



SPONSOR Sen. DeLuca
Blevins
Henry
Venables

Rep. Gilligan
Schwartzkopf
Longhurst
Keeley

DELAWARE STATE SENATE

146th GENERAL ASSEMBLY

SENATE BILL NO. 20

January 27, 2011

A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2012; DEAUTHORIZING AND 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; APPROPRIATING BOND PREMIUMS 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; 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 2012 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 2012 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, 2014, shall be subject to reversion or
6 reauthorization.

SECTION 1 ADDENDUM
FISCAL YEAR 2012 CAPITAL IMPROVEMENT PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
OFFICE OF MANAGEMENT AND BUDGET					
Minor Capital Improvement and Equipment	10-02-50	\$ 8,359,000	\$ -	\$ -	\$ 8,359,000
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	2,000,000	-	-	2,000,000
Local Law Enforcement	10-02-50	-	-	405,000	405,000
<i>Judicial Projects</i>					
Minor Capital Improvement and Equipment/Security	10-02-50	500,000	-	-	500,000
<i>State Projects</i>					
Minor Capital Improvement and Equipment	10-02-50	750,000	-	-	750,000
Veterans Home Minor Capital Improvement and Equipment	10-02-50	50,000	-	-	50,000
<i>Health and Social Services Projects</i>					
Minor Capital Improvement and Equipment	10-02-50	3,400,000	-	-	3,400,000
Roof Replacement	10-02-50	3,030,000	-	-	3,030,000
DACSES Replacement and Equipment	10-02-05	3,141,200	-	-	3,141,200
<i>Services for Children, Youth and Their Families Projects</i>					
Family and Children Tracking System (FACTS) II	10-02-50	1,700,000	-	-	1,700,000
Minor Capital Improvement and Equipment	10-02-50	1,266,800	-	-	1,266,800
<i>Correction Projects</i>					
Minor Capital Improvement and Equipment	10-02-50	3,166,500	-	-	3,166,500
New Kitchen at HRYCI - Construction	10-02-50	9,850,000	-	-	9,850,000
Training Facility and Firearms Range	10-02-50	2,550,000	-	-	2,550,000
<i>Safety and Homeland Security Projects</i>					
Minor Capital Improvement and Equipment	10-02-50	600,000	-	-	600,000
New Troop 3, Camden	10-02-50	-	-	150,000	150,000
New Troop 7, Lewes	10-02-50	-	-	150,000	150,000
<i>Delaware National Guard Projects</i>					
Minor Capital Improvement and Equipment	10-02-50	850,000	-	-	850,000
Subtotal:		\$ 41,213,500	\$ -	\$ 1,195,300	\$ 42,408,800

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FISCAL YEAR 2012 CAPITAL IMPROVEMENT PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
DELAWARE ECONOMIC DEVELOPMENT OFFICE					
Strategic Fund	10-03-03	\$ -	\$ -	\$ 31,941,100	\$ 31,941,100
Experimental Program to Stimulate Competitive Research (EPSCOR)	10-03-03	-	-	1,000,000	1,000,000
IDeA Network of Biomedical Research Excellence (INBRE)/U of D	10-03-03	-	-	1,000,000	1,000,000
Fraunhofer Vaccine Development	10-03-03	-	-	1,000,000	1,000,000
Delaware Stadium Corporation	10-03-03	-	-	450,000	450,000
Diamond State Port Corporation	10-03-03	3,000,000	-	2,000,000	5,000,000
Riverfront Development Corporation	10-03-03	-	-	2,350,000	2,350,000
Subtotal:		\$ 3,000,000	\$ -	\$ 39,741,100	\$ 42,741,100
DELAWARE STATE HOUSING AUTHORITY					
Housing Development Fund - Preservation	10-08-01	\$ 4,000,000	\$ -	\$ -	\$ 4,000,000
Rental Assistance Program	10-08-01	-	-	1,500,000	1,500,000
Subtotal:		\$ 4,000,000	\$ -	\$ 1,500,000	\$ 5,500,000
STATE					
Museum Maintenance	20-06-04	\$ 350,000	\$ -	\$ -	\$ 350,000
Dover Public Library	20-08-01	2,500,000	-	-	2,500,000
Wilmington Institute Public Library	20-08-01	500,000	-	-	500,000
Claymont Branch Libray	20-08-01	1,100,000	-	-	1,100,000
Bear Public Library	20-08-01	1,000,000	-	-	1,000,000
Greenwood Public Library	20-08-01	750,000	-	-	750,000
Duck Creek Regional Library (Smyrna)	20-08-01	150,000	-	-	150,000
Subtotal:		\$ 6,350,000	\$ -	\$ -	\$ 6,350,000
HEALTH AND SOCIAL SERVICES					
Maintenance and Restoration	35-01-30	\$ 2,750,000	\$ -	\$ -	\$ 2,750,000
Delaware Health Information Network	35-01-10	-	-	771,300	771,300
Delaware Health Information Network - HIE Coop Matching Funds	35-01-10	-	-	225,600	225,600
Subtotal:		\$ 2,750,000	\$ -	\$ 996,900	\$ 3,746,900
SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES					
Secure Facilities Security Systems	37-01-15	\$ 2,051,200	\$ -	\$ -	\$ 2,051,200
Maintenance and Restoration	37-01-15	200,000	-	-	200,000
Subtotal:		\$ 2,251,200	\$ -	\$ -	\$ 2,251,200

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
CORRECTION					
Maintenance and Restoration	38-01-40	\$ 3,135,400	\$ -	\$ -	\$ 3,135,400
Subtotal:		\$ 3,135,400	\$ -	\$ -	\$ 3,135,400
NATURAL RESOURCES AND ENVIRONMENTAL CONTROL					
Clean Water Grant	40-04-03	\$ -	\$ -	\$ 1,000,000	\$ 1,000,000
Conservation Cost Share Program	40-03-04	-	-	1,500,000	1,500,000
Tax/Public Ditches	40-03-04	248,500	-	900,200	1,148,700
Redevelopment of Strategic Sites	40-03-02	2,250,000	-	250,000	2,500,000
Minor Capital Improvement and Equipment	40-01-01	1,200,000	-	-	1,200,000
Subtotal:		\$ 3,698,500	\$ -	\$ 3,650,200	\$ 7,348,700
SAFETY AND HOMELAND SECURITY					
Twin Engine Helicopter Lease/Payment	45-01-01	\$ -	\$ -	\$ 2,195,900	\$ 2,195,900
Subtotal:		\$ -	\$ -	\$ 2,195,900	\$ 2,195,900
TRANSPORTATION					
Road System	55-05-00	\$ -	\$ 144,527,000	\$ -	\$ 144,527,000
Grants and Allocations	55-05-00	-	12,375,000	-	12,375,000
Transit System	55-05-00	-	18,337,900	-	18,337,900
Support System	55-05-00	-	22,987,000	-	22,987,000
Subtotal:		\$ -	\$ 198,226,900	\$ -	\$ 198,226,900
FIRE PREVENTION COMMISSION					
Drill-Ground Water Main Repairs	75-02-01	\$ -	\$ -	\$ 75,000	\$ 75,000
Hydraulic Rescue Tools Replacement	75-02-01	-	-	22,500	22,500
Subtotal:		\$ -	\$ -	\$ 97,500	\$ 97,500
NATIONAL GUARD					
New Dagsboro Readiness Center	76-01-01	\$ 271,000	\$ -	\$ -	\$ 271,000
Subtotal:		\$ 271,000	\$ -	\$ -	\$ 271,000
UNIVERSITY OF DELAWARE					
Alison Hall Renovations	90-01-01	\$ 3,500,000	\$ -	\$ -	\$ 3,500,000
Subtotal:		\$ 3,500,000	\$ -	\$ -	\$ 3,500,000

SECTION 1 ADDENDUM
FISCAL YEAR 2012 CAPITAL IMPROVEMENT PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
DELAWARE STATE UNIVERSITY					
Minor Capital Improvement and Equipment	90-03-01	\$ 3,500,000	\$ -	\$ -	\$ 3,500,000
Subtotal:		\$ 3,500,000	\$ -	\$ -	\$ 3,500,000
DELAWARE TECHNICAL AND COMMUNITY COLLEGE					
Excellence Through Technology	90-04-01	\$ 250,000	\$ -	\$ -	\$ 250,000
Collegewide Asset Preservation/MCI	90-04-01	250,000	-	-	250,000
Campus Improvements - Owens Campus	90-04-02	750,000	-	-	750,000
Campus Improvements - Terry Campus	90-04-06	750,000	-	-	750,000
Campus Improvements - Stanton/Wilmington Campuses	90-04-05	1,500,000	-	-	1,500,000
Subtotal:		\$ 3,500,000	\$ -	\$ -	\$ 3,500,000
EDUCATION					
Minor Capital Improvement and Equipment	95-01-01	\$ 7,323,800	\$ -	\$ -	\$ 7,323,800
Architectural Barrier Removal	95-01-01	-	-	160,000	160,000
Pending Referenda Contingency (100% State)	95-01-01	7,565,700	-	-	7,565,700
Appoquinimink, Construct 840 Pupil Elementary School - Odessa Campus (75/25)	95-29-00	10,932,600	-	-	10,932,600
Appoquinimink, Renovation/Addition to Appoquinimink ECC-Kitchen (75/25)	95-29-00	232,500	-	-	232,500
Appoquinimink, Renovation/Addition to Olive B. Loss ES (75/25)	95-29-00	607,000	-	-	607,000
Capital, Construct New 1,800 Student HS (70/30)	95-13-00	27,813,700	-	-	27,813,700
Capital, Renovate William Henry MS Campus Site (70/30)	95-13-00	2,396,600	-	-	2,396,600
Capital, Construct Playgrounds at BT Washington ES (70/30)	95-13-00	195,900	-	-	195,900
Capital, Construct/Renovate Athletic Fields at Central MS (70/30)	95-13-00	149,200	-	-	149,200
Seaford, Renovate Central ES, Roof Replacement (73/27)	95-23-00	801,300	-	-	801,300
Seaford, Renovate HS, ADA Accessibility Improvements (73/27)	95-23-00	233,100	-	-	233,100
Seaford, Renovate West ES, Roof Replacement (73/27)	95-23-00	860,600	-	-	860,600
Sussex Technical, Renovations to HS and Campus Site (60/40)	95-40-00	1,147,500	-	-	1,147,500
Laurel, Construct 1,400 Student Combined HS/MS (76/24)	95-16-00	10,665,600	-	-	10,665,600
Laurel, Land Acquisition 1,400 Combined HS/MS (76/24)	95-16-00	304,000	-	-	304,000
Cape Henlopen, Roof/HVAC Renovations to F. Thomas Bldg (100% State)	95-17-00	650,000	-	-	650,000
New Castle County VoTech, Renovate Howard HS (61/39)	95-38-00	8,802,700	-	-	8,802,700
New Castle County VoTech, Fit-Out Auditorium at St. Georges HS (61/39)	95-38-00	934,200	-	-	934,200
Sussex Technical, HS Site Renovations - Bus Entrance (60/40)	95-40-00	1,625,900	-	-	1,625,900
Sussex Technical, HS HVAC Renovations (60/40)	95-40-00	810,000	-	-	810,000
Polytech, Renovation/Additions to HS (75/25)	95-39-00	8,818,900	-	-	8,818,900
Subtotal:		\$ 92,870,800	\$ -	\$ 160,000	\$ 93,030,800

SECTION 1 ADDENDUM
 FISCAL YEAR 2012 CAPITAL IMPROVEMENT PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
TWENTY-FIRST CENTURY FUND					
Drinking Water State Revolving Fund (DHSS)	25-01-01	\$ 2,714,600	\$ -	\$ -	\$ 2,714,600
Subtotal:		\$ 2,714,600	\$ -	\$ -	\$ 2,714,600
GRAND TOTAL:		\$ 172,755,000	\$ 198,226,900	\$ 49,536,900	\$ 420,518,800

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 \$172,755,000 and in the amount of
4 \$37,008,229 local share of school bonds. Bonds authorized to be used by this Section shall mature not later
5 than 20 years from their date of issuance. The proceeds of such bonds, except for local share of school
6 bonds, are hereby appropriated for a portion of the purposes set forth in the Section 1 Addendum of this Act
7 and summarized as follows:

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
9 Office of Management and Budget	\$41,213,500
10 Delaware Economic Development Office	3,000,000
11 Delaware State Housing Authority	4,000,000
12 State	6,350,000
13 Health and Social Services	2,750,000
14 Services for Children, Youth and Their Families	2,251,200
15 Correction	3,135,400
16 Natural Resources and Environmental Control	3,698,500
17 National Guard	271,000
18 University of Delaware	3,500,000
19 Delaware State University	3,500,000
20 Delaware Technical and Community College	3,500,000
21 Education	92,870,800
22 Twenty-First Century Fund	2,714,600

