SPONSOR: Sen. Venables & Rep. Roy

| | |
|---|---|
| Blevins | Carey |
| Cook | Lofink |
| DeLuca | Oberle |
| Connor | B. Ennis |
| Simpson | Keeley |
| | Cathcart |
| | Miro |
| | Stone |
| | Wagner |
| | Mulrooney |

DELAWARE STATE SENATE

142nd GENERAL ASSEMBLY

SENATE BILL NO. 170

A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2004; APPROPRIATING GENERAL FUNDS OF THE STATE; DEAUTHORIZING STATE GUARANTEED BOND AUTHORIZATIONS; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; AUTHORIZING THE ISSUANCE OF REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING FUNDS FROM THE TRANSPORTATION TRUST FUND; APPROPRIATING SPECIAL FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; REVERTING AND REPROGRAMMING CERTAIN FUNDS OF THE STATE; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS; 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. Fiscal Year 2004 Capital Improvements Project Schedule Addendum. The General Assembly hereby authorizes the following projects in the following amounts for the purposes set forth in this Section and as described in the Fiscal Year 2004 Governor's Recommended Capital Budget and Project Information document. Any authorization balance (excluding Transportation Trust Fund balances) remaining unexpended or unencumbered by June 30, 2006, shall be subject to reversion of reauthorization.

Section 2. Deauthorization of State Guaranteed Bonds.

(a) Amend Section 5054(d)(2) 29 Del. C. § 5054 (d) (2), as amended, by striking the number "4,629,015" wherever it appears in said Section and inserting in lieu thereof the number "4,449,015".

(b) Nothing in this Act shall reduce the amount of bonds authorized to be issued by the Delaware Economic Development Authority, or any successor authority, to which may be pledged the full faith and credit of the state below the amount of such bonds issued and unpaid on the effective date of this Act. The provisions of 63 Del. Laws, c. 387, § 11 shall apply in this regard.

Section 3. Authorization of Twenty-Year Bonds. The state hereby authorizes the issuance of bonds, to which the state shall pledge its full faith and credit, such bonds to be issued in such principal amount as necessary to provide proceeds to the state in the amount of $125,880,000 and in the amount of $58,031,200 local share of school bonds. Bonds authorized to be used by this Section shall mature not later than 20 years from their date of issuance. The proceeds of such bonds, except for local share of school bonds, are hereby appropriated for a portion of the purposes set forth in the Section 1 Addendum of this Act and summarized as follows:

| Department, Agency, or Instrumentality | Amount |
|---|---|
| Department of Administrative Services | $14,549,400 |
| University of Delaware | 3,000,000 |
| Delaware State University | 3,000,000 |
| Delaware Technical and Community College | 1,685,700 |
| Department of Education | 103,644,900 |

| Purpose | State Share | Maximum Local Share | Total Cost |
|---|---|---|---|
| Colonial, Renovate Carrie Downie Elementary (65/35) | $493,200 | - | $493,200 |
| Colonial, Renovate Wilmington Manor Elementary (65/35) | 2,079,900 | - | 2,070,900 |
| Colonial, Renovate Colwyck Elementary (65/35) | 3,335,800 | 1,796,200 | 5,132,000 |
| Colonial, Renovate Harry O. Eisenberg Elementary (65/35) | 3,422,900 | 1,843,100 | 5,266,000 |
| Colonial, Renovate Martin Luther King Jr. Elementary (65/35) | 2,775,500 | 1,494,500 | 4,270,000 |
| Colonial, Renovate Pleasantville Elementary (65/35) | 3,311,800 | 1,783,300 | 5,095,100 |
| Indian River, Supplemental Funding 1000 Pupil High (60/40) | 1,767,700 | 1,178,500 | 2,946,200 |
| Indian River, Supplemental Funding 1500 Pupil High (60/40) | 2,480,000 | 1,653,300 | 4,133,300 |
| Indian River, Renovate Education Complex (60/40) | 267,500 | 178,300 | 445,800 |
| Indian River, Renovate Lord Baltimore Elementary (60/40) | 482,300 | 321,500 | 803,800 |
| Indian River, Renovate Indian River High (60/40) | 861,500 | 574,300 | 1,435,800 |
| Indian River, Renovate Sussex Central High (60/40) | 406,700 | 271,100 | 677,800 |
| Indian River, Renovate Sussex Central Middle (60/40) | 338,900 | 225,900 | 564,800 |
| Brandywine, Renovate/Add Lombardy Elementary (60/40) | 4,261,400 | 2,840,900 | 7,102,300 |
| Brandywine, Renovate Talley Middle School (60/40) | 10,000,000 | 6,666,700 | 16,666,700 |
| Caesar Rodney, Renovate Charlton School (100% State) | 6,616,900 | - | 6,616,900 |

| | | | |
|---|---|---|---|
| Christina, Statewide Autistic Program Expansion (100% State) | 2,316,500 | - | 2,316,500 |
| Woodbridge, Four Grade Addition (71/29) | 1,600,000 | - | 1,600,000 |
| Christina, Renovate Albert H. Jones Elementary (60/40) | 3,527,900 | 2,351,900 | 5,879,800 |
| Christina, Renovate Brookside Elementary (60/40) | 3,543,100 | 2,362,100 | 5,905,200 |
| Christina, Renovate West Park Place Elementary (60/40) | 3,853,000 | 2,568,700 | 6,421,700 |
| Christina, Renovate Kirk Middle (60/40) | 3,280,900 | 2,187,300 | 5,468,200 |
| Christina, Renovate Pulaski Elementary (60/40) | 2,054,600 | 1,369,700 | 3,424,300 |
| Christina, Renovate Elbert Palmer ES (60/40) | 1,184,500 | 789,700 | 1,974,200 |
| Christina, Renovate Jennie Smith Elementary (60/40) | 562,800 | 375,200 | 938,000 |
| Christina, Renovate Gallaher Elementary (60/40) | 404,300 | 269,500 | 673,800 |
| Christina, Renovate Joseph McVey Elementary (60/40) | 433,800 | 289,200 | 723,000 |
| Christina, Renovate Newark High (60/40) | 438,600 | 292,400 | 731,000 |
| Christina, Renovate Bancroft Elementary (60/40) | 335,600 | 223,700 | 559,300 |
| Christina, Construct 800 Pupil Middle (60/40) | 1,135,700 | 757,100 | 1,892,800 |
| Christina, Modular Classrooms | - | 1,147,400 | 1,147,400 |
| Red Clay, Renovate Linden Hill Elementary (60/40) | 2,707,200 | 1,804,800 | 4,512,000 |
| Red Clay, Renovate Richey Elementary (60/40) | 2,997,200 | 1,998,100 | 4,995,300 |
| Red Clay, Warner Elementary and Kindergarten (60/40) | 4,767,000 | 3,178,000 | 7,945,000 |
| Red Clay, Renovate Baltz Elementary (60/40) | 5,472,000 | 3,648,000 | 9,120,000 |
| Red Clay, Renovate Forest Oak Elementary (60/40) | 2,972,500 | 1,981,700 | 4,954,200 |

| | | | | |
|---|---|---|---|---|
| 1 | Red Clay, Renovate Mote Elementary (60/40) | 3,080,800 | 2,053,900 | 5,134,700 |
| 2 | Red Clay, Renovate Conrad Middle (60/40) | 682,100 | 454,700 | 1,136,800 |
| 3 | Red Clay, Construct New 650 Pupil Elementary (60/40) | 6,458,600 | 4,305,700 | 10,764,300 |
| 4 | Red Clay, Renovate Lewis Middle (60/40) | 85,900 | 57,300 | 143,200 |
| 5 | Red Clay, Renovate Richardson Park Elementary (60/40) | 184,700 | 123,100 | 307,800 |
| 6 | Red Clay, Renovate Stanton Middle (60/40) | 126,000 | 84,000 | 210,000 |
| 7 | Red Clay, Renovate A.I. Dupont High (60/40) | 298,400 | 198,900 | 497,300 |
| 8 | Red Clay, Renovate Dickinson High (60/40) | 470,500 | 313,700 | 784,200 |
| 9 | Red Clay, Renovate McKean High (60/40) | 429,400 | 286,300 | 715,700 |
| 10 | Red Clay, Renovate Heritage Elementary (60/40) | 96,100 | 64,100 | 160,200 |
| 11 | Red Clay, Renovate Marbrook Elementary (60/40) | 81,600 | 54,400 | 136,000 |
| 12 | Red Clay, Renovate Shortlidge Elementary (60/40) | 76,500 | 51,000 | 127,500 |
| 13 | Red Clay, Renovate A.I. Dupont Middle (60/40) | 78,800 | 52,500 | 131,300 |
| 14 | Red Clay, Renovate Skyline Middle School (60/40) | 160,900 | 107,300 | 268,200 |
| 15 | Red Clay, Renovate Brandywine Springs Middle (60/40) | 10,700 | 7,100 | 17,800 |
| 16 | Red Clay, Renovate H.B. DuPont Middle (60/40) | 183,100 | 122,100 | 305,200 |
| 17 | Red Clay, Renovate H.B. Meadowood Middle (60/40) | 52,800 | 35,200 | 88,000 |
| 18 | Red Clay, Renovate Wilmington Campus (60/40) | 510,400 | 340,300 | 850,700 |
| 19 | Red Clay, Renovate Telegraph Road (60/40) | 81,500 | 54,300 | 135,800 |
| 20 | Capital, Renovate Kent Community School | 1,615,900 | - | 1,615,900 |

| | | | |
|---|---|---|---|
| Contingency - Appoquinimink Referendum | 2,400,000 | 843,200 | 3,243,200 |
| | $103,644,900 | $58,031,200 | $161,676,100 |
| | **TOTAL** | | **$ 125,880,000** |

Section 4. Transfers to the State Treasurer's Bond Reversion Account.

| Project | Authorized Vol & Ch Laws of DE | Project Appropriation Code | Amount |
|---|---|---|---|
| Comegys Building | 71/378 | 30-05-10-6914 | $43,385.42 |
| | | **TOTAL** | **$43,385.42** |

Section 5. Transfers from the State Treasurer's Bond Reversion Account. Notwithstanding the provisions of any other state law, the State Treasurer shall transfer, as funds become available, the sum of $40,000 from the State Treasurer's Bond Reversion Account (94-12-05-03-8101) to the following department in the following amount for the purpose set forth in the Section 1 Addendum to this Act:

| Department, Agency, or Instrumentality | Amount |
|---|---|
| Delaware Economic Development Office (Working Capital) | $ 40,000 |
| **TOTAL** | **$40,000** |

Section 6. Abandoned Property. For Fiscal Year 2004, 29 Del. C. § 6102 (s) shall be null and void.

Section 7. Continuing Appropriations. For the fiscal year ending June 30, 2003, any sums in the following accounts shall remain as continuing appropriations and shall not be subject to a reversion until June 30, 2004.

| Fiscal Year Appropriation | Account Codes | Remarks |
|---|---|---|
| 2001 | 10-02-01-0805 | 800 MHZ |
| 1999 | 10-02-01-0808 | Kent Radios |
| 2000 | 10-02-01-0811 | EMS |

| | | | |
|---|---|---|---|
| 1 | 2001 | 10-02-01-0811 | EMS |
| 2 | 2000 | 10-02-01-0813 | Local Police |
| 3 | 2001 | 10-02-01-0813 | Local Law |
| 4 | 2001 | 10-02-01-0814 | Tech Fund |
| 5 | 2000 | 10-02-01-0814 | Tech |
| 6 | 2001 | 10-03-03-0822 | Seaford Riverfront |
| 7 | 1992 | 10-03-03-0182 | Dover Civic |
| 8 | 1999 | 10-03-03-0805 | Dov Ctr |
| 9 | 2001 | 10-03-03-0821 | HiTechbus |
| 10 | 1990 | 10-03-03-9643 | Civic Center |
| 11 | 1999 | 10-09-30-0806 | WIN2K |
| 12 | 1995 | 20-01-01-0182 | Mills - Histo |
| 13 | 2001 | 20-01-01-0806 | Art Collection |
| 14 | 2001 | 20-01-01-0814 | DeBraak |
| 15 | 1995 | 20-08-01-0182 | Wil Library |
| 16 | 1998 | 20-08-01-0801 | So. Coastal |
| 17 | 2001 | 20-08-01-0802 | Gtown Lib |
| 18 | 1999 | 20-08-01-0802 | Gtown Lib |
| 19 | 2000 | 20-08-01-0806 | Wil Inst |
| 20 | 2000 | 20-08-01-0808 | Newark Lib |
| 21 | 2001 | 20-08-01-0811 | Seaford Lib |
| 22 | 2001 | 20-08-01-0812 | Millsboro Lib |
| 23 | 2001 | 20-08-01-0815 | Laurel Lib |
| 24 | 2001 | 20-08-01-0816 | Wilm Lib |
| 25 | 1996 | 20-08-01-6616 | N. Wilm |
| 26 | 2001 | 20-08-01-7110 | Bridgeville Lib |
| 27 | 2001 | 20-08-01-7111 | Selbyville Lib |
| 28 | 1996 | 30-05-10-0192 | Woodshavenk |
| 29 | 2001 | 30-05-10-0198 | One time |
| 30 | 2002 | 30-05-10-0198 | One time |
| 31 | 1999 | 30-05-10-0806 | JP 7/16 |
| 32 | 2001 | 30-05-10-0808 | State MCI |
| 33 | 1998 | 30-05-10-0809 | Dayett Mills |
| 34 | 2001 | 30-05-10-0811 | MCI DHSS |
| 35 | 2001 | 30-05-10-0819 | Corr MCI |
| 36 | 2000 | 30-05-10-0835 | UST |
| 37 | 2001 | 30-05-10-0835 | Asbestos |
| 38 | 2001 | 30-05-10-0839 | Arch Cost |
| 39 | 1999 | 30-05-10-0840 | Sussex Vet |
| 40 | 1999 | 30-05-10-0841 | Campus Ren |
| 41 | 2000 | 30-05-10-0841 | Campus Ren |
| 42 | 2001 | 30-05-10-0841 | Holl Campus |
| 43 | 1999 | 30-05-10-0844 | WDSHAVN KRSE |
| 44 | 1999 | 30-05-10-0845 | BWCI Nursery |
| 45 | 2001 | 30-05-10-0847 | Maint Rst |
| 46 | 2000 | 30-05-10-0848 | Bacon Site |
| 47 | 2000 | 30-05-10-0851 | Stockley Skill Care Plan |
| 48 | 2000 | 30-05-10-0584 | BWCI Capacity Plan |
| 49 | 2000 | 30-05-10-0859 | Fire School Fence Lighting |
| 50 | 2000 | 30-05-10-0861 | Smyrna Const |
| 51 | 2000 | 30-05-10-0862 | KC Crthse |
| 52 | 2001 | 30-05-10-0862 | Kent O'Brien |
| 53 | 2001 | 30-05-10-0863 | Arch Bar |

