



SPONSOR    Sen. Adams            Rep. Gilligan  
                 DeLuca                        Schwartzkopf  
                 Blevins                         Longhurst

DELAWARE STATE SENATE

145th GENERAL ASSEMBLY

SENATE BILL NO. 5

January 15, 2009

A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2010; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; APPROPRIATING FUNDS FROM THE TRANSPORTATION TRUST FUND; AUTHORIZING THE ISSUANCE OF REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING SPECIAL FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; REVERTING AND REPROGRAMMING CERTAIN FUNDS OF THE STATE; DIRECTING THE DEPOSIT OF CERTAIN FUNDS TO THE GENERAL FUND; 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 2010 Capital Improvements Project Schedule Addendum. The General  
2    Assembly hereby authorizes the following projects in the following amounts for the purposes set forth in  
3    this Section and as described in the Fiscal Year 2010 Governor's Recommended Capital Budget and  
4    Project Information document. Any authorization balance (excluding Transportation Trust Fund  
5    balances) remaining unexpended or unencumbered by June 30, 2012, shall be subject to reversion or  
6    reauthorization.



SECTION 1 ADDENDUM  
FISCAL YEAR 2010 CAPITAL IMPROVEMENT PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
<b>OFFICE OF MANAGEMENT AND BUDGET</b>						
ERP Financials	10-02-05	\$ 3,600,000	\$ -	\$ -	\$ -	\$ 3,600,000
Technology Fund	10-02-05	1,985,000	-	-	-	1,985,000
Minor Capital Improvement and Equipment	10-02-50	3,500,000	-	-	-	3,500,000
Environmental Compliance (UST/Asbestos/Other)	10-02-50	340,300	-	-	-	340,300
Architectural Barrier Removal	10-02-50	150,000	-	-	-	150,000
Kent County Court Complex	10-02-50	13,200,000	-	-	-	13,200,000
<i>Judicial Projects</i>						-
Minor Capital Improvement and Equipment/Security	10-02-50	500,000	-	-	-	500,000
<i>Delaware Health Care Commission Projects</i>						
Delaware Health Information Network	10-02-05	2,500,000	-	-	-	2,500,000
<i>State Projects</i>						
Minor Capital Improvement and Equipment	10-02-50	750,000	-	-	-	750,000
Veterans Cemetery Enhancements - New Castle County	10-02-50	360,000	-	-	-	360,000
Veterans Home Minor Capital Improvement and Equipment	10-02-50	305,000	-	-	-	305,000
<i>Health and Social Services Projects</i>						
Minor Capital Improvement and Equipment	10-02-50	3,500,000	-	-	-	3,500,000
<i>Services for Children, Youth and Their Families Projects</i>						
Minor Capital Improvement and Equipment	10-02-50	1,363,200	-	-	-	1,363,200
<i>Correction Projects</i>						
Minor Capital Improvement and Equipment	10-02-50	3,000,000	-	-	-	3,000,000
<i>Safety and Homeland Security Projects</i>						
Minor Capital Improvement and Equipment	10-02-50	600,000	-	-	-	600,000
<i>Delaware National Guard Projects</i>						
Minor Capital Improvement and Equipment	10-02-50	600,000	-	-	-	600,000
<b>Subtotal:</b>		<b>\$ 36,253,500</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 36,253,500</b>
<b>DELAWARE ECONOMIC DEVELOPMENT OFFICE</b>						
Strategic Fund	10-03-03	\$ 9,000,000	\$ -	\$ -	\$ -	\$ 9,000,000
Fraunhofer Vaccine Development	10-03-03	1,000,000	-	-	-	1,000,000
Experimental Program to Stimulate Competitive Research	10-03-03	1,000,000	-	-	-	1,000,000
Diamond State Port Corporation	10-03-03	2,000,000	-	-	-	2,000,000
Riverfront Development Corporation	10-03-03	2,000,000	-	-	-	2,000,000
<b>Subtotal:</b>		<b>\$ 15,000,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 15,000,000</b>

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
<b>DELAWARE STATE HOUSING AUTHORITY</b>						
Housing Development Fund - Preservation	10-08-01	\$ 2,500,000	\$ -	\$ -	\$ -	\$ 2,500,000
Subtotal:		\$ 2,500,000	\$ -	\$ -	\$ -	\$ 2,500,000
<b>STATE</b>						
Museum Maintenance	20-06-04	\$ 350,000	\$ -	\$ -	\$ -	\$ 350,000
Georgetown Public Library	20-08-01	960,000	-	-	-	960,000
Bridgeville Public Library	20-08-01	500,000	-	-	-	500,000
Subtotal:		\$ 1,810,000	\$ -	\$ -	\$ -	\$ 1,810,000
<b>HEALTH AND SOCIAL SERVICES</b>						
Maintenance and Restoration	35-01-30	\$ 2,750,000	\$ -	\$ -	\$ -	\$ 2,750,000
Subtotal:		\$ 2,750,000	\$ -	\$ -	\$ -	\$ 2,750,000
<b>SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES</b>						
Maintenance and Restoration	37-01-15	\$ 200,000	\$ -	\$ -	\$ -	\$ 200,000
Subtotal:		\$ 200,000	\$ -	\$ -	\$ -	\$ 200,000
<b>CORRECTION</b>						
Maintenance and Restoration	38-01-40	\$ 3,135,400	\$ -	\$ -	\$ -	\$ 3,135,400
Subtotal:		\$ 3,135,400	\$ -	\$ -	\$ -	\$ 3,135,400
<b>NATURAL RESOURCES AND ENVIRONMENTAL CONTROL</b>						
Minor Capital Improvement and Equipment	40-01-01	\$ 600,000	\$ -	\$ -	\$ -	\$ 600,000
Tax/Public Ditches	40-07-02	1,148,700	-	-	-	1,148,700
Beach Preservation	40-07-03	2,150,000	-	-	-	2,150,000
Conservation Cost Share Program	40-07-04	740,000	-	-	-	740,000
Subtotal:		\$ 4,638,700	\$ -	\$ -	\$ -	\$ 4,638,700

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
<b>SAFETY AND HOMELAND SECURITY</b>						
Twin Engine Helicopter Lease/Payment	45-01-01	\$ 2,196,000	\$ -	\$ -	\$ -	\$ 2,196,000
Subtotal:		\$ 2,196,000	\$ -	\$ -	\$ -	\$ 2,196,000
<b>TRANSPORTATION</b>						
Road System	55-05-00	\$ -	\$ -	\$ 131,016,000	\$ -	\$ 131,016,000
Grants and Allocations	55-05-00	-	-	21,750,000	-	21,750,000
Transit System	55-05-00	-	-	15,033,000	-	15,033,000
Support System	55-05-00	-	-	17,313,000	-	17,313,000
Subtotal:		\$ -	\$ -	\$ 185,112,000	\$ -	\$ 185,112,000
<b>FIRE PREVENTION COMMISSION</b>						
Hydraulic Rescue Tools Replacement	75-02-01	\$ 150,000	\$ -	\$ -	\$ -	\$ 150,000
Subtotal:		\$ 150,000	\$ -	\$ -	\$ -	\$ 150,000
<b>UNIVERSITY OF DELAWARE</b>						
Alison Hall Renovations	90-01-01	\$ 3,000,000	\$ -	\$ -	\$ -	\$ 3,000,000
Subtotal:		\$ 3,000,000	\$ -	\$ -	\$ -	\$ 3,000,000
<b>DELAWARE STATE UNIVERSITY</b>						
Minor Capital Improvement and Equipment	90-03-01	\$ 3,000,000	\$ -	\$ -	\$ -	\$ 3,000,000
Subtotal:		\$ 3,000,000	\$ -	\$ -	\$ -	\$ 3,000,000
<b>DELAWARE TECHNICAL AND COMMUNITY COLLEGE</b>						
Collegewide Asset Preservation Program	90-04-01	\$ 1,400,000	\$ -	\$ -	\$ -	\$ 1,400,000
Campus Improvements - Owens Campus	90-04-02	400,000	-	-	-	400,000
Campus Improvements - Stanton/Wilmington Campuses	90-04-05	800,000	-	-	-	800,000
Campus Improvements - Terry Campus	90-04-06	400,000	-	-	-	400,000
Subtotal:		\$ 3,000,000	\$ -	\$ -	\$ -	\$ 3,000,000

SECTION 1 ADDENDUM  
FISCAL YEAR 2010 CAPITAL IMPROVEMENT PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
<b>EDUCATION</b>						
Minor Capital Improvement and Equipment	95-01-01	\$ 7,263,800	\$ -	\$ -	\$ -	\$ 7,263,800
Architectural Barrier Removal	95-01-01	160,000	-	-	-	160,000
Caesar Rodney, Renovate Reily Brown Elementary School (80/20)	95-10-00	945,400	-	-	-	945,400
Caesar Rodney, Renovate W.B. Simpson Elementary School (80/20)	95-10-00	9,283,800	-	-	-	9,283,800
Capital, Central Middle School Gymnasium Replacement and Auditorium Renovation (72/28)	95-13-00	1,231,800	-	-	-	1,231,800
Capital, Construct 600 Pupil Elementary School to Replace South Elementary School (72/28)	95-13-00	1,342,100	-	-	-	1,342,100
Lake Forest, HS Performing Arts Addition and Renovation (80/20)	95-15-00	1,732,300	-	-	-	1,732,300
Lake Forest, Renovate W.T. Chipman Middle School (80/20)	95-15-00	360,700	-	-	-	360,700
Lake Forest, Renovate Lake Forest High School (80/20)	95-15-00	473,500	-	-	-	473,500
Milford, Construct 720 Pupil Elementary School (77/23)	95-18-00	1,674,300	-	-	-	1,674,300
Milford, Land Acquisition for 720 Pupil Elementary School (77/23)	95-18-00	919,400	-	-	-	919,400
Milford, Renovate Lulu Ross Elementary School (77/23)	95-18-00	1,023,900	-	-	-	1,023,900
Milford, Renovate E.I. Morris Early Childhood Center (77/23)	95-18-00	343,500	-	-	-	343,500
Milford, Renovate Milford High School and Site Upgrades (77/23)	95-18-00	949,800	-	-	-	949,800
Smyrna, Renovate and Add to Smyrna High School (80/20)	95-24-00	21,921,300	-	-	-	21,921,300
Smyrna, Construct 600 Pupil Clayton Intermediate School (80/20)	95-24-00	-	3,000,000	-	-	3,000,000
Appoquinimink, Renovate and Add to Middletown High School (73/27)	95-29-00	2,190,500	-	-	-	2,190,500
Appoquinimink, Renovate Cedar Lane Elementary School (73/27)	95-29-00	4,785,700	-	-	-	4,785,700
Appoquinimink, Renovate Redding Middle School (73/27)	95-29-00	555,500	-	-	-	555,500
Appoquinimink, Renovate Meredith Middle School (73/27)	95-29-00	40,300	-	-	-	40,300
Appoquinimink, Brick Mill Elementary School Serving Line (73/27)	95-29-00	56,700	-	-	-	56,700
Appoquinimink, Renovate Silver Lake Elementary School (73/27)	95-29-00	260,600	-	-	-	260,600
Brandywine, Construct 66,000 Sq. Ft. Elementary School - Replace Brandywood Elementary School (60/40)	95-31-00	7,785,900	-	-	-	7,785,900
Brandywine, Demolish Bush School (60/40)	95-31-00	347,500	-	-	-	347,500
Colonial, Renovate and Reconfigure New Castle Middle School (67/33)	95-34-00	1,371,800	-	-	-	1,371,800
Colonial, Renovate Eisenberg Elementary School (67/33)	95-34-00	2,838,600	-	-	-	2,838,600
Colonial, Renovate Colwyck Elementary School (67/33)	95-34-00	3,014,300	-	-	-	3,014,300
Colonial, Renovate John G. Leach School (100% State)	95-53-00	2,678,400	-	-	-	2,678,400
Subtotal:		\$ 75,551,400	\$ 3,000,000	\$ -	\$ -	\$ 78,551,400

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
<b>TWENTY-FIRST CENTURY FUND</b>						
Clean Water State Grant Match	25-01-01	\$ 1,000,000	\$ -	\$ -	\$ -	\$ 1,000,000
Drinking Water State Revolving Fund	25-01-01	1,700,000	-	-	-	1,700,000
Subtotal:		\$ 2,700,000	\$ -	\$ -	\$ -	\$ 2,700,000
<b>GRAND TOTAL:</b>		<b>\$ 155,885,000</b>	<b>\$ 3,000,000</b>	<b>\$ 185,112,000</b>	<b>\$ -</b>	<b>\$ 343,997,000</b>





1           Section 2. Authorization of Twenty-Year Bonds. The state hereby authorizes the issuance of  
 2 bonds, to which the state shall pledge its full faith and credit, such bonds to be issued in such principal  
 3 amount as necessary to provide proceeds to the state in the amount of \$155,885,000 and in the amount of  
 4 \$30,341,288 local share of school bonds. Bonds authorized to be used by this Section shall mature not  
 5 later than 20 years from their date of issuance. The proceeds of such bonds, except for local share of  
 6 school bonds, are hereby appropriated for a portion of the purposes set forth in the Section 1 Addendum of  
 7 this Act and summarized as follows:

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>		
Office of Management and Budget	\$36,253,500		
Delaware Economic Development Office	15,000,000		
Delaware State Housing Authority	2,500,000		
Department of State	1,810,000		
Department of Health and Social Services	2,750,000		
Department of Services for Children, Youth and Their Families	200,000		
Department of Correction	3,135,400		
Natural Resources and Environmental Control	4,638,700		
Department of Safety and Homeland Security	2,196,000		
Fire Prevention Commission	150,000		
University of Delaware	3,000,000		
Delaware State University	3,000,000		
Delaware Technical and Community College	3,000,000		
Twenty-First Century Fund	2,700,000		
Department of Education	75,551,400		
<u>Purpose</u>	<u>State Share</u>	<u>Maximum Local Share</u>	<u>Total Cost</u>
Minor Capital Improvement and Equipment	\$ 7,263,800	\$ 4,035,588	\$11,299,388

1	Architectural Barrier Removal	160,000	106,700	266,700
2	Brandywine, Replace Brandywood ES (60/40)	7,785,900	5,190,500	12,976,400
3	Brandywine, Demolish Bush School (60/40)	347,500	231,600	579,100
4	Brandywine, Transportation Facility (Local Only)		3,079,000	3,079,000
5	Colonial, Renovate and Reconfigure			
6	New Castle MS (67/33)	1,371,800		1,371,800
7	Colonial, Renovate John G. Leach School (100% State)	2,678,400		2,678,400
8	Colonial, Renovate Eisenberg ES (67/33)	2,838,600	1,398,100	4,236,700
9	Colonial, Renovate Colwyck ES (67/33)	3,014,300	1,484,700	4,499,000
10	Appoquinimink, Renovate and Add to HS (73/27)	2,190,500	810,200	3,000,700
11	Appoquinimink, Renovate Cedar Lane ES (73/27)	4,785,700	1,770,000	6,555,700
12	Appoquinimink, Renovate Redding MS (73/27)	555,500	205,500	761,000
13	Appoquinimink, Renovate Meredith MS (73/27)	40,300	14,900	55,200
14	Appoquinimink, Brick Mill ES (73/27)	56,700	21,000	77,700
15	Appoquinimink, Renovate Silver Lake ES (73/27)	260,600	96,400	357,000
16	Caesar Rodney, Renovate Reily Brown ES (80/20)	945,400	236,300	1,181,700
17	Caesar Rodney, Renovate W.B. Simpson ES (80/20)	9,283,800	2,321,000	11,604,800
18	Capital, Central MS Gym Replacement (72/28)	1,231,800	479,000	1,710,800
19	Capital, Construct 600 Pupil ES (72/28)	1,342,100	521,900	1,864,000
20	Smyrna, Renovate and Add to HS (80/20)	21,921,300	5,480,300	27,401,600
21	Smyrna, Construct 600 Pupil IS (80/20) (Local Only)		750,000	750,000
22	Lake Forest, Performing Arts Addition HS (80/20)	1,732,300	433,100	2,165,400
23	Lake Forest, Renovate W.T. Chipman MS (80/20)	360,700	90,200	450,900
24	Lake Forest, Renovate Lake Forest HS (80/20)	473,500	118,300	591,800
25	Milford, Construct 720 Pupil ES (77/23)	1,674,300	500,200	2,174,500
26	Milford, Land Acquisition for New ES (77/23)	919,400	274,600	1,194,000

1	Milford, Renovate Lulu Ross ES (77/23)	1,023,900	305,800	1,329,700
2	Milford, Renovate E.I. Morris ES (77/23)	343,500	102,600	446,100
3	Milford, Renovate Milford HS (77/23)	949,800	283,800	1,233,600
4	Subtotal	\$75,551,400	\$30,341,288	\$105,892,688
5			<b>TOTAL</b>	<b><u>\$155,885,000</u></b>

6 Section 3. Transfers to the State Treasurer's School Bond Reversion Account.

7	Project	Appropriation Code	Amount
8	<u>Project</u>		
9	Civic Center	2006-10-03-03-7602	\$2,000,000.00
10	Civic Center	2007-10-03-03-7702	1,000,000.00
11		<b>TOTAL</b>	<b><u>\$3,000,000.00</u></b>

12 Section 4. Transfers from the State Treasurer's School Bond Reversion Account.

13 Notwithstanding the provisions of any other state law, the State Treasurer shall transfer, as funds become  
14 available, the sum of \$3,000,000 from the State Treasurer's School Bond Reversion Account (94-12-05-  
15 03-8102) to the following department in the following amount for the purpose set forth in the Section 1  
16 Addendum to this Act:

17	<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
18	Department of Education	
19	(Smyrna, Construct 600 Pupil Clayton Intermediate School)	\$3,000,000
20		<b>TOTAL</b>
		<b><u>\$3,000,000</u></b>

21 Section 5. Continuing Appropriations. For the fiscal year ending June 30, 2009, any sums in the  
22 following accounts shall remain as continuing appropriations and shall not be subject to a reversion until  
23 June 30, 2010.

24	<u>Fiscal Year</u>	<u>Account Codes</u>	<u>Remarks</u>
25	<u>Appropriation</u>		
26	2006	01-08-02-0879	Bio Tech
27	2006	01-08-02-0891	Leg Hall Improvements
28	2006	02-17-01-0805	COTS
29	2007	10-02-05-0813	Local Law
30	2004/06	10-02-05-0814	Technology Fund
31	2007	10-02-05-0823	Vehicle Equipment

1	2008	10-02-05-8501	ERP
2	2007	10-02-06-0800	Advanced Planning
3	2006	10-02-06-7700	Advanced Planning
4	2006	10-02-50-0821	Darley House
5	2005	10-02-50-0848	Bacon Site
6	2005	10-02-50-0878	Vets Home
7	2005	10-02-50-0882	Facilities Space Study
8	2005	10-02-50-0886	STARC Headquarters
9	2007	10-02-50-0892	Judicial Security
10	2006	10-02-50-0893	Firing Range
11	2006	10-02-50-0895	Townsend Bldg
12	2006	10-02-50-0896	Holloway Campus Plan
13	2006	10-02-50-0909	NC Arsenal
14	2005	10-02-50-7511	Kent County Courthouse
15	2006	10-02-50-7604	Townsend Bldg
16	2006	10-02-50-7605	Capital Parking
17	2006	10-02-50-7607	Howard R. Young Center
18	2006	10-02-50-7611	Kent County Courthouse
19	2007	10-02-50-7706	Stockley Medical Center
20	2007	10-02-50-7711	Kent County Courthouse
21	1999	10-03-03-0805	Dover Civic Center
22	2005	10-03-03-0805	Delaware Civic Center
23	2001	10-03-03-0821	High Tech Business Incubator
24	2002	10-03-03-7212	DSU High Tech Incubator
25	2003	10-03-03-7311	DSU High Tech Incubator
26	2006	10-03-03-7601	Runway Ext
27	2006	10-03-03-7611	High Technology Incubator
28	2007	10-03-03-7702	Dover Civic Center
29	2002	12-05-03-0888	GF Cap Reprogramming
30	1994	12-05-03-8101	Agency Reversions
31	1994	12-05-03-8102	School Reversions
32	2007	20-03-01-0801	Rev War Monument
33	2001	20-08-01-0802	Georgetown Library
34	2005	20-08-01-0817	Seaford Library
35	2005	20-08-01-0818	Kirkwood Library
36	1996	20-08-01-6616	North Wilmington Library
37	2002	20-08-01-7217	Seaford Library
38	2002	20-08-01-7219	Harrington Library
39	2003	20-08-01-7312	Seaford Library
40	2007	20-08-01-7720	Coastal Library
41	2007	20-08-01-7721	Dover Library
42	2007	20-08-01-7722	Kirkwood Library
43	2007	20-08-01-7723	NCC South
44	2007	20-08-01-7724	NCC Bear
45	2007	25-01-01-0819	ERP
46	2005	35-05-20-0810	Fluoridation
47	2007	35-10-01-0801	DASCES IV
48	2007	40-01-01-0802	MCI
49	2006	40-01-01-0879	Energy Efficiency
50	2004/05	40-05-02-0803	Dams/Water Control
51	2007	40-06-02-0804	Park Rehabilitation
52	2006	40-06-02-7612	DE Seashore Enhancements
53	2006	40-06-02-7613	State Park Facilities
54	2006/07	40-07-02-0802	Tax/Public Ditches

1	2006	40-07-02-0806	Little Mill
2	2007	40-07-02-0807	Retention Ponds
3	2003	40-07-02-7312	Resource, Conservation & Dev
4	2006	40-07-03-0802	Beach Preservation
5	2007	40-07-03-0807	Lewes Facility
6	2007	40-07-04-0801	Conservation Cost Share
7	2001/04/05	40-08-01-0801	Wilmington Sewer
8	2008	40-08-01-8026	CSO
9	2006/07	40-08-07-0801	Red Clay Study
10	2006	40-08-07-0802	Center for Inland Bays
11	2005	40-09-03-0819	HM/Eden Park Remediation
12	2006	65-01-01-0608	Conservation Reserve
13	2002	90-03-01-7217	Technology Building
14	2006	90-04-04-7611	Stanton Campus Expansion
15	2005	90-04-05-0809	Stanton Campus Expansion
16	2007	90-04-05-7710	Stanton Campus Expansion
17	2006	95-01-01-7601	Tech Prep
18	2007	95-15-00-0872	MCI
19	2007	95-15-00-7710	600 Pupil ES
20	2007	95-17-00-7710	1600 Pupil HS
21	2006	95-23-00-7612	West Seaford ES
22	2006	95-23-00-7613	Seaford HS
23	2007	95-24-00-7712	600 Pupil ES
24	2007	95-24-00-7713	Smyrna MS
25	2005	95-29-00-0884	Market Pressure
26	2007	95-29-00-0892	Market Pressure
27	2006	95-29-00-7620	1600 Pupil HS
28	2007	95-29-00-7713	Renovate District Office
29	2007	95-29-00-7719	Construct 1000 Pupil MS
30	2005	95-31-00-0884	Market Pressure 600 Pupil ES
31	2007	95-31-00-0892	Market Pressure Matching Fund
32	2006	95-31-00-7636	Market Pressure New ES
33	2006	95-31-00-7637	Market Pressure Construct ES
34	2007	95-31-00-7717	Renovate PS DuPont HS
35	2007	95-31-00-7718	Construct 600 Pupil ES
36	2007	95-31-00-7719	Renovate Springer MS
37	2007	95-31-00-7720	Renovate District Offices
38	2005	95-32-00-0832	Dickinson HS Field
39	2005	95-32-00-7510	Thomas McKean HS
40	2005	95-32-00-7513	Dickinson HS
41	2006	95-32-00-7618	Marbrook ES
42	2006	95-32-00-7619	Stanton MS
43	2006	95-32-00-7622	Skyline MS
44	2006	95-32-00-7623	Heritage ES
45	2006	95-32-00-7629	Renovate Lewis MS
46	2006	95-32-00-7631	Renovate HB Dupont MS
47	2006	95-32-00-7634	Richardson ES
48	2007	95-32-00-7724	Ren Telegraph Rd
49	2007	95-32-00-7726	Renovate Wilmington Campus
50	2007	95-32-00-7731	Renovate HB Dupont MS
51	2006/07	95-33-00-0872	MCI
52	2006/07	95-33-00-0873	MCI/VE
53	2005	95-33-00-7516	840 Pupil ES
54	2006	95-33-00-7523	Portable Classrooms

1	2005	95-33-00-7524	Autism Expansion
2	2005	95-33-00-7525	Christiana HS
3	2005	95-33-00-7527	Drew Pyle
4	2005	95-33-00-7529	Wilson ES
5	2005	95-33-00-7531	New ES
6	2006	95-33-00-7532	New MS
7	2006	95-33-00-7616	840 Pupil ES
8	2006	95-33-00-7621	800 Pupil MS
9	2006	95-33-00-7625	Christiana HS
10	2006	95-33-00-7628	Maclary ES
11	2006	95-33-00-7629	Wilson ES
12	2006	95-33-00-7630	Downes ES
13	2007	95-34-00-7721	New Castle MS
14	2003	95-36-00-7312	Frankford ES
15	2006	95-36-00-7313	Showell ES
16	2004	95-36-00-7419	Indian River HS
17	2005	95-36-00-7512	Renovate Frankford ES
18	2005	95-36-00-7519	Renovate HS
19	2006	95-36-00-7612	Frankford ES
20	2006	95-36-00-7619	Indian River HS
21	2007	95-36-00-7725	Renovate Ed Complex
22	2007	95-36-00-7726	Georgetown ES
23	2007	95-36-00-7727	Selbyville MS
24	2007	95-36-00-7728	Long Neck ES
25	2005	95-37-00-7510	Classroom Additions
26	2007	95-37-00-7712	Cafeteria Expansion
27	2007	95-37-00-7713	Classroom Addition
28	2007	95-40-00-7710	Sewer Connection
29	2007	95-40-00-7713	Replace Modular Classrooms
30	2006	95-51-00-7610	Replace Sterck
31	2007	95-51-00-7710	Replace Sterck
32			

33           Section 6. Abandoned Property. For the fiscal year ending June 30, 2010, 29 Del. C. § 6102(s)  
34 shall be waived.