<u>Purpose</u>	<u>State Share</u>	<u>Maximum Local Share</u>	<u>Total Cost</u>
25 Minor Capital Improvement and Equipment	\$7,323,800	\$4,027,975	\$11,351,775
26 Pending Referenda Contingency (100% State)	7,565,700		7,565,700

1	Appoquinimink, Construct 840 Pupil ES -			
2	Odessa Campus (75/25)	10,932,600	3,644,200	14,576,800
3	Appoquinimink, Renovation/Addition to			
4	Appoquinimink ECC - Kitchen (75/25)	232,500	77,500	310,000
5	Appoquinimink, Renovation/Addition to			
6	Olive B. Loss ES (75/25)	607,000	202,300	809,300
7	Capital, Construct New 1800 Student HS (70/30)	27,813,700	11,920,200	39,733,900
8	Capital, Renovate William Henry MS			
9	Campus Site (70/30)	2,396,600	1,027,100	3,423,700
10	Capital, Construct Playgrounds at			
11	BT Washington ES (70/30)	195,900	83,900	279,800
12	Capital, Construct/Renovate Athletic Fields at			
13	Central MS (70/30)	149,200	63,900	213,100
14	Seaford, Renovate Central ES,			
15	Roof Replacement (73/27)	801,300	296,400	1,097,700
16	Seaford, Renovate HS, ADA Accessibility			
17	Improvements (73/27)	233,100	86,200	319,300
18	Seaford, Renovate West ES, Roof Replacement (73/27)	860,600	318,300	1,178,900
19	Sussex Technical, Renovations to HS			
20	and Campus Site (60/40)	1,147,500	765,000	1,912,500
21	Laurel, Construct 1400 Student			
22	Combined HS/MS (76/24)	10,665,600	3,368,100	14,033,700
23	Laurel, Land Acquisition 1400 Student			
24	Combined HS/MS (76/24)	304,000	96,000	400,000
25	Cape Henlopen, Roof/HVAC Renovate			
26	F. Thomas Bldg (100% State)	650,000		650,000
27	New Castle County VoTech,			
28	Renovate Howard HS (61/39)	8,802,700	5,628,000	14,430,700
29	New Castle County VoTech,			
30	Fit-out St. Georges HS Auditorium (61/39)	934,200	597,300	1,531,500
31	Sussex Technical, HS Site Renovations -			
32	Bus Entrance (60/40)	1,625,900	1,084,000	2,709,900
33	Sussex Technical, HS HVAC Renovations (60/40)	810,000	540,000	1,350,000
34	Polytech, Renovation/Additions to HS (75/25)	8,818,900	2,939,600	11,758,500

1	Smyrna Extraordinary Site Work Clayton IS (80/20)		242,254	242,254
2	Subtotal	\$92,870,800	\$37,008,229	\$129,879,029
3			TOTAL	<u>\$172,755,000</u>

4 Section 3. Appropriation of General Funds. It is the intent of the General Assembly that
5 \$49,536,900 be appropriated to the following departments of the State and in the following amount for the
6 purposes set forth in the Section 1 Addendum of this Act. Any funds remaining unexpended or
7 unencumbered by June 30, 2012, shall revert to the General Fund of the State of Delaware. The state
8 hereby authorizes the issuance of bonds, to which the state shall pledge its full faith and credit, such bonds
9 to be issued in such principal amount as necessary to provide proceeds to the State in the amount of
10 \$106,700 local share of school bonds. Bonds authorized to be used by this Section shall mature not later
11 than 20 years from their date of issuance.

12	<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
13	Office of Management and Budget	\$1,195,300
14	Delaware Economic Development Office	39,741,100
15	Delaware State Housing Authority	1,500,000
16	Health and Social Services	996,900
17	Natural Resources and Environmental Control	3,650,200
18	Safety and Homeland Security	2,195,900
19	Fire Prevention Commission	97,500
20	Education	160,000

21			Maximum	
22	<u>Purpose</u>	<u>State Share</u>	<u>Local Share</u>	<u>Total Cost</u>
23	Architectural Barrier Removal	\$160,000	\$106,700	\$266,700
24			TOTAL	<u>\$49,536,900</u>

1 Section 4. Bond Deauthorizations. Notwithstanding the provisions of any other State law, the
 2 General Assembly hereby directs the State Treasurer to deauthorize the remaining balances of authorized
 3 but unissued bonds, not in excess of the balances listed below, from the following projects:

<u>Department, Agency, or Instrumentality</u>	<u>Appropriation Code</u>	<u>Amount</u>
Office of Management and Budget		
Kent County Court Complex	2010-10-02-50-50076	\$11,806,686.00
Kent County Court Complex	2011-10-02-50-50076	218,536.34
Delaware Economic Development Office		
Dover Civic Center	2006-10-03-03-50029	\$2,000,000
Dover Civic Center	2007-10-03-03-50046	2,000,000
Delaware Civic Center	2008-10-03-03-50049	2,000,000
TOTAL		<u>\$18,025,222.34</u>

13 Section 5. Appropriation of Bond Premiums. Notwithstanding the provisions of 29 Del. C. §
 14 7414(a), of the available premiums from bonds sold after January 1, 2009, \$12,025,222.34 shall be used in
 15 the following amount for the purpose listed below in order to fully fund the project:

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
Office of Management and Budget	
Kent County Court Complex	\$12,025,222.34
TOTAL <u>\$12,025,222.34</u>	

20 Section 6. Continuing Appropriations. For the fiscal year ending June 30, 2011, any sums in the
 21 following accounts shall remain as continuing appropriations and shall not be subject to a reversion until
 22 June 30, 2012.

<u>Fiscal Year</u>	<u>Account Codes</u>	<u>Remarks</u>
2006/09	10-02-05-10004	Technology Fund
2008/09	10-02-05-50006	800 MHZ
2007	10-02-06-50014	Advanced Planning
2009	10-02-50-10017	MCI
2008	10-02-50-10020	Jud MCI

1	2009	10-02-50-10021	Fire Sprinkler Upgrade
2	2008/09	10-02-50-10031	DOC MCI
3	2006	10-02-50-10033	Darley House
4	2009	10-02-50-10039	MCI/National Guard
5	2009	10-02-50-10041	Architectural Barrier
6	2009	10-02-50-10048	Psych Hosp Def Maint
7	2009	10-02-50-10051	Veterans Home
8	2006	10-02-50-10062	NC Arsenal
9	2008	10-02-50-10909	NC Academy
10	2006	10-02-50-50027	Capital Parking
11	2006	10-02-50-50071	Howard R. Young Center
12	2005/09	10-02-50-50076	Kent County Courthouse
13	2007	10-02-50-50241	Stockley Medical Center
14	2009	10-02-50-50289	Cleve White Bldg
15	2009	10-02-50-50306	MCI OMB
16	2009	10-02-50-50307	MCI DHSS
17	2009	10-02-50-50308	MCI KIDS
18	2009	10-02-50-50309	Starc Headquarters
19	1999	10-03-03-10067	Dover Civic Center
20	2005	10-03-03-10068	Delaware Civic Center
21	2002	12-05-03-10090	GF Cap Reprogramming
22	1994	12-05-03-50015	Agency Reversions
23	1994	12-05-03-50229	School Reversions
24	2009	20-08-01-50052	Dover Public Library
25	2002	20-08-01-50065	Harrington Library
26	1996	20-08-01-50098	North Wilmington Library
27	2007	20-08-01-50100	NCC Bear
28	2007	20-08-01-50101	NCC South
29	2007	25-01-01-10009	ERP
30	2009	35-01-30-10118	Maintenance and Restoration
31	2009	35-01-30-10230	MCI Equipment
32	2005	35-05-20-10209	Fluoridation
33	2007	35-10-01-10120	DACES IV
34	2008/09	38-01-40-10118	Maintenance and Restoration
35	2007	40-01-01-10126	Avian Flu
36	2008	40-01-06-10152	Combined Sewer Overflow
37	2007/08	40-03-02-10132	Park Rehab
38	2006	40-03-02-50237	State Park Facilities
39	2004/05	40-03-03-10129	Dams/Water Control
40	2006	40-03-04-10140	Little Mill Creek
41	2008	40-03-04-10141	Retention Ponds
42	2009	40-03-04-10142	Buried Debris Pit Reme
43	2008	40-03-04-10143	Dam Planning
44	2007	40-03-04-10147	Lewes Facil. Improveme
45	2007	40-03-04-10153	Red Clay Feasibility St
46	2003	40-03-04-50224	Resource Conserv & Dev
47	2008/09	40-03-04-50275	Beach Preservation
48	2009	90-01-01-50290	Alison Hall Ren
49	2009	90-03-01-50346	Delaware State MCI
50	2008/09	90-04-01-10211	Asset Preservation
51	2008	90-04-01-10212	Excellence Thru Technology
52	2008	90-04-04-10213	Wilmington Renovations
53	2006	90-04-04-50235	Stanton Campus Expansion
54	2007	90-04-05-50235	Stanton Campus Expansion

1	2009	90-04-06-10174	Campus Improvement
2	2009	95-01-01-50305	MCI DOE
3	2009	95-10-00-50326	Ren & Add McIlvane
4	2009	95-13-00-10178	Asbestos
5	2008	95-13-00-50080	Land HS
6	2009	95-15-00-10017	MCI
7	2009	95-15-00-10873	MCI/Voc Ed
8	2009	95-15-00-50072	HS Performing Arts Ren
9	2008	95-15-00-50146	Renovate South ES
10	2009	95-16-00-10176	Tech Prep
11	2009	95-17-00-10017	MCI
12	2009	95-17-00-10873	MCI/Voc Ed
13	2008/09	95-17-00-50036	1600 Pupil HS
14	2008	95-18-00-50078	Land & Site Costs for New ES
15	2008	95-18-00-50079	Land MS
16	2008	95-18-00-50122	Morris ECC
17	2008	95-18-00-50139	Renovate Milford HS
18	2009	95-18-00-50282	Construct 720 Pupil HS
19	2009	95-18-00-50287	1000 Pupil MS
20	2009	95-18-00-50332	Renovate Lulu Ross ES
21	2008	95-24-00-10017	MCI
22	2008	95-24-00-50081	Clayton IS
23	2008/09	95-24-00-50113	Renovate Smyrna HS
24	2007	95-24-00-50263	600 Pupil ES
25	2009	95-29-00-10873	MCI/Voc Ed
26	2008	95-29-00-50032	Construct ECC
27	2008	95-29-00-50033	Construct MOT
28	2007	95-29-00-50035	Construct 1000 Pupil M
29	2009	95-29-00-50041	Construct 840 Pupil ES
30	2009	95-29-00-50329	Ren & Add Middeltown H
31	2009	95-29-00-50334	Renovate Silver Lake E
32	2007	95-31-00-10187	Market Pressure Matching Fund
33	2009	95-31-00-10873	MCI/Voc Ed
34	2006	95-31-00-50089	Market Pressure Construct ES
35	2008	95-31-00-50127	Renovate Hanby MS
36	2008	95-31-00-50141	Renovate DuPont HS
37	2008	95-31-00-50147	Renovate Springer MS
38	2007	95-31-00-50176	Renovate District Offices
39	2007	95-31-00-50201	Renovate P.S. Dupont E
40	2007	95-31-00-50208	Renovate Springer MS
41	2009	95-31-00-50284	Construct 66000 Sq F
42	2009	95-31-00-50327	New Transportation Fac
43	2009	95-32-00-10017	MCI
44	2009	95-32-00-50022	MCI
45	2007	95-32-00-50153	Renovate Wilmington Campus
46	2006	95-32-00-50209	Renovate Stanton MS
47	2009	95-33-00-10017	MCI
48	2009	95-33-00-10873	MCI/Voc Ed
49	2006	95-33-00-50034	840 Pupil ES
50	2006	95-33-00-50040	800 Pupil MS
51	2006	95-33-00-50104	New MS
52	2005	95-33-00-50169	Bancroft IS
53	2005	95-33-00-50178	Drew Pyle
54	2006	95-33-00-50217	Wilson ES

1	2008	95-33-00-50321	Bayard ES
2	2008	95-33-00-50322	Porter Road
3	2009	95-33-00-50330	Restart Porter Road ES
4	2009	95-34-00-10017	MCI
5	2009	95-34-00-50063	Gunning Bedford
6	2008	95-34-00-50124	George Reed MS
7	2008	95-34-00-50160	McCullough ES
8	2009	95-36-00-10873	MCI/Voc Ed
9	2003	95-36-00-50062	Frankford ES
10	2004	95-36-00-50073	Indian River HS
11	2006	95-36-00-50123	Frankford ES
12	2006	95-36-00-50132	Indian River HS
13	2005	95-36-00-50183	Renovate Frankford ES
14	2007	95-36-00-50221	Long Neck ES
15	2007	95-36-00-50222	Georgetown ES
16	2007	95-36-00-50223	Selbyville MS
17	2009	95-39-00-10873	MCI/Voc Ed
18	2008	95-39-00-50117	Renovation HS
19	2009	95-40-00-50255	Water System Rep
20	2007/08	95-51-00-50240	Replace Sterck
21	2009	95-51-00-50328	Sterck School
22	2009	95-53-00-10017	MCI
23	2009	95-74-00-50323	MCI Operations

24
25 Section 7. Abandoned Property. For the fiscal year ending June 30, 2012, 29 Del. C. § 6102(s)
26 shall be waived.