| | | | |
|---|---|---|---|
| 1 | 2001 | 30-05-10-0865 | Belvedere |
| 2 | 2001 | 30-05-10-0866 | Harlan Demo |
| 3 | 2001 | 30-05-10-0868 | Geo DMV |
| 4 | 2001 | 30-05-10-0871 | Ag Lab |
| 5 | 1998 | 30-05-10-6809 | DEMA |
| 6 | 1998 | 30-05-10-6812 | Prison Const |
| 7 | 1999 | 30-05-10-6915 | Prison Exp |
| 8 | 1999 | 30-05-10-6916 | VOP Centers |
| 9 | 2001 | 30-05-10-7113 | NCC Courthouse |
| 10 | 2001 | 30-05-10-7125 | Kent O'Brien |
| 11 | 2002 | 30-05-10-7225 | Stevenson House |
| 12 | 2002 | 30-05-10-7227 | Troop 2 |
| 13 | 1999 | 30-05-10-8598 | Govt Ctr Rep |
| 14 | 2001 | 35-01-20-0164 | MCI |
| 15 | 2001 | 35-01-20-0802 | M&R |
| 16 | 2000 | 35-01-20-0810 | Flouride |
| 17 | 2001 | 35-01-20-0810 | Flouride |
| 18 | 1995 | 40-06-02-0184 | Brandy-Aqua |
| 19 | 2001 | 40-06-02-0802 | Killens Ctr |
| 20 | 2000 | 40-05-01-0802 | Newport Boat Ramp |
| 21 | 2001 | 40-05-02-0802 | Boat Ramp |
| 22 | 1999 | 40-06-02-0803 | IR Marina |
| 23 | 2001 | 40-06-02-0804 | Park Rehab |
| 24 | 1999 | 40-06-02-0805 | De Sea WW |
| 25 | 2000 | 40-06-02-0805 | De Sea WW |
| 26 | 1999 | 40-06-02-0806 | UST |
| 27 | 1999 | 40-06-02-0811 | De Aquat Cntr |
| 28 | 2001 | 40-06-02-0811 | De/Wilm Pks |
| 29 | 2001 | 40-06-02-0813 | Cape Hen Parks |
| 30 | 1994 | 40-06-02-6413 | Brandywine Aquatic Cntr |
| 31 | 1996 | 40-06-02-6613 | Aquatic Cntr |
| 32 | 1991 | 40-06-04-6212 | Aquatic Center |
| 33 | 1992 | 40-06-04-6212 | Park Dev |
| 34 | 2001 | 40-07-01-0801 | Acq Weed Harvesters |
| 35 | 2001 | 40-07-02-0804 | Hazard |
| 36 | 1992 | 40-07-02-6214 | Little Mill |
| 37 | 1993 | 40-07-02-6313 | Resrc C&D |
| 38 | 1997 | 40-07-02-8001 | Con &Res Dev |
| 39 | 1999 | 40-08-01-0800 | Swr Overflow |
| 40 | 2001 | 40-08-01-0800 | Wilm Sewr |
| 41 | 2000 | 40-08-07-0800 | Sewer Comb |
| 42 | 2001 | 40-09-03-0801 | Healthways |
| 43 | 1999 | 45-06-05-0899 | Cops More |
| 44 | 2000 | 75-02-01-0800 | Rescue Tools |
| 45 | 2000 | 76-01-01-0811 | Harr Armory |
| 46 | 2001 | 76-01-01-0828 | MCI |
| 47 | 1992 | 76-01-01-6213 | MCI/Equip |
| 48 | 2001 | 90-03-01-7116 | Admin Bldg |
| 49 | 2001 | 90-04-01-0804 | Tech Prep |
| 50 | 2001 | 90-04-02-0801 | Owens Ren |
| 51 | 2001 | 90-04-04-0810 | Renov Eq |
| 52 | 1997 | 90-04-04-6712 | Expand Wilm |
| 53 | 1999 | 90-04-04-6912 | Wilm Exp |

| | | | |
|---|---|---|---|
| 1 | 2001 | 90-04-06-0801 | Poly/Terry |
| 2 | 1999 | 95-01-01-0850 | MCI Supp |
| 3 | 2000 | 95-01-01-0850 | MCI 100% |
| 4 | 2000 | 95-01-01-0899 | Pupil Acctg |
| 5 | 2001 | 95-10-00-0800 | Land Acq |
| 6 | 2001 | 95-10-00-0801 | Charlton School |
| 7 | 2001 | 95-10-00-0803 | CR HS |
| 8 | 2001 | 95-10-00-7112 | McIlvane |
| 9 | 2001 | 95-10-00-7113 | Charlton |
| 10 | 2001 | 95-10-00-7115 | CR HS |
| 11 | 2001 | 95-13-00-0172 | MCI |
| 12 | 2001 | 95-13-00-0802 | Demolish Off |
| 13 | 2001 | 95-13-00-0810 | BT West |
| 14 | 2000 | 95-13-00-0813 | Maint Bldg |
| 15 | 2000 | 95-13-00-0815 | East Elem |
| 16 | 2000 | 95-13-00-0816 | South Rev |
| 17 | 2000 | 95-13-00-0817 | Henry Rev |
| 18 | 2000 | 95-13-00-0819 | Hartly Rev |
| 19 | 2001 | 95-13-00-0821 | BT/West |
| 20 | 2001 | 95-13-00-0822 | Kent Com |
| 21 | 2001 | 95-13-00-0823 | Central Mid |
| 22 | 2001 | 95-13-00-0824 | Dover HS |
| 23 | 2001 | 95-13-00-0825 | Wm Henry MS |
| 24 | 2001 | 95-13-00-0826 | Fairview ES |
| 25 | 2001 | 95-13-00-0827 | Towne Pt ES |
| 26 | 2000 | 95-13-00-0850 | Minor Cap |
| 27 | 2000 | 95-13-00-7013 | Maint Bldg |
| 28 | 2000 | 95-13-00-7015 | East Elem |
| 29 | 2000 | 95-13-00-7017 | Henry Rev |
| 30 | 2000 | 95-13-00-7016 | South Elem |
| 31 | 2000 | 95-13-00-7019 | Hartly Rev |
| 32 | 2001 | 95-13-00-7110 | BT West |
| 33 | 2001 | 95-13-00-7111 | Kent Co |
| 34 | 2001 | 95-13-00-7113 | Dov HS |
| 35 | 2001 | 95-13-00-7114 | Henry |
| 36 | 2000 | 95-15-00-0810 | 720 Elem |
| 37 | 2000 | 95-15-00-0811 | Rev Chip |
| 38 | 2000 | 95-15-00-0812 | Hi Sch Rev |
| 39 | 2000 | 95-15-00-0813 | South AES |
| 40 | 2000 | 95-15-00-0814 | East ES |
| 41 | 2000 | 95-15-00-0815 | North Rev |
| 42 | 2001 | 95-15-00-0817 | Chip MS |
| 43 | 2001 | 95-15-00-0818 | LF HS |
| 44 | 2001 | 95-15-00-0819 | LF East |
| 45 | 2001 | 95-15-00-0820 | LF North |
| 46 | 2000 | 95-15-00-7010 | 720 Elem |
| 47 | 2000 | 95-15-00-7011 | Rev Chip |
| 48 | 2000 | 95-15-00-7012 | LI Sch Rev |
| 49 | 2000 | 95-15-00-7013 | South AES |
| 50 | 2000 | 95-15-00-7014 | East ES |
| 51 | 2001 | 95-15-00-7110 | WT Chipman |
| 52 | 2001 | 95-15-00-7111 | LFHS Renov |
| 53 | 2001 | 95-15-00-7113 | North ES Ren |

| | | | |
|---|---|---|---|
| 1 | 2000 | 95-17-00-0810 | Roof Renov |
| 2 | 2001 | 95-17-00-0813 | Elec 7 Sch |
| 3 | 2001 | 95-17-00-7115 | 500 M.S. |
| 4 | 2001 | 95-17-00-7116 | Ren Elec |
| 5 | 2000 | 95-18-00-0812 | Hi Sch Rev |
| 6 | 2000 | 95-18-00-0813 | Ross |
| 7 | 2001 | 95-18-00-0815 | Milford HS |
| 8 | 2001 | 95-18-00-0835 | Asbestos |
| 9 | 2000 | 95-18-00-7016 | HS Renov |
| 10 | 2001 | 95-18-00-7114 | Renov HS |
| 11 | 2001 | 95-18-00-7115 | Banneker ES |
| 12 | 2001 | 95-23-00-0820 | Douglas IS |
| 13 | 2001 | 95-23-00-0821 | Seaford HS |
| 14 | 2001 | 95-23-00-0822 | Blades Exp. |
| 15 | 1997 | 95-23-00-6713 | High School |
| 16 | 2001 | 95-23-00-7110 | Blades |
| 17 | 2001 | 95-23-00-7115 | Blades |
| 18 | 2001 | 95-24-00-0811 | Moore MS |
| 19 | 2001 | 95-24-00-0814 | HS Ren |
| 20 | 2001 | 95-24-00-7110 | Ren Clayton |
| 21 | 2001 | 95-24-00-7111 | Ren Moore M |
| 22 | 2001 | 95-24-00-7115 | Jr Hi Const |
| 23 | 2000 | 95-29-00-0810 | New Elem |
| 24 | 2000 | 95-29-00-0811 | Middle Renv |
| 25 | 2000 | 95-29-00-0812 | Redding Ren |
| 26 | 2000 | 95-29-00-0813 | Silver Renv |
| 27 | 2000 | 95-29-00-0814 | Townsend |
| 28 | 1999 | 95-29-00-0815 | Cedar Ln El |
| 29 | 2001 | 95-29-00-0820 | ES Const |
| 30 | 2001 | 95-29-00-0821 | HS Add |
| 31 | 2001 | 95-29-00-0822 | Cedar Ln |
| 32 | 2001 | 95-29-00-0823 | Dist Off |
| 33 | 2001 | 95-29-00-0824 | Redding |
| 34 | 2001 | 95-29-00-0825 | Middletown |
| 35 | 2000 | 95-29-00-7010 | New Elem |
| 36 | 2000 | 95-29-00-7011 | Middle Rev |
| 37 | 2000 | 95-29-00-7012 | Redding |
| 38 | 2000 | 95-29-00-7013 | Townsend |
| 39 | 2001 | 95-29-00-7110 | Dist Off |
| 40 | 2001 | 95-29-00-7111 | Midltwn Mid |
| 41 | 2001 | 95-29-00-7112 | 720 Elem |
| 42 | 2001 | 95-29-00-7113 | Midltwn HS |
| 43 | 2001 | 95-29-00-7115 | Redding Mid |
| 44 | 1999 | 95-31-00-0810 | Cupola |
| 45 | 2001 | 95-31-00-0836 | Library |
| 46 | 1999 | 95-31-00-6913 | Claymont El |
| 47 | 1999 | 95-31-00-6914 | Springer La |
| 48 | 1999 | 95-31-00-6915 | Harlan Elem |
| 49 | 2000 | 95-32-00-0810 | McKean |
| 50 | 2000 | 95-32-00-0812 | Conrad |
| 51 | 2000 | 95-32-00-0813 | Dickenson |
| 52 | 2000 | 95-32-00-0814 | Forest Oak |
| 53 | 2000 | 95-32-00-0816 | Highlands |