35           Section 7. Open Space Funding. Notwithstanding the provisions of 30 Del. C., c. 54, § 5423  
36 (b)(2) and § 5423 (c)(1), at the close of Fiscal Year 2010, the State shall transfer \$900,000 of realty  
37 transfer taxes to the Endowment Account in the Delaware Land and Water Conservation Trust Fund and  
38 \$5,100,000 of realty transfer taxes to the Project Account in the Delaware Land and Water Conservation  
39 Trust Fund.

40           Section 8. Farmland Preservation Funding. Notwithstanding the provisions of 30 Del. C. c. 54 §  
41 5426, for the fiscal year ending June 30, 2010, the State shall transfer \$6,000,000 of realty transfer taxes to  
42 the Farmland Preservation Fund maintained under 3 Del. C. c. 3.

1           Section 9. Resource, Conservation and Development Transfers - Project Funds Transfer from Prior  
2 Fiscal Years to Fiscal Year 2010. Within the same county, any Twenty-First Century funds or match  
3 remaining from completed projects as authorized as part of the Twenty-First Century Resource,  
4 Conservation and Development (RCD) project list pursuant to prior appropriations may be utilized for RCD  
5 projects in the Fiscal Year 2010 list of projects approved as part of the Fiscal Year 2010 Capital  
6 Improvements Act.

7           Section 10. Conservation Districts – Federal Acquisition Regulations. Conservation Districts shall  
8 not be required to follow the provisions of the Federal Acquisition Regulations unless specifically required  
9 under a contract(s) with a federal agency or federal grant. If the Conservation Districts are required to  
10 follow subpart 31.2 of the Federal Acquisition Regulations, then the Conservation District(s) are hereby  
11 authorized to charge an additional ten percent to their overhead cost rate to enable the Conservation  
12 District(s) to continue to fulfill their statutory duties and responsibilities.

13           Section 11. Conservation Districts – Rollover of Funds. If projects are discontinued and have 21<sup>st</sup>  
14 Century funding associated with them, the associated 21<sup>st</sup> Century funding would remain within the  
15 Conservation District from which the project originated and would roll over as new Fiscal Year 2010 funds  
16 for allocation among the remaining projects within that Conservation District.

17           Section 12. First State Preservation Revolving Fund, Inc. For Fiscal Year 2010, First State  
18 Preservation Revolving Fund, Inc. may continue to expend for administrative expenses the interest  
19 generated by the Community Redevelopment Fund appropriations of \$250,000 in each of Fiscal Years 1999  
20 and 2000.

21           Section 13. Downtown Milford Inc. Any Community Redevelopment Fund appropriations to  
22 Downtown Milford Inc.- Structural and Façade Improvements may be used for private businesses and  
23 residences, as well as, institutional residences provided said properties are within the Downtown Milford  
24 project area.

1           Section 14. Laurel Redevelopment Corporation. Any proceeds from the sale of property funded in  
2 whole or in part from Community Redevelopment Fund grants to Laurel Redevelopment Corporation shall  
3 be reinvested in the Medical Center project.

4           Section 15. 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 to the  
6 Director of the Office of Management and Budget and Controller General on all incomplete projects that  
7 are wholly or partially funded with state and/or local funds, including bond funds. The format and  
8 information required in these quarterly reports shall include, but not be limited to, expenditures of both  
9 bond and cash funds. The report format will be developed by the Office of Management and Budget and  
10 include information as needed by the Department of Finance, Treasurer's Office and Office of Management  
11 and Budget to anticipate cash and bond requirements for the upcoming fiscal year.

12           Section 16. Notification. The Director of the Office of Management and Budget and Controller  
13 General shall notify affected state agencies and other instrumentalities of the State as to certain relevant  
14 provisions of this Act. Additionally, the Director of the Office of Management and Budget and Controller  
15 General shall notify the President Pro Tempore of the Senate and the Speaker of the House as to any  
16 legislative appointments required by this Act.



1 **OFFICE OF MANAGEMENT AND BUDGET**

2 Section 17. Construction Management. Notwithstanding any other State law, the Office of  
3 Management and Budget (OMB) shall be responsible for the design and construction of all the projects  
4 listed under Office of Management and Budget in the Section 1 Addendum of this Act. For those projects  
5 that are solely for the purchase of equipment, including projects that are funded in any MCI and Equipment  
6 line or any MCI line, OMB shall transfer the appropriate funding necessary to purchase the equipment to  
7 the agency for which the equipment is being purchased. The appropriate amount of funding shall be  
8 determined and agreed to by OMB and the agency for which the equipment is being purchased by  
9 September 1 of each fiscal year. For those projects for which the appropriation is passed to an entity and  
10 for which the State is not a party to the construction contract, OMB shall provide technical assistance.

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

20 (b) The use of Minor Capital Improvement and Equipment funds in order to ensure completion of a  
21 Major Capital Improvement project involving construction of a new facility is prohibited unless the use of  
22 such funds are necessary due to a legal settlement or emergency or unforeseen conditions as determined by  
23 the Director of the Office of Management and Budget, the Controller General and the Co-Chairs of the Joint  
24 Legislative Committee on the Capital Improvement Program.

25 (c) A quarterly status report shall be submitted to the Controller General on all incomplete projects.

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

5 Section 18. Judicial Construction Oversight. It is the intent of the General Assembly that a nine-  
6 member Executive Committee be created to oversee construction of new or major renovation of judicial  
7 facilities. The Executive Committee shall include two members of the Legislature appointed by the Co-  
8 Chairs of the Joint Legislative Committee on the Capital Improvement Program; the respective Chairs of  
9 the House and Senate Judiciary Committees; two members of the Judiciary as appointed by the Chief  
10 Justice; and three members of the Executive Department to include the Director of Facilities Management,  
11 the Director of the Office of Management and Budget and their designee. The Executive Committee shall  
12 work in conformation with existing construction oversight guidelines as written in Section 17 of this Act.  
13 The Executive Committee is hereby empowered to:

14 (a) Select appropriate professionals necessary to program, site, design, construct, furnish and equip  
15 the facility;

16 (b) Provide such oversight to ensure that the final facility provides optimal security and  
17 incorporates maximum operational efficiencies both within the Judiciary and in conjunction with other  
18 criminal justice agencies;

19 (c) Ensure that new construction and/or renovations are completed on schedule; and

20 (d) Ensure that the cost of new construction and/or renovations does not exceed the authorized  
21 budget.

22 This section shall apply to the following projects: Kent County Courthouse/O'Brien Building;  
23 Sussex County Family Court; Kent County Family Court and any Judicial construction or renovation  
24 project requested by either the Judicial Branch or recommended by the Office of Management and Budget  
25 for the Judicial Branch where the total project cost estimate exceeds \$10,000,000.

1           Section 19. Minor Capital Improvement and Equipment Supplement - Office of Management and  
2 Budget. Notwithstanding the provisions of any other State law to the contrary, not more than \$250,000 may  
3 be expended to enter into contractual agreements for project representatives and associated administrative  
4 support to ensure adequate oversight of State construction projects. The Director of the Office of  
5 Management and Budget is directed to provide an itemized budget for this amount to the Controller General  
6 by August 1, of each fiscal year, and expenditure reports to the Controller General by December 1 and June  
7 1 of each fiscal year.

8           Section 20. New Castle County Courthouse. Notwithstanding any law or local government  
9 ordinance, resolution, or any deed restrictions to the contrary, the Director of the Office of Management and  
10 Budget shall designate the name of any state-owned or state-operated courthouse or other judicial building  
11 or facility in New Castle County purchased, constructed, or improved by funds appropriated pursuant to an  
12 Act of the General Assembly and shall have the sole authority to approve or disapprove the placement of  
13 any statues or memorials in or on the grounds of such courthouse or judicial building of facility.

14           Section 21. Belvedere State Service Center Project. Notwithstanding any State laws to the  
15 contrary, funds received from tenants in the Belvedere State Service Center shall be used by the Office of  
16 Management and Budget for the maintenance and operation of the center.

17           Section 22. COTS. The Section 1 Addendum to 75 Del. Laws, c. 98 appropriated funding to the  
18 Technology Fund in the Office of Management and Budget for the COTS Integrated Case and Financial  
19 Management System. Of said appropriation transferred to the Judiciary for COTS, up to \$645,000 may be  
20 used for personnel costs and contractual services expenses associated with providing additional personnel  
21 coverage for positions assigned to the COTS project in order to continue court operations. Eligible  
22 expenses for providing such personnel coverage include, but are not limited to, temporary promotion, dual  
23 incumbency, casual/seasonal assistance, contracting temporary personnel services and overtime service  
24 subject to the processes outlined under applicable State laws, rules, policy and/or procedures.

25           Section 23. 800 MHz. Notwithstanding 29 Del. C. c. 69 or any other statutory provision to the  
26 contrary, the Office of Management and Budget may use design/build project delivery methodology for the

1 purpose of constructing 800 MHz transmission towers. To enable the use of design/build methodology to  
2 construct 800 MHz transmission towers, all provisions of 29 Del. Code § 6962 are waived with the  
3 exception of those sections of § 6960 related to prevailing wage rates. Funds appropriated for the  
4 construction of the 800 MHz towers may be used to reimburse the Office of Management and Budget for all  
5 expenditures associated with the management of the design/build RFP process, including the hiring of a  
6 consultant, and management of the tower construction project(s).

7 Section 24. Kent County Courthouse Construction. It is the intent of the General Assembly that  
8 the Office of Management and Budget shall have the authority to develop and implement procedures and a  
9 methodology to engage a Construction Manager at Risk for all phases of the Kent County Courthouse  
10 Project including the construction of any required parking facilities. To enable the engagement of a  
11 Construction Manager at Risk, all provisions of 29 Del. C. c. 69 are hereby waived with the exception of §  
12 6960 related to prevailing wage.

13 Section 25. New Castle County Detention Center. The funds remaining in Fiscal Year 2005  
14 appropriation 10-02-50-0882 shall be used for the Heating, Ventilating and Air Conditioning project for the  
15 New Castle County Detention Center.

16 Section 26. Delaware Health Information Network. The Section 1 Addendum to this Act  
17 appropriates \$2,500,000 for the Delaware Health Information Network. As a joint initiative between  
18 private, federal and state funds, the \$2,500,000 shall be utilized to support the development of an  
19 interoperable network to exchange clinical information among all healthcare providers across the state to  
20 improve patient outcomes and patient-provider relationships. The system shall be designed to allow patient  
21 clinical information to be shared across all healthcare facilities and organizations and across public and  
22 private sectors. Prior to the disbursement of funds, the Delaware Healthcare Commission, working in  
23 conjunction with the Delaware Health Information Network (DHIN), shall provide the following:

- 24 (a) A firm written commitment, on a dollar for dollar draw basis, that demonstrates a matching  
25 contribution from non-state sources (not including federal funds) to the Director of the Office  
26 of Management and Budget and the Controller General. The matching commitment for

1 accessing said state funds in the aggregate shall be a minimum of \$2,500,000 from non-state  
2 sources (not including federal funds);

3 (b) A budget that outlines the expenditure for the \$2,500,000 state appropriation including a  
4 breakdown of categories (personnel/contractual services/supplies, etc);

5 (c) A total project budget over multiple years that includes funding allocations detailing federal,  
6 private and state requested amounts; and

7 (d) A plan for staffing this initiative through contractual dollars.

8 The Delaware Health Care Commission is hereby authorized to establish interest-bearing special  
9 fund accounts for the purposes of receiving private matching funds, donations, gifts and other such funds  
10 for use in implementing DHIN. The Delaware Health Care Commission may accept such restrictions as the  
11 grantor(s) may impose; however, that no such restrictions contravene the laws of the State. These accounts  
12 shall be subject to audit by the State Auditor.

13 Section 27. Property on 900 King Street. During the fiscal year ending June 30, 2010, the Office  
14 of Management and Budget shall have an appraisal completed by a licensed, Delaware appraiser on the  
15 state-owned property located at 900 King Street in Wilmington (tax parcel number 26.035.20.121). The  
16 property may be listed for sale at the appraised value and any proceeds resulting from said sale shall be  
17 deposited to the General Fund. For the purposes of this sale, the requirements of 29 Del. C. c. 94 shall not  
18 apply.

19 Section 28. Sale of Surplus Property. Notwithstanding the provisions of any law to the contrary,  
20 the Director of the Office of Management and Budget is authorized to solicit buyers for, and negotiate the  
21 sale of, state-owned property. The Director of the Office of Management and Budget must receive  
22 approval from the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program  
23 prior to proceeding to sale. For the sale of properties, the Director of the Office of Management and  
24 Budget is authorized to solicit buyers directly, use public advertisement, auction, reverse auction, sealed  
25 bids, and/or issue requests for proposal. During Fiscal Year 2010, the Director of the Office of  
26 Management and Budget may identify state-owned real property that, with the concurrence of the co-

1 chairs of the Joint Legislative Committee on the Capital Improvement Program and the Controller  
2 General, may be sold pursuant to the provisions of this section.