27 Section 8. Open Space Funding. Notwithstanding the provisions of any other state law, 30 Del.
28 C. c. 54 § 5423(b)(2) and § 5423(c)(1) shall be waived for the fiscal year ending June 30, 2012.

29 Section 9. Farmland Preservation Funding. Notwithstanding the provisions of any other State
30 law, 30 Del. C. c. 54 § 5426 shall be waived for the fiscal year ending June 30, 2012.

31 Section 10. Resource, Conservation and Development Transfers - Project Funds Transfer from
32 Prior Fiscal Years to Fiscal Year 2012. Within the same county, any Twenty-First Century funds or match
33 remaining from completed projects as authorized as part of the Twenty-First Century Resource,
34 Conservation and Development (RCD) project list pursuant to prior appropriations may be utilized for
35 RCD projects in the Fiscal Year 2012 list of projects approved as part of the Fiscal Year 2012 Bond and
36 Capital Improvements Act.

37 Section 11. Conservation Districts - Federal Acquisition Regulations. Conservation Districts shall
38 not be required to follow the provisions of the Federal Acquisition Regulations unless specifically required

1 under a contract(s) with a federal agency or federal grant. If the Conservation Districts are required to
2 follow subpart 31.2 of the Federal Acquisition Regulations, then the Conservation District(s) are hereby
3 authorized to charge an additional ten percent to their overhead cost rate to enable the Conservation
4 District(s) to continue to fulfill their statutory duties and responsibilities.

5 Section 12. Conservation Districts - Rollover of Funds. If projects are discontinued and have
6 Twenty-First Century funding associated with them, the associated Twenty-First Century funding would
7 remain within the County from which the project originated and would roll over as new Fiscal Year 2012
8 funds for allocation among the remaining projects within that County.

9 Section 13. First State Preservation Revolving Fund, Inc. For Fiscal Year 2012, First State
10 Preservation Revolving Fund, Inc. may continue to expend for administrative expenses the interest
11 generated by the Community Redevelopment Fund appropriations of \$250,000 in each of Fiscal Years 1999
12 and 2000.

13 Section 14. Downtown Milford Inc. Any Community Redevelopment Fund appropriations to
14 Downtown Milford Inc.- Structural and Façade Improvements may be used for private businesses and
15 residences, as well as, institutional residences provided said properties are within the Downtown Milford
16 project area.

17 Section 15. Laurel Redevelopment Corporation. Any proceeds from the sale of property funded in
18 whole or in part from Community Redevelopment Fund grants to Laurel Redevelopment Corporation shall
19 be reinvested in redevelopment projects within the Town of Laurel.

20 Section 16. Community Redevelopment Fund Match. Notwithstanding the provisions of 29 Del.
21 C. § 6102(A), any unexpended Community Redevelopment Funds awarded to the Hockessin Community
22 Center in fiscal years 2004 and 2005 shall not require a local match.

23 Section 17. Bond Bill Reporting Requirements. All state agencies and public school districts
24 receiving funds from the Bond and Capital Improvements Act shall submit a quarterly expenditure status
25 report to the Director of the Office of Management and Budget and Controller General on all incomplete
26 projects that are wholly or partially funded with state and/or local funds, including bond funds. The format

1 and information required in these quarterly reports shall include, but not be limited to, expenditures of both
2 bond and cash funds. The report format will be developed by the Office of Management and Budget and
3 include information as needed by the Department of Finance, Treasurer’s Office and Office of Management
4 and Budget to anticipate cash and bond requirements for the upcoming fiscal year.

5 Section 18. Notification. The Director of the Office of Management and Budget and Controller
6 General shall notify affected state agencies and other instrumentalities of the State as to certain relevant
7 provisions of this Act. Additionally, the Director of the Office of Management and Budget and Controller
8 General shall notify the President Pro Tempore of the Senate and the Speaker of the House as to any
9 legislative appointments required by this Act.

10 Section 19. Bear Babe Ruth. Notwithstanding any provision or requirement of the public trust
11 doctrine or 10 Del. C. c. 82, and without the necessity of compliance therewith, New Castle County is
12 hereby authorized to transfer to Bear Babe Ruth all rights, title and interest in that certain tract, piece, parcel
13 or parcels of land known as Lot 3, Wrangle Hill Elementary School, containing 68.008 acres, more or less,
14 and having Tax Parcel No. 12-013.00-081, as were conveyed to New Castle County by deed of Premcor
15 Refining Group Inc. (“Premcor”) dated March 12, 2007, or by any subsequent deed or consent executed by
16 a successor or assign of Premcor, subject to the condition that such property be used by Bear Babe Ruth for
17 the sole purpose of establishing operating and maintaining thereon a public park for open space, park or
18 outdoor recreational uses.

1 **OFFICE OF MANAGEMENT AND BUDGET**

2 Section 20. 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 Improvements 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 21. Construction Manager at Risk. It is the intent of the General Assembly that public
6 works projects, including public school projects, shall utilize the Construction Manager at Risk project
7 delivery methodology in all instances when a contracted Construction Manager is used.

8 Section 22. Judicial Construction Oversight. It is the intent of the General Assembly that a nine-
9 member Executive Committee be created to oversee construction of new or major renovation of judicial
10 facilities. The Executive Committee shall include two members of the Legislature appointed by the Co-
11 Chairs of the Joint Legislative Committee on the Capital Improvement Program; the respective Chairs of
12 the House and Senate Judiciary Committees; two members of the Judiciary as appointed by the Chief
13 Justice; and three members of the Executive Department to include the Director of Facilities Management,
14 the Director of the Office of Management and Budget and their designee. The Executive Committee shall
15 work in conformation with existing construction oversight guidelines as written in Section 20 of this Act.
16 The Executive Committee is hereby empowered to:

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

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

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

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

25 This section shall apply to the following projects: Kent County Courthouse/O'Brien Building;
26 Sussex County Family Court; Kent County Family Court and any Judicial construction or renovation

1 project requested by either the Judicial Branch or recommended by the Office of Management and Budget
2 for the Judicial Branch where the total project cost estimate exceeds \$10,000,000.

3 Section 23. Minor Capital Improvement and Equipment Supplement - Office of Management and
4 Budget. Notwithstanding the provisions of any other State law to the contrary, not more than \$250,000 may
5 be expended to enter into contractual agreements for project representatives and associated administrative
6 support to ensure adequate oversight of State construction projects. The Director of the Office of
7 Management and Budget is directed to provide an itemized budget for this amount to the Controller General
8 by August 1, of each fiscal year, and expenditure reports to the Controller General by December 1 and June
9 1 of each fiscal year.

10 Section 24. New Castle County Courthouse. Notwithstanding any law or local government
11 ordinance, resolution, or any deed restrictions to the contrary, the Director of the Office of Management and
12 Budget shall designate the name of any state-owned or state-operated courthouse or other judicial building
13 or facility in New Castle County purchased, constructed, or improved by funds appropriated pursuant to an
14 Act of the General Assembly and shall have the sole authority to approve or disapprove the placement of
15 any statues or memorials in or on the grounds of such courthouse or judicial building or facility.

16 Section 25. Belvedere State Service Center Project. Notwithstanding any State laws to the
17 contrary, funds received from tenants in the Belvedere State Service Center shall be used by the Office of
18 Management and Budget for the maintenance and operation of the center.

19 Section 26. Kent County Courthouse Construction. It is the intent of the General Assembly that
20 the Office of Management and Budget shall have the authority to develop and implement procedures and a
21 methodology to engage a Construction Manager at Risk for all phases of the Kent County Courthouse
22 Project including the construction of any required parking facilities. To enable the engagement of a
23 Construction Manager at Risk, all provisions of 29 Del. C. c. 69 are hereby waived with the exception of §
24 6960 related to prevailing wage.

1 Section 27. Kent County Courthouse Appropriation. The Section 1 Addendum to this Act contains
2 an appropriation of \$2,000,000 which shall be used solely for the renovation of the existing Kent County
3 Courthouse.

4 Section 28. Sale of Surplus Property. Notwithstanding the provisions of any law to the contrary,
5 the Director of the Office of Management and Budget is authorized to solicit buyers, lessors or developers
6 and negotiate the sale, long or short-term lease, development or adaptation of the state-owned building and
7 parking lot, commonly known as the Bank of America Building and State Employee Workforce Education
8 and Training Center, located on the block bounded by French, 9th, 10th and Walnut Streets in Wilmington.
9 Net proceeds resulting from a sale, lease, development or reuse of the building and/or parking lot shall be
10 deposited to the General Fund. The Director of the Office of Management and Budget must receive
11 approval from the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program prior
12 to executing an agreement of sale, lease, development or use of the building or parking lot for other than
13 state agencies. The Director of the Office of Management and Budget is authorized to solicit buyers,
14 lessors, developers and others who may enable the sale, development, lease, or reuse of the property
15 directly, use public advertisement, auction, reverse auction, sealed bids, or issue requests for information
16 and requests for proposals. During Fiscal Year 2012, the Director of the Office of Management and Budget
17 may identify additional state-owned real property that, with the concurrence of the Co-Chairs of the Joint
18 Legislative Committee on the Capital Improvement Program and the Controller General, may be sold,
19 leased or developed pursuant to the provisions of this section.

20 Section 29. Capital Parking. It is the intent of the General Assembly that the Office of
21 Management and Budget may use funds previously appropriated for Capital Parking/Security in the Section
22 1 Addendum to 75 Del. Laws, c. 98 for the construction of the Kent County Courthouse and for the
23 development and construction of parking required by the City of Dover to obtain a Certificate of Occupancy
24 for the expanded Kent County Courthouse. The Office of Management and Budget may expand the scope
25 of the contract for the construction of the Kent County Courthouse to include all required parking and may
26 use design/build project delivery methodology to expedite completion of a parking structure, garage or

1 other means to provide the required number of new parking spaces. The Office of Management and Budget
2 shall evaluate all state-owned sites in and around the Capital Complex for the development of Courthouse-
3 related parking, and may also enter into an agreement with the City of Dover to construct the required
4 parking on city-owned land if that option is found to be advantageous to both the city and state, or may
5 purchase property, if necessary. All provisions of 29 Del. C. c. 69 are hereby waived, with the exception of
6 § 6960 related to prevailing wage rates, for construction of parking associated with the Kent County
7 Courthouse project.

8 Section 30. Card Access Security Systems. Notwithstanding the provisions of any law to the
9 contrary, the Office of Management and Budget, Department of Safety and Homeland Security, and the
10 Department of Technology and Information shall jointly develop and maintain specifications and standards
11 for card access security systems for all state facilities. Security system communications using state
12 infrastructure will observe enterprise standards and policies as defined by Department of Technology and
13 Information pursuant to 29 Del. C. c. 90C. The specifications and standards shall enable a single-card
14 security solution for all state-owned facilities, require the ability for concurrent central and local
15 administration of card access functions, and shall include a registry of approved card readers and associated
16 hardware required to implement card access security systems. It is the intent of this section to authorize
17 Office of Management and Budget, Department of Safety and Homeland Security and Department of
18 Technology and Information to jointly select a single supplier, manufacturer or technology of access cards
19 and security management software for use by all state agencies. The Office of Management and Budget,
20 Department of Safety and Homeland Security and Department of Technology and Information shall
21 develop procedures and standards required for the evaluation and approval of agency requests for new or
22 modified security systems of any type. Before a state agency may install a new security system or modify
23 an existing system, the agency shall obtain the approval of the Office of Management and Budget,
24 Department of Safety and Homeland Security and Department of Technology and Information.

25 Section 31. Technology Fund. Of the funds appropriated to the Office of Management and Budget
26 in Fiscal Year 2006 (10-02-05-10004) for technology, \$900,000 is to be used for the development of a case

1 management system for the Office of the Attorney General.

1 **DELAWARE ECONOMIC DEVELOPMENT OFFICE**

2 Section 32. Composites Research. The Delaware Economic Development Office (DEDO) is
3 authorized to provide a match of up to \$100,000 to the University of Delaware Center for Composite
4 Materials for federal research grants received that support the development and application of composite
5 manufacturing technology for the benefit of Delaware companies. Such match shall be disbursed from the
6 Strategic Fund upon documentation of the receipt of federal funds allocated to the Center during the fiscal
7 year for these purposes and upon documentation of the relevance of these research projects to Delaware
8 industries' needs and their participation within said projects.