| | | | |
|---|---|---|---|
| 1 | 2000 | 95-32-00-0817 | Linden/Hill |
| 2 | 2000 | 95-32-00-0818 | Mockbrook |
| 3 | 1999 | 95-32-00-0820 | Rich/ILC |
| 4 | 2000 | 95-32-00-0822 | Skyline |
| 5 | 2000 | 95-32-00-0824 | Telegraph |
| 6 | 2000 | 95-32-00-0825 | Warner |
| 7 | 2000 | 95-32-00-0826 | Wilm HS |
| 8 | 2000 | 95-32-00-0827 | AI Du Pont HS |
| 9 | 2000 | 95-32-00-0828 | Richey |
| 10 | 2000 | 95-32-00-0829 | Lewis RF/OT |
| 11 | 1999 | 95-32-00-0831 | Tech/Teacher |
| 12 | 1999 | 95-32-00-6932 | Technology |
| 13 | 2000 | 95-32-00-7010 | McKean |
| 14 | 2000 | 95-32-00-7012 | Conrad |
| 15 | 2000 | 95-32-00-7013 | Dickinson |
| 16 | 2000 | 95-32-00-7014 | Forest Oak |
| 17 | 2000 | 95-32-00-7016 | Highlands |
| 18 | 2000 | 95-32-00-7018 | Marbrook |
| 19 | 2000 | 95-32-00-7020 | Rich/ILC |
| 20 | 2000 | 95-32-00-7022 | Skyline |
| 21 | 2000 | 95-32-00-7024 | Telegraph |
| 22 | 2000 | 95-32-00-7025 | Warner |
| 23 | 2000 | 95-32-00-7026 | Wilm HS |
| 24 | 2000 | 95-32-00-7027 | AI HS |
| 25 | 2000 | 95-32-00-7028 | Richey |
| 26 | 2000 | 95-32-00-7029 | Lewis |
| 27 | 1998 | 95-33-00-0801 | Douglass |
| 28 | 2000 | 95-33-00-0801 | Tech Prep |
| 29 | 2001 | 95-33-00-0801 | Tech Prep |
| 30 | 1997 | 95-33-00-0802 | Christina |
| 31 | 2001 | 95-33-00-0805 | Keene ES |
| 32 | 2000 | 95-33-00-0850 | MCI Fund |
| 33 | 1991 | 95-33-00-6113 | New elem |
| 34 | 1996 | 95-33-00-6613 | Newark Hi |
| 35 | 1996 | 95-33-00-6614 | Cobbs/Gauger |
| 36 | 1996 | 95-33-00-6616 | Land Acq |
| 37 | 1996 | 95-33-00-6617 | Glasgow Hi |
| 38 | 1997 | 95-33-00-6713 | Glasgow Elem |
| 39 | 1997 | 95-33-00-6714 | Christina High |
| 40 | 1998 | 95-33-00-6813 | Bayard |
| 41 | 1998 | 95-33-00-6814 | Pyle |
| 42 | 1998 | 95-33-00-6815 | Douglass |
| 43 | 2001 | 95-39-00-0801 | Tech Prep |
| 44 | 2000 | 95-39-00-0850 | MCI |
| 45 | 2001 | 95-40-00-0840 | ADA Barrier |
| 46 | 2001 | 95-43-00-7110 | Ren Ennis |
| 47 | 2000 | 95-51-00-0800 | Sterck Renv |
| 48 | 2001 | 95-51-00-0801 | Equipment |
| 49 | 2000 | 95-51-00-0850 | MCI Fund |
| 50 | 2001 | 95-52-00-0836 | Library |

| | | | |
|---|---|---|---|
| 1999 | 95-60-00-0801 | Autistic | |

Section 8. Twenty-First Century Fund Appropriations. The General Assembly hereby authorizes the amount of $ 1,000,000 to be paid out of Twenty-First Century Fund interest. It is the intent of the General Assembly that the appropriation account shall be administered through the Department of Finance. No funds shall be used for agency overhead or personnel-related costs. Any unused authorization remaining in the Project Accounts on June 30, 2005 shall revert to the Twenty-First Century Account in the Department of Finance.

| Purpose | Amount |
|---|---|
| Department of Natural Resources and Environmental Control (Clean Water State Revolving Fund) | $1,000,000 |
| **TOTAL** | **$1,000,000** |

Section 9. Appropriation of General Funds. It is the intent of the General Assembly that $108,821,300 be appropriated to the following departments of the State and in the following amount for the purposes set forth in the Section 1 Addendum of this Act. Any funds remaining unexpended or unencumbered by June 30, 2006, shall revert to the General Fund of the State of Delaware. The state hereby authorizes the issuance of bonds, to which the state shall pledge its full faith and credit, such bonds to be issued in such principal amount as necessary to provide proceeds to the state in the amount of $16,938,400 local share of school bonds. Bonds authorized to be used by this Section shall mature not later than 20 years from their date of issuance.

| Department, Agency, or Instrumentality | Amount |
|---|---|
| Legislative | $49,000 |
| Office of the Budget | 12,248,900 |
| Delaware Economic Development Office | 12,805,000 |
| Department of State | 4,073,700 |
| Department of Administrative Services | 31,289,700 |
| Department of Health and Social Services | 3,659,000 |
| Department of Natural Resources and Environmental Control | 9,220,000 |
| Department of Safety and Homeland Security | 1,890,400 |

| | |
|---|---|
| Department of Agriculture | 775,000 |
| Fire Prevention Commission | 195,000 |
| University of Delaware | 1,100,000 |
| Delaware State University | 1,600,000 |
| Delaware Technical and Community College | 3,219,800 |
| Department of Education | 26,695,800 |

| Purpose | State Share | Maximum Local Share | Total |
|---|---|---|---|
| Minor Capital Improvements | $7,113,800 | $4,665,900 | $ 11,779,700 |
| Architectural Barrier Removal | 160,000 | 106,700 | 266,700 |
| Brandywine, Renovate Concord High School (60/40) | 12,042,600 | 8,028,400 | 20,071,000 |
| Brandywine, Renovate Forwood Elementary (60/40) | 5,524,100 | 3,682,700 | 9,206,800 |
| Christina, Renovate Glasgow HS Pool (60/40) | 682,000 | 454,700 | 1,136,700 |
| Cape Henlopen, Air Condition Sussex Consortium | 844,800 | - | 844,800 |
| Cape Henlopen, 6 Classroom Addition to Rt. 24 School | 133,000 | - | 133,000 |
| Tech Prep | 195,500 | - | 195,500 |
| Subtotal: | $26,695,800 | $16,938,400 | $43,634,200 |
| | **TOTAL** | **$108,821,300** | |

Section 10. General Funds to Twenty-First Century Fund. It is the intent of the General Assembly that $18,170,000 be appropriated from General Funds to the Office of the Secretary, Department of Finance (25-01-00) to be deposited into the Twenty-First Century Funds as established by 29 Del. C. §6102A. These funds shall be appropriated for the following purposes set forth in the Section 1 Addendum to this Act:

| Purpose | | Amount |
|---|---|---|
| Clean Water Revolving Fund | | $1,000,000 |
| Resource, Conservation and Development | | 6,200,000 |
| Farmland Preservation | | 3,500,000 |
| Wastewater Management | | 4,500,000 |
| Community Redevelopment Fund | | 3,670,000 |
| | **TOTAL** | **$18,170,000** |

Section 11. General Funds to Department of Transportation. It is the intent of the General Assembly that $15,015,000 be appropriated from General Funds to the Office of the Budget (10-02-01) to be deposited into the Transportation Trust Fund. These funds shall be appropriated for the following purposes set forth in the Section 1 Addendum to this Act:

| Purpose | | Amount |
|---|---|---|
| DelDOT Escheat Funding | | $10,000,000 |
| DelDOT - Port of Wilmington | | 5,015,000 |
| | **TOTAL** | **$15,015,000** |

Section 12. Delaware v. New York Supreme Court Decision. The Secretary of Finance shall be authorized to make payments to intervenors pursuant to the settlement agreement in the Delaware v. New York Supreme Court decision in the amount of $3,300,000 due January 31, 2003, and in the amount of $17,700,000 due January 31, 2004.

Section 13. Public School Student E-mail Accounts. The Department of Technology and Information is prohibited from establishing or maintaining State supported e-mail addresses for public school students except as may be deemed necessary by the local school district. This Section shall not preclude local school districts from providing student access to e-mail with local discretionary funds either through their own e-mail server or through a contract with the Department of Technology and Information.

Section 14. Resource, Conservation and Development Transfers - Project Funds Transfer from Prior Fiscal Years to Fiscal Year 2004. Within the same county, any Twenty-First Century funds or match remaining from completed projects as authorized as part of the Twenty-First Century

Resource, Conservation and Development (RCD) project list pursuant to prior appropriations may be utilized for RCD projects in the Fiscal Year 2004 list of projects approved as part of the Fiscal Year 2004 Capital Improvement Act.

Section 15. Resource, Conservation and Development. (a) The Section 1 Addendum to this Act appropriates $6,200,000 to Resource, Conservation and Development. This appropriation shall be used to complete the list of prioritized projects as approved by the Joint Legislative Committee on the Capital Improvement Program in prior fiscal years. Additionally, the Joint Legislative Committee on the Capital Improvement Program hereby approves the Fiscal Year 2004 prioritized list. Such list may be funded from prior-year transfers per Section 14 of this Act or other funds available as designated by respective Legislators from the Community Transportation Fund or other funds available to supplement Resource, Conservation and Development appropriations.

(b) Of the $6,200,000 appropriation, $500,000 shall be allocated for debris pit remediation in New Castle County to be administered by the New Castle County Conservation District.

(c) The "Shellpot Creek-Matson Run - Flood Abatement in Watershed Area" project provides for flood abatement in connection with the reconstruction of the Rock Manor Golf Course. It is recognized that the flood abatement activities will represent 50% of the total reconstruction cost of the golf course.

Section 16. First State Preservation Revolving Fund, Inc. For Fiscal Year 2004, First State Preservation Revolving Fund, Inc. may continue to expend for administrative expenses the interest generated by the Community Redevelopment Fund appropriations of $250,000 in each of Fiscal Years 1999 and 2000.

Section 17. Laurel Redevelopment Corporation. Any proceeds from the sale of property funded in whole or in part from Community Redevelopment Fund grants to Laurel Redevelopment Corporation shall be reinvested in the Medical Center project.

Section 18. Bond Bill Reporting Requirements. All state agencies and public school districts receiving funds from the Capital Improvements Act shall submit a quarterly expenditure status report to the Budget Director and the Controller General on all incomplete projects that are wholly or partially funded with state and/or local funds, including bond funds. The format and information required in these quarterly reports shall include, but not be limited to, expenditures of both bond and cash funds. The report format will be developed by the State Budget Office and include information as needed by the Department of Finance, Treasurer's Office and State Budget Office to anticipate cash and bond-requirements for the upcoming fiscal year.

Section 19. Notification. The Budget Director and Controller General shall notify affected state agencies and other instrumentalities of the State as to certain relevant provisions of this Act. Additionally, the Budget Director and Controller General shall notify the President Pro Tempore of the Senate and the Speaker of the House as to any legislative appointments required by this Act.

Section 20. Early Return to Work Study. The State Personnel Director in conjunction with the Secretary of Finance, Secretary of Labor and the Budget Director are currently undertaking a study of strategies to facilitate the early return to work for workers who have suffered compensable on-the-job injuries. This study covers all state agencies, including school districts and the Diamond State Port Corporation. Upon the completion of this study, the State Personnel Director shall submit a report, including any recommendations requiring legislative action, to the General Assembly not later than January 15, 2004.

## OFFICE OF THE BUDGET

Section 21. Local Law Enforcement. 72 Del. Laws, c. 489 and 72 Del. Laws, c. 258 appropriated funds to the Office of the Budget for Local Law Enforcement to assist local law enforcement agencies to purchase and enhance technologies that will enable them to increase their crime reporting capabilities, comply with state and federal technology standards and improve inter-agency communication. Local law enforcement agencies shall include counties, municipalities, towns, Delaware cities and the State Office of Narcotics and Dangerous Drugs.

These monies will be limited to spending on hardware, software, end-user equipment and other one-time expenditures designed to enhance the capabilities and effectiveness of law enforcement. The purchase of 800 MHz radios with this funding is permitted. All hardware, software and end-user equipment shall be compatible with the minimum standards established by the Delaware Justice Information System (DELJIS) Board of Managers and any other applicable State of Delaware and federal systems standards.

Funds shall be distributed based upon the local law enforcement agency's actual strength of full-time sworn officers.

Applications for funding shall be submitted to the Local Law Enforcement Technology Fund Committee and shall specify the purpose, the systems, the technology and the amount of funding requested.

Final distribution of funds shall be contingent upon the approval of the Budget Director and the Controller General.

No part of this appropriation may be used to supplant funds already committed by the law enforcement agency to regular police operations, or to pay salaries or other personnel costs of police officers or supporting personnel, or general operation and/or administrative expenses.

Local law enforcement agencies are encouraged to use these funds to leverage additional federal funding for technology to support the above projects.

Section 22. Law Enforcement Technology and Education Fund. The Section 1 addendum to this Act appropriates $1,000,000 for Law Enforcement Technology and Education Fund. Of these funds, $900,000 is for Technology reimbursement as provided in subsection (a) and the remaining $100,000 is for educational reimbursement as provided for in subsection (b).

(a) Technology. This fund is to be administered by the Office of the Budget, subject to the review of the Technology Investment Council to eligible agencies and applicants as follows:

1. Funds shall be distributed to eligible entities based on their number of sworn officers as of the effective date of this Act. Eligible agencies shall be defined as those agencies required to be trained under the provisions of the Delaware Police Training Act. Should an eligible entity request a reimbursement that exceeds its authorized pro-rata share, the amount of excess shall, if it represents the meeting of an overwhelming compelling public safety need, be funded subject to the approval of the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program or their designees. The pro-rata share of other entities shall then be readjusted accordingly.
2. Beginning with the quarter ending September 30, 2003, each eligible entity shall submit quarterly an application with receipts from the previous quarter for reimbursement for maintenance of Livescan Fingerprint Technology and automated mugshot technology as well as receipts for mobile data terminal line costs. In no instance shall the yearly reimbursements for such costs exceed the amount appropriated.
3. After Livescan and mugshot costs together with mobile data terminal fees are satisfied for the fiscal year ending June 30, 2004, departments may submit applications for their

respective remaining balance with receipts for reimbursement for maintenance costs and upgrading of communications equipment, digital cameras, digital fingerprinting systems, automatic electric defibrillator and supplies, computer systems used by State, County and local law enforcement agencies.

(b) Education Reimbursement. A certified police officer or other law enforcement officer as defined in Del. C. 1911 (a) or a State of Delaware Probation and Parole Officer employed by the Department of Corrections who is employed full-time in the State is eligible for post-secondary education tuition reimbursement under the following conditions:

1. The officer must make application for tuition reimbursement in accord with rules and regulations promulgated by the Director of the Criminal Justice Council or the Director's designee;
2. Education benefits authorized by this Section may be used only at a college or university within the State;
3. An officer may not attend a class or course of instruction during scheduled work hours unless the officer uses his or her earned leave or earned compensation time.
4. An officer may be reimbursed under this program for only one (1) class or course of instruction per grading period. The classes will be reimbursed at 100 percent of the tuition paid for undergraduate study and 50 percent of the tuition paid for graduate study following the completion of the course with a grade of 'C' or better at a college or university within the State for classes related to Corrections, Public Safety, Criminal Justice, Computer Science, Psychology, Sociology, Education and related fields. Related fields shall include any courses necessary to complete a degree program in Criminal Justice, Corrections, Public Safety, Computer Science, Psychology, Sociology and Education.

