facility Rehab and Public Recreational Infrastructure. Of this amount, \$750,000 shall be used toward improvements
117 at the Brandywine Zoo to support accreditation efforts; \$776,277 shall be used toward improvements and ADA
118 compliance needs at Bellevue State Park; and \$1,000,000 shall be used toward the splash pad and enhancements at
119 Trap Pond State Park.

120 (b) Of the funds appropriated to the Department of Natural Resources and Environmental Control in the Section 1
121 Addendum of this Act, up to \$600,000 in addition to the funds described in subsection (a) of this section, shall be used to
122 support accreditation efforts at the Brandywine Zoo upon an agreement between the Secretary of the Department of Natural
123 Resources and Environmental Control and the Delaware Zoological Society. These funds shall be used by the Delaware
124 Zoological Society in the construction of a new mixed-species exhibit. This agreement shall be subject to the provisions of
125 29 Del. C. §6960.

126 Section 6. Amend Chapter 64, Volume 85, of the Laws of Delaware by adding a new Section 178 by
127 making deletions as shown by strike through and insertions as shown by underline as follows:

128 **Section 178. Community Transportation Funds.** Notwithstanding any provision of Title 29 of the
129 Delaware Code to the contrary, the Department of Transportation is hereby authorized to use Community
130 Transportation Funds for a one-time reimbursement to each of the following:

- 131 (1) American Legion Post No. 14 in an amount of up to \$32,000 for a parking lot paving project.
- 132 (2) Ardentown in an amount of up to \$7,000 for playground equipment.
- 133 (3) Bowers Fire Department in an amount of up to \$50,300 for the construction of a boat lift.
- 134 (4) City of Seaford in an amount of up to \$44,000 for public safety initiatives.
- 135 (5) Delmar Police Department in an amount of up to \$12,000 for security cameras.
- 136 (6) Enclave at Odessa in an amount of up to \$25,863 for drainage work.
- 137 (7) Heritage Grendon Civic Association in an amount of up to \$2,805 for streetlight repair.

138 (8) Indian River School District in an amount of up to \$41,350 for renovation of signage at Sussex Central
139 High School.

140 (9) McCaulley Court Maintenance Corporation in an amount of up to \$10,000 to complete common area
141 landscaping.

142 (10) Millsboro Police Department in an amount of up to \$14,000 for security equipment.

143 (11) Montclare Civic Association in an amount of up to \$9,930 for streetlight replacement.

144 (12) New Castle County Conservation District in an amount of up to \$5,100 for drainage.

145 (13) Penn Acres Civic Association in an amount of up to \$6,000 to complete common area landscaping.

146 (14) Peoples Settlement Association in an amount of up to \$276,790 for a community center playground.

147 (15) Ridgewood Civic Association in an amount of up to \$10,000 for landscaping and tree removal.

148 (16) Rehoboth Beach Yacht and Country Club in an amount of up to \$10,000 for drainage work.

149 (17) Town of Georgetown in an amount of up to \$7,000 for speed radar displaying red and blue lamp
150 notification.

151 (18) Town of Smyrna in an amount of up to \$30,000 for a sidewalk project, curbing, and drainage.

152 Section 7. Amend Chapter 64, Volume 85, of the Laws of Delaware by adding a new Section 179 by
153 making deletions as shown by strike through and insertions as shown by underline as follows:

154 **Section 179. Community Reinvestment Fund.** The Section 1 Addendum of 83 Del. Laws c. 56, 83 Del.
155 Laws c. 340, and 84 Del. Laws c. 83 appropriated funding to the Community Redevelopment/Reinvestment Fund to
156 assist community organizations with capital infrastructure projects. Of these projects, \$98,000 shall be reallocated
157 from Downtown Milford, Inc. to the City of Milford, Police Department to enclose the pole barn; \$160,000 to the
158 City of Milford to support Riverwalk Park LED Lighting Improvements; \$40,000 to the Delaware Nature Society
159 for safety and security updates at the Abbotts Mill Nature Center; \$177,255 to Kent Sussex Industries to provide
160 improvements to the Skill Development Center; \$227,846 to the Milford District Free Public Library for renovations
161 and refurbishment of the library; and \$177,254 to the Milford Housing Development Corporation to support
162 affordable housing solutions South Milford Residential Development.

163 Section 8. Amend Chapter 64, Volume 85, of the Laws of Delaware by adding a new Section 180 by
164 making deletions as shown by strike through and insertions as shown by underline as follows:

165 **Section 180. Department of Natural Resources.** Amend § 7713, Title 7 of the Delaware Code by making

166 deletions as shown by strike through and insertions as shown by underline as follows:

167 § 7713. Fees.

168 (a) The Department is authorized to charge and collect fees from persons with extremely hazardous

169 substances pursuant to §§ 7707 and 7709 of this title.

170 (1) Except as set forth under paragraph (a)(2) of this section, fees shall be a minimum of \$900 per
171 year for the first whole unit and \$50 per year for each additional unit to a maximum of 300 units.

172 (2) For a stationary source reporting propane ~~and~~ or ammonium nitrate with a potential release
173 greater than or equal to a sufficient quantity in their risk management plan, the maximum fee is \$500 per
174 year for the first whole unit and \$25 per year for each additional unit to a maximum of 300 units.

175 Section 9. Amend Chapter 64, Volume 85, of the Laws of Delaware by adding a new Section 181 by

176 making deletions as shown by strike through and insertions as shown by underline as follows:

177 **Section 181. Hay Road.** The Diamond State Port Corporation, in consultation with the Department of
178 Transportation, shall conduct a study to evaluate the feasibility, costs, and impacts of limiting or redirecting truck
179 traffic to accessing I495 North and South through Hay Road to 12th Street in lieu of routing such traffic through
180 Edgemoor Road and Governor Printz Boulevard to limit truck traffic near residential neighborhood areas when
181 entering and exiting the Edgemoor Port Terminal.

