SPONSOR: Sen. Sokola & Rep. Q. Johnson

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| Bonini | Miro |
| Bushweller | Mitchell |
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| Marshall | Potter |
| Townsend | Schwartzkopf |
| | Wilson |

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

# SENATE BILL NO. 16

AN ACT TO AMEND THE LAWS OF DELAWARE RELATING TO THE BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2017.

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

Section 1. Amend Section 89, Chapter 299, Volume 80 of the Laws of Delaware by making deletions as shown by strike through and insertions as shown by italicized double underline as follows:

**Section 89. City of Wilmington ~~Police Department~~.** The Section 1 Addendum to this Act appropriates $200,000 to the City of Wilmington ~~Police Department for Overtime to Combat Violent Crime~~. This funding shall be used by the City of Wilmington ~~Police Department immediately, during the months of July, August, and September 2016, to combat violent crime in high need areas of the City~~ for public safety purposes with a plan submitted no later than March 2, 2017 to be approved by the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program. ~~The City of Wilmington Police shall supply a quarterly report to the members of the Joint Legislative Committee on the Capital Improvement Program on the usage of these funds beginning on April 15, 2017.~~

Section 2. Amend Section 123, Chapter 299, Volume 80 of the Laws of Delaware by making deletions as shown by strike through and insertions as shown by italicized double underline as follows:

**Section 123. Community Transportation Fund and Municipal Street Aid**. The requirements set forth in 29 Del. C. § 6960 shall not apply to public works projects ~~of the Department of Transportation~~ if the only source of funds from the State for the public works projects is Community Transportation Funds, the Municipal Street Aid Program authorized pursuant to 30 Del. C. c. 51, or both of those sources. *The change in these requirements shall be retroactive to July 1, 2015.*

Section 3. Amend Chapter 299, Volume 80 of the Laws of Delaware by adding a new Section 159 by making deletions as show by strike through and insertions as shown by underline as follows:

**Section 159. Community Transportation Funds.** Notwithstanding the provisions of 29 Del. C. to the contrary, the Delaware Department of Transportation is hereby authorized to use Community Transportation Funds for one-time reimbursements for the following:

1. to the Camden-Wyoming Fire Company in the amount of $27,500.00 for sign improvement projects;
2. to the City of Wilmington in the amount of $121,050.00 for the Concord Manor Water Improvement Project;
3. to the Capital School District in the amount of $26,740.00 for sign improvement projects at Booker T. Washington Elementary School;
4. to the Mamie A. Warren Senior Center in the amount of $35,000.00 for a sign improvements project; and
5. to the Indian River School District in the amount of $39,100.00 for sign improvements at Sussex Central High School.

Section 4. Amend Chapter 299, Volume 80 of the Laws of Delaware by adding a new Section 160 by making deletions as show by strike through and insertions as shown by underline as follows:

**Section 160. School District Major Capital Construction.** The Section 1 Addendum of this Act includes several appropriations for school district major capital construction projects. Should the state/local ratio of funding for said projects differ from the approved Certificate of Necessity, the ratio contained in this Act shall be used for the financing of the projects. With approval of the Secretary of Education, Director of the Office of Management and Budget (OMB) and Controller General, school districts impacted by this section may choose to match a portion of its local share with equalization and/or educational sustainment funds.

Section 5. Amend Chapter 299, Volume 80 of the Laws of Delaware by adding a new Section 161 by making deletions as shown by strike through and insertions as shown by underline as follows:

**Section 161. Cape Henlopen SchoolDistrict - Sussex Consortium Building.** The Cape Henlopen School District, with the approval of the Secretary of Education, Director of the Office of Management and Budget and the Controller General is authorized to transfer the state share of non-obligated major capital improvement funds for the Beacon Middle School and Mariner Middle School projects (CN 1517A) for constructing the Sussex Consortium Building (CN 1717H).

Section 6. Amend Chapter 299, Volume 80 of the Laws of Delaware by adding a new Section 162 by making deletions as shown by strike through and insertions as shown by underline as follows:

**Section 162. New Castle County Courthouse Parking Facility.** Notwithstanding 29 Del. C., Chapter 94 relating to the disposition of State real property, and in recognition of the public benefit of the State's 15-year relationship

with Justice Center Parking LLC in the original construction and continuing operation of the public parking facility adjacent to the Leonard L. Williams Justice Center (formerly the New Castle County Courthouse), located at 500 North King Street, in Wilmington (the "Garage"), the Office of Management and Budget, on behalf of the State, is authorized to execute loan and collateral-related documents required by Justice Center Parking LLC to refinance its Garage-related indebtedness with a third party lender, with said indebtedness to be secured by a mortgage on the State-owned property on which the Garage is located. This authorization to collateralize the State's property in the refinancing transaction with the new lender will include additional cash-out proceeds, but all such proceeds will be used by the Justice Center Parking LLC for the benefit and operation of the Garage and shall be placed in the operational budget for the Garage. It is understood that should there be a default by Justice Center Parking LLC on the refinance obligation, the new lender/mortgagee may have a right to foreclose on the mortgage on the State's property. In any such proceeding, the State shall execute all available rights and remedies as it deems appropriate and necessary.

SYNOPSIS

This Act amends the Fiscal Year 2017 Bond and Capital Improvements Act to 1) authorize the expenditure of prior year Community Redevelopment Funds for public safety purposes in the City of Wilmington; 2) clarify the applicability of prevailing wage provisions on Community Transportation Fund and Municipal Street Aid projects; 3) authorize the Department of Transportation to use Community Transportation Funds for one-time reimbursements for various projects 4) allow for the use of certain operating funds of local school districts as a match for school construction; 5) allow Cape Henlopen to transfer certain unobligated major capital improvement funds for the Sussex Consortium Building project; and 6) to authorize the Office of Management and Budget to execute loand collateral-related documents related to the New Castle County Courthouse parking facility

Author: Joint Legislative Committee on the Capital Improvement Program