5. A class or course of instruction taken under this Section must:

i. improve an officer's competence and capacity in employment;

ii. have direct value to the State; and

iii. provide knowledge or skills that are not available through in-service or other professional training.

6. In order to receive tuition reimbursement for a post-secondary class or course of instruction authorized by this Section, an officer must:

i. earn a grade no lower than a 2.0 on a 4.0 scale, or its equivalent, for each class or course of instruction for which the tuition reimbursement is granted. In any class or course of instruction for which a specific grade is not issued, the officer must show documentation to verify satisfactory completion; and

ii. submit to the Director of the Criminal Justice Council or the Director's designee within 30 days after completing a class or course of instruction proof of:

(1) the course title and grade received;

(2) the amount of tuition paid for the course; and

(3) the name of the post-secondary institution where the course was taken.

7. The Director of the Criminal Justice Council or the designee shall adopt rules and regulations as deemed necessary and proper for the efficient administration of this Section. The rules and regulations must contain appeal procedures.

8. An officer who receives tuition reimbursement pursuant to this Section but is terminated from law enforcement employment for cause, or who otherwise fails to comply with any requirement of this Section shall immediately become ineligible to receive education benefits pursuant to this Section and shall repay all tuition reimbursement previously

extended to the employee, including interest on a pro rata basis from the time of termination or noncompliance. The Director of the Criminal Justice Council or the Director's designee shall determine the amount of repayment due by the employee pursuant to this Subsection. If law enforcement employment is terminated for other than just cause, the officer will not be required to repay previously reimbursed tuition.

9. Nothing in this Section is intended to inhibit or deny officer promotion or transfer to other law enforcement agencies within this State.

10. The Director of the Criminal Justice Council shall include in the agency's annual report:

i. the number of officers who participated at each post-secondary educational institution during the year;

ii. the total amount of tuition expenditures made pursuant to this Section during the year not to exceed $100,000;

iii. the total amount required to be repaid to the State by defaulting officers during the year; and

iv. the total amount actually repaid by defaulting officers during the year.

Section 23. COTS. The Section 1 Addendum to this Act appropriates $2,500,000 to the Office of the Budget for the purpose of planning the implementation of Commercial Off the Shelf Software (COTS), an automated case management system for the state's judicial system. Prior to accessing these funds, the Delaware judiciary must complete the Proof of Concept with Department of Technology and Information (11-00-00) oversight. Following the Proof of Concept, the Budget Director and the Controller General must receive a written letter of support by the State's Chief Information Officer and the Technology Investment Council before funds are released to the

judiciary. The final contract between the Judiciary and/or the Department of Technology with a third party vendor shall be reviewed and approved by the Budget Director and Controller General.

## DELAWARE ECONOMIC DEVELOPMENT OFFICE

Section 24. Delaware Strategic Fund. Of the funds appropriated to the Delaware Strategic Fund in the Section 1 Addendum of this Act, up to $ 1,000,000 may be utilized in order to provide financial assistance in the form of matching grants in an amount not greater than either $100,000 or 50 percent of the total project costs for environmental assessments and remediations of sites associated with the "brownfield" initiative. For purposes of this Section a "brownfield" is defined as a vacant, unoccupied, or underutilized site, with respect to any portion thereof, which the owner of the site has reasonable cause to believe may, as a result of any prior commercial or industrial activity by any person, have been environmentally contaminated in a manner that would interfere with the intended use of such site. The Delaware Economic Development Authority shall draft and publish policy guidelines pertaining to eligibility and establish criteria to administer the assistance. The matching grant must meet the existing parameters for Strategic Fund grants as delineated in Title 29, §5028 (a) and (b).

Section 25. Composites Research. The Delaware Economic Development Office is authorized to provide a match of up to $100,000 to the University of Delaware Center for Composite Materials for federal research grants received that support the development and application of composite manufacturing technology for the benefit of Delaware companies. Such match shall be disbursed from the Strategic Fund upon documentation of the receipt of federal funds allocated to the Center during the fiscal year for these purposes and upon documentation of the relevance of these research projects to Delaware industries' needs and their participation within said projects.

Section 26. Delaware Industrial Park. The Delaware Economic Development Office is hereby prohibited from locating any operation that involves the use of hazardous materials at the

former Helix Synthesis Technologies site within the Delaware Industrial Park. Hazardous materials are defined as any material of a gaseous, liquid or solid form that has the potential to cause temporary or permanent harm to humans or the environment.

Section 27. Port of Wilmington. If the Governor and the Delaware Economic Development Office, at the direction of the Board of Directors of the Diamond State Port Corporation, request the Delaware River and Bay Authority fund the acquisition of real property and improvements for the expansion of Port of Wilmington pursuant to the Compact (17 Del. C. § 1701) and applicable statutory requirements, and if any such project is undertaken and funded by the Delaware River and Bay Authority, then such project is hereby authorized and approved by this Act.

Section 28. Riverfront Development Corporation. If the Governor and the Delaware Economic Development Office, at the direction of the Board of Directors of the Riverfront Development Corporation of Delaware, request the Delaware River and Bay Authority to fund the acquisition of real property and improvements for economic development along or in proximity to the Brandywine and Christina Rivers as recommended in the report of the Governor's Task Force on the Future of the Brandywine and Christina Rivers, A Vision for the Rivers (1994) pursuant to the Compact (17 Del. C. § 1701) and applicable statutory requirements, and if any such project is undertaken and funded by the Delaware River and Bay Authority after written approval by the Governor, then such project is hereby authorized and approved by this Act.

Section 29. Delaware River and Bay Authority Acquisition and Development. If the Governor and the Delaware Department of Natural Resources and Environmental Control ("DNREC") request that the Delaware River and Bay Authority acquire and develop real property and improvements for the purpose of shoreline preservation and development (including, without limitation, wetlands and open-land acquisition, active recreational and park development or facilities

of commerce) along or in proximity to the shoreline of the Delaware Bay and inland waters, or tributaries flowing into the Delaware Bay in the vicinity of Cape Henlopen State Park (excluding lands owned by the State of Delaware, east of the Lewes and Rehoboth Canal) pursuant to the Compact (17 Del. C. § 1701 et. seq.) and the applicable statutory requirements, and if any such project is undertaken and funded by the Delaware River and Bay Authority after written approval by the Governor, then such project is hereby authorized and approved by this legislation. Any conveyance of real property and improvements owned by the State of Delaware pursuant to the foregoing authority shall be exempt from the provisions of 29 Del. C. § 94 and 7 Del. C. § 45, and the Governor or the Secretary of DNREC is hereby authorized to execute and deliver to the Delaware River and Bay Authority a deed to such real property and improvements.

Section 30. Kalmar Nyckel. Until such time as all loans receivable by the Riverfront Development Corporation of Delaware from the Kalmar Nyckel Foundation are paid in full to the satisfaction of the Riverfront Development Corporation, the scheduling of the Kalmar Nyckel by non-State entities shall require the approval of the Riverfront Development Corporation. Further, the Riverfront Development Corporation is encouraged to enter into negotiations with interested parties to review the disposition of loans to the Kalmar Nyckel.

Section 31. Riverfront Development Corporation Contingency Fund. The Section 1 Addendum to this Act appropriates $200,000 to the Riverfront Development Corporation (RDC) Contingency Fund in the Delaware Economic Development Office (DEDO). At the request of the Board of Directors of the RDC and subject to the approval of the Co-Chairs of the Joint Legislative Committee on Capital Improvements, these funds shall be transferred by DEDO to the RDC.

Section 32. DRBA - Delaware State University. For the purpose of complying with the provisions of 17 Del. C. §1726, requiring the Delaware River and Bay Authority to secure the

approval of the General Assembly by an act passed with the concurrence of three-fourths of all the members elected to each House before undertaking any major project (as defined in Article II of the Delaware-New Jersey Compact as set forth in 17 Del. C. §1701), the Delaware River and Bay Authority is hereby authorized, pursuant to the procedures set forth in the Compact and applicable statutory requirements, if requested by the Governor and Delaware Economic Development Office and if the project is undertaken and funded by the Authority in accordance with its processes and procedures relating to such a project, to lease, acquire and control for economic development purposes, real property, improvements and related facilities of the property situate at 2095 Seven Hickories Road, Dover, DE consisting of approximately 75 +/- acres and such project is hereby authorized and approved by this Act. The Authority shall be prohibited from developing said land for residential purposes.

## DEPARTMENT OF STATE

Section 33. North Wilmington Library. Funds authorized in the Section 1 Addendum of 70 Del. Laws, c. 473 and in the Section 1 Addendum of 69 Del. Laws, c. 386 shall be used to plan and construct a library within the first Senate District.

Section 34. Delaware River Main Channel Dredging. It is the intent of the General Assembly that any future appropriation of State funds for the main channel dredging of the Delaware River shall be contingent upon the following:

1) The Army Corps of Engineers provides funding to reconstruct the seawall at Pea Patch Island according to plans and specifications that have been developed by the Department of Natural Resources and Environmental Control.
2) A written agreement between the Army Corps of Engineers and the Department of Natural Resources and Environmental Control dealing with the potential use of dredge spoils for Delaware beach preservation and habitat protection.
3) The Corps of Engineers shall meet all necessary DNREC permitting requirements.

Section 35. Riverfront Development Corporation Promotions. The Riverfront Development Corporation is prohibited from including political profiles and statements of a political or partisan nature in any advertisements or literature used to promote a cultural or recreational event being sponsored by the Corporation.

Section 36. Veterans Cemetery-NCC. The federal government will reimburse the State 100 percent of the funds expended for the planning and design of the expansion of the Veterans Cemetery – New Castle County. The funds received as reimbursement from the federal government shall be deposited into the General Fund.

Section 37. Museum Maintenance. The Section 1 Addendum to this Act appropriates $200,000 to the Department of State for museum maintenance. It is the intent of the General Assembly that these funds be retained by the Department of State, Division of Historical and Cultural Affairs for use with the operations of state museums or for immediate, unscheduled repairs to those facilities under the control of the Division of Historical and Cultural Affairs.

Section 38. New Castle County Veterans Cemetery. The General Assembly hereby directs the Delaware Commission on Veterans Affairs to return/replace all memorials and plaques purchased/donated by veteran's family members to their original location within the cemetery or to a site agreeable to the veteran's family members. The General Assembly further directs that, after July 1, 2003, no plaque or memorial will be removed or relocated for any purpose without the approval of the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program. Existing memorial works are historical, cultural and aesthetic resources.

Section 39. Delaware State Monument at Gettysburg. The State Division of Historical and Cultural Affairs will ensure that any movement of the Delaware State Monument at Gettysburg be conducted in a manner consistent with the original purposes surrounding the monument's installation and that any such relocation be conducted so that the monument is reestablished in a position of prominence and that landscaping and site work is performed as close to the original design as possible. The Division's Office of State Museums shall keep in timely contact with the National Park Service to keep apprised of all issues concerning possible relocation of the Monument and shall represent the interests of the State of Delaware and the Delaware Civil War Society in ensuring the permanence of the Monument as part of the National Park.

Section 40. Robinson House Renovations. Notwithstanding the specific project allocations pursuant to 72 Del. Laws, c. 489, §62, as of July 1, 2003, any funds remaining in the project entitled

"Rodney Family Grave Site", subsequently renamed "Rodney Family Grave Site or art and paintings related to the Rodney Family" by 73 Del. Laws, c. 350, §45, may be allocated to the project entitled "Robinson House - Renovations".

Section 41. Hockessin Public Library. The Section 1 Addendum to this Act appropriates $1,316,100 to the Department of State for the Hockessin Public Library. Of this amount, up to $35,000 shall be used to construct a small, secure book/document storage facility and reading room within the library. The room shall house public and private books, photography, documents and other small, valuable items of historical significance to the Hockessin community. All items housed in this room shall be available to the public but shall not be allowed to leave the room.

**DEPARTMENT OF FINANCE**

Section 42. Bond Proceeds Reimbursement. Unless not permitted by the Internal Revenue Code of 1986, as amended, whenever the General Assembly authorizes the issuance of the state's General Obligation bonds or the Delaware Transportation Authority's (the "Authority") revenue bonds to finance the costs of specific capital projects, it is the intent of the General Assembly that the interest on such bonds shall not be included in gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended, and the United States Treasury Regulations (the "Regulations") thereunder as they may be promulgated from time to time. Pursuant to the state's budget and financial policies, other than unexpected situations where surplus revenues render bond financing unnecessary or undesirable, no funds other than the proceeds of such bonds, are or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the state to pay the costs of such specific capital projects. Pursuant to the Authority's budget and financial policies, it is expected that approximately 50 percent of the costs of its capital projects shall be funded on a long-term basis from the proceeds of such bonds. However, after the authorization of such bonds but prior to their issuance, non-bond funds from the state's General Fund or the Authority's Transportation Trust fund or other funds may be advanced on a temporary basis to pay a portion of the costs of such specific capital projects. In that event, it is expected that these non-bond funds will be reimbursed from the proceeds of such bonds when they are issued. This reimbursement may cause a portion of such bonds to become "reimbursement" bonds within the meaning of Section 1.150-2 of the Regulations. Under those Regulations, to preserve the exclusion of the interest on such bonds from gross income for federal income tax purposes, it may be necessary to make a declaration of official intent. The Secretary of Finance is hereby designated as the appropriate representative of the State and the Secretary of Transportation is hereby designated

as the appropriate representative of the Authority, and each is authorized to declare official intent on behalf of the state or the Authority, as the case may be, within the meaning of Section 1.150-2 of the Regulations, whenever and to the extent that such declaration is required to preserve such tax treatment.

