



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):

1           Section 1. Fiscal Year 2004 Capital Improvements Project Schedule Addendum. The  
2 General Assembly hereby authorizes the following projects in the following amounts for the purposes  
3 set forth in this Section and as described in the Fiscal Year 2004 Governor's Recommended Capital  
4 Budget and Project Information document. Any authorization balance (excluding Transportation  
5 Trust Fund balances) remaining unexpended or unencumbered by June 30, 2006, shall be subject to  
6 reversion of reauthorization.

1           Section 2. Deauthorization of State Guaranteed Bonds.

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

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

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

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
18          Department of Administrative Services	\$14,549,400
19          University of Delaware	3,000,000
20          Delaware State University	3,000,000
21          Delaware Technical and Community College	1,685,700
22          Department of Education	103,644,900

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

1	Christina, Statewide Autistic Program Expansion (100% State)	2,316,500	-	2,316,500
3	Woodbridge, Four Grade Addition (71/29)	1,600,000	-	1,600,000
4	Christina, Renovate Albert H. Jones Elementary (60/40)	3,527,900	2,351,900	5,879,800
5	Christina, Renovate Brookside Elementary (60/40)	3,543,100	2,362,100	5,905,200
6	Christina, Renovate West Park Place Elementary (60/40)	3,853,000	2,568,700	6,421,700
7	Christina, Renovate Kirk Middle (60/40)	3,280,900	2,187,300	5,468,200
8	Christina, Renovate Pulaski Elementary (60/40)	2,054,600	1,369,700	3,424,300
9	Christina, Renovate Elbert Palmer ES (60/40)	1,184,500	789,700	1,974,200
10	Christina, Renovate Jennie Smith Elementary (60/40)	562,800	375,200	938,000
11	Christina, Renovate Gallaher Elementary (60/40)	404,300	269,500	673,800
12	Christina, Renovate Joseph McVey Elementary (60/40)	433,800	289,200	723,000
13	Christina, Renovate Newark High (60/40)	438,600	292,400	731,000
14	Christina, Renovate Bancroft Elementary (60/40)	335,600	223,700	559,300
15	Christina, Construct 800 Pupil Middle (60/40)	1,135,700	757,100	1,892,800
16	Christina, Modular Classrooms	-	1,147,400	1,147,400
17	Red Clay, Renovate Linden Hill Elementary (60/40)	2,707,200	1,804,800	4,512,000
18	Red Clay, Renovate Richey Elementary (60/40)	2,997,200	1,998,100	4,995,300
19	Red Clay, Warner Elementary and Kindergarten (60/40)	4,767,000	3,178,000	7,945,000
20	Red Clay, Renovate Baltz Elementary (60/40)	5,472,000	3,648,000	9,120,000
21	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

1	Contingency - Appoquinimink Referendum	2,400,000	843,200	3,243,200
2		\$103,644,900	\$58,031,200	\$161,676,100
3		<b>TOTAL</b>		<b><u>\$ 125,880,000</u></b>

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

5	<u>Project</u>	<u>Authorized Vol &amp; Ch Laws of DE</u>	<u>Project Appropriation Code</u>	<u>Amount</u>
6	Comegys Building	71/378	30-05-10-6914	\$43,385.42
7				
8			<b>TOTAL</b>	<b><u>\$43,385.42</u></b>

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

14	<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
15	Delaware Economic Development Office (Working Capital)	\$ 40,000
16		
	<b>TOTAL</b>	<b><u>\$40,000</u></b>

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

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

22	<u>Fiscal Year</u>	<u>Account Codes</u>	<u>Remarks</u>
23	<u>Appropriation</u>		
24			
25	2001	10-02-01-0805	800 MHZ
26	1999	10-02-01-0808	Kent Radios
27	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

1 1999 95-60-00-0801 Autistic

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

8 <u>Purpose</u>	<u>Amount</u>
9 Department of Natural Resources and Environmental Control 10 (Clean Water State Revolving Fund)	\$1,000,000
11 <b>TOTAL</b>	<b><u>\$1,000,000</u></b>

12 Section 9. Appropriation of General Funds. It is the intent of the General Assembly that  
13 \$108,821,300 be appropriated to the following departments of the State and in the following amount  
14 for the purposes set forth in the Section 1 Addendum of this Act. Any funds remaining unexpended  
15 or unencumbered by June 30, 2006, shall revert to the General Fund of the State of Delaware. The  
16 state hereby authorizes the issuance of bonds, to which the state shall pledge its full faith and credit,  
17 such bonds to be issued in such principal amount as necessary to provide proceeds to the state in the  
18 amount of \$16,938,400 local share of school bonds. Bonds authorized to be used by this Section  
19 shall mature not later than 20 years from their date of issuance.