9 Section 33. Delaware Industrial Park. DEDO is hereby prohibited from locating any operation that
10 involves the use of hazardous materials at the former Helix Synthesis Technologies site within the
11 Delaware Industrial Park. Hazardous materials are defined as any material of a gaseous, liquid or solid
12 form that has the potential to cause temporary or permanent harm to humans or the environment.

13 Section 34. Diamond State Port Corporation. The Section 1 Addendum to this Act contains an
14 appropriation of \$5,000,000 for the Diamond State Port Corporation (DSPC). The expenditure of these
15 funds shall be subject to the review and approval of the Board of Directors of DSPC. In addition, the DSPC
16 may borrow, on an interest-free basis, \$2,000,000 of this authorization to meet its short term operating
17 expenses during Fiscal Year 2012.

18 Section 35. Kalmar Nyckel. The scheduling of the Kalmar Nyckel by non-state entities shall
19 require the approval of the Riverfront Development Corporation. Further, the Riverfront Development
20 Corporation is encouraged to enter into negotiations with interested parties to review the disposition of
21 loans to the Kalmar Nyckel.

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

25 Section 37. Council on Development Finance. If DEDO makes an award not in agreement with
26 the recommendations of the Council on Development Finance, the Director of DEDO shall notify the Co-

1 Chairs of the Joint Legislative Committee on Capital Improvements within 10 business days. The
2 notification shall include details of the actual award, the Council recommendations on the proposal, and a
3 justification for why DEDO did not follow the recommendations of the Council.

4 Section 38. New Markets Tax Credit Program. In the event that the Director of DEDO or the
5 Director of the Delaware State Housing Authority and the Secretary of Finance determine that it is
6 advisable to apply for participation in the New Markets Tax Credit Program under the U.S. Treasury
7 Department, the Director is authorized to form a business entity or organization to apply for and manage
8 this program on behalf of the State, as required by applicable federal legislation and regulations. Any such
9 application for said program shall be subject to the approval of the Co-Chairs of the Joint Legislative
10 Committee on the Capital Improvement Program and the Delaware State Clearinghouse Committee.
11 Should such application receive final approval by the U.S. Treasury Department or other federal
12 governmental entity charged with such authority, at least one public hearing shall be held for the purpose of
13 presenting the program, the availability of financial assistance and the selection process and the Director of
14 the Delaware State Housing Authority shall notify, by certified and regular mail, any state senators and
15 representatives in whose districts any development project may be located, upon the submission of a request
16 for financing and a decision to provide financing for such development pursuant to the New Market Tax
17 Credit Program. In addition, the Housing Director shall so notify the Chief Executive Office of any local
18 government in whose jurisdiction any development will be located.

19 Section 39. Fraunhofer Vaccine Development. The Section 1 Addendum to this Act appropriates
20 \$1,000,000 for Fraunhofer Vaccine Development. It is the intent of the General Assembly and the
21 Administration that said funds represent the first year of a six-year commitment by the State of Delaware
22 to leverage a 2:1 matching grant of \$18,000,000 from Fraunhofer USA.

23 Section 40. Emerging Technology Center. Notwithstanding any other law to the contrary, funds
24 appropriated to DEDO for the Emerging Technology Center, pursuant to 74 Del. Laws, c. 308 § 36(c),
25 shall be expended by DEDO for the purpose of operating the Delaware Emerging Technology Center
26 (“ETC”). Operating expenses may include, but are not limited to ETC software licensing agreements;

1 patent maintenance fees; Delaware sponsored ETC investor forums, businesses plan competitions and
2 conferences, marketing campaigns; and Intellectual Property Business Creation program implementation
3 initiatives.

4 Section 41. Riverfront Development Corporation. (a) Funds appropriated for the Riverfront
5 Development Corporation of Delaware (RDC) shall be disbursed to a special fund to be known as the
6 Riverfront Development Corporation Fund hereinafter referred to as the Fund.

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

10 (c) Funds appropriated to DEDO for RDC shall be expended only with the approval of the board
11 of directors of the RDC. Funds may only be expended for activities related to the redevelopment of the
12 Brandywine and Christina riverfront areas, including: planning and design studies; the acquisition,
13 construction and improvement of real property; environmental remediation; costs of operations and
14 administration; conversion of the Chase Center on the Riverfront to a conference center; debt service; and
15 other expenses in furtherance of the mission of the RDC.

16 Section 42. Limited Investment for Financial Traction (LIFT) Initiative. Notwithstanding any
17 other law to the contrary, DEDO is hereby authorized to pay administrative fees associated with the LIFT
18 Initiative from the Strategic Fund not to exceed two percent of the program total.

19 Section 43. Delaware Stadium Corporation. Contingent upon a renewed lease agreement between
20 the Wilmington Blue Rocks and the Delaware Stadium Corporation, the Section 1 Addendum to this Act
21 appropriates \$450,000 to the Delaware Economic Development Office for the purpose of renovating certain
22 offices in Frawley Stadium.

1 **DELAWARE STATE HOUSING AUTHORITY**

2 Section 44. Housing Preservation. The Section 1 Addendum to this Act appropriates \$4,000,000
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 and tax-exempt bonds to help renovate and improve existing federally assisted
6 housing stocks in Delaware. The renovations may secure \$120,000,000 in federal rental subsidy funds over
7 the next 30 years. The Director of the Delaware State Housing Authority shall report to the Controller
8 General and the Director of the Office of Management and Budget no later than April 30, 2012 on the
9 expenditure of the Housing Development Fund - Preservation funds appropriated in Section 1 Addendum to
10 this Act. Said report shall also include the amount and expenditure of any non-state funds received by the
11 State for said Housing Preservation projects.

12 Section 45. Delaware State Rental Assistance Program. The Section 1 Addendum to this Act
13 appropriates \$1,500,000 for Housing Development Fund - Delaware State Rental Assistance Program.
14 These funds shall be administered by the Delaware State Housing Authority to provide rental housing
15 vouchers to program participants referred by Department of Health and Social Services (DHSS) and
16 Department of Services for Children, Youth and Their Families (DSCYF) with a need for community-based
17 supportive services. The Director of the Delaware State Housing Authority shall report to the Director of
18 the Office of Management and Budget and the Controller General no later than November 15 and March 15
19 on the expenditure of the Housing Development Fund - Delaware State Rental Assistance Program and
20 include any cost saving achieved by DHSS and DSCYF as a result of a reduction in demand on state
21 institutions.

1 **DEPARTMENT OF TECHNOLOGY AND INFORMATION**

2 Section 46. Data Center Projects. In no instance shall any information technology data center
3 project be initiated by a department/agency during this fiscal year until a formalized plan has been approved
4 by the department/agency head, Director of the Office of Management and Budget and the State Chief
5 Information Officer. This includes, but is not limited to, relocating, renovating and/or constructing new
6 information technology data centers.

1 **DEPARTMENT OF STATE**

2 Section 47. 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 48. 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 (DNREC) dealing with the potential use of dredge spoils
9 for Delaware beach preservation and habitat protection.
- 10 2) The Corps of Engineers shall meet all necessary DNREC permitting requirements.

11 Section 49. 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 repairs to those facilities under the control of the Division of Historical
15 and Cultural Affairs.

16 Section 50. 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 51. 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.

24 Section 52. Stabilization Endowment for the Arts. It is the intent of the General Assembly that
25 previously appropriated funds from the Department of State to the Stabilization Endowment for the Arts

- 1 may be used to fund operating expenses pursuant to appropriate controls and procedures adopted by the
- 2 Board of the Arts Consortium of Delaware and upon concurrence of the Division of Arts.

1 **DEPARTMENT OF FINANCE**

2 Section 53. Bond Proceeds Reimbursement. Unless not permitted by the Internal Revenue Code of
3 1986, as amended (the “Code”), whenever the General Assembly authorizes the issuance of the State’s
4 General Obligation bonds or the Delaware Transportation Authority’s (the Authority) revenue bonds to
5 finance the costs of specific capital projects, it is the intent of the General Assembly that the interest on
6 such bonds shall not be included in gross income for federal income tax purposes under Section 103 of the
7 Code, and the United States Treasury Regulations (the “Regulations”) thereunder as they may be
8 promulgated from time to time, or shall be qualified as Build America Bonds pursuant to the Code and the
9 Regulations. Pursuant to the State's budget and financial policies, other than unexpected situations where
10 surplus revenues render bond financing unnecessary or undesirable, no funds other than the proceeds of
11 such bonds, are or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set
12 aside by the State to pay the costs of such specific capital projects. Pursuant to the Authority’s budget and
13 financial policies, it is expected that approximately 50 percent of the costs of its capital projects shall be
14 funded on a long-term basis from the proceeds of such bonds. However, after the authorization of such
15 bonds but prior to their issuance, non-bond funds from the State’s General Fund or the Authority’s
16 Transportation Trust fund or other funds may be advanced on a temporary basis to pay a portion of the costs
17 of such specific capital projects. In that event, it is expected that these non-bond funds will be reimbursed
18 from the proceeds of such bonds when they are issued. This reimbursement may cause a portion of such
19 bonds to become reimbursement bonds within the meaning of Section 1.150-2 of the Regulations. Under
20 those Regulations, to preserve the exclusion of the interest on such bonds from gross income for federal
21 income tax purposes, it may be necessary to make a declaration of official intent. The Secretary of Finance
22 is hereby designated as the appropriate representative of the State and the Secretary of Transportation is
23 hereby designated as the appropriate representative of the Authority, and each is authorized to declare
24 official intent on behalf of the State or the Authority, as the case may be, within the meaning of Section
25 1.150-2 of the Regulations, whenever and to the extent that such declaration is required to preserve such tax
26 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 (QZABs) within the meaning of the Code and the Regulations. Such portion shall be
4 equal to the maximum amount of QZABs which may be issued under the Code and the Regulations. The
5 Secretary of Finance is hereby authorized to determine the terms and conditions of the QZABs and the
6 eligible public school project financed by the QZABs, and the manner by which QZABs shall be awarded
7 to the purchasers thereof, including private negotiated sale, notwithstanding anything to the contrary
8 contained in 29 Del. C. c. 74; provided that the requirements of 29 Del. C. § 7422 must be observed.

9 Section 55. Qualified School Construction Bonds; Build America Bonds; and Amortization
10 Requirements. A portion of the General Obligation bonds authorized under this Act or any previous
11 authorization act may be issued in the form of Qualified School Construction Bonds (QSCBs), Build
12 America Bonds (BABs), or any other bonds permitted by the federal American Recovery and Reinvestment
13 Act of 2009 (ARRA) or by the Code. The QSCBs may be issued in a principal amount not exceeding the
14 maximum amount of QSCBs which may be issued under the Code and the Regulations and are hereby
15 authorized as part of the General Obligation bonds authorized under 29 Del. C. § 7422(b). Notwithstanding
16 anything to the contrary contained in 29 Del. C. 74, the Secretary of Finance is hereby authorized to
17 determine the terms and conditions of the QSCBs, the BABs and any other bonds permitted by ARRA, or
18 any bonds issued in connection with the QSCBs or BABs, and the manner by which they shall be awarded
19 to the purchasers thereof, including private negotiated sale. Any bonds authorized in this Act or any
20 previous authorization act may be issued during Fiscal Year 2012 or Fiscal Year 2013, and may be subject
21 to any amortization requirements as shall be determined by the issuing officers notwithstanding anything to
22 the contrary contained in Section 7406(b) of Title 29.

23 Section 56. Escheat. Notwithstanding the provisions of 29 Del. C. § 6102(a), for the fiscal year ending
24 June 30, 2012, with respect to revenues collected under 12 Del. C. c. 11, the Secretary of Finance shall
25 transfer up to \$70,000,000 of receipts received in excess of \$414,000,000 to the following accounts:

- 1 i. The first \$6,000,000 shall be deposited into the Farmland Preservation Fund maintained under 3
2 Del. C. c. 9 § 905(a);
- 3 ii. The next \$24,000,000 shall be deposited into the Transportation Trust Fund as established by 2 Del.
4 C. c. 1404;
- 5 iii. The next \$10,000,000 shall be deposited into the Debt Reduction Fund; and
- 6 iv. The next \$30,000,000 shall be deposited into the K-12 Construction Fund.
- 7 Should such deposits into the above funds exceed \$70,000,000, any remaining receipts received by the State
8 under 12 Del. C. c. 11 shall be deposited to the General Fund.