3 Section 29. Capitol Parking. It is the intent of the General Assembly that the Office of  
4 Management and Budget may use funds previously appropriated for Capitol Parking/Security in the Section  
5 1 Addendum to 75 Del. Laws, c. 98 for the construction of the Kent County Courthouse and for the  
6 development and construction of parking required by the City of Dover to obtain a Certificate of Occupancy  
7 for the expanded Kent County Courthouse. The Office of Management and Budget may expand the scope  
8 of the contract for the construction of the Kent County Courthouse to include all required parking and may  
9 use design/build project delivery methodology to expedite completion of a parking structure, garage or  
10 other means to provide the required number of new parking spaces. The Office of Management and Budget  
11 shall evaluate all state-owned sites in and around the Capital Complex for the development of Courthouse-  
12 related parking, and may also enter into an agreement with the City of Dover to construct the required  
13 parking on city-owned land if that option is found to be advantageous to both the city and state. All  
14 provisions of 29 Del. C. c. 69 are hereby waived, with the exception of § 6960 related to prevailing wage  
15 rates, for construction of parking associated with the Kent County Courthouse project.

16 Section 30. Card Access Security Systems. Notwithstanding any other law to the contrary, the  
17 Office of Management and Budget (OMB), Department of Safety and Homeland Security (DSHS), and the  
18 Department of Technology and Information (DTI) shall jointly develop and maintain specifications and  
19 standards for card access security systems for all state facilities. Security system communications using  
20 State infrastructure will observe enterprise standards and policies as defined by DTI pursuant to 29 Del. C.  
21 c. 90C. The specifications and standards shall enable a single-card security solution for all facilities,  
22 require the ability for concurrent central and local administration of all card access functions, and shall  
23 include a registry of approved access cards, card readers, hardware, and security software solutions not  
24 limited to any one manufacturer or supplier. Before a state agency may install a new card access security  
25 system or modify an existing system, the agency shall obtain the approval of the OMB, DSHS, and DTI.

1 **DELAWARE ECONOMIC DEVELOPMENT OFFICE**

2 Section 31. Composites Research. The Delaware Economic Development Office is authorized to  
3 provide a match of up to \$100,000 to the University of Delaware Center for Composite Materials for  
4 federal research grants received that support the development and application of composite manufacturing  
5 technology for the benefit of Delaware companies. Such match shall be disbursed from the Strategic Fund  
6 upon documentation of the receipt of federal funds allocated to the Center during the fiscal year for these  
7 purposes and upon documentation of the relevance of these research projects to Delaware industries' needs  
8 and their participation within said projects.

9 Section 32. Delaware Industrial Park. The Delaware Economic Development Office is hereby  
10 prohibited from locating any operation that involves the use of hazardous materials at the former Helix  
11 Synthesis Technologies site within the Delaware Industrial Park. Hazardous materials are defined as any  
12 material of a gaseous, liquid or solid form that has the potential to cause temporary or permanent harm to  
13 humans or the environment.

14 Section 33. Diamond State Port Corporation. The Section 1 Addendum to this Act contains an  
15 appropriation of \$2,000,000 for the Diamond State Port Corporation. The expenditure of these funds shall  
16 be subject to the review and approval of the Board of Directors of the Diamond State Port Corporation  
17 (DSPC). In addition, the DSPC may borrow, on an interest-free basis, \$2,000,000 of this authorization to  
18 meet its short term operating expenses during Fiscal Year 2010.

19 Section 34. Transportation Worker Identification Credentials. The Diamond State Port  
20 Corporation shall pay for the initial employee fee associated with obtaining the Transportation Worker  
21 Identification Credentials (TWIC) cards for full and part time employees. Casual workers will initially pay  
22 for their TWIC card and if they become a full or part time employee of the Diamond State Port Corporation  
23 the cost of originally obtaining a TWIC card will be reimbursed to said employee.

24 Section 35. Kalmar Nyckel. Until such time as all loans receivable by the Riverfront Development  
25 Corporation of Delaware from the Kalmar Nyckel Foundation are paid in full to the satisfaction of the  
26 Riverfront Development Corporation, the scheduling of the Kalmar Nyckel by non-state entities shall

1 require the approval of the Riverfront Development Corporation. Further, the Riverfront Development  
2 Corporation is encouraged to enter into negotiations with interested parties to review the disposition of  
3 loans to the Kalmar Nyckel.

4 Section 36. Transportation Property Disposition. The proceeds from the future sale of parcels of  
5 land the Department of Transportation acquired on Beech Street in the City of Wilmington and Delmarva  
6 Properties located in the Wilmington Riverfront area shall be deposited to the Transportation Trust Fund.

7 Section 37. Council on Development Finance. If the Delaware Economic Development Office  
8 (DEDO) makes an award not in agreement with the recommendations of the Council on Development  
9 Finance (CDF), the Director of the Economic Development Office shall notify the co-chairs of the Joint  
10 Legislative Committee on Capital Improvements within 10 business days. The notification shall include  
11 details of the actual award, the Council recommendations on the proposal, and a justification for why the  
12 Economic Development Office did not follow the recommendations of the Council.

13 Section 38. DuPont Innovation Center Partnership Program. The State of Delaware and DuPont  
14 shall establish a partnership program to begin the transformation of DuPont's Experimental Station Labs  
15 into the DuPont Innovation Center. The purpose of this transformation is to support DuPont's commitment  
16 to Experimental Station Labs as its primary global research and development facility and to provide an  
17 impetus for future growth of aligned and supporting industries across the State and region. This partnership  
18 will require DuPont to make capital investments of \$80 million at Experimental Station Labs through 2009.  
19 DuPont will also be required to provide, over the next 5 years free of charge, 250 patents and proprietary  
20 technology packages to the Delaware Emerging Technology Center as part of the State's New Economy  
21 Initiative. DuPont will also collaborate with the State of Delaware to develop a Delaware Biotechnology  
22 Program for High School Students at Experimental Station Labs, consisting of at least 6 interactions per  
23 year beginning in calendar year 2006 through calendar year 2009. DuPont will be required to complete  
24 total capital investments of \$20 million at Experimental Station Labs by June 30, 2007, an additional \$20  
25 million at Experimental Station Labs by December 31, 2008 and an additional \$40 million at Experimental  
26 Station Labs by December 31, 2009 for a total of \$80 million in capital investments. This partnership



1 program will require DuPont to report its capital expenditures to the Delaware Economic Development  
2 Office within 30 days of each capital investment completion deadline and shall be subject to a grant  
3 agreement and remediation provisions deemed appropriate by the Development Office.

4 Section 39. New Markets Tax Credit Program. In the event that the Director of the Delaware  
5 Economic Development Office or the Director of the Delaware State Housing Authority and the Secretary  
6 of Finance determine that it is advisable to apply for participation in the New Markets Tax Credit Program  
7 under the U.S. Treasury Department, the Director is authorized to form a business entity or organization to  
8 apply for and manage this program on behalf of the State, as required by applicable federal legislation and  
9 regulations. Any such application for said program shall be subject to the approval of the Co-Chairs of the  
10 Joint Legislative Committee on the Capital Improvement Program and the Delaware State Clearinghouse  
11 Committee. Should such application receive final approval by the U.S. Treasury Department or other  
12 federal governmental entity charged with such authority, at least one public hearing shall be held for the  
13 purpose of presenting the program, the availability of financial assistance and the selection process and the  
14 Director of the Delaware State Housing Authority shall notify, by certified and regular mail, any State  
15 senators and representatives in whose districts any development project may be located, upon the  
16 submission of a request for financing and a decision to provide financing for such development pursuant to  
17 the New Market Tax Credit Program. In addition, the Housing Director shall so notify the Chief Executive  
18 Office of any local government in whose jurisdiction any development will be located.

19 Section 40. Riverfront Development Corporation Board. The composition of the board of directors  
20 of the Riverfront Development Corporation of Delaware as established by the 70 Del. Laws, c. 210 is  
21 hereby amended to provide for eight members to be appointed by the Governor, with one of those members  
22 being appointed chair.

23 Section 41. Kent County Levy Court Local Lodging Tax. Kent County Levy Court may issue up  
24 to \$20,000,000 in general obligation bonds for the Dover Civic Center with the resulting debt service to be  
25 paid from the annual operating revenues of the Center. Should the annual operating revenues of the Center  
26 be insufficient at any time during the debt repayment period to cover principal and interest payments, the

1 Levy Court shall be authorized to impose, by duly enacted ordinance, a local lodging tax for any room or  
2 rooms in a hotel, motel or tourist home, as defined in 30 Del. C. § 6101, in an amount sufficient to repay  
3 any principal and interest deficits not covered by Center revenues for the period for which such deficiency  
4 exists. The Levy Court, in consultation with the State Treasurer and Secretary of Finance, shall establish  
5 the rate and duration of any necessary levy. The Levy Court’s authority to levy said hotel tax shall sunset  
6 upon repayment of all principal and interest associated with the bond issuance.

7 Section 42. Fraunhofer Vaccine Development. The Section 1 Addendum to this Act appropriates  
8 \$1,000,000 for Fraunhofer Vaccine Development. It is the intent of the General Assembly and the  
9 Administration that said funds represent the fourth year of a five-year commitment by the State of  
10 Delaware to leverage a 2:1 matching grant of \$10,000,000 from Fraunhofer USA. Further, up to one-third  
11 of the aggregated state match shall be used to increase the capacity of Delaware farmers to participate in  
12 the commercial raising of plants for the production of biopharmaceuticals.

13 Section 43. Emerging Technology Center. Notwithstanding any other law to the contrary, funds  
14 appropriated to the Delaware Economic Development Office for the Emerging Technology Center,  
15 pursuant to 74 Del. Laws, c. 308 § 36(c), shall be expended by the Delaware Economic Development  
16 Office for the purpose of operating the Delaware Emerging Technology Center (“ETC”). Operating  
17 expenses may include, but are not limited to ETC software licensing agreements; patent maintenance fees;  
18 Delaware sponsored ETC investor forums, businesses plan competitions and conferences, marketing  
19 campaigns; and Intellectual Property Business Creation program implementation initiatives.

20 Section 44. Riverfront Development Corporation. (a) Funds appropriated for the Riverfront  
21 Development Corporation shall be disbursed to a special fund to be known as the Riverfront Development  
22 Corporation Fund hereinafter referred to as the Fund.

23 (b) The Fund shall be invested by the State Treasurer in securities consistent with the policies  
24 established by the Cash Management Policy Board. All monies generated by the Fund shall be deposited  
25 in the Fund.

26 (c) Funds appropriated to the Delaware Economic Development Office for the Riverfront

1 Development Corporation of Delaware (RDC) shall be expended only with the approval of the board of  
2 directors of the RDC. Funds may only be expended for activities related to the redevelopment of the  
3 Brandywine and Christina riverfront areas, including: planning and design studies; the acquisition,  
4 construction and improvement of real property; environmental remediation; costs of operations and  
5 administration; conversion of the Bank One Center to a conference center; debt service; and other  
6 expenses in furtherance of the mission of the RDC.

1 **DELAWARE STATE HOUSING AUTHORITY**

2 Section 45. Housing Preservation. The Section 1 Addendum to this Act appropriates \$2,500,000  
3 for Housing Development Fund - Preservation (10-08-01). It is the intent of the General Assembly and the  
4 Administration that said funds are to be used to leverage other funding sources, such as Low Income  
5 Housing Tax Credits (LIHTC) and tax-exempt bonds to help renovate and improve existing federally  
6 subsidized housing stocks in Delaware. The renovations may secure \$22 million in federal Housing  
7 Assistance Payment (HAP) rental subsidy funds over the next 30 years. The Director of the Delaware State  
8 Housing Authority shall report to the Controller General and the Director of the Office of Management and  
9 Budget no later than April 30, 2010 on the expenditure of the Housing Development Fund - Preservation  
10 funds appropriated in Section 1 Addendum to this Act. Said report shall also include the amount and  
11 expenditure of any non-state funds received by the State for said Housing Preservation projects.

1 **DEPARTMENT OF TECHNOLOGY AND INFORMATION**

2 Section 46. 800MHz. Any provision of law to the contrary notwithstanding, the Department of  
3 Technology and Information (DTI) is expressly authorized to commit the State of Delaware to indemnify  
4 and hold harmless tower owners and/or lessors in lease agreements entered into by DTI to utilize  
5 communications towers owned and/or controlled by Conectiv, the University of Delaware, Cingular,  
6 American Tower, and/or Clear Channel (or affiliates of such entities) for the purpose of undertaking  
7 improvements to the 800 MHz emergency communications system for any damages arising from the State's  
8 use of such communications towers.

9 Section 47. Data Center Projects. In no instance shall any information technology data center  
10 project be initiated by a department/agency during this fiscal year until a formalized plan has been approved  
11 by the department/agency head, Director of the Office of Management and Budget and the State Chief  
12 Information Officer. This includes, but is not limited to, relocating, renovating and/or constructing new  
13 information technology data centers.

1 **DEPARTMENT OF STATE**

2 Section 48. North Wilmington Library. Funds authorized in the Section 1 Addendum of 70 Del.  
3 Laws, c. 210 shall be used to plan and construct a library within the First Senate District.

4 Section 49. Delaware River Main Channel Dredging. It is the intent of the General Assembly that  
5 any future appropriation of State funds for the main channel dredging of the Delaware River shall be  
6 contingent upon the following:

7 1) A written agreement between the Army Corps of Engineers and the Department of Natural  
8 Resources and Environmental Control dealing with the potential use of dredge spoils for  
9 Delaware beach preservation and habitat protection.