20 <u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
21 Legislative	\$49,000
22 Office of the Budget	12,248,900
23 Delaware Economic Development Office	12,805,000
24 Department of State	4,073,700
25 Department of Administrative Services	31,289,700
26 Department of Health and Social Services	3,659,000
27 Department of Natural Resources and Environmental Control	9,220,000
28 Department of Safety and Homeland Security	1,890,400

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

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

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

<u>Purpose</u>	<u>Amount</u>
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	<u>3,670,000</u>
<b>TOTAL</b>	<b><u>\$18,170,000</u></b>

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:

<u>Purpose</u>	<u>Amount</u>
DelDOT Escheat Funding	\$10,000,000
DelDOT - Port of Wilmington	<u>5,015,000</u>
<b>TOTAL</b>	<b><u>\$15,015,000</u></b>

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

1 Resource, Conservation and Development (RCD) project list pursuant to prior appropriations may be  
2 utilized for RCD projects in the Fiscal Year 2004 list of projects approved as part of the Fiscal Year  
3 2004 Capital Improvement Act.

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

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

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

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

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

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

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

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



1 **OFFICE OF THE BUDGET**

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

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

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

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

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

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

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

3 Section 22. Law Enforcement Technology and Education Fund. The Section 1 addendum to  
4 this Act appropriates \$1,000,000 for Law Enforcement Technology and Education Fund. Of these  
5 funds, \$900,000 is for Technology reimbursement as provided in subsection (a) and the remaining  
6 \$100,000 is for educational reimbursement as provided for in subsection (b).

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

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

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

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

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

- 1           5. A class or course of instruction taken under this Section must:
- 2                 i. improve an officer's competence and capacity in employment;
- 3                 ii. have direct value to the State; and
- 4                 iii. provide knowledge or skills that are not available through in-service or other
- 5                         professional training.
- 6           6. In order to receive tuition reimbursement for a post-secondary class or course of instruction
- 7                 authorized by this Section, an officer must:
- 8                 i. earn a grade no lower than a 2.0 on a 4.0 scale, or its equivalent, for each class or
- 9                         course of instruction for which the tuition reimbursement is granted. In any class or
- 10                         course of instruction for which a specific grade is not issued, the officer must show
- 11                         documentation to verify satisfactory completion; and
- 12                 ii. submit to the Director of the Criminal Justice Council or the Director's designee
- 13                         within 30 days after completing a class or course of instruction proof of:
- 14                                 (1) the course title and grade received;
- 15                                 (2) the amount of tuition paid for the course; and
- 16                                 (3) the name of the post-secondary institution where the course was taken.
- 17           7. The Director of the Criminal Justice Council or the designee shall adopt rules and
- 18                 regulations as deemed necessary and proper for the efficient administration of this Section.
- 19                 The rules and regulations must contain appeal procedures.
- 20           8. An officer who receives tuition reimbursement pursuant to this Section but is terminated
- 21                 from law enforcement employment for cause, or who otherwise fails to comply with any
- 22                 requirement of this Section shall immediately become ineligible to receive education
- 23                 benefits pursuant to this Section and shall repay all tuition reimbursement previously

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

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

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

- 9 i. the number of officers who participated at each post-secondary educational  
10 institution during the year;
- 11 ii. the total amount of tuition expenditures made pursuant to this Section during the  
12 year not to exceed \$100,000;
- 13 iii. the total amount required to be repaid to the State by defaulting officers during the  
14 year; and
- 15 iv. the total amount actually repaid by defaulting officers during the year.

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

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

1 **DELAWARE ECONOMIC DEVELOPMENT OFFICE**

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

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

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

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

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

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

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



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

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

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

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

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

1 **DEPARTMENT OF STATE**

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

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

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

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

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

1           Section 37. Museum Maintenance. The Section 1 Addendum to this Act appropriates  
2 \$200,000 to the Department of State for museum maintenance. It is the intent of the General  
3 Assembly that these funds be retained by the Department of State, Division of Historical and Cultural  
4 Affairs for use with the operations of state museums or for immediate, unscheduled repairs to those  
5 facilities under the control of the Division of Historical and Cultural Affairs.