1 **HEALTH AND SOCIAL SERVICES**

2 Section 57. Delaware Health Information Network. The Section 1 Addendum to this Act
3 appropriates \$996,900 for the Delaware Health Information Network (DHIN), a joint initiative between
4 private, federal and state funds. The \$996,900 shall be utilized to support the development of an
5 interoperable network to exchange clinical information among all healthcare providers across the state to
6 improve patient outcomes and patient-provider relationships. The system shall be designed to allow patient
7 clinical information to be shared across all healthcare facilities and organizations and across public and
8 private sectors. The DHIN, shall provide the following to the Director of the Office of Management and
9 Budget, the Secretary of the Department of Health and Social Services and the Controller General:

10 (a) A budget that outlines the expenditure for the \$771,300 of the state appropriation including a
11 breakdown of categories (personnel/contractual services/supplies, etc.); and

12 (b) A total project budget over multiple years that includes funding allocations detailing federal,
13 private and state requested amounts.

14 Expenditures of the remaining \$225,600 of state funds shall be used only for the purpose of
15 matching the American Recovery and Reinvestment Act (ARRA) Health Information Exchange (HIE) grant
16 funds, and shall be authorized by the Secretary of the Department of Health and Social Services.

17 Remaining funds of this amount may not be applied towards any purpose other than ARRA HIE grant
18 matching. Working with state agencies, DHIN shall work to identify match requirements for the ARRA
19 HIE grant for Fiscal Year 2013 and Fiscal Year 2014 from non-federal in-kind sources, and not limited to
20 non-federal cash contributions.

1 **DEPARTMENT OF CORRECTION**

2 Section 58. 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 59. 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 60. 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.

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

2 Section 61. Conservation Cost-Sharing Program. The Section 1 Addendum to this Act
3 appropriates \$1,500,000 to the Department of Natural Resources and Environmental Control for the
4 Conservation Cost-Sharing Program. Of this amount, 70 percent will be divided equally among the three
5 conservation districts to expand their water quality and water management programs. Preference should
6 be given to projects or conservation practices that improve water quality on lands covered by nutrient
7 management plans, as practicable and in consultation with the Secretary. The remaining balance will be
8 directed towards nutrient management and water quality efforts statewide as determined by the Secretary,
9 in consultation with the three conservation districts.

10 Section 62. DNREC Land Acquisition. Except for land acquired by approval of the Open Space
11 Council or approved through a Bond and Capital Improvements Act, land shall not be purchased by the
12 Department of Natural Resources and Environmental Control without prior approval of the Co-Chairs of
13 the Joint Legislative Committee on the Capital Improvement Program provided, however, that the
14 Department is not prohibited from conducting studies, surveys or other contractual arrangements that
15 would normally precede land acquisition procedures.

16 Section 63. Open Space Match Requirements. Notwithstanding the provisions of 29 Del. C.
17 § 6102A(c)(2), upon written request by the Open Space Council and notification of the Secretary of
18 Finance, the Co-Chairs of the Joint Legislative Committee on Capital Improvements are hereby
19 empowered to waive on a case-by-case basis the match requirements for a specific Open Space land
20 purchase if it can be demonstrated that meeting said match requirements would prevent the timely
21 purchase of said parcel.

22 Section 64. Army Corps of Engineers Project Cooperation Agreements. By using funds approved
23 by Bond and Capital Improvements Acts, the Secretary of DNREC is authorized to sign Project
24 Cooperation Agreements with the Department of the Army and other appropriate sponsors for planning,
25 construction, operation and maintenance for projects entered into by said Agreements.

1 Section 65. Indian River Marina. In accordance with the provisions of 73 Del. Laws, c. 350, § 70,
2 DNREC under the direction of the Director of the Office of Management and Budget may utilize up to
3 \$9,900,000 in funds from the Twenty-First Century Fund for the Parks Endowment Account as established
4 in 29 Del. C. § 6102A(e), for the purpose of revitalizing and enhancing public amenities within the
5 Delaware Seashore State Park in and around the Indian River Marina Complex and related support facilities
6 as presented to the Joint Legislative Committee on Capital Improvements on May 15, 2002. DNREC will
7 repay both the principal borrowed and interest on the principal borrowed equal to that interest lost as a
8 result of borrowing from the Account. Repayment shall not exceed twenty years.

9 Section 66. Newark Reservoir. Of the funds allocated from the Twenty-First Century
10 Water/Wastewater Management Account in 72 Del. Laws, c. 258 and c. 489, \$3,400,000 has been set aside
11 for the Newark Reservoir Project. If the City of Newark annexes the property referred to as New Castle
12 County Tax Parcel #08-059.20-002, the City must repay to the State those monies appropriated in the Fiscal
13 Year 2000 and 2001 Bond and Capital Improvements Acts for said project.

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

20 Section 68. Waterway Management. DNREC is directed to provide dedicated, comprehensive
21 waterway management for state waters. DNREC will: maintain design depths and mark navigational
22 channels of the State that are not maintained and marked by any entity of the federal government; remove
23 nuisance macroalgae; remove abandoned vessels; remove derelict structures, trees and other debris that
24 threatens safe navigation; and perform any other waterway management services that may be identified to
25 preserve, maintain and enhance recreational use of the State's tidal waters, as well as improve
26 environmental conditions as warranted or directed by the Governor or Secretary of DNREC. DNREC is

1 further directed to undertake a study of the sediment sources and patterns of sediment movement that results
2 in deposition within State waterways to determine if there are methods to reduce the dependency on
3 dredging to remove deposited sediments.

4 Section 69. Clean Water Funding Leverage. The Department of Natural Resources and
5 Environmental Control, under advisement from the Clean Water Advisory Council, is encouraged to
6 evaluate the potential leveraging of the Water Pollution Control Revolving Fund and/or the Twenty-First
7 Century Fund Wastewater Management Account based on the recommendation of the Dialogue on
8 Financing Wastewater and Stormwater Infrastructure report sponsored by the Delaware Public Policy
9 Institute, Office of the Governor, Office of the Lieutenant Governor, DNREC and the Clean Water
10 Advisory Council. The Department is further encouraged to include in its evaluation the use of any other
11 resources or assets within the Department that can be used to create an environmental infrastructure trust to
12 further the environmental goals of the State.

13 Section 70. Conservation Districts. It is the intent of the General Assembly that the Office of
14 Natural Resources, Division of Watershed Stewardship and the Conservation District as established by 7
15 Del. C. c. 39 shall have the authority to transfer Twenty-First Century Funds among projects that are
16 located within their respective districts. Projects into which funds are transferred shall have their full non-
17 Twenty-First Century funding in place before any such transfer can occur and in no case shall any project
18 from which funds are taken be dropped from the project list for construction when funds become available.
19 The Office of Natural Resources, Division of Watershed Stewardship shall report a list of completed
20 transfers to the Director of the Office of Management and Budget and the Controller General on December
21 15, 2011 and May 15, 2012.

22 Section 71. Yard Waste Drop Sites. It is the intent of the General Assembly that all yard waste
23 drops sites in New Castle County remain operational unless otherwise directed by the General Assembly.

24 Section 72. Drainage Project Match Requirements. For water management and drainage projects
25 undertaken by the Department of Natural Resources and Environmental Control's, Office of Natural
26 Resources, Division of Watershed Stewardship and the Conservation Districts using 21st Century Fund

1 Resource, Conservation and Development funds, the required non-21st Century Fund match shall be
2 reduced from 25 percent to a minimum of 10 percent of the total project cost for any project undertaken
3 during Fiscal Year 2012 and 2013. With the agreement of the legislators in whose districts the projects
4 originated, 21st Century funding may be transferred among projects in an effort to accumulate up to 90
5 percent 21st Century funding for priority projects. If the construction of these projects extends beyond
6 Fiscal Year 2013, so long as the project has expended funds during this period for planning, survey, design,
7 engineering, permitting or other support functions, the match percentage shall remain 10 percent for the
8 project's duration.

9 Section 73. Auburn Valley Project. The implementation of the transportation, stormwater
10 management, demolition, remediation, redevelopment, and parks and recreation element of the Auburn
11 Valley Master Plan shall not be subject to the zoning, subdivision, land use, or building code ordinances or
12 regulations of New Castle County.

13 Section 74. Conservation District Contracting. Notwithstanding any statutory provision or
14 regulation to the contrary, it is the intent of the General Assembly that the Department of Natural Resources
15 and Environmental Control may enlist Delaware's conservation districts as provided in 7 Del. C. c. 39 to
16 advance the purposes of this chapter. All contracts shall be subject to the provisions of 29 Del. C. § 6960.

17 Section 75. Recycling Cash Flow. The Department is hereby authorized, consistent with 7 Del.
18 C. c. 60 and c. 30 Del. C. c. 29, to issue grants and loans to assist persons engaged in the business of
19 collecting, transporting, processing, or marketing recyclable materials. To that end, the Secretary shall be
20 authorized to borrow up to \$22,000,000 in combination from the Delaware Land and Water Conservation
21 Trust Fund Endowment Account, the Parks Endowment Account, the Beach Preservation Appropriation
22 Account and the Resource, Conservation and Development Appropriation in order to fund activities
23 pursuant to 7 Del. C. § 6054 and § 6055. Any funds borrowed from such accounts shall be paid back in
24 full by no later than June 30, 2015, from fees generated pursuant to 30 Del. C. c. 29. To the extent that
25 borrowing results in reduced revenues to the Department for programs that rely on interest from these
26 accounts, principal from the account may be used to offset up to the amount of lost interest revenue and

1 shall be repaid by fees generated pursuant to 30 Del. C. c. 29. A report must be submitted regarding funds
2 borrowed and update on the recycling program to the Director of Office and Management and Budget and
3 the Controller General's Office by October 15, 2011 and April 15, 2012.

4 Section 76. Bay View. In accordance with the provisions of 77 Del. Laws c. 329 § 90, the
5 Department is hereby authorized to spend up to \$200,000 in prior year funds from the Beach Management
6 Account for the purpose of stabilization and/or restoration of the beach at the community of Bay View. No
7 new appropriations shall be made for this purpose. These funds shall be used for the acquisition of
8 additional scientific data, and/or preparation of local, state, and federal permit applications for this project
9 and may be added to subsequent year appropriations for construction of this protective beach and terminal
10 structure to assist in stabilizing the beach. Project oversight and implementation will be provided through
11 the New Castle Conservation District. Prior to any construction, all applicable local, state and federal
12 permitting requirements shall be met. The Department's interim policy for Coastal Lands Restoration
13 Projects shall apply and prior to commencement of any construction, a written agreement between the
14 Department and the community shall be signed by appropriate parties and will address applicable policy
15 considerations. Any funds borrowed from the Beach Management Account shall be restored through Bond
16 Bill appropriations no later than August 1, 2015.

17 Section 77. Redevelopment of Strategic Sites. The Section 1 Addendum to this Act appropriates
18 \$2,500,000 to the Department of Natural Resources and Environmental Control for the redevelopment of
19 strategic sites.

20 (a) \$2,250,000 shall be used for the remediation and redevelopment of the former NVF Facility in
21 Yorklyn, along the Red Clay Creek.

22 (b) \$250,000 shall be used to develop a plan for the redesign and redevelopment of the Fort
23 DuPont complex in Delaware City that encourages economic development that is compatible with current
24 historic structures and recreational purposes. The Department of Natural Resources and Environmental
25 Control shall work with the Delaware Economic Development Office, the Delaware State Housing

- 1 Authority and the Department of Transportation to submit a joint plan for the development of these sites to
- 2 the Director of the Office of Management and Budget and the Controller General by October 15, 2011.

1 **DEPARTMENT OF TRANSPORTATION**

2 Section 78. General Provisions. The Department of Transportation (Department) is hereby
3 authorized and directed to use all its designated powers and resources to carry out the following legislative
4 mandates:

5 (a) Transportation Trust Fund Authorizations. Sums not to exceed \$359,979,900 (State:
6 \$198,226,900; Federal: \$144,529,000; Other: \$17,224,000) are authorized to be withdrawn from the
7 Transportation Trust Fund to carry out the projects and programs as set forth in the Section 1 Addendum of
8 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 bonds in an amount
11 not to exceed \$112,809,000 pursuant to the provisions of 2 Del. C. c. 13 and 14, of which not more than
12 \$105,463,000 plus premium shall be used for purposes set forth in the Section 1 Addendum of this Act with
13 the remainder, not to exceed \$7,346,287 to be used to fund issuance costs and necessary reserves for the
14 Reserve Account.

15 Section 79. 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 without first conducting a public
24 workshop to describe such plans and gather public input into the effect of such plans.

25 Section 80. Transportation Enhancements. (a) It is the intent of the General Assembly that the
26 Department provide notice to all State agencies, political sub-divisions within the State, and other parties of

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

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

15 Section 81. Grants and Allocations. The Section 1 Addendum of this Act appropriates the sum of
16 \$12,375,000 (State) for projects within the Grants and Allocations classification. The General Assembly
17 further defines its intent with respect to those appropriations as follows:

18 (a) The sum of \$8,375,000 (State) shall be used for the Community Transportation Fund, in
19 accordance with the rules and regulations as adopted by the Joint Legislative Committee on the Capital
20 Improvements Program, as amended from time to time.