Section 43. Qualified Zone Academy Bonds. A portion of the general obligation bonds authorized under this Act for a school construction project may be issued in the form of "Qualified Zone Academy Bonds" within the meaning of the federal Taxpayer Relief Act of 1997 (the QZAB's). Such portion shall be equal to the maximum amount of QZAB's which may be issued under such act. Preference for use of the authorization shall be given to eligible special schools that are funded with 100 percent state funds and subsequently, schools authorized under this Act with the highest percentage of free and reduced lunch counts for the 2001-2002 school year that elect to participate in the QZAB program as determined by the Department of Education. The Secretary of Finance is hereby authorized to determine the terms and conditions of the QZAB's and the manner by which they shall be awarded to the purchasers thereof, including private negotiated sale, notwithstanding anything to the contrary contained in Chapter 74, Title 29 of the Delaware Code; provided that the requirements of Chapter 7422 of Title 29 of the Delaware Code must be observed.

## DEPARTMENT OF ADMINISTRATIVE SERVICES

Section 44. Construction Management. Notwithstanding any other state law, the Department of Administrative Services ("Department") shall be responsible for the design and construction of all the projects listed under "Department of Administrative Services" in the Section 1 Addendum of this Act. For those projects that are solely for the purchase of equipment, including projects that are funded in any "MCI and Equipment" line, or any "MCI" line the department shall transfer the appropriate funding necessary to purchase the equipment to the agency for which the equipment is being purchased. The appropriate amount of funding shall be determined and agreed to by the Department and the agency for which the equipment is being purchased by September 1, 2003. For those projects for which the appropriation is passed to an entity and for which the state is not a party to the construction contract, the department shall provide technical assistance.

(a) Notwithstanding any other state law, there is hereby created an Appeals Board, to be composed of the Lieutenant Governor, the Budget Director, and the Controller General. The Appeals Board shall approve the use of all unencumbered monies after that project is deemed "substantially complete." A project shall be deemed "substantially complete" when the project is occupied by 75 percent of the planned tenants or when deemed complete by the Appeals Board. One year after a project is deemed "substantially complete," any unencumbered authorization balance shall revert. In no case shall this Section empower the Appeals Board to allow for the expenditure of funds for uses other than for the funds authorized purpose(s). The Controller General shall notify the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program of any decisions of the Appeals Board.

(b) The use of Minor Capital Improvement and Equipment funds in order to ensure completion of a Major Capital Improvement project involving construction of a new facility is

prohibited unless the use of such funds are necessary due to a legal settlement or emergency or unforeseen conditions as determined by the Secretary of the Department of Administrative Services, the Budget Director, the Controller General and the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program.

(c) The Department shall submit a quarterly status report to the Budget Director and Controller General on all incomplete projects.

(d) No project's budget should be increased beyond what is appropriated in any Bond and Capital Improvement Act, either with special funds or private funds, unless the use of those funds is approved by the appropriate cabinet secretary, the Budget Director, the Controller General and Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program.

Section 45. Minor Capital Improvements and Equipment Supplement - Department of Administrative Services. Notwithstanding the provisions of any other State law to the contrary, not more than $200,000 may be expended to enter into contractual agreements for project representatives and associated administrative support to ensure adequate oversight of State construction projects. The Secretary of Administrative Services is directed to provide an itemized budget for this amount to the Controller General by August 1, 2003, and expenditure reports to the Controller General by December 1, 2003 and June 1, 2004.

Section 46. New Castle County Courthouse. Notwithstanding any law or local governmental ordinance, resolution, or any deed restrictions to the contrary, the Secretary of Administrative Services shall designate the name of any state-owned or state-operated courthouse or other judicial building or facility in New Castle County purchased, constructed, or improved by funds appropriated pursuant to an Act of the General Assembly and shall have the sole authority to

approve or disapprove the placement of any statues or memorials in or on the grounds of such courthouse or judicial building of facility.

Section 47. Troop 2 Property. It is the intent of the General Assembly that no portion of the lands located at 168 South DuPont Highway and formerly the site of Troop 2 of the State Police shall be declared as surplus property without the prior approval of the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program, the Controller General and the Budget Director.

Section 48. Belvedere State Service Center Project. Notwithstanding any state laws to the contrary, funds received from tenants in the Belvedere State Service Center shall be used by the Department of Administrative Services for the maintenance and operation of the center.

Section 49. Artwork. The General Assembly directs the Secretary of the Department of Administrative Services to explore the feasibility with the College of Arts/Design of the College providing artwork for the New Castle County Courthouse and the Carvel State Office Building.

Section 50. New Castle County DMV Repairs. Of the funds that remain in Administrative Services, Facilities Management, Fiscal Year 2002 appropriation (30-05-10-7225) for the Stevenson House, up to $500,000 may be used to renovate the old New Castle County Division of Motor Vehicle Inspection Lanes located at 161 Old Airport Road in New Castle.

## DEPARTMENT OF CORRECTION

Section 51. Prison Construction. (a) The Secretary of the Department of Administrative Services, as provided through construction management services, shall consult with the Commissioner of Correction to ensure expedient programming, planning and construction of authorized correctional facilities. None of the funds authorized herein or in prior fiscal years are intended to supplant federal funds.

(b) Use of any federal grant funds awarded and approved by the Delaware State Clearinghouse Committee for the purpose of constructing correctional facilities shall have the technical oversight of the Secretary of Administrative Services as defined in the appropriate Section of this Act pertaining to management of the construction to ensure proper use and timely completion of all such construction projects authorized herein.

Section 52. Community Restoration. The Department of Correction may, to the extent resources and appropriately classified offenders are available, direct these offenders to assist with community restoration projects. These projects may include beautification, clean up and restoration efforts requested by civic, governmental and fraternal organizations approved by the Commissioner.

## DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Section 53. Beach Preservation. The General Assembly hereby appropriates $1,000,000 to the Department of Natural Resources and Environmental Control in the Section 1 Addendum of this Act to renourish and preserve the state's beaches. The department may not encumber the funds appropriated herein for privately-owned ocean beaches. The department may not encumber the funds appropriated herein for publicly accessible municipal ocean beaches until at least an equal amount of non-state funds are available for such projects. The funds provided for beach preservation as defined in 30 Del. C. c. 61 can be used for local match and if so designated, shall be reimbursed by the department on an equal basis to each such county or town for which a beach preservation project has been accomplished. The availability of the aforementioned non-state matching funds must be approved by the Budget Director and the Secretary of the Department of Natural Resources and Environmental Control.

Section 54. Conservation Cost-Sharing Program. The Section 1 Addendum to this Act appropriates $2,345,000 to the Department of Natural Resources and Environmental Control for the Conservation Cost-Sharing Program. This appropriation shall be allocated as follows:

1. $900,000 for the Soil and Water Conservation Program. The department shall spend one-third of such funds for use in each county.
2. $1,445,000 shall be spent on nutrient management efforts statewide. The Division of Soil and Water may target all or a portion of the funds appropriated for conservation cost share to critical areas, such as the Inland Bays Watershed, the Nanticoke Watershed and others as designated by the Secretary of the Department of Natural Resources and Environmental Control. Of the $1,445,000 allocated for nutrient management efforts statewide, up to $150,000 may be spent to repair or replace failed manure sheds or other manure handling

systems. Funds appropriated to replace failed manure sheds or manure handling systems are not subject to the cost share match.

Section 55. DNREC Land Acquisition. Except for land acquired by approval of the Open Space Council or approved through a Bond and Capital Improvements Act, land shall not be purchased by the Department of Natural Resources and Environmental Control without prior approval of the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program provided, however, that the department is not prohibited from conducting studies, surveys or other contractual arrangements that would normally precede land acquisition procedures.

Section 56. Land and Water Conservation Trust Fund Interest. Of the interest monies generated on the principal deposited in the Land and Water Conservation Trust Fund before 1995, no more than $40,000 may be spent for the combined administrative costs of the Open Space Council and the Council on Greenways and Trails.

Section 57. Open Space Match Requirements. Notwithstanding the provisions of 29 Del. C. § 6102A(c)(2), upon written request by the Open Space Council and notification of the Secretary of Finance, the Co-Chairs of the Joint Legislative Committee on Capital Improvements are hereby empowered to waive on a case-by-case basis the match requirements for a specific Open Space land purchase if it can be demonstrated that meeting said match requirements would prevent the timely purchase of said parcel.

Section 58. Army Corps of Engineers Project Cooperation Agreements. By using funds approved by Bond and Capital Improvements Acts, the Secretary of the Department of Natural Resources and Environmental Control is authorized to sign Project Cooperation Agreements with the Department of the Army and other appropriate sponsors for planning, construction, operation and maintenance for projects entered into by said Agreements.

Section 59. Indian River Marina. (a) In accordance with the provisions of 73 Del. Laws, c. 350, § 70, the Department of Natural Resources and Environmental Control (DNREC) under the direction of the Budget Director may utilize up to $8,800,000 in funds from Twenty-First Century Fund for the Parks Endowment Account as established in § 6102A(e), Title 29, Delaware Code for the purpose of revitalizing and enhancing public amenities within the Delaware Seashore State Park in and around the Indian River Marina Complex and related support facilities as presented to the Joint Legislative Committee on Capital Improvements on May 15, 2002. DNREC will repay both the principal borrowed and interest on the principal borrowed equal to that interest lost as a result of borrowing from the Account. Repayment shall not exceed twenty years.

(b) DNREC, through the use of workshops, meetings or newsletters shall actively solicit the opinions of users of the marina complex and the general public in development of construction documents related to the Indian River Marina Complex. DNREC shall complete and submit to the Joint Legislative Committee on the Capital Improvement Program a quarterly report on the progress made on the project, expected events in the upcoming quarter, funds encumbered and spent and the number of activities conducted to keep the public informed.

Section 60. Aquatic Center. Notwithstanding any state law to the contrary, it is the intent of the General Assembly that the Secretary of Finance, the Budget Director and the Secretary of the Department of Natural Resources and Environmental Control shall have full authority to negotiate with any interested parties the construction of a swimming pool with the funds remaining as of June 30, 2002 in appropriations Fiscal Year 1991 (40-06-04-6212), Fiscal Year 1992 (40-06-04-6212). Fiscal Year 1994 (40-06-02-6413), Fiscal Year 1995 (40-06-02-0184), Fiscal Year 1996 (40-06-02-6613), Fiscal Year 1997 (40-06-02-6713) and Fiscal Year 1999 (40-06-02-0811). Of the funds available in these appropriations, up to $50,000 may be used to develop plans and recommendations

regarding the size, location, and design of the pool and any related infrastructure and amenities that may be a part of the final recommendations. The construction of the Aquatic Center shall be under the exclusive control and supervision of the Department of Natural Resources and Environmental Control. The Co-Chairs of the Joint Legislative Committee on Capital Improvements shall have the final approval authority to accept the recommendations and to direct the implementation of the recommendations.

Section 61. Judge Morris Estate. Amend Volume 72, Laws of Delaware, Chapter 489, §89 by deleting said section in its entirety. The remaining balance shall be used for Americans with Disability Act compliance projects on the Judge Morris estate.

Section 62. Open Space Purchase. (a)Amend Volume 72, Laws of Delaware, Chapter 489 by deleting §87 it in its entirety.

(b) The General Assembly finds that the preservation of tax parcel NCC 19-005.00-170 is in the State's best interest. It is further the intent of the General Assembly that the first available funds to the Open Space Program in an amount not to exceed $140,000 in the Fiscal year ending June 30, 2004 shall be expended to assist in the acquisition and remediation of said parcel. Notwithstanding the provisions of any applicable State law to the contrary, the Department of Natural Resources and Environmental Control may, upon purchase, deed this parcel to the Town of Elsmere.

Section 63. Park Rehabilitation. The Section 1 Addendum to this Act appropriates $620,000 to the Department of Natural Resources and Environmental Control for Park Rehabilitation. The appropriation shall be allocated as follows:

1. $400,000 for the construction of a bicycle path at Trap Pond State Park.
2. $120,000 for Killens Pond Water Park repairs.
3. $100,000 Greenbank Park Greenway.

Section 64. Combined Sewer Overflows. The Section 1 Addendum of this Act appropriates $2,000,000 to the Department of Natural Resources and Environmental Control for Combined Sewer Overflows in the City of Wilmington, subject to at least a 1 to 1 match from the City of Wilmington prior to disbursement.

## DEPARTMENT OF SAFETY AND HOMELAND SECURITY

Section 65. Helicopter Sale. During the Fiscal year ending June 30, 2004, any funds remaining from the sale of a Bell helicopter by the State Police Aviation unit (45-06-06) shall be retained by the Department and used to support the avionics and equipment needs for the State Police Aviation unit.

Section 66. State Police Minor Capital Improvements. The Section 1 Addendum to this Act contains an appropriation of $510,000 for Minor Capital Improvements and Equipment for the Department of Safety and Homeland Security. Of this amount, up to $10,000 shall be used by the State Police (45-06-01) for the purchase of two sound podiums.

**DEPARTMENT OF TRANSPORTATION**

Section 67. General Provisions. Notwithstanding the provisions of any state law to the contrary, the Department of Transportation ("Department") is hereby authorized and directed to carry out the following legislative mandates:

(a) Transportation Trust Fund Authorizations. Sums not to exceed $425,922,500 (State $307,687,000; Federal $117,085,500; Other $1,150,000) are authorized to be withdrawn from the Transportation Trust Fund to carry out the projects and programs as set forth in the Section 1 Addendum of this Act.