6           Section 38. New Castle County Veterans Cemetery. The General Assembly hereby directs the  
7 Delaware Commission on Veterans Affairs to return/replace all memorials and plaques  
8 purchased/donated by veteran's family members to their original location within the cemetery or to a  
9 site agreeable to the veteran's family members. The General Assembly further directs that, after July  
10 1, 2003, no plaque or memorial will be removed or relocated for any purpose without the approval of  
11 the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program. Existing  
12 memorial works are historical, cultural and aesthetic resources.

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

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

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

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

1 **DEPARTMENT OF FINANCE**

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

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

5 Section 43. Qualified Zone Academy Bonds. A portion of the general obligation bonds  
6 authorized under this Act for a school construction project may be issued in the form of “Qualified  
7 Zone Academy Bonds” within the meaning of the federal Taxpayer Relief Act of 1997 (the QZAB’s).  
8 Such portion shall be equal to the maximum amount of QZAB’s which may be issued under such act.  
9 Preference for use of the authorization shall be given to eligible special schools that are funded with  
10 100 percent state funds and subsequently, schools authorized under this Act with the highest  
11 percentage of free and reduced lunch counts for the 2001-2002 school year that elect to participate in  
12 the QZAB program as determined by the Department of Education. The Secretary of Finance is  
13 hereby authorized to determine the terms and conditions of the QZAB’s and the manner by which  
14 they shall be awarded to the purchasers thereof, including private negotiated sale, notwithstanding  
15 anything to the contrary contained in Chapter 74, Title 29 of the Delaware Code; provided that the  
16 requirements of Chapter 7422 of Title 29 of the Delaware Code must be observed.

1 **DEPARTMENT OF ADMINISTRATIVE SERVICES**

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

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

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



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

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

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

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

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

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

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

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

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

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

1 **DEPARTMENT OF CORRECTION**

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

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

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

1           **DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**

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

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

- 16           1. \$900,000 for the Soil and Water Conservation Program. The department shall spend one-third  
17           of such funds for use in each county.
- 18           2. \$1,445,000 shall be spent on nutrient management efforts statewide. The Division of Soil and  
19           Water may target all or a portion of the funds appropriated for conservation cost share to  
20           critical areas, such as the Inland Bays Watershed, the Nanticoke Watershed and others as  
21           designated by the Secretary of the Department of Natural Resources and Environmental  
22           Control. Of the \$1,445,000 allocated for nutrient management efforts statewide, up to  
23           \$150,000 may be spent to repair or replace failed manure sheds or other manure handling

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

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

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

13 Section 57. Open Space Match Requirements. Notwithstanding the provisions of 29 Del. C.  
14 § 6102A(c)(2), upon written request by the Open Space Council and notification of the Secretary of  
15 Finance, the Co-Chairs of the Joint Legislative Committee on Capital Improvements are hereby  
16 empowered to waive on a case-by-case basis the match requirements for a specific Open Space land  
17 purchase if it can be demonstrated that meeting said match requirements would prevent the timely  
18 purchase of said parcel.

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

1           Section 59. Indian River Marina. (a) In accordance with the provisions of 73 Del. Laws, c.  
2 350, § 70, the Department of Natural Resources and Environmental Control (DNREC) under the  
3 direction of the Budget Director may utilize up to \$8,800,000 in funds from Twenty-First Century  
4 Fund for the Parks Endowment Account as established in § 6102A(e), Title 29, Delaware Code for  
5 the purpose of revitalizing and enhancing public amenities within the Delaware Seashore State Park  
6 in and around the Indian River Marina Complex and related support facilities as presented to the Joint  
7 Legislative Committee on Capital Improvements on May 15, 2002. DNREC will repay both the  
8 principal borrowed and interest on the principal borrowed equal to that interest lost as a result of  
9 borrowing from the Account. Repayment shall not exceed twenty years.