182 A written report of its findings and recommendations shall be submitted to the Controller General, the
183 Director of the Office of Management and Budget, and the Co-Chairs of the Joint Committee on Capital
184 Improvement by January 1, 2027.

185 Section 10. Amend Chapter 64, Volume 85, of the Laws of Delaware by adding a new Section 182 by

186 making deletions as shown by strike through and insertions as shown by underline as follows:

187 **Section 182. Historic Tax Credit.** Amend §1816, Title 30 of the Delaware Code by making deletions as
188 shown by strike through and insertions as shown by underline as follows:

189 § 1816. Total amount of credits permitted in each fiscal year; allocation of such credits.

190 (b) The State Office shall ensure that the date and time of Stage II approval is noted on the first page of the
191 application. Credits will be awarded in chronological order based upon the date and time on which each application
192 receives Stage II approval from the State Office. If a credit award would result in an excedence of the \$5,000,000

193 \$8,000,000 limitation for the fiscal year in which it is awarded, the amount by which such credit award exceeds
194 \$5,000,000 \$8,000,000 shall carry over to the succeeding fiscal year and shall receive priority for that year.

195 Section 11. Amend Chapter 64, Volume 85, of the Laws of Delaware by adding a new Section 183 by
196 making deletions as shown by strike through and insertions as shown by underline as follows:

197 **Section 183. Red Clay Consolidated School District**. Amend Title 21, §4166 (b), of the Delaware Code
198 by making deletions as shown by strike through and insertions as shown by underline as follows:

199 § 4166. Overtaking and passing school bus; stop signal devices

200 (b) *School bus flashing lamps.* — (1) School bus flashing lamps are intended to identify the vehicle as a
201 school bus and to inform other users of the highway that such vehicle is about to stop or is stopped on the roadway
202 or shoulder to take on or discharge school children. They are separate from the brake lamps and shall not be used in
203 lieu of or to supplement the brake lamps.

204 (2) a. The amber warning lamps shall be activated approximately 10 seconds prior to the red stop lamps to
205 give motorists advance notice that the bus is preparing to stop or has stopped to pick up and discharge pupils. The
206 lamps shall always be used prior to the red when available and shall be used only after the bus is relatively parallel
207 with the travelway. The bus may be in motion when the amber warning lamps are activated.

208 b. The provisions of subsection (b)(2) a. of this section shall not apply to Red Clay School District
209 school buses equipped with, and operating stop arm cameras.

210 Section 12. Amend Chapter 64, Volume 85, of the Laws of Delaware by adding a new Section 184 by
211 making deletions as shown by strike through and insertions as shown by underline as follows:

212 **Section 184. Cleveland White Project**. The Office of Management and Budget, Division of Facilities
213 Management, is authorized to utilize any remaining funds from the Ferris Windows project for the Cleveland White
214 project.

215 Section 13. Amend Chapter 64, Volume 85, of the Laws of Delaware by adding a new Section 185 by
216 making deletions as shown by strike through and insertions as shown by underline as follows:

217 **Section 185. JTVCC HVAC Project**. The Office of Management and Budget, Division of Facilities
218 Management, is authorized to utilize any remaining funds from Department of Correction projects for the James T.
219 Vaughn Correctional Center W1 Building HVAC project.

220 Section 14. Amend Chapter 64, Volume 85, of the Laws of Delaware by adding a new Section 186 by
221 making deletions as shown by strike through and insertions as shown by underline as follows:

222 **Section 186. Johnson's School – Indian Mission Cemetery.** The Office of Management and Budget is
223 hereby authorized to receive the title to the property, formerly known as Warwick School No. 203, also known as
224 "Johnson's School", from the Indian Mission Cemetery, Inc., and convey title to Indian Mission Properties, Inc., a
225 not-for-profit corporation, in a two-step transaction. The deed conveying title to the said land, 28158 John J.
226 Williams Highway, Sussex County Tax I.D., and Parcel Number 234-28.00-114.00, shall contain a fee simple
227 determinable provision that, should Indian Mission Properties, Inc. no longer have need or use for the property, it
228 shall automatically revert to the State of Delaware without the need for any legal action. The State of Delaware will
229 retain a future interest in the property known as "a possibility of reverter". In addition, the deed shall contain a
230 provision whereby Indian Mission Properties, Inc. agrees to convey any portion of the said land, exclusive of any
231 improvements thereon, to the Delaware Department of Transportation, should such land be required in the future for
232 public transportation-related projects, at no cost to the State of Delaware.

233 Section 15. Amend Chapter 64, Volume 85, of the Laws of Delaware by adding a new Section 187 by
234 making deletions as shown by strike through and insertions as shown by underline as follows:

235 **Section 187. Diamond State Port Corporation.** Amend Title 29, §8783 of the Delaware Code as shown
236 by making deletions as shown by strike through and insertions as shown by underline as follows:

237 **§ 8783. Appointment of Executive Director.**

238 The Chair of the Corporation shall, subject to the approval of the Governor, appoint an Executive Director
239 of the Corporation. An Executive Director shall be selected by a majority vote of the Board. The Executive Director
240 shall be experienced in port or transportation-related management and shall be the principal executive officer of the
241 Corporation. The Executive Director shall be an employee of the Corporation, and the compensation of the
242 Executive Director shall be established by the Board. The Executive Director shall serve at the pleasure of the
243 Board.

Approved January 30, 2026