10 2) The Corps of Engineers shall meet all necessary DNREC permitting requirements.

11 Section 50. Museum Maintenance. The Section 1 Addendum to this Act appropriates \$350,000 to  
12 the Department of State for museum maintenance. It is the intent of the General Assembly that these funds  
13 be retained by the Department of State, Division of Historical and Cultural Affairs for use with the  
14 operations of State museums or for immediate, unscheduled repairs to those facilities under the control of  
15 the Division of Historical and Cultural Affairs.

16 Section 51. Library Construction. Proposals submitted by the Department of State to the Office of  
17 Management and Budget under 29 Del. C. § 6604A shall include a statement as to whether or not each of  
18 the libraries have the required 50 percent non-state share match as defined in 29 Del. C. § 6602A(2).

19 Section 52. City of Dover Library. The Section 1 Addendum to 76 Del. Laws, c. 288 appropriates  
20 \$4,000,000 to the Department of State for the City of Dover Library. The City may proceed with  
21 construction using local funds and any State assistance may be applied retroactively to costs incurred after  
22 the date that such library construction was certified by the Division of Libraries and the Delaware Council  
23 on Libraries.

1 **DEPARTMENT OF FINANCE**

2 Section 53. Bond Proceeds Reimbursement. Unless not permitted by the Internal Revenue Code  
3 of 1986, as amended, whenever the General Assembly authorizes the issuance of the State’s General  
4 Obligation bonds or the Delaware Transportation Authority’s (the Authority) revenue bonds to finance the  
5 costs of specific capital projects, it is the intent of the General Assembly that the interest on such bonds  
6 shall not be included in gross income for federal income tax purposes under Section 103 of the Internal  
7 Revenue Code of 1986, as amended, and the United States Treasury Regulations (the Regulations)  
8 thereunder as they may be promulgated from time to time. Pursuant to the State's budget and financial  
9 policies, other than unexpected situations where surplus revenues render bond financing unnecessary or  
10 undesirable, no funds other than the proceeds of such bonds, are or are reasonably expected to be,  
11 reserved, allocated on a long-term basis, or otherwise set aside by the State to pay the costs of such  
12 specific capital projects. Pursuant to the Authority’s budget and financial policies, it is expected that  
13 approximately 50 percent of the costs of its capital projects shall be funded on a long-term basis from the  
14 proceeds of such bonds. However, after the authorization of such bonds but prior to their issuance,  
15 non-bond funds from the State’s General Fund or the Authority’s Transportation Trust fund or other funds  
16 may be advanced on a temporary basis to pay a portion of the costs of such specific capital projects. In  
17 that event, it is expected that these non-bond funds will be reimbursed from the proceeds of such bonds  
18 when they are issued. This reimbursement may cause a portion of such bonds to become reimbursement  
19 bonds within the meaning of Section 1.150-2 of the Regulations. Under those Regulations, to preserve the  
20 exclusion of the interest on such bonds from gross income for federal income tax purposes, it may be  
21 necessary to make a declaration of official intent. The Secretary of Finance is hereby designated as the  
22 appropriate representative of the State and the Secretary of Transportation is hereby designated as the  
23 appropriate representative of the Authority, and each is authorized to declare official intent on behalf of  
24 the State or the Authority, as the case may be, within the meaning of Section 1.150-2 of the Regulations,  
25 whenever and to the extent that such declaration is required to preserve such tax treatment.

1           Section 54. Qualified Zone Academy Bonds. A portion of the General Obligation bonds  
2 authorized under this Act for a school construction project may be issued in the form of Qualified Zone  
3 Academy Bonds within the meaning of the federal Taxpayer Relief Act of 1997 (QZABs). Such portion  
4 shall be equal to the maximum amount of QZABs which may be issued under such act. Authorization  
5 shall be given to eligible public schools authorized under this Act with the highest percentage of free and  
6 reduced lunch counts for the 2008-2009 school year that elect to participate in the QZAB program as  
7 determined by the Department of Education. The Secretary of Finance is hereby authorized to determine  
8 the terms and conditions of the QZABs and the manner by which they shall be awarded to the purchasers  
9 thereof, including private negotiated sale, notwithstanding anything to the contrary contained in 29 Del. C.  
10 c. 74; provided that the requirements of 29 Del. C. § 7422 must be observed.



1 **DEPARTMENT OF CORRECTION**

2 Section 55. Prison Construction. (a) The Director of the Office of Management and Budget, as  
3 provided through construction management services, shall consult with the Commissioner of Correction to  
4 ensure expedient programming, planning and construction of authorized correctional facilities. None of  
5 the funds authorized herein or in prior fiscal years are intended to supplant federal funds.

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

11 Section 56. Community Restoration. The Department of Correction may, to the extent resources  
12 and appropriately classified offenders are available, direct these offenders to assist with community  
13 restoration projects. These projects may include beautification, clean up and restoration efforts requested  
14 by civic, governmental and fraternal organizations approved by the Commissioner.

15 Section 57. Maintenance and Restoration. The Section 1 Addendum to this Act appropriates  
16 \$3,135,400 to the Department of Correction for Maintenance and Restoration projects. The Department  
17 must submit a bi-annual report to the Director of the Office of Management and Budget and the Controller  
18 General, detailing the expenditure of such funds and the respective projects. The Department shall submit a  
19 preliminary plan to the Director of the Office of Management and Budget and Controller General for  
20 maintenance projects for the following fiscal year by October 31.

21 Section 58. Central Supply Warehouse. Notwithstanding 29 Del. C. c. 69 or any other statutory  
22 provision to the contrary, the Department of Correction is hereby authorized to expend Minor Capital  
23 Improvement funds, in whole or in part, necessary to make critical repairs and replace the current freezer  
24 space of the Central Supply Warehouse in Smyrna, Delaware, and is further authorized to select a firm to  
25 perform the work using a design build contract; provided however, that such contract shall comply with the  
26 prevailing wage provisions in 29 Del. C. c. 69.

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

2           Section 59. Beach Preservation. The General Assembly hereby appropriates \$2,150,000 to the  
3 Department of Natural Resources and Environmental Control in the Section 1 Addendum to this Act to  
4 renourish and preserve the State's beaches. The Department may not encumber the funds appropriated  
5 herein for privately-owned ocean beaches. The Department may not encumber the funds appropriated  
6 herein for publicly accessible municipal ocean beaches until at least an equal amount of non-state funds  
7 are available for such projects. The funds provided for beach preservation as defined in 30 Del. C. c. 61  
8 can be used for local match and if so designated, shall be reimbursed by the Department on an equal basis  
9 to each such county or town for which a beach preservation project has been accomplished. The  
10 availability of the aforementioned non-state matching funds must be approved by the Director of the  
11 Office of Management and Budget and Secretary of the Department of Natural Resources and  
12 Environmental Control.

13           Section 60. Conservation Cost-Sharing Program. The Section 1 Addendum to this Act  
14 appropriates \$740,000 to the Department of Natural Resources and Environmental Control for the  
15 Conservation Cost-Sharing Program. This appropriation shall be allocated to only those projects with an  
16 adopted pollution control strategy.

17           Section 61. DNREC Land Acquisition. Except for land acquired by approval of the Open Space  
18 Council or approved through a Bond and Capital Improvements Act, land shall not be purchased by the  
19 Department of Natural Resources and Environmental Control without prior approval of the Co-Chairs of  
20 the Joint Legislative Committee on the Capital Improvement Program provided, however, that the  
21 Department is not prohibited from conducting studies, surveys or other contractual arrangements that  
22 would normally precede land acquisition procedures.

23           Section 62. Open Space Match Requirements. Notwithstanding the provisions of 29 Del. C.  
24 § 6102A(c) (2), upon written request by the Open Space Council and notification of the Secretary of  
25 Finance, the Co-Chairs of the Joint Legislative Committee on Capital Improvements are hereby  
26 empowered to waive on a case-by-case basis the match requirements for a specific Open Space land

1 purchase if it can be demonstrated that meeting said match requirements would prevent the timely  
2 purchase of said parcel.

3 Section 63. Army Corps of Engineers Project Cooperation Agreements. By using funds approved  
4 by Bond and Capital Improvements Acts, the Secretary of the Department of Natural Resources and  
5 Environmental Control is authorized to sign Project Cooperation Agreements with the Department of the  
6 Army and other appropriate sponsors for planning, construction, operation and maintenance for projects  
7 entered into by said Agreements.

8 Section 64. Indian River Marina. In accordance with the provisions of 73 Del. Laws, c. 350, § 70,  
9 the Department of Natural Resources and Environmental Control (DNREC) under the direction of the  
10 Director of the Office of Management and Budget may utilize up to \$9,900,000 in funds from the Twenty-  
11 First Century Fund for the Parks Endowment Account as established in 29 Del. C. § 6102A(e), for the  
12 purpose of revitalizing and enhancing public amenities within the Delaware Seashore State Park in and  
13 around the Indian River Marina Complex and related support facilities as presented to the Joint Legislative  
14 Committee on Capital Improvements on May 15, 2002. DNREC will repay both the principal borrowed  
15 and interest on the principal borrowed equal to that interest lost as a result of borrowing from the Account.  
16 Repayment shall not exceed twenty years.

17 Section 65. Newark Reservoir. Of the funds allocated from the Twenty-First Century  
18 Water/Wastewater Management Account in 72 Del. Laws, c. 258 and c. 489, \$3,400,000 has been set aside  
19 for the Newark Reservoir Project. If the City of Newark annexes the property referred to as New Castle  
20 County Tax Parcel #08-059.20-002, the City must repay to the State those monies appropriated in the Fiscal  
21 Year 2000 and 2001 Bond and Capital Improvement Acts for said project.

22 Section 66. Tax Ditches. The Section 1 Addendum to this Act appropriates \$1,148,700 to the  
23 Department of Natural Resources and Environmental Control for Tax/Public Ditches. Of this amount,  
24 \$100,000 shall be allocated to each county with subsequent expenditure of said funds contingent upon a 1:1  
25 match of county funds for tax ditch or public ditch purposes.

1           Section 67. Seventh Street Marina. It is the intent of the General Assembly to classify the Seventh  
2 Street Marina, located on East Seventh Street, being Tax Parcel # 26.044.00.0013 containing 7.86 acres of  
3 land (of which 5.27 acres, more or less, is above the high water line) as existing marina for purposes of the  
4 State of Delaware Marina Regulations, adopted on March 29, 1990 and amended on February 22, 1993.  
5 Such classification does not exempt any person seeking to make physical improvements to the marina from  
6 permit application fees pursuant to 7 Del. C. c. 66 and 72.

7           Section 68. Buried Debris Remediation Program. Funding for the remediation of buried debris  
8 will follow the priority list established by date of application to DNREC for assistance. If, in the opinion of  
9 the Secretary of DNREC, a site represents an exigency, that site can be given a special priority and  
10 remediated as quickly as practicable. Of the \$1,000,000 appropriated in the Section 1 Addendum to 75 Del.  
11 Laws, c. 353 for Debris Pit Remediation, the \$1,000,000 appropriated for Debris Pits from the Resource,  
12 Conservation and Development Fund in 74 Del. Laws, c. 308, § 14, and the \$1,000,000 appropriated in the  
13 Section 1 Addendum to 76 Del. Laws, c. 79, \$150,000 will be provided to the New Castle Conservation  
14 District for cost-share assistance to landowners with buried debris on their properties. To be eligible for  
15 cost-share, the site must be listed on the DNREC priority list and meet the DNREC established criteria for  
16 buried debris removal. For projects that cost up to \$40,000, the landowner must provide twenty-five  
17 percent of the cost of remediation including disposal costs. For projects that cost more than \$40,000, the  
18 landowner must provide \$10,000 plus 10 percent of the cost in excess of \$40,000, including disposal costs.  
19 Any unencumbered funding from these cost-share funds as of April 1, 2010 shall become available for the  
20 DNREC Debris Pit Remediation Program. The provisions of this Program shall commence with those  
21 projects entitled "FY 2005 New Projects" as contained in the approved Fiscal Year 2005 Resource,  
22 Conservation and Development Projects list. The \$1,000,000 allocated for debris pit remediation in  
23 Delaware shall be administered by DNREC, Division of Soil and Water Conservation. New Castle County  
24 shall provide \$250,000 match.

25           Section 69. Assawoman Canal Dredging. It is the express finding of the General Assembly that  
26 the benefits of dredging and maintaining the Assawoman Canal exceed the costs of such project and the

1 Secretary of Natural Resources and Environmental Control is hereby directed to initiate all necessary  
2 actions to dredge the Canal pursuant to all terms and conditions provided for in the state and federal permits  
3 issued for the project and initially authorized by Secretary's Order 2004-W-0047 dated August 12, 2004.