21 (b) The sum of \$4,000,000 (State) shall be used for the Municipal Street Aid program, pursuant to
22 the provisions of 30 Del. C. c. 51.

23 Section 82. 5310 Program. The Delaware Transit Corporation is authorized to expend up to
24 \$1,255,200 (\$804,300 State; \$450,900 Federal) from the Transit System classification (73/00) appropriated
25 in this Act for the 5310 Program, administered by the Federal Transit Authority.

1 Section 83. 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 p.m. or before 7:00 a.m., 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 notifications 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 damage
20 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 84. McMullen Farm. The General Assembly has previously authorized the Department to
2 enter into contracts with the owners of property located in Bear, Delaware known as the McMullen Farm in
3 order to promote improved transportation access and circulation, to promote healthy economic growth, and
4 to preserve and enhance critical open space. The Department is authorized to continue its negotiations for
5 the improvements to Routes 7 and 40, to the system of roads connecting to these arteries, and to the lands
6 adjacent between the bounds of Route 273 and Route 40, Route 1 and Salem Church Road. All previous
7 authorizations to the Department, and other affected State agencies, shall remain in force and effect, and the
8 Secretary of the Department shall report to the Governor and the General Assembly on progress toward the
9 completion of the transportation improvements, development of the excess lands, and creation and
10 improvement of the community parkland no later than May 1, 2012.

11 Section 85. 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 DNREC. Such
21 agreements will insure that during the period of construction of the bridge and other necessary
22 improvements, DNREC shall be equitably indemnified from the loss of critical tourist revenues, which are
23 necessary to fund the operations of all of the State's outdoor recreational facilities.

24 Section 86. City of Wilmington Beautification. In order to maintain the urban tree canopy
25 available in the City of Wilmington, the General Assembly authorizes and directs the Department to
26 establish, and maintain a program of tree maintenance and replacement in cooperation with the Delaware

1 Center for Horticulture (Center) and/or Urban Forestry in the Department of Agriculture. It is the intent of
2 the General Assembly that such program shall be funded exclusively by allocations made from time to time
3 by members of the General Assembly from their Community Transportation Funds (“CTF”). The
4 Department shall make payments to the Center and/or Urban Forestry in the Department of Agriculture for
5 work accomplished, and appropriately vouchered, from the CTF funds herein identified.

6 Section 87. Supplies of Road Materials. Section 109 of 74 Del. Laws, c. 308 is suspended until
7 such time as the Department of Transportation shall suggest its re-institution and such suspension has been
8 overridden by an Act of the General Assembly.

9 Section 88. System Capacity Preservation. The General Assembly hereby determines that it is in
10 the public interest to limit future residential, commercial, or industrial growth along certain portions of the
11 State’s highway network. Such potential growth would produce unsafe driving conditions as increased
12 traffic seeks access to, and movements along, a number of local roads and collectors in critical locations
13 through the State. The General Assembly further determines that it would be infeasible or imprudent for
14 the Department to attempt to design and construct modifications to the State’s highway network adjacent to
15 these locations because such improvements would irrevocably destroy the important scenic and historic
16 nature of the view sheds and other environmental attributes associated with these locations. Accordingly,
17 the Secretary of the Department of Transportation (Secretary) is authorized and directed to use State funds
18 appropriated to the Transportation Enhancements program authorized and funded in the Section 1
19 Addendum of 74 Del. Laws, c. 308, together with such other funds from any public or private source as
20 may be available and appropriate, to purchase land, or such rights in land, as the Secretary deems necessary
21 to protect the following properties, pursuant to the stipulations stated herein. Expenditures of these funds
22 for these purposes shall be with the review and approval of the Director of the Office of Management and
23 Budget and Controller General. The provisions of 17 Del. C. c. 1 and 29 Del. C. c. 93 and c. 95 shall govern
24 such purchases, and any other purchase by the Department authorized by this Act.

25 Millcreek Farm (Yearsley) Property: Four parcels totaling approximately 35 +/- acres adjacent to
26 Mill Creek (SR 282) and Stoney Batter (SR 283) Roads in New Castle County. The Department shall work

1 with members of the surrounding community, plus State and local officials, to develop a master plan for the
2 permanent protection of the site as community recreation and open space, and upon satisfactory completion
3 of such plans, may transfer the parcel to New Castle County for a fee to be determined.

4 Section 89. Denny Road/Route 896 Alignment Completion. Upon completion and final inspection
5 of the Denny Road/Route 896 Realignment Project, the frontage property consisting of two parcels (0.93
6 and 0.929 acres) along Route 896, currently landscaped and maintained by the community of Meadow
7 Glen, shall revert back to the community which had owned said parcels prior to 1994. Notwithstanding the
8 provisions of 17 Del. C. § 137, the Department shall deed these parcels to the community and remain in
9 their possession in perpetuity.

10 Section 90. Port of Wilmington. Subject to the review and approval of the Board of Directors of
11 the Diamond State Port Corporation (DSPC):

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

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

1 Section 91. Wakefield Drive. The Department of Transportation shall be prohibited from
2 reopening Wakefield Drive in Newark through to Old Baltimore Pike.

3 Section 92. 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 Improvements 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 93. Red Light Safety Enforcement. (a) The program shall continue to use recognized
9 safety and accident criteria in determining whether and where to add any new enforcement locations to this
10 program, and in any event shall continue to confirm that any such new locations are not objected to by the
11 incumbent state Senator and Representative for the districts in which such locations are proposed.

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

18 Section 94. Design-Build Contracts. The Department of Transportation is hereby authorized to
19 continue utilization of the design-build contract mechanism for a total of twelve transportation construction
20 projects (nine of which have been authorized). Design-build is a project delivery method under which a
21 project owner, having defined its initial expectations to a certain extent, executes a single contract for both
22 architectural/engineering services and construction. The selection processes and other terms of such
23 contracts may vary considerably from project to project. The design-build entity may be a single firm, a
24 consortium, joint venture, or other organization. However, the fundamental element of design-build
25 delivery remains that one entity assumes primary responsibility for design and construction of the project.

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

3 (a) The contract terms shall include provisions to pay the prevailing wage rates determined by the
4 Department of Labor, as provided in 29 Del. C. § 6960, in conjunction with Federal prevailing wage rates
5 for such work;

6 (b) The following additional provisions of 29 Del. C. c. 69 shall also be incorporated into these
7 design-build contracts: § 6962(d)(4)a. (anti-pollution, conservation environmental measures); § 6962(d)(7)
8 (equal employment opportunity assurances); and § 6962(d)(8)(performance bonding requirements);

9 (c) Any such contracts shall conform to all applicable Federal laws and regulations concerning
10 design-build contracting, including but not limited to 23 C.F.R. Part 636, without regard to the source of
11 funds; and

12 (d) Any design-build contract for the construction of any transportation facility shall also be
13 subject to the provisions of 17 Del. C. c. 8 (construction payments held in trust for protection of
14 subcontractors and suppliers).

15 All other provisions of 29 Del. C. c. 69 shall not be applicable to these projects. The Co-Chairs of
16 the Joint Legislative Committee on the Capital Improvement Program and the Director of the Office of
17 Management and Budget shall approve all other projects subject to this section.

18 Section 95. New Development Road Widening. When planning and/or permitting additional road
19 widening directly related to new residential development, the Department of Transportation, Division of
20 Planning, shall make every attempt to require the necessary right-of-way land be acquired from the
21 developer owned land.

22 Section 96. W. L. Gore Site. In evaluating and recommending improvements to the transportation
23 system related to the development of what is known as the W.L. Gore site, located in New Castle County
24 and situated on the north side of Sunset Lake – east of SR 896 and southeast of Old Cooch’s Bridge Road,
25 the Department will make every effort to ensure that the improvements made facilitate and encourage
26 traffic to travel toward and use SR 896 and to discourage additional use of Old Cooch’s Bridge Road east of

1 the entrance to the W.L. Gore property. This is in recognition of the historic characteristics of Old Cooch's
2 Bridge Road in the vicinity of the intersection with Old Baltimore Pike.

3 Section 97. Route 301 Spur Road Segment. The General Assembly directs the Department to
4 implement the US 301 Corridor project in Phases, beginning with the US 301 mainline section.

5 Section 98. Astra Zeneca Project. The Department shall carry out property boundary adjustments
6 and easements for transit, bicycle and pedestrian, storm water management, wetlands and stream
7 restoration, beautification, historic preservation, conservation and other improvements in concert with
8 DNREC, DEDO, City of Wilmington, New Castle County, New Castle County Conservation District, and
9 such other public and private entities as may be necessary to accomplish timely completion of the Blue 4
10 Ball Master Plan.

11 Section 99. Buck Road. The Department of Transportation is requested to refrain from issuing any
12 entrance permit, authorization, or approval for use of any entrance way from New Castle County Parcel
13 Number 0702600094 onto Buck Road, until such time as it also certifies by letter to the New Castle County
14 Department of Land Use that the developer's proposed entrance design meets the Department's standards,
15 pursuant to its authority under Title 17 Del. C. § 146 and its related regulations, intended to protect public
16 safety and maintain smooth traffic flow. The government of New Castle County is also requested to solicit
17 comments from and work with the residents of surrounding communities, community organizations, and
18 State and local officials to address traffic safety and other legitimate land use concerns about the proposed
19 development, after the receipt of the Department's letter.

20 Section 100. Routes 141 and 48. The Department of Transportation is requested to refrain from
21 issuing any permit, authorization, or approval for use of any new, additional, revised, or modified entrances
22 for New Castle County Parcel Numbers 07-032.20-003, 07-032.20-048 through and including 07-032.20-
23 055, 07-032.20-057 and 07-032.30-072 onto or from Route 141 or Route 48, until such time as the
24 Department obtains, reviews, and comments upon a traffic operations analysis for the area, which among
25 other elements addresses (1) the predicted levels of service on intersections, roadways, or the Tyler
26 McConnell Bridge affected by the proposed development of these parcels, and (2) the roadway

1 improvements necessary to accommodate the development of these parcels, based upon the exploratory
2 development plans submitted to the New Castle County Department of Land Use by the developer, as
3 required by the County's Unified Development Code.

4 Section 101. Delaware Children's Theatre. Notwithstanding the provisions of 17 Del. C. § 137(b),
5 the Department of Transportation is hereby authorized to deed a 0.16 acre parcel, of unused operating State
6 right of way adjacent to New Castle County Tax Assessment map parcel #26-021.30-124, located at 1014
7 Delaware Avenue, Wilmington, Delaware to the Delaware Children's Theatre. Said parcel shall be deeded
8 with complete vehicular denial of access along the right of way and shall be subject to any existing utilities
9 of record. The deed shall have a reversionary clause should the Department ever need a portion for a public
10 purpose project.

AGRICULTURE

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Section 102. Farmland Preservation. For the fiscal year ending June 30, 2012, local jurisdiction funds committed to farmland preservation shall be spent to preserve farmland only in the respective jurisdictions where the funds originate. Farms to be preserved shall be selected by the local jurisdictions according to the jurisdictions selection criteria from eligible farms as listed by the Aglands Preservation Foundation. Similarly, any funds provided by nongovernment organizations shall be spent according to their selection criteria from eligible farms as listed by the Aglands Preservation Foundation.

FIRE PREVENTION COMMISSION

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Section 103. 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, Minquadale and Talleyville 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).

UNIVERSITY OF DELAWARE

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Section 104. Employment of Delawareans. All public works contracts and professional services contracts in excess of \$15,000 relating to any project funded in whole or in part by appropriations set forth in the Section 1 Addendum of this Act to University of Delaware shall include employment preferences for Delaware businesses and residents.

DELAWARE STATE UNIVERSITY

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Section 105. Employment of Delawareans. All public works contracts and professional services contracts in excess of \$15,000 relating to any project funded in whole or in part by appropriations set forth in the Section 1 Addendum of this Act to Delaware State University shall include employment preferences for Delaware businesses and residents.

1 **DELAWARE TECHNICAL AND COMMUNITY COLLEGE**

2 Section 106. 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 107. Employment of Delawareans. All public works contracts and professional services
7 contracts in excess of \$15,000 relating to any project funded in whole or in part by appropriations set forth
8 in the Section 1 Addendum of this Act to Delaware Technical and Community College shall include
9 employment preferences for Delaware businesses and residents.

1 **DEPARTMENT OF EDUCATION**

2 Section 108. 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 109. Land Donation for School Construction. Any land donated to a school district with
11 an approved major capital improvement program shall be required to return to the State one-half of the
12 State share amount originally budgeted for land purchase costs. In such case, the district shall be entitled to
13 keep the remaining one-half State share amount, as well as the full local share amount in accordance with
14 the certificate of necessity.