Section 68. AstraZeneca Project. The Department of Transportation is authorized to reimburse DEDO for the cost of such lands needed solely for such transportation improvements, subject to compliance with all necessary federal regulations that limit the timing of such expenditures by the department. The per acre cost to DEDO for all the lands DEDO acquires for the AstraZeneca Project shall be used as the per acre charge to the department for such reimbursement. Other acreage acquired by DEDO for the AstraZeneca Project needed for area-wide stormwater management improvements, wetlands mitigation, and/or historic preservation regulatory compliance, shall be made available to the Department without cost for its use in constructing such improvements, facilities, and or complying with historic preservation regulations.

1. The roadway concept plan developed by the joint public process and approved by the Governor and the County Executive will be designed and constructed, as proposed. All roadway alignments and connections shown in the concept plan will be maintained in the final project design. Only modifications to ensure safety or to minimize or avoid impacts to environmentally sensitive areas will be permitted in the final design. However, no change will be made to the concept that will result in a degradation of the Level of Service

as committed by New Castle County and as defined in the Department of Transportation's response to the AstraZeneca Traffic Impact Study; and

2. To accommodate the growth projected by AstraZeneca, the Department of Transportation will complete Phase 1 ITMS improvements and Phase 1 transit improvements by the end of Fiscal Year 2002. All roadway construction improvements will be complete by the end of Fiscal Year 2007. The Department will prepare construction contracts and advance them to construction in the most efficient manner possible. Contracts should be prepared and staged to minimize disruption to the existing traffic flow; and

3. The construction schedule will be as follows:

| | | |
|---|---|---|
| Enhanced ITMS and transit improvements | | |
| Phase I | Advertised | 2001 |
| | Completed | 2002 |
| Phase 2 | Advertised | 2002 |
| | Completed | 2003 |
| Roadways on Westside of US Route 202 (Except SR 141 Spur Road) | | |
| | Advertised | 2002 |
| | Completed | 2003 |
| Roadways on Eastside of US Route 202 | | |
| | Advertised | 2003 |
| | Completed | 2004 |
| Utility Relocation Contract(s) | | |
| | Advertised | As needed |
| US Route 202 Improvements | | |

| | | |
|---|---|---|
| | Advertised | 2004 |
| | Completed | 2005 |
| Route 141 Spur & Children's Drive | | |
| | Advertised | 2005 |
| | Completed | 2006 |
| US Route 202, I-95 Southbound Ramp through Broom Street | | |
| | Advertised | 2006 |
| | Completed | 2007 |

4. This schedule assumes the following project components are completed in a timely manner in order to maintain the proposed advertisement and construction schedule:

a. Completion of real estate acquisition by others to meet project schedules; and

b. Issuance of all applicable federal, state and county permits to meet project schedules; and

c. Completion of utility relocations with appropriate private and public companies in a series of roadway projects.

5. Periodic workshops will be held to present status reports on project design.

6. It is the intent of the General Assembly that the State will authorize the funding for the entire project in the Fiscal Year 2001 Bond and Capital Improvements Act. These funds will remain committed to this project. Federal Funds may be substituted for the State Funds, if the project becomes eligible for Federal Funds without jeopardizing the construction schedule outlined in #3 above.

Section 69. Maintenance and Operations Facilities. The following building structures and facilities constructed or to be constructed within the Department of Transportation's operating rights-

of-way for the Interstate Highway System and State Route 1, that are used to assist in the operational and maintenance activities for such roads, shall not be subject to zoning, subdivision, or building code ordinances or regulations by any political subdivision of the State: a) North District, Chapman Road Facility (equipment shed, roof replacement, and HVAC); b) Canal District, Tybouts Corner Maintenance Area (equipment sheds, salt storage facility, and one-story area office building); c) North District, Talley Road Maintenance Area or its replacement (equipment sheds, storage facility, salt storage facility and security/privacy barrier); d) Canal District, SR 1 North of North Smyrna Interchange (equipment shed, salt storage facility, and one-story area office building); and e) Canal District, SR 1 at SR299 Interchange (equipment shed and one-story area office building). The Department shall not construct any such facility or make improvements in any such existing facility without first conducting a public workshop to describe such plans and gather public input into the effect of such plans.

Section 70. Transit Bus Shelter Advertising. The General Assembly acknowledges the work of the Delaware Transit Corporation ("DTC") in developing and implementing a transit shelter improvement program. Part of the program involves the use of contractual advertising on the downstream panel of such shelters, to offset the capital and maintenance costs of such shelters, as contemplated in 17 Del. C. c. 11. The General Assembly finds that such advertising is appropriate when located in most areas, but is inappropriate in certain areas. Notwithstanding any other state or local law to the contrary, contractual advertising under the DTC program shall be permitted, except in the following locations: (a) within a residential subdivision, except at its entrance; (b) within 50 feet of a residence; (c) within 100 feet of any property designated as an historic resource under federal, state, or local law; or (d) within 150 feet of areas experiencing continually high incident rates of drug

offenses or crimes against persons, measured on a calendar-year basis, as designated by the State Bureau of Identification or the applicable local police agency.

Section 71. Route 7 and Valley Road Project. Pursuant to previous legislation directing the Department to design and construct certain permanent drainage improvements, as well as certain other transportation, recreational, cultural, educational and open space improvements in the area of the newly completed intersection of Route 7 and Valley Road in New Castle County, the Department has developed a master plan for the implementation of such improvements, hereafter referred to as the ("Project"). Notwithstanding the provisions of any state laws or regulations to the contrary, the Department is now authorized and directed to:

(a) Enter into such contracts for the purchase of any lands necessary to complete the Project;

(b) Negotiate with private entities pursuant to the provisions of Subsection (a) of this Section, so as to complete the Project on a timely basis, provided that the drainage portions of the Project shall meet the following conditions:

1. Flows of water onto Lantana Square from areas north of Valley Road (including the impact of highway and intersection improvements to Route 7 and Valley Road and future improvements to SR7 within the relevant drainage area tributary (the "Improvements")) shall not exceed the maximum stream flow (250 cfs +/-) of the culvert near the intersection of SR7 and Valley Road as it existed prior to the Improvements.

2. Plugging of culverts installed in connection with the Improvements shall remain and continue, and a weir gate system or other appropriate technology shall be used to limit the stream flow to 250 cfs +/- during construction of the Project and until satisfactory completion of the Project; and

(c) Make such other improvements to the adjacent land so as to maximize the recreational, cultural, educational and open space potential of the Project, consistent with improving the safety of pedestrians, bicyclists, and motorists traveling through the area of the Project. The Department may, at its discretion, and on such terms as it deems advisable, dispose of any undeveloped land in the vicinity of the Project to public and/or private entities for the permanent protection of open space, and to enter into such agreements with public and/or private entities as may be necessary to insure that the portions of the Project developed for recreational, educational, or cultural enjoyment are most effectively managed for the benefit of the citizens of the State.

Section 72. Road System. Section 1 Addendum of this Act appropriates the sum of $323,890,200 (State $226,010,500; Federal $96,729,700; Other $1,150,000) for projects within the Road System classification. Notwithstanding the provisions of any state law to the contrary, the General Assembly further defines its intent with respect to those appropriations as follows:

(a) Surface Treatment Pavement Conversion Program. The Department is authorized to continue operating its Surface Treatment Pavement Conversion Program, under the following provisions:

(1) Of the amounts appropriated for Road System (77/00) as set forth in the Section 1 Addendum to this Act, the department is authorized to expend up to $2,000,000 (State) for this program.

(2) The program shall be limited to the conversion of surface treated roads in the State's road inventory as of July 1, 1999 to new surfaces using hot mix pavement.

(3) The department shall develop a priority list for hot mix paving under this program. The department shall consider the following factors: average annual daily traffic; school bus

routes; safety considerations; ease of construction, taking into consideration sub-base quality, minimal utility or right-of-way impacts, and minimal drainage problems; and using the current geographic distribution ratios of such roads for planning and scheduling projects under this program, if economically feasible. The department shall use this priority list in determining the sequence of projects undertaken within this program.

(b) Wilmington Riverfront. The State acknowledges that the lands on and near the Christina Riverfront (the "Riverfront") constitute an area of critical importance to the vitality of the State, New Castle County and the City of Wilmington. The State also acknowledges that this is a shared vision and responsibility of the State, its subdivisions and instrumentalities, and that it is clearly in the public interest to maximize both the private and public employment, as well as the public recreational, cultural, and economic development opportunities available at the Riverfront. The State, with and through the Department and other departments of government, must work creatively and cooperatively with other public entities and private interests, including employers located at or near the Riverfront, to increase and expedite employment, economic development, transportation, cultural and recreational opportunities.

In furtherance of these recognized public interests and public purposes, and notwithstanding the provisions of any State or local law, ordinance or regulation to the contrary, the Department is hereby authorized and directed to take such actions and enter into such contracts, with public and private (whether for profit or not-for-profit) entities as it deems necessary and appropriate for the planning, design, acquisition, renovation, construction, or disposal of such assets as may be required to enhance the transportation, employment, economic development, educational, recreational, and cultural use and development of properties on or near the Riverfront. In pursuing these objectives, the Department shall pay special heed to the needs of all forms of transportation, by means including but

not limited to automobiles, and shall insure that adequate facilities are designed and located at such points so as to maximize the use of transit, pedestrian, bicycle and such other modes as may be appropriate for the area. The Department shall report to the Governor and the General Assembly by May 1, 2004 on its progress toward reducing overall traffic congestion and improving access to and use of the Wilmington Amtrak Station; increasing availability of public parking for visitors, commuters, and employers in and around the Riverfront (including, without limitation, the expedited construction, repair, and overall continued operation, management and maintenance of any such facilities); and locating, relocating, constructing, renting or disposing of Department facilities in and around the Riverfront in connection with any of the foregoing. In this regard, the State specifically recognizes all such actions, expenditures, agreements, projects, uses, and activities to be public purposes and public uses, in furtherance of the public interest.

(c) Bicycle, Pedestrian and Other Improvements. The department may work in conjunction with any political subdivision of the state and with any private organization to plan and construct such bicycle and pedestrian traffic as may be appropriate. In carrying out this program, the department may take into consideration in scheduling its projects, those in which the affected local community is willing to contribute a matching share (whether in cash, rights of way, or other in-kind services) in order to accomplish the project.

(d) Transportation Enhancements. It is the intent of the General Assembly that the Department provide notice to all state agencies, political sub-divisions within the state, and other parties of the availability of, and rules governing, the Transportation Enhancements program. Such notice shall include, but not be limited to, the definitions of eligible projects, the requirements for matching funds, and such other requirements as may be necessary to insure that any interested entity may work to become a participating recipient under the program.

Section 73. Grants and Allocations. The Section 1 Addendum of this Act appropriates the sum of $26,100,000 (State) for projects within the Grants and Allocations classification. Notwithstanding the provisions of any state law to the contrary, the General Assembly further defines its intent with respect to those appropriations as follows:

(a) The sum of $20,100,000 (State) shall be used for the Community Transportation Fund, in accordance with the rules and regulations as adopted by the Joint Legislative Committee on the Capital Improvements Program, as amended from time to time.

(b) The sum of $6,000,000 (State) shall be used for the Municipal Street Aid program, pursuant to the provisions of 30 Del. C. § 51.

Section 74. Transit System. The Section 1 Addendum of this Act appropriates the sum of $12,007,900 (State $7,326,400 and Federal $4,681,500) for projects within the Transit System classification. Notwithstanding provision of any state law to the contrary, the General Assembly further defines its intent with respect to those appropriations as follows:

(a) 5310 Program. The Delaware Transit Corporation is authorized to expend up to $1,266,000 (State $999,600; Federal $266,400) from the Transit System classification (73/00) appropriated in this Act for the 5310 Program, administered by the Federal Transit Authority.

Section 75. Support System. The Section 1 Addendum of this Act appropriates the sum of $63,924,400 (State $48,250,100, Federal $15,674,300) for projects within the Support System classification. Notwithstanding the provisions of any state law to the contrary, the General Assembly further defines its intent with respect to those appropriations as follows:

(a) Transportation Facilities. The Section 1 Addendum of this Act appropriates $8,516,000 (State) for the improvement and adaptation of Departmental facilities.

(i) In administering this appropriation, the Secretary shall insure that the Department's Maintenance Yards, especially those in the Central District are properly upgraded to provide necessary facilities for the welfare and comfort of the Department's personnel, and the safekeeping of all equipment.

(ii) In order to expedite improvements to the Rock Manor golf course on Route 202 (such improvements being required by highway and storm water retention pond construction for the Blue Ball project), the Department shall immediately begin to design and construct replacement facilities for the Talley Road Maintenance Yard in the North District, on land currently owned by the Department proximate to the existing Talley Yard, and to transfer the property as soon as possible. The Secretary shall report to the Governor and the General Assembly by May 30, 2004 on the Department's progress toward this goal.

(b) *E-ZPass*. The General Assembly finds that it is in the State's best interest to improve the overall level of availability of *E-ZPass* technology to the traveling public in Delaware, and to improve the level of customer service provided to *E-ZPass* users. In this regard, the General Assembly hereby establishes an *E-ZPass* Reserve Account, which shall be maintained within the Transportation Trust Fund as a separate account. These funds may only be used by the Department in furtherance of its efforts to improve the availability and quality of the *E-ZPass* assets and services. In March 2003, the Regional Consortium, of which Delaware was a founding member in 1995, was dissolved. The funds appropriated in the Section 1 Addendum, and others as may be appropriated by the General Assembly, may be used to satisfy any and all claims resulting from Delaware's membership in the Regional Consortium.

(c) Port of Wilmington. The sum of $5,015,000 appropriated in the Section 1 Addendum to this Act shall be transferred from the General Fund to the Transportation Trust Fund and shall be used only for the following investments at the Port of Wilmington:

(i) $15,000 for ergonomically approved cushions and other devices to be added to such equipment at the Port as the Executive Director may find necessary in order to provide continuing employment opportunities to individuals suffering from physical injuries, and without such devices, would be unable to continue serving as active members of the Port's workforce.