4 Section 70. Waterway Management. The Department of Natural Resources and Environmental  
5 Control (DNREC) is directed to provide dedicated, comprehensive waterway management for state waters.  
6 DNREC will: maintain design depths and mark navigational channels of the State that are not maintained  
7 and marked by any entity of the federal government; remove nuisance macroalgae; remove abandoned  
8 vessels; remove derelict structures, trees and other debris that threatens safe navigation; and perform any  
9 other waterway management services that may be identified to preserve, maintain and enhance recreational  
10 use of the State's tidal waters, as well as improve environmental conditions as warranted or directed by the  
11 Governor or Secretary of DNREC. DNREC is further directed to undertake a study of the sediment sources  
12 and patterns of sediment movement that results in deposition within State waterways to determine if there  
13 are methods to reduce the dependency on dredging to remove deposited sediments.

14 Section 71. Clean Water Funding Leverage. The Department of Natural Resources and  
15 Environmental Control under advisement from the Clean Water Advisory Council is encouraged to evaluate  
16 the potential leveraging of the Water Pollution Control Revolving Fund and/or the Twenty-First Century  
17 Fund Wastewater Management Account. This evaluation is based on the recommendation of the Dialogue  
18 on Financing Wastewater and Stormwater Infrastructure report sponsored by the Delaware Public Policy  
19 Institute, Office of the Governor, and Office of the Lt. Governor, Department of Natural Resources and  
20 Environmental Control and the Clean Water Advisory Council.

1 **DEPARTMENT OF SAFETY AND HOMELAND SECURITY**

2 Section 72. Helicopter Sale. During the fiscal year ending June 30, 2010, the first \$250,000 in  
3 funds derived from the sale of State Police helicopter #407SP shall be retained by the Department and  
4 allocated to the lease/training costs associated with the purchase of a twin-engine helicopter. The remaining  
5 sale proceeds shall be used to support the following:

6 (1) Purchase fixed fuel system at each DSP hangar location: Summit Aviation in New Castle  
7 County and Georgetown Airport in Sussex County;

8 (2) Complete capital improvement upgrades to the Georgetown Airport Hangar as necessary; and

9 (3) Use the balance or remaining funds to paint the existing two helicopters dark blue to match the  
10 remainder of the fleet.

1 **DEPARTMENT OF TRANSPORTATION**

2 Section 73. General Provisions. Notwithstanding the provisions of any State law to the  
3 contrary, the Department of Transportation (Department) is hereby authorized and directed to use all its  
4 designated powers and resources to carry out the following legislative mandates:

5 (a) Transportation Trust Fund Authorizations. Sums not to exceed \$333,445,000 (State:  
6 \$185,112,000; Federal: \$141,733,000; Other: \$6,600,000 are authorized to be withdrawn  
7 from the Transportation Trust Fund to carry out the projects and programs as set forth in the  
8 Section 1 Addendum of this Act.

9 (b) New Transportation Trust Fund Debt Authorizations. To fund a portion of the projects  
10 authorized herein, the Delaware Transportation Authority is hereby authorized to issue  
11 bonds in an amount not to exceed \$96,162,000 pursuant to the provisions of 2 Del. C. c. 13  
12 and 14, of which not more than \$89,900,000 shall be used for purposes set forth in the  
13 Section 1 Addendum of this Act with the remainder, not to exceed \$6,262,000 to be used to  
14 fund issuance costs and necessary reserves for the Reserve Account.

15 Section 74. Maintenance and Operations Facilities. Building structures and facilities constructed,  
16 or to be constructed, within the Department of Transportation's operating right of way that facilitate  
17 maintaining the highway system and are used to assist in the operational and maintenance activities for all  
18 roads, shall not be subject to zoning, subdivision, or building code ordinances or regulations by any  
19 political subdivision of the State. Types of structures may include; equipment sheds, crew quarters,  
20 equipment maintenance, equipment washing, material storage sheds (i.e. salt, sand and other bulk  
21 materials), fuel centers, and other maintenance structures required to maintain the highway system such as  
22 security (cameras and fences) including necessary maintenance and replacement items such as upgrades to  
23 existing facilities. The Department shall not construct any such facility or make improvements in any such  
24 existing facility without first conducting a public workshop to describe such plans and gather public input  
25 into the effect of such plans.

26 Section 75. Transportation Enhancements. (a) It is the intent of the General Assembly that the

1 Department provide notice to all State agencies, political sub-divisions within the State, and other parties of  
2 the availability of, and rules governing, the Transportation Enhancements program. Such notice shall  
3 include, but not be limited to, the definitions of eligible projects, the requirements for matching funds, and  
4 such other requirements as may be necessary to insure that any interested entity may work to become a  
5 participating recipient under the program. For new projects, the Department of Transportation is directed to  
6 submit a detailed list of all projects funded within the Transportation Enhancement Program to the Office of  
7 Management and Budget and Office of the Controller General on an annual basis. The State funding for  
8 this program shall be limited to the required 20 percent match of the related Federal Authorization. The  
9 projects funded by this program shall be limited to the allowable categories as outlined by the Federal  
10 Highway Administration. Any deviation from this process must be approved by the Office of Management  
11 and Budget, Office of the Controller General and Co-Chairs of the Joint Committee on Capital  
12 Improvements.

13 (b) Upon the award of Transportation Enhancement Program funds and prior to the allocation of  
14 funding for any Transportation Enhancement project, the Department of Transportation shall notify the  
15 respective Senators and Representatives in which said project shall be located.

16 Section 76. Grants and Allocations. The Section 1 Addendum of this Act appropriates the sum  
17 of \$21,750,000 (State) for projects within the Grants and Allocations classification. The General Assembly  
18 further defines its intent with respect to those appropriations as follows:

19 (a) The sum of \$16,750,000 (State) shall be used for the Community Transportation Fund, in  
20 accordance with the rules and regulations as adopted by the Joint Legislative Committee on the Capital  
21 Improvements Program, as amended from time to time.

22 (b) The sum of \$5,000,000 (State) shall be used for the Municipal Street Aid program, pursuant  
23 to the provisions of 30 Del. C. § 51.

24 Section 77. 5310 Program. The Delaware Transit Corporation is authorized to expend up to  
25 \$2,447,400 (\$1,594,800 State; \$852,600 Federal) from the Transit System classification (73/00)  
26 appropriated in this Act for the 5310 Program, administered by the Federal Transit Authority.



1           Section 78. DelDOT Work Impacts on Private Property and its Owners. When the Department

2 and/or any of its contractors determines that it would be in the best interests of the State to undertake  
3 construction/reconstruction work past 9:00 pm or before 7:00 am, and such work is to be conducted  
4 immediately adjacent to a residential neighborhood.

5           (a) The Department shall first ensure that residents of the neighborhood are notified in a timely  
6 fashion of the Department's desire to undertake such work. It must explain the benefits and costs to the  
7 State and the neighborhood of working under regular hours and the proposed extended hour schedule. Such  
8 notification shall include a description of the proposed work to be conducted, the proposed use of any  
9 equipment that may cause noise, vibration or odor disruptions to the neighborhood, and an estimate of the  
10 time required to complete the project. The Department may proceed with its extended hours of work if it  
11 does not receive a significant number of objections from the notified residents. Pursuant to the provisions  
12 of the Delaware Code, it shall offer temporary relocation to any residents who request such relocation.

13           (b) The Department may proceed with its extended hours of work so long as jack hammering or  
14 other high noise activities do not impose an excessive nuisance to residents within the designated work  
15 zone.

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

19           (d) If the Department determines that the proposed work may cause any vibration or other  
20 damage to neighboring property, it shall complete a pre-work survey of the potentially affected properties to  
21 determine the base-line condition of those properties. It shall monitor the properties during construction to  
22 insure that any vibration or other damage is minimized. If any damage does occur, the Department must  
23 reimburse the private property owners pursuant to the provisions of the Delaware Code. The Secretary of  
24 the Department may waive the provisions of this section if he/she determines that any such work is  
25 necessary in order to respond effectively to an emergency caused by a natural disaster, an accident, or a  
26 failure of a transportation investment.

1           Section 79. McMullen Farm. The General Assembly has previously authorized the Department  
2 to enter into contracts with the owners of property located in Bear, Delaware known as the McMullen Farm  
3 in order to promote improved transportation access and circulation, to promote healthy economic growth,  
4 and to preserve and enhance critical open space. The Department is authorized to continue its negotiations  
5 for the improvements to Routes 7 and 40, to the system of roads connecting to these arteries, and to the  
6 lands adjacent between the bounds of Route 273 and Route 40, Route 1 and Salem Church Road. All  
7 previous authorizations to the Department, and other affected State agencies, shall remain in force and  
8 effect, and the Secretary of the Department shall report to the Governor and the General Assembly on  
9 progress toward the completion of the transportation improvements, development of the excess lands, and  
10 creation and improvement of the community parkland no later than May 1, 2010.

11           Section 80. Indian River Inlet Bridge. State funds authorized in this and previous Acts of the  
12 General Assembly for the design and construction of a new bridge at the Indian River Inlet and the  
13 construction of new park amenities, access and circulation roads, and other transportation and recreation  
14 improvements shall be used, to the maximum extent possible, to match federal funds previously available,  
15 or to become available in the future. In keeping with the strong sense of community involvement and sense  
16 of ownership, the Department shall continue to provide periodic progress updates through such media as it  
17 determines to best address the community's needs. And finally, because in order to accomplish this project  
18 in an efficient and cost-effective manner, the Department and its contractors will have to occupy portions of  
19 the State's adjacent campground and marina facilities, the General Assembly authorizes and directs the  
20 Secretary of the Department to enter into reimbursement agreements with the Secretary of the Department  
21 of Natural Resources and Environmental Control (DNREC). Such agreements will insure that during the  
22 period of construction of the bridge and other necessary improvements, DNREC shall be equitably  
23 indemnified from the loss of critical tourist revenues, which are necessary to fund the operations of all of  
24 the State's outdoor recreational facilities.

25           Section 81. City of Wilmington Beautification. In order to maintain the urban tree canopy  
26 available in the City of Wilmington, the General Assembly authorizes and directs the Department to

1 establish, and maintain a program of tree maintenance and replacement in cooperation with the Delaware  
2 Center for Horticulture (Center). It is the intent of the General Assembly that such program shall be funded  
3 exclusively by allocations made from time to time by members of the General Assembly from their  
4 Community Transportation Funds. The Department shall create an open-ended account with the Center on  
5 an expedited sole-source basis, and shall make payments to the Center for work accomplished, and  
6 appropriately vouchered, from the CTF funds herein identified.

7 Section 82. Supplies of Road Materials. Section 109 of 74 Del. Laws, c. 308 is suspended until  
8 such time as the Department of Transportation shall suggest its re-institution and such suspension has been  
9 overridden by an Act of the General Assembly.

10 Section 83. System Capacity Preservation. The General Assembly hereby determines that it is in  
11 the public interest to limit future residential, commercial, or industrial growth along certain portions of the  
12 State's highway network. Such potential growth would produce unsafe driving conditions as increased  
13 traffic seeks access to, and movements along, a number of local roads and collectors in critical locations  
14 through the State. The General Assembly further determines that it would be infeasible or imprudent for  
15 the Department to attempt to design and construct modifications to the State's highway network adjacent to  
16 these locations because such improvements would irrevocably destroy the important scenic and historic  
17 nature of the view sheds and other environmental attributes associated with these locations. Accordingly,  
18 the Secretary of the Department of Transportation (Secretary) is authorized and directed to use State funds  
19 appropriated to the Transportation Enhancements program authorized and funded in the Section 1  
20 Addendum of 74 Del. Laws, c. 308, together with such other funds from any public or private source as  
21 may be available and appropriate, to purchase land, or such rights in land, as the Secretary deems necessary  
22 to protect the following properties, pursuant to the stipulations stated herein. Expenditures of these funds  
23 for these purposes shall be with the review and approval of the Director of the Office of Management and  
24 Budget and Controller General. The provisions of 17 Del. C. c. 1 and 29 Del. C. c. 93 and 95 shall govern  
25 such purchases, and any other purchase by the Department authorized by this Act.

26 (a) Millcreek Farm (Yearsley) Property - Four parcels totaling approximately 35 +/- acres

1 adjacent to Mill Creek (SR 282) and Stoney Batter (SR 283) Roads in New Castle County. The Department  
2 shall work with members of the surrounding community, plus State and local officials, to develop a master  
3 plan for the permanent protection of the site as community recreation and open space, and upon satisfactory  
4 completion of such plans, may transfer the parcel to New Castle County for a fee to be determined.

5 Section 84. Denny Road/Route 896 Alignment Completion. Upon completion and final inspection  
6 of the Denny Road/Route 896 Realignment Project, the frontage property consisting of two parcels (0.93  
7 and 0.929 acres) along Route 896, currently landscaped and maintained by the community of Meadow  
8 Glen, shall revert back to the community which had owned said parcels prior to 1994. Notwithstanding the  
9 provisions of 17 Del. C. § 137, the Department shall deed these parcels to the community and remain in  
10 their possession in perpetuity.

11 Section 85. Port of Wilmington. Subject to the review and approval of the Board of Directors of  
12 the Diamond State Port Corporation (DSPC):

13 (a) The DSPC may make application to the Delaware River and Bay Authority (DRBA) for  
14 such assistance in the acquisition and improvement of facilities at the Port as the Board of the DSPC deems  
15 appropriate, in accordance with the Compact authorized under 17 Del. C. § 1701. For purposes of those  
16 negotiations, any such project selected by the DSPC shall be construed to have been approved by the  
17 General Assembly and Governor as required by law subject to the conditions that any such project shall be  
18 subject to 29 Del. C. c. 69 and that such projects are subject to the approval of the Director of the Office of  
19 Management and Budget, the Controller General and the Co-Chairs of the Joint Legislative Committee on  
20 the Capital Improvement Program.