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

16           Section 60. Aquatic Center. Notwithstanding any state law to the contrary, it is the intent of  
17 the General Assembly that the Secretary of Finance, the Budget Director and the Secretary of the  
18 Department of Natural Resources and Environmental Control shall have full authority to negotiate  
19 with any interested parties the construction of a swimming pool with the funds remaining as of June  
20 30, 2002 in appropriations Fiscal Year 1991 (40-06-04-6212), Fiscal Year 1992 (40-06-04-6212).  
21 Fiscal Year 1994 (40-06-02-6413), Fiscal Year 1995 (40-06-02-0184), Fiscal Year 1996 (40-06-02-  
22 6613), Fiscal Year 1997 (40-06-02-6713) and Fiscal Year 1999 (40-06-02-0811). Of the funds  
23 available in these appropriations, up to \$50,000 may be used to develop plans and recommendations

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

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

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

12 (b) The General Assembly finds that the preservation of tax parcel NCC 19-005.00-170 is in the  
13 State's best interest. It is further the intent of the General Assembly that the first available funds to  
14 the Open Space Program in an amount not to exceed \$140,000 in the Fiscal year ending June 30,  
15 2004 shall be expended to assist in the acquisition and remediation of said parcel. Notwithstanding  
16 the provisions of any applicable State law to the contrary, the Department of Natural Resources and  
17 Environmental Control may, upon purchase, deed this parcel to the Town of Elsmere.

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

- 21 1. \$400,000 for the construction of a bicycle path at Trap Pond State Park.
- 22 2. \$120,000 for Killens Pond Water Park repairs.
- 23 3. \$100,000 Greenbank Park Greenway.

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



1                                   **DEPARTMENT OF SAFETY AND HOMELAND SECURITY**

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

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

1 **DEPARTMENT OF TRANSPORTATION**

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

5 (a) Transportation Trust Fund Authorizations. Sums not to exceed \$425,922,500 (State  
6 \$307,687,000; Federal \$117,085,500; Other \$1,150,000) are authorized to be withdrawn  
7 from the Transportation Trust Fund to carry out the projects and programs as set forth in  
8 the Section 1 Addendum of this Act.

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

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

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

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

9 3. The construction schedule will be as follows:

10 Enhanced ITMS and transit improvements

11 Phase I Advertised 2001

12 Completed 2002

13 Phase 2 Advertised 2002

14 Completed 2003

15 Roadways on Westside of US Route 202 (Except SR 141 Spur Road)

16 Advertised 2002

17 Completed 2003

18 Roadways on Eastside of US Route 202

19 Advertised 2003

20 Completed 2004

21 Utility Relocation Contract(s)

22 Advertised As needed

23 US Route 202 Improvements

1		Advertised	2004
2		Completed	2005
3	Route 141 Spur & Children's Drive		
4		Advertised	2005
5		Completed	2006
6	US Route 202, I-95 Southbound Ramp through Broom Street		
7		Advertised	2006
8		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-

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

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

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

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

- 10 (a) Enter into such contracts for the purchase of any lands necessary to complete the Project;  
11 (b) Negotiate with private entities pursuant to the provisions of Subsection (a) of this Section, so  
12 as to complete the Project on a timely basis, provided that the drainage portions of the Project  
13 shall meet the following conditions:

- 14 1. Flows of water onto Lantana Square from areas north of Valley Road (including the  
15 impact of highway and intersection improvements to Route 7 and Valley Road and  
16 future improvements to SR7 within the relevant drainage area tributary (the  
17 “Improvements”)) shall not exceed the maximum stream flow (250 cfs +/-) of the  
18 culvert near the intersection of SR7 and Valley Road as it existed prior to the  
19 Improvements.
- 20 2. Plugging of culverts installed in connection with the Improvements shall remain and  
21 continue, and a weir gate system or other appropriate technology shall be used to limit  
22 the stream flow to 250 cfs +/- during construction of the Project and until satisfactory  
23 completion of the Project; and

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

10 Section 72. Road System. Section 1 Addendum of this Act appropriates the sum of  
11 \$323,890,200 (State \$226,010,500; Federal \$96,729,700; Other \$1,150,000) for projects within the  
12 Road System classification. Notwithstanding the provisions of any state law to the contrary, the  
13 General Assembly further defines its intent with respect to those appropriations as follows:

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

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

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

22 (3) The department shall develop a priority list for hot mix paving under this program.

23 The department shall consider the following factors: average annual daily traffic; school bus

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

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

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



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

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

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

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

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

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

10          Section 74. Transit System. The Section 1 Addendum of this Act appropriates the sum of  
11 \$12,007,900 (State \$7,326,400 and Federal \$4,681,500) for projects within the Transit System  
12 classification. Notwithstanding provision of any state law to the contrary, the General Assembly  
13 further defines its intent with respect to those appropriations as follows:

14          (a) 5310 Program. The Delaware Transit Corporation is authorized to expend up to  
15 \$1,266,000 (State \$999,600; Federal \$266,400) from the Transit System classification (73/00)  
16 appropriated in this Act for the 5310 Program, administered by the Federal Transit Authority.

