



SPONSOR: Rep. K. Williams & Sen. Walsh
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Sturgeon, Wilson

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

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:

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

3 § 7510. Certificate of necessity.

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

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

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

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

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

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

SYNOPSIS

This Act requires the Secretary of Education to publish and deliver to the General Assembly a report detailing requests for certificates of necessity that are not included in the proposed capital budget and the reasons for the rejection and a ranking of the rejected projects by need. The report is also required to include a breakdown of the current and previous 5 years of state spending committed through the certificate of necessity process, as well as a report on which priority level (1, 2, or 3) all approved and rejected applications are given.