21 (b) The Diamond State Port Corporation is authorized to arrange for the lease of equipment from  
22 the State's master lease, secured by the State's full faith and credit, in an amount not to exceed \$5,000,000  
23 in the aggregate. The expenditure of these funds and the terms of the lease shall be subject to the review  
24 and approval of the Board of Directors of the Diamond State Port Corporation. A report of equipment  
25 leased including terms and amounts due shall be made available to the Secretary of Finance, Director of the  
26 Office of Management and Budget and Controller General annually.

1           Section 86. Wakefield Drive. The Department of Transportation shall be prohibited from  
2 reopening Wakefield Drive in Newark through to Old Baltimore Pike.

3           Section 87. Community Transportation Funding Levels. The Department is directed to account for  
4 the Community Transportation Program funds as cash which shall be equal to the amounts authorized in  
5 Appendix A of this Act as well as previous Bond and Capital Improvement Acts. The funds authorized  
6 within the Community Transportation program shall not be subject to reallocation by the Department under  
7 any circumstances.

8           Section 88. Red Light Safety Enforcement. Pursuant to 73 Del. Laws, c. 350, § 92, the General  
9 Assembly authorized and directed the Department of Transportation to engage in a 36-month pilot project,  
10 in cooperation with Seaford, Dover, Newark, Elsmere, Wilmington, and the Delaware State Police, in  
11 operating, maintaining and enforcing a civil video red light safety enforcement program. Pursuant to 75  
12 Del. Laws, c. 353, § 113, the Department was further directed to evaluate and report on this program to the  
13 Joint Legislative Committee on the Capital Improvement Program by no later than February 28, 2007,  
14 under terms and conditions relating to extending the program through June 30, 2007, and including the  
15 preparation and consideration of a program evaluation and report. Having received that evaluation and  
16 report, the General Assembly directs that the program shall be permitted to continue in operation on an  
17 open-ended basis, under the following conditions:

18           (1) The assessments collected as a result of the Department's administration of this pilot program  
19           in unincorporated areas of the state shall be deposited into the Transportation Trust Fund  
20           created under 2 Del. C. c. 14.

21           (2) Any enforcement location shall remain in place for not less than five years in order to obtain  
22           useful statistical information about the suitability of the location in reducing angle crashes.

23           (3) The Department shall continue to use recognized safety and accident criteria in determining  
24           whether and where to add any new enforcement locations to this program, and in any event  
25           shall continue to confirm that any such new locations are not objected to by the incumbent state  
26           Senator and Representative for the districts in which such locations are proposed.

1 (4) To assure integrity and propriety, no person involved in the administration or enforcement of  
2 this program shall own any interest or equity in the vendor used by the Department to support  
3 the administrative elements of the program. Any such person with an ownership or equity  
4 interest in such vendor must divest from this ownership or investment no later than ninety days  
5 after the effective date of this act. This restriction applies to anyone with either direct  
6 involvement in administering or enforcing this program and those in any supervisory capacity  
7 above such persons.

8 Section 89. Clear the Road Policy for the I-95 Mainline Widening Project. Notwithstanding the  
9 provisions of 21 Del. C. § 4206, parked or disabled vehicles may be removed from the shoulders or travel  
10 lanes impacted by the I-95 Mainline Widening Project (State #25-090-01, Federal #IM-NO56 (27) under  
11 the following conditions:

- 12 (1) This section shall apply only to shoulders and travel lanes within the following limits: a) I-95  
13 Northbound from the State Route 273 interchange to the start of the Wilmington Viaduct, b) I-  
14 95 Southbound from the southern end of the Wilmington Viaduct to the State Route 273  
15 interchange; c) I-295 west of U.S. Route 13; and d) I-495 west of U.S. Route 13.
- 16 (2) Prior to implementing this section, the Department of Transportation shall place signs along the  
17 Interstate highway advising motorists of the Clear the Road Policy, and instructing motorists to  
18 move disabled vehicles that can be moved under their own power from the shoulders or travel  
19 lanes to an adjacent area.
- 20 (3) If the parked or disabled vehicle cannot be moved under their own power to a location off the  
21 shoulders or travel lanes, the Department of Transportation shall have the authority to cause the  
22 vehicle to be moved to an adjacent area, either with its own forces or pursuant to a contract for  
23 this purpose.
- 24 (4) If the vehicle is parked or disabled and there is (a) a fatality, or (b) personal injury, or (c) in  
25 cases involving hazardous material loads, whether authorized or unauthorized, and movement

1 would cause environmental risk, the vehicle shall not be moved until directed by the police  
2 authority with jurisdiction over the scene.

3 Section 90. Design-Build Contracts. The Department of Transportation is hereby authorized to  
4 continue utilization of the design-build contract mechanism for a total of twelve transportation construction  
5 projects (seven of which have been authorized). Design-build is a project delivery method under which a  
6 project owner, having defined its initial expectations to a certain extent, executes a single contract for both  
7 architectural/engineering services and construction. The selection processes and other terms of such  
8 contracts may vary considerably from project to project. The design-build entity may be a single firm, a  
9 consortium, joint venture, or other organization. However, the fundamental element of design-build  
10 delivery remains that one entity assumes primary responsibility for design and construction of the project.

11 The Department of Transportation is authorized to continue the use of these experimental  
12 approaches to completing its projects, subject to the following conditions:

- 13 (a) The contract terms shall include provisions to pay the prevailing wage rates determined by the  
14 Department of Labor, as provided in 29 Del. C. § 6960, in conjunction with Federal prevailing  
15 wage rates for such work;
- 16 (b) The following additional provisions of 29 Del. C. c. 69 shall also be incorporated into these  
17 design-build contracts: § 6962(d)(4)a. (anti-pollution, conservation environmental measures); §  
18 6962(d)(7) (equal employment opportunity assurances); and § 6962(d)(8)(performance bonding  
19 requirements);
- 20 (c) Any such contracts shall conform to all applicable Federal laws and regulations concerning  
21 design-build contracting, including but not limited to 23 C.F.R. Part 636, without regard to the  
22 source of funds; and
- 23 (d) Any design-build contract for the construction of any transportation facility shall also be  
24 subject to the provisions of 17 Del. C. c. 8 (construction payments held in trust for protection of  
25 subcontractors and suppliers).

26 All other provisions of 29 Del. C. c. 69 shall not be applicable to these projects.

1           The Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program and the  
2 Director of the Office of Management and Budget shall approve all other projects subject to this section.

3           Section 91. New Development Road Widening. When planning and/or permitting additional road  
4 widening directly related to new residential development, the Department of Transportation, Division of  
5 Planning, shall make every attempt to require the necessary right-of-way land be acquired from the  
6 developer owned land.

7           Section 92. W. L. Gore Site. In evaluating and recommending improvements to the transportation  
8 system related to the development of what is known as the W.L. Gore site, located in New Castle County  
9 and situated on the north side of Sunset Lake – east of SR896 and southeast of Old Cooch’s Bridge Road,  
10 the department will make every effort to ensure that the improvements made facilitate and encourage traffic  
11 to travel toward and use SR896 and to discourage additional use of Old Cooch’s Bridge road east of the  
12 entrance to the W.L. Gore property. This is in recognition of the historic characteristics of Old Cooch’s  
13 Bridge road in the vicinity of the intersection with Old Baltimore Pike.

14           Section 93. Route 301 Spur Road Segment. The General Assembly directs the Department to  
15 implement the US 301 Corridor project in Phases, beginning with the US 301 mainline section. Before  
16 expending funds for the final design and construction of the Spur Road segment of the project, the  
17 Department will convene public workshops on the Spur Road segment. At the workshops, the Department  
18 will present information and alternatives for the Spur Road, including the upgrading of the existing US 301.  
19 The most current traffic data available at that time shall be presented to the public at the workshops. The  
20 Department shall report to the General Assembly on the comments received at the public workshops and  
21 make recommendations on how to proceed with this segment of the project no later than May 1, 2010.



1 **AGRICULTURE**

2 Section 94. Farmland Preservation. For the fiscal year ending June 30, 2010, county funds  
3 committed to farmland preservation shall be spent to preserve farmland only in the respective counties  
4 where the funds originate. Farms to be preserved shall be selected by the counties according to county  
5 selection criteria from eligible farms as listed by the Aglands Preservation Foundation.

6 All state-appropriated funds for Fiscal Year 2010 shall be utilized by the Aglands Foundation to  
7 preserve eligible farms statewide not selected by the counties.

**FIRE PREVENTION COMMISSION**

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Section 95. Hydraulic Rescue Tools Replacement. It is the intent of the General Assembly that the funds authorized in the Section 1 Addendum of this Act be used to reimburse the Fire School, Newark, Cranston Heights, Goodwill, Holloway Terrace, Houston, Minquas, Odessa, Bowers, Camden-Wyoming, Cheswold, Frederica, Bethany Beach, Blades, Dagsboro, Indian River, Lewes, Millsboro, Millville and Selbyville fire companies. Upon submitting the receipt of sale, each company will be reimbursed up to \$7,500 by the Fire Prevention Commission - State Fire School (75-02-01).

1 **DELAWARE TECHNICAL AND COMMUNITY COLLEGE**

2 Section 96. College-wide Asset Preservation Program. The Section 1 Addendum of this Act  
3 provides funds for Delaware Technical and Community College (90-04-00) for the College-wide Asset  
4 Preservation Program. This appropriation may be used for the acquisition of computer hardware and  
5 software.

6 Section 97. Stanton Campus Expansion. Delaware Technical and Community College shall apply  
7 for all permits and approvals required pursuant to any applicable provision of Titles 9 and 22 of the  
8 Delaware Code, or any other ordinance, rule or regulation enacted pursuant thereto in connection with the  
9 design and construction of the Stanton Campus Expansion (90-04-04); provided, nevertheless, that any such  
10 permit or approval shall be granted within 45 days from the day upon which the college makes application  
11 therefore. If any required permit or approval is not granted within 45 days as set forth above, the college  
12 may commence construction and shall be immune from any legal action or liability for failing to obtain  
13 such permit or approval.

1 **DEPARTMENT OF EDUCATION**

2 Section 98. School Building and Custodial Verification. By September 30 of each calendar year,  
3 each school district shall notify the Department of Education of its intended use for each school building  
4 and administrative office building. School districts shall notify the Department about changes in the use of  
5 such buildings to include the sale of property, closing of a building, lease of property to another agency, and  
6 additions and renovations. The Department of Education shall establish a standard reporting mechanism  
7 that school districts shall utilize to gather and submit required information.

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

10 Section 99. Land Donation for School Construction. Any land donated to a school district with an  
11 approved major capital improvement program shall be required to return to the State one-half of the State  
12 share amount originally budgeted for land purchase costs. In such case, the district shall be entitled to keep  
13 the remaining one-half State share amount, as well as the full local share amount in accordance with the  
14 certificate of necessity.

15 Section 100. Minor Capital Improvements. It is the intent of the General Assembly that the sum of  
16 \$7,263,800 allocated in the Section 1 Addendum to this Act be used for minor capital improvements to  
17 school buildings in the following amounts. Districts must use the funds in the amounts below on projects  
18 listed on the facility assessment website hosted by the Department of Education.

19 <u>School District</u>	20 <u>Maximum State Share</u>	21 <u>Maximum Local Share</u>	22 <u>Total Cost</u>
23 Appoquinimink	\$ 469,716	\$313,144	\$ 782,860
24 Brandywine	552,667	368,445	921,112
25 Special	2,713	-	2,713
26 Christina	906,012	604,008	1,510,020
27 Special	45,210	-	45,210
28 Colonial	562,541	375,027	937,568
Special	8,680	-	8,680
New Castle Vo Tech	395,951	-	395,951

1	Red Clay	844,707	563,138	1,407,845
2	Special	12,568	-	12,568
3	Caesar Rodney	345,532	230,355	575,887
4	Special	18,898	-	18,898
5	Capital	327,629	218,419	546,048
6	Special	11,031	-	11,031
7	Lake Forest	210,336	140,224	350,560
8	Milford	222,922	148,615	371,537
9	Polytech	105,249	-	105,249
10	Smyrna	252,653	168,435	421,088
11	Cape Henlopen	234,261	156,174	390,435
12	Special	18,174	-	18,174
13	Delmar	62,826	41,884	104,710
14	Indian River	453,820	302,547	756,367
15	Special	10,850	-	10,850
16	Laurel	113,496	75,664	189,160
17	Seaford	184,023	122,682	306,705
18	Sussex Tech	113,116	-	113,116
19	Woodbridge	110,240	73,493	183,733
20	Campus Community	32,389	-	32,389
21	Academy of Dover	12,912	-	12,912
22	Delaware College Prep			
23	Academy	6,076	-	6,076
24	DE Military Academy	28,537	-	28,537
25	East Side Charter	19,260	-	19,260
26	Family Foundations	21,104	-	21,104
27	Kuumba Academy	13,726	-	13,726
28	Maurice Moyer Academy	17,632	-	17,632
29	M.O.T. Charter	36,620	-	36,620

1	Newark Charter	69,768	-	69,768
2	Odyssey Charter	15,896	-	15,896
3	Pencader Charter	31,195	-	31,195
4	Positive Outcomes	6,510	-	6,510
5	Prestige Academy	5,588	-	5,588
6	Providence Creek	36,403	-	36,403
7	Sussex Academy of Arts	17,523	-	17,523
8	Thomas Edison	44,758	-	44,758
9	Wilmington Charter	<u>52,082</u>	-	<u>52,082</u>
10	Total to Schools	\$7,063,800	\$3,902,254	\$10,966,054
11	Vocational Equipment	85,000	56,667	141,667
12	State Board Contingency	115,000	76,667	191,667
13	TOTAL	\$7,263,800	\$4,035,588	\$11,299,388

14           Section 101. Dickinson High School. Funding for the Red Clay School District including bond  
15 authorizations for renovations of the John Dickinson High School and the transfer of major capital  
16 construction funds shall be contingent upon the following:

- 17           1. The lighted football field at Dickinson High School may be used at night only for Dickinson home  
18           games and Dickinson band practice; and
- 19           2. The District is required to maintain the fencing between Dickinson High School and the community  
20           of Montclare, keep the gate between the properties locked at all times (except by mutual agreement  
21           between the District and the Montclare Civic Association), and provide, maintain and replace, if  
22           necessary, the Leland Cypress trees along the fence line bordering the homes on Salem Drive.