17          Section 75. Support System. The Section 1 Addendum of this Act appropriates the sum of  
18 \$63,924,400 (State \$48,250,100, Federal \$15,674,300) for projects within the Support System  
19 classification. Notwithstanding the provisions of any state law to the contrary, the General Assembly  
20 further defines its intent with respect to those appropriations as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 5 • Acquire from Bank One sufficient right-of-way at the southern end of the Farm in  
6 order to construct new access to the development owned by the Delle Donne  
7 Corporation and located south of the Farm and north of Route 40;
  - 8 • Immediately commence:
    - 9 ○ the widening of State Route 7, from U.S. Route 40 to Newtown Road, pursuant  
10 to previously approved plans;
    - 11 ○ the improvement of the intersection of State Route 7 and U.S. Route 40, pursuant  
12 to previously approved plans;
    - 13 ○ the planning and design for the widening of State Route 7, from Newtown Road  
14 north to State Route 273,
- 15 all from such funds as may already have been appropriated for the proposed  
16 improvements to the highway infrastructure serving the Farm;
- 17 • Cease all further work on the design or construction of proposed new ramps from State  
18 Route 1 to the Farm;
  - 19 • Enter into joint development agreements with the Delaware Economic Development  
20 Office, Department of Natural Resources and Environmental Control, New Castle  
21 County, and such other public or private entities as may be appropriate for the  
22 planning and securing of community open space and parkland on the 50 +/- acres to be



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

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

10 DelDOT shall pursue these agreements on the conditions that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **DEPARTMENT OF AGRICULTURE**

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

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



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

1 **FIRE PREVENTION COMMISSION**

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

1 **HIGHER EDUCATION**

2 **UNIVERSITY OF DELAWARE**

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

10 **DELAWARE TECHNICAL AND COMMUNITY COLLEGE**

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

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

1 **DEPARTMENT OF EDUCATION**

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

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

11 Section 106. Neighborhood Schools. During the Fiscal Year ending June 30, 2002,  
12 \$2,500,000 was appropriated to the Department of Education for Neighborhood Schools Plans. This  
13 appropriation is intended to offset local documented costs incurred by the school districts for the  
14 development, approval and implementation of their neighborhood schools plans pursuant to 14 Del.  
15 C. § 223 and 72 Del. Laws, c. 287. The reimbursement criteria for documented, allowable costs shall  
16 be determined by the Budget Director and Controller General, in consultation with the Department of  
17 Education. In no such instance shall reimbursements be made for costs incurred by a local school  
18 district prior to April 20, 2000.

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

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

4 Notwithstanding the provisions of 72 Del. Laws, c. 287 to the contrary, the funds herein  
5 appropriated and allocated to the local school districts constitute the transition costs contemplated by  
6 72 Del. Laws, c. 287 and all plans must be implemented within 18 months of receiving said transition  
7 costs pursuant to 14 Del. C. § 223(d) and (f). If a school district is unable to document local costs  
8 pursuant to this section, the district must implement its Neighborhood School Plan within 18 months  
9 of State Board of Education approval of such Plan.

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

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

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

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

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

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

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

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

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

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

7		Maximum	Maximum	
8	<u>School District</u>	<u>State Share</u>	<u>Local Share</u>	<u>Total Cost</u>
9	Appoquinimink	\$332,486	\$221,657	\$554,143
10	Brandywine	610,276	406,851	1,017,127
11	Special	8,435	0	8,435
12	Christina	1,101,497	734,331	1,835,828
13	Special	39,397	0	39,397
14	Colonial	589,686	393,124	982,810
15	Special	10,065	0	10,065
16	New Castle Vo Tech	323,322	0	323,322
17	Red Clay	889,102	592,735	1,481,837
18	Special	14,378	0	14,378
19	Caesar Rodney	329,783	219,855	549,638
20	Special	18,788	0	18,788
21	Capital	346,864	231,243	578,107
22	Special	5,751	0	5,751
23	Lake Forest	196,294	130,863	327,157
24	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



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

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

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

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

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

SYNOPSIS

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

Author: Joint Legislative Committee on Capital Improvement Program