(ii) $5,000,000 for various improvements deemed necessary to provide a long-term benefit to the Port and to the State of Delaware by retaining existing customers and/or attracting new revenue paying customers to the Port. No funds may be expended from this appropriation without a duly adopted Resolution of the Board of the Diamond State Port Corporation. Any funds authorized, but not encumbered or spent, from this appropriation by June 30, 2005, shall revert from the Transportation Trust Fund to the General Fund of the State.

Section 76. DelDOT Work Impacts on Private Property and its Owners.

(a) When the Department and/or any of its contractors determines that it would be in the best interests of the State to undertake construction/reconstruction work past 9:00 pm or before 7:00 am, and such work is to be conducted immediately adjacent to a residential neighborhood, the Department shall first ensure that residents of the neighborhood are notified in a timely fashion of the Department's desire to undertake such work. It must explain the benefits and costs to the State and the neighborhood of working under regular hours and the proposed extended hour schedule. Such notification shall include a description of the proposed work to be conducted, the proposed use of any

equipment that may cause noise, vibration or odor disruptions to the neighborhood, and an estimate of the time required to complete the project. The Department may proceed with its extended hours work if it secures approval from a majority of the residents of the affected neighborhood, and, pursuant to the provisions of the Delaware Code, it shall offer temporary relocation to any residents who request such relocation.

(b) If the Department determines that the proposed work (regardless of its scheduled time) will produce noise that exceeds the applicable noise ordinances of the appropriate jurisdiction, the Department shall ensure that it seeks and receives a waiver from that jurisdiction before commencing the work.

(c) If the Department determines that the proposed work may cause any vibration or other damage to neighboring property, it shall complete a pre-work survey of the potentially affected properties to determine the base-line condition of those properties. It shall monitor the properties during construction to insure that any vibration or other damage is minimized. If any damage does occur, the Department must reimburse the private property owners pursuant to the provisions of the Delaware Code.

The Secretary of the Department may waive the provisions of this section if he/she determines that any such work is necessary in order to respond effectively to an emergency caused by a natural disaster, an accident, or a failure of a transportation investment.

Section 77. Subdivision Signage . The Department has adopted as its standard for newly constructed sub-divisions a decorative sign that includes the name of the subdivision and a logo of the State's famous patriot, Caesar Rodney. These new signs shall be installed at each newly approved sub-division and shall be paid for by the developer(s) of such sub-division. Existing sub-divisions may request the Department to install these new signs (in place of the green and white signs currently

used by the Department). Such requested replacement signs shall be paid for by the sub-division or from Community Transportation Funds allocated by a legislator requesting such signs. The Department shall replace existing standard signs damaged by vandalism, accident, or the ravages of time with standard signs under its regular maintenance program, unless the decorative alternative has been requested under the provisions of this section.

Section 78. Eden Hill Farm. The State acknowledges that the lands in the City of Dover known as the Eden Hill Farm, and adjacent undeveloped lands in the City of Dover and Kent County, (all collectively referred to herein as the "Farm") constitute an area of critical importance to the vitality of the State, Kent County, and the City of Dover. The State also acknowledges that this is a shared vision and responsibility of the State, its subdivisions and instrumentalities, and that it is clearly in the public interest to maximize both the private and public employment, as well as the public educational, recreational, cultural, and economic development opportunities available at the Farm. The State, with and through the Department of Transportation (the "Department") and other departments of government, must work creatively and cooperatively with other public entities and private interests, including employers located at or near the Farm, to increase and expedite employment, economic development, transportation, cultural, and recreational opportunities.

In furtherance of these recognized public interests and public purposes, and notwithstanding the provisions of any State or local law, ordinance or regulation to the contrary, the Department is hereby authorized and directed to take such actions and enter into such contracts, with public and private (whether for profit or not-for-profit) entities as it deems necessary and appropriate for the planning, design, acquisition, renovation, construction, or disposal of such assets as may be required to enhance the transportation, employment, economic development, educational, historic and open space preservation, recreational, and cultural use and development of properties on or near the Farm.

In pursuing these objectives, the Department shall pay special heed to the needs of all forms of transportation, by means including but not limited to automobiles, and shall insure that adequate facilities are designed and located at such points so as to maximize the use of transit, pedestrian, bicycle, and such other modes as may be appropriate for the area. The Department shall report to the Governor and the General Assembly by May 1, 2004 on its progress toward reducing overall traffic congestion and improving access to and use of North Street, Saulsbury Road, and the West Dover Development District; increasing availability of all transportation assets for visitors, commuters, and employers in and around the Farm (including, without limitation, the expedited construction, repair, and overall continued operation, management, and maintenance of any such assets); and the preservation of important historic and open space assets. In this regard, the State specifically recognizes all such actions, expenditures, agreements, projects, uses, and activities to be public purposes and public uses, in furtherance of the public interest.

Section 79. Safety Programs. Amend 73 Delaware Laws Chapter 350, Section 91 by adding the following after the last sentence thereof: "As used in this section, local law enforcement agencies shall include counties, municipalities, towns, and cities within the State. Funds shall be distributed based upon the local law enforcement agencies' actual strength of full-time sworn officers as reported to the State of Delaware as of July 2002. The Department of Transportation shall provide a report of the distribution of these funds to the Budget Director and the Controller General on a quarterly basis until such funds have been completely distributed."

Section 80. McMullen Farm and City of Wilmington Property, Governor Printz Boulevard.

The General Assembly finds that it is in the State's best interest for the Department of Transportation ("DelDOT") to enter into certain agreements in order to promote the prompt and efficient development of the McMullen Farm ("Farm"), located adjacent to State Routes 1, 7, and

U.S. Route 40, and the former Delaware Oldsmobile property ("Oldsmobile"), now owned by the City of Wilmington, on Governor Printz Boulevard, for use by the Bank One Corporation and other potential employers, and to promote the planning and securing of community open space and parkland. Accordingly, DelDOT is authorized and directed to:

- Acquire from Bank One sufficient right-of-way at the southern end of the Farm in order to construct new access to the development owned by the Delle Donne Corporation and located south of the Farm and north of Route 40;
- Immediately commence:
    - the widening of State Route 7, from U.S. Route 40 to Newtown Road, pursuant to previously approved plans;
    - the improvement of the intersection of State Route 7 and U.S. Route 40, pursuant to previously approved plans;
    - the planning and design for the widening of State Route 7, from Newtown Road north to State Route 273,

  all from such funds as may already have been appropriated for the proposed improvements to the highway infrastructure serving the Farm;
- Cease all further work on the design or construction of proposed new ramps from State Route 1 to the Farm;
- Enter into joint development agreements with the Delaware Economic Development Office, Department of Natural Resources and Environmental Control, New Castle County, and such other public or private entities as may be appropriate for the planning and securing of community open space and parkland on the 50 +/- acres to be

acquired by the state from Bank One at the Farm site, and to be deeded to the Department of Natural Resources and Environmental Control;

- Enter into joint development agreements with Bank One, and such other private or public entities as may be appropriate for the construction, shared use, and maintenance of storm water retention and dispersion structures on or adjacent to the Farm site;
- Enter into such agreements with the City of Wilmington, Bank One, and other public or private entities to expedite the documentation, removal, storage, and restoration of the historic tiles currently on the exterior of the former Oldsmobile building on Governor Printz Boulevard;

DelDOT shall pursue these agreements on the conditions that:

- At its February 12, 2003 meeting (or such subsequent meeting as may be mutually agreeable to Bank One and New Castle County), the New Castle County Historic Review Board recommends to the New Castle County Land Use Department ("Land Use") that Land Use issue a demolition permit for the former Oldsmobile building;
- Bank One donates at no cost to the state of Delaware sufficient right-of-way along the west side of the Farm, adjoining State Route 7, to construct the widened highway, storm water structures, and such other improvements as may be necessary to complete in a timely manner the transportation infrastructure necessary to support further development of the Farm;
- Bank One shares any Excess Net Proceeds from the sale of its property at the Farm with the State of Delaware. For purposes of this provision, the term "Excess Net Proceeds" shall be deemed to be those proceeds, net of all closing costs, received by Bank One, minus its adjusted cost basis in the Farm, after adjusting from the basis, the

use by Bank One of a portion of the Farm for one of its data centers. Any such Excess Net Proceeds shall be divided equally by Bank One and the Delaware Economic Development Office and shall be deposited in the Delaware Strategic Fund.

The agreements authorized by this section shall be submitted to the Co-Chairs of the Joint Committee on Capital Improvements Program for their approval. The Secretary of DelDOT and the Director of the Delaware Economic Development Office shall report to the Governor and the General Assembly no later than January 15, 2004 on the progress of public and private developments on both parcels, and by January 31 of each succeeding year until all transportation and other improvements undertaken have been successfully completed.

Section 81. Laurel Redevelopment Corporation. Notwithstanding any other provisions of the Delaware Code to the contrary, the Department of Transportation may enter into contractual agreements with the Laurel Redevelopment Corporation ("Corporation") with respect to the use of Community Transportation Funds on those properties owned or managed by the Corporation. The terms of such contractual agreements shall be reviewed and approved prior to execution by a board consisting of four legislative representatives to be appointed by the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program, two Department of Transportation representatives and two Corporation representatives. The board shall also provide oversight of any Community Transportation Funds allocated to Corporation projects pursuant to these agreements, but any use of such funds shall be limited to the support of projects and/or land uses that will be kept open and available for public access.

Section 82. Amend 2 Del. C. c. 20 of the Delaware Code by deleting the word "demonstration" and "Demonstration" wherever it shall appear therein;

Section 83. Amend 2 Del. C. §2001(e) by deleting the words "up to four" on line 4;

Section 84. Amend 2 Del. C. § 2001(f) by deleting the section in its entirety and substituting in lieu thereof the following:

"(f) The Department is encouraged and authorized to take full advantage of every financing opportunity and mechanism provided by federal legislation, including transportation legislation facilitating federal financing or grants for construction, improvement, leasing, operation or related functions as to roads, bridges, tunnels or other transportation systems."

Section 85. Amend 2 Del. C. §2002(c) by deleting the words "Demonstration Project or" as they appear therein.

Section 86. Amend 2 Del. C. § 2003(a) by deleting the section in its entirety and substituting in lieu thereof the following:

"(a). Project. Subject to subsection (c) of this Section, the Secretary may entertain and solicit proposals from, and may negotiate and enter into agreements with, private entities, or consortia thereof, for projects using in whole or in part private sources of financing involving (i) all or a portion of the study, planning, design, construction, leasing, financing, operation and maintenance of transportation systems, or (ii) the repair, and/or expansion, leasing, financing, operation and maintenance of existing transportation systems , or any combination of the foregoing.";

Section 87. Amend 2 Del. C. §2003 (b), by striking the phrase "provided, however," as it appears after the phrase "any source whatsoever;" and inserting in lieu thereof the following: "provided, however, that the Secretary shall only enter into agreements regarding a transportation project that has been specifically authorized by the General Assembly, and that such authorization includes all material terms of the proposed project, including without limitation any terms concerning repayment of debt or capital to or for the benefit of any private entity; further provided" and by deleting the text beginning with the phrase "(i) for which construction funding has been authorized" through the phrase "for said transportation system or" and substituting in lieu thereof the following:

"(i) which has been authorized by the Delaware General Assembly (except that no agreement may be entered into which compels (A) direct or indirect expenditures or loans on the part of the State in excess of the total sum which may be appropriated by the Delaware General Assembly as the State's financial participation with respect to said transportation system or";

Section 88. Amend 2 Del. C. §2003 (c) by deleting Section 2003(c) (1) and (c) (2) in their entirety and substituting in lieu thereof the following:

"(1) The Secretary shall solicit proposals through a request for proposals pursuant to Chapter 69, Title 29, accompanied by material explaining of the Public-Private Initiatives Program enacted hereunder and describing the selection process and criteria. The Secretary may identify in these requests for proposals specific systems, corridors or routes for improvement.

(2) Alternatively, potential projects may be identified and proposed by any potential contracting party. Such unsolicited proposals will also be accepted provided they satisfy the criteria outlined in accordance with this chapter. In the event that an unsolicited proposal is deemed in compliance with this chapter and accepted for review, the Secretary shall publicly announce, not less than once a week for 2 consecutive weeks in a newspaper published or circulated in each county of the State, the acceptance of the unsolicited proposal along with a detailed description of the unsolicited proposal, and shall provide sixty days within which other interested parties may submit proposals relating to the same subject. Notwithstanding any other provisions of this Code to the contrary, all proposals made pursuant to this chapter may provide for the design –build mode of infrastructure development;"

Section 89. Amend 2 Del. C. §2003(e)(2) by adding the following text after the last sentence of that Section the following:

"If neither approval nor disapproval is granted within 45 days after such proposal was delivered to any affected metropolitan planning organization or the Council on Transportation, such proposal shall be deemed approved by those organizations. Moreover, in the event that a project is disapproved as provided above, the Department may resubmit the plan or revise version thereof no sooner than sixty (60) days after notification that the plan has been disapproved by either party.";

Section 90. Amend 2 Del. C. §2003(f) by striking the phrase "§§ 6912, 6914, and 6920" as it appears each time in said subsection and replacing it with the phrase "§ 6960", and inserting after the first sentence of subsection (f) the following: "Compliance with § 6960 of Title 29, or in the alternative, federal prevailing wage laws, shall be required without regard to the source of funds for a project".