15 Section 110. Minor Capital Improvements. It is the intent of the General Assembly that the sum of
16 \$7,323,800 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	\$ 493,140	\$ 328,760	\$ 821,900
24 Brandywine	556,959	371,306	928,265
25 Special	11,642		11,642
26 Caesar Rodney	352,591	235,061	587,652
27 Special	23,107		23,107
Cape Henlopen	231,462	154,308	385,770
Special	22,931		22,931

1	Capital	327,719	218,479	546,198
2	Special	11,289		11,289
3	Christina	884,519	589,679	1,474,198
4	Special	41,893		41,893
5	Colonial	519,811	346,541	866,352
6	Special	8,996		8,996
7	Delmar	67,843	45,229	113,072
8	Indian River	458,638	305,759	764,397
9	Special	10,319		10,319
10	Lake Forest	209,184	139,456	348,640
11	Laurel	116,101	77,401	193,502
12	Milford	222,625	148,417	371,042
13	Red Clay	836,841	557,894	1,394,735
14	Special	12,347		12,347
15	Seaford	185,635	123,757	309,392
16	Smyrna	263,583	175,722	439,305
17	Woodbridge	115,308	76,872	192,180
18	New Castle Vo Tech	416,551		416,551
19	Polytech	104,512		104,512
20	Sussex Tech	114,214		114,214
21	Campus Community	31,804		31,804
22	Academy of Dover	13,917		13,917
23	Delaware College Prep			
24	Academy	12,912		12,912
25	DE Military Academy	29,422		29,422
26	East Side Charter	20,532		20,532
27	Family Foundations	32,915		32,915
28	Kuumba Academy	13,388		13,388
29	Reach Academy	11,695		11,695

1	Maurice Moyer Academy	10,689		10,689
2	M.O.T. Charter	35,719		35,719
3	Newark Charter	70,698		70,698
4	Odyssey Charter	23,178		23,178
5	Pencader Charter	32,597		32,597
6	Positive Outcomes	6,191		6,191
7	Prestige Academy	12,859		12,859
8	Providence Creek	36,831		36,831
9	Sussex Academy of Arts	17,410		17,410
10	Thomas Edison	39,953		39,953
11	Wilmington Charter	<u>51,330</u>		<u>51,330</u>
12	Total to Schools	\$7,123,800	\$3,894,641	\$11,018,441
13	Vocational Equipment	85,000	56,667	141,667
14	State Board Contingency	<u>115,000</u>	<u>76,667</u>	<u>191,667</u>
15	TOTAL	\$7,323,800	\$4,027,975	\$11,351,775

16 Section 111. Dickinson High School. Funding for the Red Clay School District including bond
17 authorizations for renovations of the John Dickinson High School and the transfer of major capital
18 construction funds shall be contingent upon the following:

19 (a) The lighted football field at Dickinson High School may be used at night only for Dickinson home
20 games and Dickinson band practice; and

21 (b) The District is required to maintain the fencing between Dickinson High School and the community
22 of Montclare, keep the gate between the properties locked at all times (except by mutual agreement between
23 the District and the Montclare Civic Association), and provide, maintain and replace, if necessary, the
24 Leland Cypress trees along the fence line bordering the homes on Salem Drive.

25 Section 112. School Construction Fund Transfers. Notwithstanding any law or other provision to
26 the contrary, the Department of Education, with the approval of the Director of the Office of Management

1 and Budget and Controller General, may transfer funding between major capital construction projects
2 within the respective school districts. These transfers shall not authorize any changes in conditions or incur
3 any obligations in excess of the approved Certificate(s) of Necessity.

4 Section 113. School District Financial Reviews. It is the intent of the General Assembly that for
5 school districts receiving funds appropriated in the Section 1 Addendum to this Act, should a school district
6 financial position report as required under 14 Del. C. § 1507 demonstrate less than one month of carryover,
7 or if at any time during the course of the fiscal year a school district is projected to not be able to satisfy its
8 local payroll obligations, the Director of the Office of Management and Budget, in coordination with the
9 Secretary of Education and Controller General, is authorized to conduct a comprehensive review of the
10 school district's capital construction program.

11 Section 114. School Construction Contractual Documents. Effective January 1, 2007, all school
12 districts that receive State funds for major capital construction projects shall use standard bid and contract
13 documents developed by the Office of Management and Budget, Facilities Management. School districts
14 may enhance the standard bid and contract documents with additional contractual or project-specific
15 requirements as long as the enhancements do not diminish and are not in conflict with the provisions of the
16 standard documents. The Department of Education, in consultation with the Office of Management and
17 Budget, Facilities Management, shall approve any modifications or changes to the provisions of the
18 standard bid and contract documents before a school district may use or enhance the modified documents.

19 Section 115. Brandywine School District Space Consolidation and Grade Reconfiguration. The
20 Section 1 Addendum to 76 Del. Laws c. 79 appropriates \$1,600,000 to the Department of Education in
21 planning money for the renovation of Hanby Middle School in the Brandywine School District and further
22 authorized a local match share of \$1,066,700. In light of declining enrollment and to avoid increasing
23 operating costs, the District has decided to close the Hanby Middle School and has realigned the feeder
24 pattern for its remaining schools. The closure of the Hanby Middle School will allow the District to forego
25 the \$13,134,014 in state share and \$8,756,009 in local match share that would have been required to
26 renovate the school. In lieu of renovating the Hanby Middle School, the Brandywine School District is

1 hereby authorized to use the planning funds previously authorized to demolish the Hanby Middle School
2 and for other costs associated with the District’s Space Consolidation and Grade Reconfiguration Plan
3 approved by the Brandywine School District Board of Education on February 25, 2008. Approval is also
4 hereby given to construct the Brandywood Elementary School, approved on C.N. # 0631B, on the site of
5 Hanby Middle School and to complete the renovations of P.S du Pont, on C.N. # 0631C, as a Middle
6 School.

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

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

14 Section 116. Milford School District – Access Road. To insure that property owned by the Milford
15 School District is used in accordance with the priorities established by the Milford School District Board of
16 Education, no state agency or municipality shall use said district property for any type of additional access
17 road without the approval of the Milford School District Board of Education. If the Milford School District
18 Board of Education does not publicly endorse, by affirmative vote, the placement of an additional access
19 road on district property, no state agency or municipality shall be authorized to condemn such district
20 property for said use.

21 Section 117. Brandywine School District Conveyances. (a) The General Assembly hereby
22 determines that it is in the public interest to reclaim a portion of the 13.97 acre parcel of land at 500 Duncan
23 Road, Wilmington, DE 19809 (New Castle County tax parcel ID number 06-132.00-188) (the “Duncan
24 Road Parcel”) held in a governmental capacity by the Brandywine School District in order for the State of
25 Delaware to convey to the Edgemoor Community Center, Inc. (“ECC”), a not for profit corporation of the
26 State of Delaware, an approximately 3.2 acre portion of said parcel (the “ECC Parcel”). ECC has provided

1 vital services to the citizens of Delaware since 1978, and has occupied the ECC Parcel exclusively since
2 1989. The General Assembly recognizes that as a titled owner of the ECC Parcel, ECC will be better able
3 to serve the citizens of Delaware and be better positioned to receive grants, including facilities improvement
4 grants. In addition, as a titled holder, ECC may immediately be able to lower its operational costs as it will
5 be able to renegotiate as a secured property holder outstanding debt currently being financed at unsecured
6 debtor rates.

7 The Duncan Road Parcel is hereby divided and title to the ECC Parcel is hereby conveyed to ECC,
8 with the buildings thereon erected, being bounded and described as follows to-wit:

9 BEGINNING at a point formed by the intersection of the Southwesterly side of Duncan Road (60
10 feet wide) with the Northwesterly side of Brandywine Boulevard (67.5 feet wide):

11 Thence, from said Point of Beginning the following thirty-three courses and distances:

- 12 (1) With the aforesaid side of Brandywine Boulevard this and the next three courses and
13 distances, South 42 degrees, 58 minutes, 38 seconds West, 364.88 feet to a point of
14 curvature, thence;
- 15 (2) By an arc curving to the right having a radius of 666.30 feet, an arc distance of 155.22 feet
16 (CHD=South 49 degrees, 39 minutes, 04 seconds West, 154.87 feet) to a point of tangency,
17 thence;
- 18 (3) South 56 degrees, 19 minutes, 30 seconds West, 24.56 feet to a point in line of Tax Parcel
19 No. 06-132.00-188, thence, through the aforesaid tax parcel the following twenty-seven
20 courses and distances, and also parallel to the proposed curb the next four courses and
21 distances;
- 22 (4) By an arc curving to the right having a radius of 18.00 feet, an arc distance of 9.97 feet
23 (CHD=North 49 degrees, 32 minutes, 37 seconds West, 9.84 feet) to a point, thence;
- 24 (5) North 33 degrees, 40 minutes, 30 seconds West, 59.06 feet to a point of curvature, thence;
- 25 (6) By an arc curving to the left having a radius of 126.00 feet, an arc distance of 89.83 feet
26 (CHD=North 54 degrees, 05 minutes, 57 seconds West, 87.94 feet) to a point of tangency,
27 thence;
- 28 (7) North 74 degrees, 31 minutes, 23 seconds West, 24.34 feet to a point, thence through the
29 existing baseball field;
- 30 (8) North 36 degrees, 43 minutes, 40 seconds East, 199.57 to a point behind the proposed curb,
31 thence, parallel with same the next two courses an distances;
- 32 (9) South 53 degrees, 56 minutes, 32 seconds East, 69.07 feet to an point, thence crossing the
33 proposed lane;
- 34 (10) North 35 degrees, 57 minutes, 46 seconds East, 27.99 feet to a point behind the existing
35 curb, thence parallel to the aforesaid existing curb;

- 1 (11) North 53 degrees, 35 minutes, 55 seconds West, 80.57 feet to a point of curvature, thence;
- 2 (12) By an arc curving to the right having a radius of 70.00 feet, an arc distance of 20.54 feet
- 3 (CHD=North 45 degrees, 11 minutes, 30 seconds West, 20.47 feet) to a point of tangency,
- 4 thence;
- 5 (13) North 36 degrees, 47 minutes, 06 seconds West, 14.08 feet to a point of curvature, thence;
- 6 (14) By an arc curving to the left having a radius of 12.50 feet, an arc distance of 3.46 feet
- 7 (CHD=North 44 degrees, 42 minutes, 59 seconds West, 3.45 feet) to a point of tangency,
- 8 thence;
- 9 (15) North 52 degrees, 38 minutes, 53 seconds West, 9.04 feet to a point, thence;
- 10 (16) North 46 degrees, 44 minutes, 48 seconds West, 4.76 feet to a point, thence;
- 11 (17) North 54 degrees, 03 minutes, 32 seconds West, 20.41 feet to a point, thence;
- 12 (18) North 25 degrees, 50 minutes, 17 seconds East, 14.16 feet to a corner of an existing loading
- 13 dock, thence;
- 14 (19) North 28 degrees, 53 minutes, 25 seconds East, 16.46 feet to a point, thence;
- 15 (20) North 34 degrees, 57 minutes, 29 seconds East, 9.27 feet to a point on the exterior building
- 16 wall, thence through the existing wall;
- 17 (21) South 59 degrees, 52 minutes, 12 seconds East, 4.22 feet to a point in the center of a new
- 18 division wall, thence, with same;
- 19 (22) North 35 degrees, 34 minutes, 51 seconds East, 17.34 feet to a point on the face of an
- 20 existing hallway wall, thence;
- 21 (23) South 63 degrees, 46 minutes, 07 seconds East, 1.45 feet to a point on the roof overhang
- 22 and the edge of an interior courtyard, thence, with same the next two courses and distances;
- 23 (24) North 35 degrees, 50 minutes, 53 seconds East, 95.51 feet to a point, thence;
- 24 (25) South 54 degrees, 48 minutes, 34 seconds East, 6.12 feet to a point in line of a new
- 25 doorway threshold, thence, with same;
- 26 (26) North 36 degrees, 03 minutes, 21 seconds East, 23.61 feet to a point in line of a retaining
- 27 wall, thence , with same the next four courses and distances;
- 28 (27) North 53 degrees, 42 minutes, 38 seconds West, 2.07 feet to a point, thence;
- 29 (28) North 35 degrees, 19 minutes, 14 seconds East, 31.69 feet to a point, thence;
- 30 (29) North 54 degrees, 45 minutes, 19 seconds West, 2.47 feet to a point, thence;
- 31 (30) North 35 degrees, 48 minutes, 20 seconds East, 40.90 feet to a point along the existing back
- 32 of curb, thence, parallel with same the next two courses and distances;
- 33 (31) By an arc curving to the left having a radius of 52.00 feet, an arc distance of 25.11 feet
- 34 (CHD=North 50 degrees, 07 minutes, 28 seconds East, 24.87 feet) to a point of tangency,
- 35 thence;
- 36 (32) North 35 degrees, 55 minutes, 26 seconds East, 12.54 feet to a point on the aforesaid side
- 37 of Brandywine Boulevard, thence, with same;
- 38 (33) South 54 degrees, 04 minutes, 34 seconds East, 337.87 feet to the Point of Beginning.
- 39 Containing within said metes and bounds 3.2197 acres of land, be they the same, more or less.