23           Section 102. Sterck School. The Section 1 Addendum to 76 Del. Laws, C. 288, appropriates  
24 \$5,422,700, Section 9 of this Act appropriates \$15,442,700; Section 1 Addendum to 75 Del. Laws, c. 98  
25 appropriated \$2,700,000; Section 1 Addendum to 75 Del. Laws, c. 353 appropriated \$8,000,000; and  
26 Section 1 Addendum to 76 Del. Laws, c. 79 appropriated \$10,000,000 to the Sterck School. It is the intent

1 of the General Assembly that the funding herein and previously appropriated to the Sterck School shall be  
2 utilized solely for the planning, design and construction of the replacement facility. Further, it is the intent  
3 of the General Assembly that the new Sterck School be constructed on State of Delaware-owned land along  
4 Chestnut Hill Road (Tax Parcels 09-028.00-001, 09-028.00-002 and 09-022.00-118).

5 Section 103. School Construction Fund Transfers. Notwithstanding any law or other provision to  
6 the contrary, the Department of Education, with the approval of the Director of the Office of Management  
7 and Budget and Controller General, may transfer funding between major capital construction projects  
8 within the respective school districts. These transfers shall not authorize any changes in conditions or incur  
9 any obligations in excess of the approved Certificate(s) of Necessity.

10 Section 104. School District Financial Reviews. It is the intent of the General Assembly that for  
11 school districts receiving funds appropriated in the Section 1 Addendum to this Act, should a school district  
12 financial position report as required under 14 Del. C. § 1507 demonstrate less than one month of carryover,  
13 or if at any time during the course of the fiscal year a school district is projected to not be able to satisfy its  
14 local payroll obligations, the Director of the Office of Management and Budget, in coordination with the  
15 Secretary of Education and Controller General, is authorized to conduct a comprehensive review of the  
16 school district's capital construction program.

17 Section 105. School Construction Contractual Documents. Effective January 1, 2007, all school  
18 districts that receive State funds for major capital construction projects shall use standard bid and contract  
19 documents developed by the Office of Management and Budget, Facilities Management. School districts  
20 may enhance the standard bid and contract documents with additional contractual or project-specific  
21 requirements as long as the enhancements do not diminish and are not in conflict with the provisions of the  
22 standard documents. The Department of Education, in consultation with the Office of Management and  
23 Budget, Facilities Management, shall approve any modifications or changes to the provisions of the  
24 standard bid and contract documents before a school district may use or enhance the modified documents.

25 Section 106. Brandywine School District Space Consolidation and Grade Reconfiguration. The  
26 Section 1 Addendum to 76 Del. Laws c. 79 appropriates \$1,600,000 to the Department of Education in

1 planning money for the renovation of Hanby Middle School in the Brandywine School District and further  
2 authorized a local match share of \$1,066,700. In light of declining enrollment and to avoid increasing  
3 operating costs, the District has decided to close the Hanby Middle School and has realigned the feeder  
4 pattern for its remaining schools. The closure of the Hanby Middle School will allow the District to forego  
5 the \$13,134,014 in state share and \$8,756,009 in local match share that would have been required to  
6 renovate the school. In lieu of renovating the Hanby Middle School, the Brandywine School District is  
7 hereby authorized to use the planning funds previously authorized to demolish the Hanby Middle School  
8 and for other costs associated with the District's Space Consolidation and Grade Reconfiguration Plan  
9 approved by the Brandywine School District Board of Education on February 25, 2008. Approval is also  
10 hereby given to construct the Brandywood Elementary School, approved on C.N. # 0631B, on the site of  
11 Hanby Middle School and to complete the renovations of P.S du Pont, on C.N.# 0631C, as a Middle  
12 School.

13 Notwithstanding any other state law or regulation to the contrary, the district is authorized to  
14 transfer funds with the approval of the Director of the Office of Management and Budget and Controller  
15 General across any of the approved Certificates of Necessity C.N. # 0631A-I to meet costs associated with  
16 the transition to new grade configurations and to utilize such funds for expenses required to reconfigure  
17 grade levels at Harlan Elementary School and Claymont Elementary School.

18 The Brandywine School District shall not be authorized to incur any obligation in excess of the  
19 amounts listed on Certificates of Necessity #0631A-I.

20 Section 107. Porter Road Elementary School. Section 2 of 76 Del. Laws, C. 288 authorizes the local  
21 share of the Christina School District's Porter Road Elementary School in the amount of \$2,617,100. In  
22 order to ensure the timely completion of the school thereby complying with the District's Neighborhood  
23 School Plan, the District is authorized to proceed to construction without the required State share by using  
24 funds/savings from other means including, but not limited to, the following:

- 25 1. rebidding construction contracts/reducing construction contingencies;
- 26 2. major capital construction transfers from other Christina projects;



- 1 3. project scope reduction/delay;
- 2 4. voluntary school assessment funds; and
- 3 5. sale of Christina's 83 E. Main Street Property: the former District Administration Building owned
- 4 in totality by Christina.

5 The State shall provide the required State share at such time as revenues are sufficient to fund to the  
6 level where the Porter Road project appears on the Department of Education's Priority Listing of Major  
7 Capital Improvement Projects. At the time when the State revenues become available to the District,  
8 funds borrowed from the areas listed above will be returned to those projects.

9 Section 108. Bond Verification. All bonds issued, or herein before or herein authorized to be  
10 issued, by the State are hereby determined to be within all debt and authorization limits of the State.

11 Section 109. Inconsistency. Insofar as the provisions of this Act are inconsistent with the  
12 provisions of any general, special, or local laws, or parts thereof, the provisions of this Act shall be  
13 controlling.

14 Section 110. Severability. If any section, part, phrase, or provision of this Act or the application  
15 thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its  
16 operation to the section, part, phrase, provision, or application directly involved in the controversy in  
17 which such judgment shall have been rendered and shall not affect or impair the validity of the remainder  
18 of this Act or the application thereof.

19 Section 111. Effective Date. This Act shall take effect in accordance with the provisions of State  
20 law.

### SYNOPSIS

This Bill is the Fiscal Year 2010 Bond and Capital Improvements Act.

Author: Office of Management and Budget



**Delaware Department of Transportation  
FY2010 Capital Transportation Program**

**Appendix A  
(in \$000's)**

	APPR	Other Funding	Federal Authorization	State Authorization	FY 2010 Authorization
<b>ROAD SYSTEM 7700</b>					
<b>A. Expressways</b>					
SR141 I95 Interchange			3,000.0		3,000.0
<b>Subtotal Expressways</b>		<b>\$0.0</b>	<b>\$3,000.0</b>	<b>\$0.0</b>	<b>\$3,000.0</b>
<b>B. Arterials</b>					
Highway Safety Improvement Program	7700		2,855.0	5,235.0	8,090.0
City of New Castle Traffic Study	7700			200.0	200.0
US13 Philadelphia Pike	7700		560.0		560.0
Washington St. New Castle	7700		220.0		220.0
Elkton Road Casho Mill to Delaware Ave.	7700		10,000.0	4,600.0	14,600.0
SR1 Little Heaven	7700			4,400.0	4,400.0
SR1 Bay Road K19 Thompsonville	7700		4,746.0		4,746.0
US13 Roosevelt Ave	7700		250.0		250.0
US13 from South Court St. to Loockerman St	7700			100.0	100.0
Indian River Inlet Bridge	7700		20,177.0		20,177.0
SR1 SR30 Grade Separated Intersection	7700			3,300.0	3,300.0
SR26 Atlantic Avenue Clarkville	7700		15,000.0	1,600.0	16,600.0
SR1 Rehoboth Canal to North of Five Points	7700			5,000.0	5,000.0
US13 Seaford Intersection	7700		3,200.0	500.0	3,700.0
SR24 Love Creek to SR1	7700			6,700.0	6,700.0
<b>Subtotal Arterials</b>		<b>\$0.0</b>	<b>\$57,008.0</b>	<b>\$31,635.0</b>	<b>\$88,643.0</b>
<b>C. Collectors</b>					
N209 Grubb Road	7700			100.0	100.0
Carter Road	7700		4,920.0	1,230.0	6,150.0
SR54 Mainline Improvements	7000		9,200.0	3,300.0	12,500.0
<b>Subtotal Collectors</b>		<b>\$0.0</b>	<b>\$14,120.0</b>	<b>\$4,630.0</b>	<b>\$18,750.0</b>
<b>D. Locals</b>					
Destination Station	7700		1,000.0	250.0	1,250.0
<b>Subtotal Locals</b>		<b>\$0.0</b>	<b>\$1,000.0</b>	<b>\$250.0</b>	<b>\$1,250.0</b>
<b>E. Bridges</b>					
Bridge Preservation Program	7700		6,780.0		6,780.0
Bridge Management Program	7700		3,420.0		3,420.0
<b>Subtotal Bridges</b>		<b>\$0.0</b>	<b>\$10,200.0</b>	<b>\$0.0</b>	<b>\$10,200.0</b>
<b>F. Other</b>					
Transportation Enhancements	7700		3,400.0	850.0	4,250.0
Interstate Maintenance	770		11,700.0	1,300.0	13,000.0
Pavement Rehabilitations	7700		12,800.0	55,237.0	68,037.0
Signage & Pavement Markings	7700		800.0	2,400.0	3,200.0
Materials & Minor Contracts	7700			5,000.0	5,000.0
Safety Improvement Program	7700		2,200.0	600.0	2,800.0
Intersection Improvements	7700			3,000.0	3,000.0
Engineering & Contingency	7700			23,614.0	23,614.0
Advanced Acquisition	7700			2,000.0	2,000.0
Environmental Program	7700			500.0	500.0
<b>Subtotal Other</b>		<b>\$0.0</b>	<b>\$30,900.0</b>	<b>\$94,501.0</b>	<b>\$125,401.0</b>
<b>TOTAL ROAD SYSTEM</b>		<b>\$0.0</b>	<b>\$116,228.0</b>	<b>\$131,016.0</b>	<b>\$247,244.0</b>
<b>SUPPORT SYSTEM 7600</b>					
Planning	7600		5,759.0	1,801.0	7,560.0
Information Technology	7600		170.0	7,412.0	7,582.0
Heavy Equipment	7600			1,000.0	1,000.0
Transportation Facilities	7600			7,100.0	7,100.0
Transportation Management Improvements	7600		7,040.0		7,040.0
<b>TOTAL SUPPORT SYSTEM</b>		<b>\$0.0</b>	<b>\$12,969.0</b>	<b>\$17,313.0</b>	<b>\$30,282.0</b>
<b>TRANSIT SYSTEM 7300</b>					
Transit Facilities Program	7300			9,100.0	9,100.0
Transit Vehicles	7300		1,329.0	1,933.0	3,262.0
Wilmington Train Station	7300	6,600.0	1,207.0		7,807.0
Newark Train Station	7300		4,000.0		4,000.0
Rail Improvements, Newark to Wilmington Program	7700		6,000.0	4,000.0	10,000.0
<b>TOTAL TRANSIT SYSTEM</b>		<b>\$6,600.0</b>	<b>\$12,536.0</b>	<b>\$15,033.0</b>	<b>\$34,169.0</b>

	APPR	Other Funding	Federal Authorization	State Authorization	FY 2010 Authorization
<b>GRANTS AND ALLOCATIONS 5600</b>					
Community Transportation Fund	5600			16,750.0	16,750.0
Municipal Street Aid	5600			5,000.0	5,000.0
<b>TOTAL GRANTS AND ALLOCATIONS</b>		<b>\$0.0</b>	<b>\$0.0</b>	<b>\$21,750.0</b>	<b>\$21,750.0</b>
<b>GRAND TOTAL</b>		<b>\$6,600.0</b>	<b>\$141,733.0</b>	<b>\$185,112.0</b>	<b>\$333,445.0</b>