Section 91. Amend 2 Del. C. §2003(g)(1)(i), by striking the words "(1) The Department may" and the text of (i) in its entirety and substituting in lieu thereof the following:

> "(1) The Department is authorized, notwithstanding any other provision of this Code, to (i) use any federal, state or other funds, including without limitation funds obtained from or through the Delaware Transportation Authority, any loans from the Public-Private Initiatives Program Revolving Loan Fund established in § 2912 of this title and federal transportation funds, to finance, secure, guarantee, service project debt or repay project costs";

Section 92. Amend 2 Del. C. §2003(g)(2) by striking the section in its entirety and substituting in lieu thereof the following:

> "The Department, either directly or through a designated party, may apply for, receive and accept from any federal agency or any other governmental body grants or financial support of whatever nature for any purpose described in this chapter. The Department may transfer or lend the proceeds of any such grant, or utilize such proceeds available

for credit enhancement, to public agencies or contracting parties, on terms and conditions complying with applicable federal and state law.";

Section 93. Amend 2 Del. C. §2004 by deleting the first sentence of § 2004(a) in its entirety and substituting in lieu thereof the following:

"(a) Agreements may provide for either private or State ownership of the project during the construction period, depending on the project structure determined by the Secretary.";

Section 94. Amend 2 Del. C. §2005 by inserting the word "leasing" after the word "construction" in the first sentence thereof;

Section 95. Amend 2 Del. C. §2006(a) by deleting the word "shall" in the first sentence thereof and substituting in lieu thereof the word "may";

Section 96. Amend 2 Del. C. §2009(b) to insert after the word "install" the word "lease";

Section 97. Amend 2 Del. C. §2012 by deleting the word "and" following §2012(d)(3) and by inserting the following language:

"(4) For the reasonable cost of administering the Fund; and

(5) to be used for any purpose authorized by this Chapter."

Section 98. Amend 2 Del. C. §2012(b)(6) by inserting after the phrase "excess toll revenues" the phrase "with the approval of the General Assembly".

## DEPARTMENT OF AGRICULTURE

Section 99. Farmland Preservation Operating Expenses. Of the funds that remain in the Department of Finance, Office of the Secretary, Fiscal Year 2001 appropriation (25-01-01-8712), it is the intent of the General Assembly that:

1. Up to $150,000 may be used for the operating expenses of the Aglands Preservation Foundation subject to the approval of the Budget Director and Controller General.
2. Up to $350,000 may be used to pay the costs of mapping, legal services and other related costs required to create agricultural district agreements and the costs of appraisals of all eligible properties, and shall be exempt from matching requirements subject to the approval of the Budget Director and Controller General.
3. The Foundation shall designate $1,000,000 in each county to be applied as a 1:1 match of county funds designated for the purchase of preservation easements. In order to qualify such county funds must be transferred to the Delaware Agricultural Lands Preservation Trust Fund. The combination of such funds shall be used to purchase easements from those properties which have applied to the Foundation within said county, or in an area of the county designated in writing by the county, according to the procedures of the Foundation. Where joint funds are used, the county and the Foundation must mutually agree as to the easements purchased. Any county funds not fully utilized in such purchases shall be returned to the county and such funds of the State as are not fully utilized in such purchases shall revert to the Foundation's pool of funds available for preservation easements statewide. Funds designated for each county that are not matched prior to the Foundation's selection of properties eligible for easement purchase shall revert back to the Foundation's pool of funds available for preservation easements statewide.

Section 100. Equine Economic Impact Study. The Section 1 Addendum to this Act appropriates $75,000 to the Department of Agriculture to perform an Equine Economic Impact Study. Said study shall provide information including, but not limited to a survey of equine numbers, acres in equine operations and the value of equine assets. The Department shall provide preliminary results to the Joint Legislative Committee on the Capital Improvement Program no later than May 1, 2004 with a final report submitted to the Committee by May 1, 2005.

## FIRE PREVENTION COMMISSION

Section 101. Hydraulic Rescue Tools Replacement: It is the intent of the General Assembly that the funds authorized in the Section 1 Addendum of this Act be used to reimburse the Christiana, Clayton, Dover, Milton, South Bowers and the joint station to be opened for Lewes and Rehoboth volunteer fire companies. Upon submitting the receipts of sale, each company will be reimbursed up to $7,500 by the Fire Prevention Commission - State Fire School (75-02-01).

## HIGHER EDUCATION

## UNIVERSITY OF DELAWARE

Section 102.University of Delaware. It is the intent of the General Assembly that funds in the amount of $2,000,000 previously appropriated to the Delaware Economic Development Office for the Delaware Biotechnology Institute and currently held in accounts DBI-DEDO 0001 Life Sciences Fund and DBI-DEDO 0102 Life Sciences Fund at the University of Delaware be used for the renovation project at Wolfe Hall. The University of Delaware has agreed to and will repay these funds to the Delaware Biotechnology Institute from University funds with $1,000,000 to be received on or before June 30, 2006 and the second repayment of $1,000,000 on or before June 30, 2007."

## DELAWARE TECHNICAL AND COMMUNITY COLLEGE

Section 103. College-wide Asset Preservation Program. Section 1 of this Act provides funds for Delaware Technical and Community College (90-04-00) for the College-wide Asset Preservation Program. This appropriation may be used for the acquisition of computer hardware and software.

Section 104. Instructional Space Expansion. The funds remaining in the Delaware Technical and Community College, Fiscal Year 2003 appropriation (90-04-04-0809), Fiscal Year 2002 appropriation (90-04-04-9600) and Fiscal Year 2001 appropriation (90-04-04-0809) may be used to equip as well as to lease, purchase or rent additional classroom space in order to increase the space available to expand the Nursing Program of the College.

## DEPARTMENT OF EDUCATION

Section 105. School Building and Custodial Verification. By September 30 of each calendar year, each school district shall notify the Department of Education of its intended use for each school building and administrative office building. School districts shall notify the department about changes in the use of such buildings to include the sale of property, closing of a building, lease of property to another agency, and additions and renovations. The Department of Education shall establish a standard reporting mechanism that school districts shall utilize to gather and submit required information.

By October 30 of each calendar year, the Department of Education shall verify and reissue custodial allocations to each school district based on the information obtained annually.

Section 106. Neighborhood Schools. During the Fiscal Year ending June 30, 2002, $2,500,000 was appropriated to the Department of Education for Neighborhood Schools Plans. This appropriation is intended to offset local documented costs incurred by the school districts for the development, approval and implementation of their neighborhood schools plans pursuant to 14 Del. C. § 223 and 72 Del. Laws, c. 287. The reimbursement criteria for documented, allowable costs shall be determined by the Budget Director and Controller General, in consultation with the Department of Education. In no such instance shall reimbursements be made for costs incurred by a local school district prior to April 20, 2000.

Allocation of the funds appropriated shall be made by the Budget Director and Controller General, in consultation with the Department of Education for costs associated with the following: (a) submission of a neighborhood schools plan to the State Board of Education, (b) approval of such plan by the State Board of Education and (c) completed analysis and design of alternative attendance feeder patterns and/or alternative grade configurations. Such reimbursements may be used by the

school districts for any general education purpose. Any funds remaining subsequent to these allocations may be applied to the state share of funding for capital construction related to an approved neighborhood schools plan.

Notwithstanding the provisions of 72 Del. Laws, c. 287 to the contrary, the funds herein appropriated and allocated to the local school districts constitute the transition costs contemplated by 72 Del. Laws, c. 287 and all plans must be implemented within 18 months of receiving said transition costs pursuant to 14 Del. C. § 223(d) and (f). If a school district is unable to document local costs pursuant to this section, the district must implement its Neighborhood School Plan within 18 months of State Board of Education approval of such Plan.

Nothing in this section or 72 Del. Laws, c. 287 shall be construed to exempt local school districts from going through the normal Certificate of Need process.

Section 107. Land Donation for School Construction. Any land donated to a school district with an approved major capital improvement program shall be required to return to the state one-half of the state share amount originally budgeted for land purchase costs. In such case, the district shall be entitled to keep the remaining one-half state share amount, as well as the full local share amount in accordance with the certificate of necessity.

Section 108. Channin and Old Mill Lane School. The General Assembly directs the Budget Director, Director of Economic Development Office and the Controller General to explore the feasibility of disposition and reuse of the parcels of land occupied by the former Channin School and Old Mill Lane School. Notwithstanding any provision of the Delaware Code to the contrary and with the consent of the Co-Chairs of the Bond Bill, the Budget Director, Controller General and the Secretary of Administrative Services shall have the authority to proceed with the disposition of said properties. The affected school district shall be entitled to funds proportional to the initial purchase

percentage. Remaining state funds shall be transferred to the Department Natural Resources and Environmental Control for the purpose of the development of recreational opportunities in Brandywine Hundred.

Section 109. School Construction Market Pressure. It is the intent of the General Assembly that the sum of $4,247,700 appropriated to the Department of Education in Section 1 of this Act be utilized by the Indian River School District to enable them to maintain a high level of construction quality in the environment of increased market pressure and escalating costs. This funding will be provided to the following districts:

| DISTRICT | SCHOOL | STATE | LOCAL MATCH |
|---|---|---|---|
| Indian River | 1,000-Pupil HS | $1,767,700 | $1,178,433 |
| Indian River | 1,500-Pupil HS | $2,480,000 | $1,653,300 |

Notwithstanding any provisions of the Delaware Code to the contrary, the local school district is required to pay for the local share of each project under this section. The following funds may be used to meet the required local match: Minor Capital Improvement Funds and/or Division III Equalization. Districts may also elect to finance the local match in accordance with the provisions of Chapter 21, Title 14 of the Delaware Code upon passage of a successful referendum for such purpose. In order to access the state funds, district must notify the Department of Education, the Budget Director and the Office of the Controller General which option the district has chosen.

Section 110. Appoquinimink. It is the intent of the General Assembly that the Department of Education, the Controller General and the Budget Director meet with representatives from the Appoquinimink School District and the New Castle County Vocational Technical School District to discuss the available student populations to insure that there are sufficient students available for both the proposed new vocational-technical high school and a new high school within the Appoquinimink

School District. The Secretary of Education shall issue a report of their findings to the Co-Chairs of the Joint Legislative Committee on Capital Improvements on or before September 1, 2003.

Section 111. Minor Capital Improvements. It is the intent of the General Assembly that the sum of $7,113,762 allocated in Section 1 of this Act be used for minor capital improvements to school buildings in the following amounts. Districts must use the funds in the amounts below on projects listed on the facility assessment website hosted by the Department of Education.

| School District | Maximum State Share | Maximum Local Share | Total Cost |
|---|---|---|---|
| Appoquinimink | $332,486 | $221,657 | $554,143 |
| Brandywine | 610,276 | 406,851 | 1,017,127 |
| Special | 8,435 | 0 | 8,435 |
| Christina | 1,101,497 | 734,331 | 1,835,828 |
| Special | 39,397 | 0 | 39,397 |
| Colonial | 589,686 | 393,124 | 982,810 |
| Special | 10,065 | 0 | 10,065 |
| New Castle Vo Tech | 323,322 | 0 | 323,322 |
| Red Clay | 889,102 | 592,735 | 1,481,837 |
| Special | 14,378 | 0 | 14,378 |
| Caesar Rodney | 329,783 | 219,855 | 549,638 |
| Special | 18,788 | 0 | 18,788 |
| Capital | 346,864 | 231,243 | 578,107 |
| Special | 5,751 | 0 | 5,751 |
| Lake Forest | 196,294 | 130,863 | 327,157 |
| Milford | 215,331 | 143,554 | 358,885 |

| | | | | |
|---|---|---|---|---|
| 1 | Polytech | 108,030 | 0 | 108,030 |
| 2 | Smyrna | 186,401 | 124,267 | 310,668 |
| 3 | Cape Henlopen | 238,049 | 158,699 | 396,748 |
| 4 | Special | 11,694 | 0 | 11,694 |
| 5 | Delmar | 58,608 | 39,072 | 97,680 |
| 6 | Indian River | 435,723 | 290,482 | 726,205 |
| 7 | Special | 15,337 | 0 | 15,337 |
| 8 | Laurel | 115,027 | 76,685 | 191,712 |
| 9 | Seaford | 197,041 | 131,361 | 328,402 |
| 10 | Sussex Vo-Tech | 115,698 | 0 | 115,698 |
| 11 | Woodbridge | 109,161 | 72,774 | 181,935 |
| 12 | Campus Community | 31,920 | 0 | 31,920 |
| 13 | East Side Charter | 6,442 | 0 | 6,442 |
| 14 | Kuumba Academy | 11,733 | 0 | 11,733 |
| 15 | Marion T. Academy | 33,818 | 0 | 33,818 |
| 16 | M.O.T. Charter | 30,195 | 0 | 30,195 |
| 17 | Newark Charter | 31,115 | 0 | 31,115 |
| 18 | Positive Outcomes | 4,486 | 0 | 4,486 |
| 19 | Providence Creek | 27,089 | 0 | 27,089 |
| 20 | Sussex Academy | 17,887 | 0 | 17,887 |
| 21 | Thomas A. Edison | 43,078 | 0 | 43,078 |
| 22 | Wilmington | 53,775 | 0 | 53,775 |
| 23 | Total to Schools | 6,913,762 | 3,967,553 | 10,881,315 |

| | | | |
|---|---|---|---|
| Vocational Equipment | 85,000 | 56,667 | 141,667 |
| State Board of Education | 115,000 | 76,667 | 191,667 |
| TOTAL | $7,113,762 | $4,100,887 | $11,214,649 |

Section 112. Bond Verification. All bonds issued, or herein before or herein authorized to be issued, by the State are hereby determined to be within all debt and authorization limits of the State.

Section 113. Inconsistency. Insofar as the provisions of this Act are inconsistent with the provisions of any general, special, or local laws, or parts thereof, the provisions of this Act shall be controlling.

Section 114. Severability. If any section, part, phrase, or provision of this Act or the application thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, phrase, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Act or the application thereof.

Section 115. Effective Date. This Act shall take effect in accordance with the provisions of state law.

SYNOPSIS

This Bill is the FY 2004 Bond and Capital Improvements Act.

Author: Joint Legislative Committee on Capital Improvement Program