1 Such description of the ECC Parcel shall remain binding and effective unless ECC and Brandywine
2 School District agree in writing to modify such description on or before September 30, 2010.

3 This conveyance shall be "as is" in that ECC shall accept any buildings erected on the parcel in
4 their present condition as of the time of conveyance, and shall be subject to all other covenants, conditions,
5 restrictions and easements of record, this reference to which shall not be construed to reimpose the same.

6 The Brandywine School District and ECC shall also negotiate in good faith to agree on mutually acceptable
7 easements and agreements to address issues including cross access, maintenance, and shared use of
8 property. Such easements or agreements shall guarantee to ECC continued water and sewer access at costs
9 pro rated to ECC's usage of such water and sewer services, and shall guarantee ECC use of and access to
10 any telephone, security alarm or other such ECC systems that remain on the Duncan Road Parcel but that
11 are not conveyed with the ECC Parcel.

12 All agencies reviewing the Minor Land Development Plan for the expansion of administrative
13 offices at the Duncan Road Parcel (New Castle County Application No. 2010-0235) shall review the plans
14 as the property existed prior to the subdivision of the property as directed herein. In addition, the Delaware
15 Department of Transportation shall grant a time extension of a maximum of twelve (12) months from the
16 time of the issuance of a Certificate of Occupancy for the expansion of the administrative offices by New
17 Castle County to complete the pedestrian improvements required by the Delaware Department of
18 Transportation within the public right-of-way for Duncan Road and Brandywine Boulevard.

19 Nothing in the subdivision of the Duncan Road Parcel shall prohibit the Brandywine School
20 District from expending funds approved under C.N. # 0631 F on the ECC Parcel that are required to
21 complete the relocation of its district office. ECC shall not be required to pay for any improvements to the
22 Duncan Road Parcel, including the ECC Parcel, as a result of or relating to Brandywine School District's
23 plans for the relocation of its district office.

24 (b) The General Assembly hereby determines that it is in the public interest to reclaim a portion of
25 the 26.25 acre parcel of land at 3301 Green Street, Claymont, DE 19703 (New Castle County tax parcel ID
26 number 06-071.00-106) held by the Brandywine School District in order for the State of Delaware to

1 convey to the Brandywine Community Resource Council, Inc. ("BCRC"), a not for profit corporation of the
2 State of Delaware that operates the Claymont Community Center, a portion of said parcel (the "CCC
3 Parcel"). The General Assembly also hereby determines that it is in the public interest to reclaim the 0.38
4 acre parcel, also at 3301 Green Street, Claymont, DE 19703 (New Castle County tax parcel ID number 06-
5 084.00-009) (the "Second CCC Parcel"), in order for the State of Delaware to convey such parcel to BCRC.
6 BCRC provides vital services to the citizens of Delaware and occupies the CCC Parcel and the Second
7 CCC Parcel exclusively. The General Assembly recognizes that as a titled owner of the CCC Parcel and
8 the Second CCC Parcel, BCRC will be better able to serve the citizens of Delaware and be better positioned
9 to receive grants, including facilities improvement grants.

10 Brandywine School District is hereby authorized and directed to convey the CCC Parcel and the
11 Second CCC Parcel to BCRC for the combined consideration of one dollar (\$1.00). The deed to the
12 aforesaid real property shall contain a provision whereby the Brandywine School District shall have the
13 right of first refusal to the property in the event that the BCRC wishes to vacate the property. If the BCRC
14 vacates the property and the Brandywine School District does not exercise its right of first refusal, proceeds
15 from the sale of said property shall be governed by the provisions 14 Del. C. § 1057(a)(15).

16 These conveyances shall be "as is" in that BCRC shall accept any buildings erected on the parcels
17 in their present condition as of the time of conveyance, and shall be subject to all other covenants,
18 conditions, restrictions and easements of record, this reference to which shall not be construed to reimpose
19 the same. The Brandywine School District and BCRC shall also negotiate in good faith to agree on
20 mutually acceptable easements and agreements to address issues including cross access, maintenance, and
21 shared use of property that BCRC and Brandywine School District deem necessary or appropriate.

22 Section 118. Bond Verification. All bonds issued, or herein before or herein authorized to be
23 issued, by the State are hereby determined to be within all debt and authorization limits of the State.

24 Section 119. Inconsistency. Insofar as the provisions of this Act are inconsistent with the
25 provisions of any general, special, or local laws, or parts thereof, the provisions of this Act shall be
26 controlling.

1 Section 120. Severability. If any section, part, phrase, or provision of this Act or the application
2 thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its
3 operation to the section, part, phrase, provision, or application directly involved in the controversy in
4 which such judgment shall have been rendered and shall not affect or impair the validity of the remainder
5 of this Act or the application thereof.

6 Section 121. Effective Date. This Act shall take effect in accordance with the provisions of State
7 law.

SYNOPSIS

This Bill is the Fiscal Year 2012 Bond and Capital Improvements Act.

Author: Office of Management and Budget

Delaware Department of Transportation
Fiscal Year 2012 Capital Transportation Program
Appendix A
(in \$000's)

	APPR	Other Funding	Federal Authorization	State Authorization	FY 2012 Authorization
ROAD SYSTEMS 97701					
A. Expressways					
I-95 Maryland Line to I-295 Program Road A/SR 7 Improvements	97701			\$ 1,200.0	\$ 1,200.0
SR 1 Truck Weigh Station and Inspection Facility	97701			\$ 800.0	\$ 800.0
Subtotal Expressways		\$ -	\$ -	\$ 2,000.0	\$ 2,000.0
B. Arterials					
SR 9, New Castle Ave., 3rd Street to Heald Street	97701		\$ 400.0	\$ 100.0	\$ 500.0
Washington Street, New Castle	97701		\$ 4,800.0	\$ 1,200.0	\$ 6,000.0
US 13 from South Court Street to Lookerman Street	97701		\$ 400.0	\$ 100.0	\$ 500.0
SR 1, Rehoboth Canal to Five Points, Pedestrian Improvements	97701		\$ 6,400.0	\$ 1,600.0	\$ 8,000.0
SR 1, SR 30, Grade Separated Intersection	97701		\$ 9,600.0	\$ 2,400.0	\$ 12,000.0
US 13, Seaford Intersection Improvements	97701		\$ 5,600.0	\$ 1,400.0	\$ 7,000.0
US 9 / SR 1 Five Points Interchange	97701			\$ 16,000.0	\$ 16,000.0
US 9 Relocation, Ebb Tide Drive to SR 1 (Coastal Highway)					
US 9 and S 319, Airport Road Realignment, Georgetown	97701			\$ 750.0	\$ 750.0
Highway Safety Improvement Program	97701		\$ 6,900.0	\$ 2,765.0	\$ 9,665.0
Subtotal Arterials		\$ -	\$ 34,100.0	\$ 26,315.0	\$ 60,415.0
C. Collectors					
N 209 Grubb Road, SR 261 Foulk Road to SR 92, Naamans Road Pedestrian Improvement	97701			\$ 50.0	\$ 50.0
Possom Park Road and Old Possum Park Road Intersection Improvements	97701			\$ 1,500.0	\$ 1,500.0
Subtotal Collectors		\$ -	\$ -	\$ 1,550.0	\$ 1,550.0
D. Locals					
Southern New Castle County	97701	\$ 2,078.0		\$ 10,700.0	\$ 12,778.0
N15, Boyds Corner Road, Cedar Lane Road to US 13 N412A, Hyetts Corner Road to Lorewood Grove Road N413, Jamison Corner Road, Boyds Corner Road to Hyetts Corner Road					
Westown	97701			\$ 100.0	\$ 100.0
N446, Wiggins Mill Road from N458, Green Giant Road to N447 St. Annes Road					
Wilmington Riverfront - Christina River Bridge	97701		\$ 6,880.0	\$ 1,720.0	\$ -
Patriots Way (S 318), Avenue of Honor to Stockley Branch	97701			\$ 250.0	\$ 250.0
Subtotal Locals		\$ 2,078.0	\$ 6,880.0	\$ 12,770.0	\$ 21,728.0
E. Bridges					
Bridge Management Program	97701		\$ 22,991.0	\$ 8,579.0	\$ 31,570.0
Subtotal Bridges		\$ -	\$ 22,991.0	\$ 8,579.0	\$ 31,570.0

	APPR	Other Funding	Federal Authorization	State Authorization	FY 2012 Authorization
F. Other					
Transportation Enhancement	97701		\$ 3,461.0	\$ 965.0	\$ 4,426.0
Recreational Trails	97701		\$ 221.0	\$ 885.0	\$ 1,106.0
Paving and Rehabilitation	97701		\$ 8,000.0	\$ 59,874.0	\$ 67,874.0
Signage & Pavement Markings	97701			\$ 2,400.0	\$ 2,400.0
Materials and Minor Contracts	97701			\$ 6,000.0	\$ 6,000.0
Rail Crossing Safety Program	97701		\$ 1,168.0	\$ 1,029.0	\$ 2,197.0
Safety Improvement Program	97701		\$ 2,450.0	\$ 2,105.0	\$ 4,555.0
Traffic Calming	97701			\$ 400.0	\$ 400.0
Engineering and Contingency	97701		\$ 200.0	\$ 12,905.0	\$ 13,105.0
Environmental Improvements					
Capital Project Salaries					
Education and Training					
Intersection Improvements	97701	\$ 600.0	\$ 1,600.0	\$ 4,000.0	\$ 6,200.0
Aeronautics	97701		\$ 175.0	\$ 750.0	\$ 925.0
Advance Acquisition	97701			\$ 2,000.0	\$ 2,000.0
Subtotal Other		\$ 600.0	\$ 17,275.0	\$ 93,313.0	\$ 111,188.0
TOTAL ROAD SYSTEMS		\$ 2,678.0	\$ 81,246.0	\$ 144,527.0	\$ 228,451.0
SUPPORT SYSTEMS 97601					
Planning	97601		\$ 5,824.0	\$ 2,516.0	\$ 8,340.0
Information Technology Initiatives Program	97601		\$ 270.0	\$ 7,111.0	\$ 7,381.0
Heavy Equipment	97601			\$ 5,000.0	\$ 5,000.0
Transportation Facilities	97601			\$ 6,900.0	\$ 6,900.0
Transportation Management	97601	\$ 180.0	\$ 6,560.0	\$ 1,460.0	\$ 8,200.0
TOTAL SUPPORT SYSTEMS		\$ 180.0	\$ 12,654.0	\$ 22,987.0	\$ 35,821.0
TRANSIT SYSTEMS 97301					
Rail Preservation	97301			\$ 350.0	\$ 350.0
Transit Facilities Statewide	97301			\$ 100.0	\$ 100.0
Transit Facilities - Kent County	97301		\$ 312.0	\$ 178.0	\$ 490.0
Transit Facilities - Sussex County	97301		\$ 120.0	\$ 30.0	\$ 150.0
Transit Vehicles Statewide	97301	\$ 1,716.0	\$ 8,837.0	\$ 4,434.0	\$ 14,987.0
Rail Improvements Third Track Newark to Wilmington	97301		\$ 30,000.0	\$ 10,000.0	\$ 40,000.0
Transit Facilities - New Castle County	97301	\$ 12,650.0	\$ 5,760.0	\$ 1,440.0	\$ 19,850.0
Wilmington Transit Hub	97301				
Transit Vehicles - New Castle County	97301		\$ 5,600.0	\$ 1,605.0	\$ 7,205.0
Transit Vehicles - Kent County	97301			\$ 200.9	\$ 200.9
TOTAL TRANSIT SYSTEMS		\$ 14,366.0	\$ 50,629.0	\$ 18,337.9	\$ 83,332.9
GRANTS AND ALLOCATIONS 95601					
Municipal Street Aid	95601			\$ 4,000.0	\$ 4,000.0
Community Transportation Fund	95601			\$ 8,375.0	\$ 8,375.0
TOTAL GRANTS & ALLOCATIONS		\$ -	\$ -	\$ 12,375.0	\$ 12,375.0
GRAND TOTAL		\$ 17,224.0	\$ 144,529.0	\$ 198,226.9	\$ 359,979.9