SPONSOR: Rep. Heffernan & Sen. Poore
Bennett Mantzavinos
Brady Pinkney
Osienski Walsh
Gray Bonini
Ramone Wilson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 310

AN ACT TO AMEND THE LAWS OF DELAWARE RELATING TO THE BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2022.

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

Section 1. Amend Chapter 56, Volume 83 of the Laws of Delaware by adding a new Section 179 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 179. Community Transportation Funds. Notwithstanding any provision of 29 Del. C. to the contrary, the Department of Transportation is hereby authorized to use Community Transportation Funds for a one-time reimbursement to each of the following:

(1) Bancroft Homeowners Association in an amount of up to $8,000 for parking lot repairs.

(2) Blades Volunteer Fire Company in an amount of up to $5,000 for a mobile traffic control device.

(3) Brandywine School District in an amount of up to $100,000 for playground replacement and improvements at Lombardy Elementary.

(4) Changing Fates Equine Rescue of Delaware, Inc. in an amount of up to $7,000 for an entrance project.

(5) City of Harrington in an amount of up to $25,000 for the purchase of surveillance cameras.

(6) Delaware Department of Transportation in an amount of up to $11,198 for Weeds to Seeds landscaping installation project.

(7) Marydel Volunteer Fire Company in an amount of up to $172,532 for parking lot resurfacing and repair.

(8) Newtown Village Service Corporation in an amount of up to $100,000 for playground replacement.

(9) Office of Management and Budget in an amount of up to $10,000 for a sign honoring Ethel Mae Cooper at the exterior of the Absalom Jones Community Center.

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(10) Town of Clayton in an amount of up to $20,000 to remove and replace an accessible sidewalk and ramp.

(11) Town of Greenwood in an amount of up to $54,360 for a repaving project on Mill Street, Maryland Avenue, and Sussex Avenue.

(12) Town of Houston in an amount of up to $32,089 for a repaving project on Sunset Avenue.

Section 2. Amend Chapter 56, Volume 83 of the Laws of Delaware by adding a new Section 180 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 180. Community Redevelopment/Reinvestment Fund. Section 1 Addendum of this Act appropriates $70,000,000 to the Community Redevelopment/Reinvestment Fund. Of this amount, funds shall be reallocated to the Delaware Department of Transportation from each of the following:

(1) $300,000 from Brookside Community, Inc. for the Brookside fencing project.

(2) $250,000 from New Castle County for a cross/access easement – Twinco Romax. The Delaware Department of Transportation is authorized to use these funds to initiate a project to reduce truck traffic in the communities of Pleasant Hill Estates and Silview by building a connector driveway between parcel number 0704640129 and Sears Boulevard.

(3) $280,000 from the Pine Valley Farm Civic Association to repave Sugar Pine Drive.

Section 3. Amend Chapter 56, Volume 83 of the Laws of Delaware by adding a new Section 181 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 181. Mental Health Services Units. Notwithstanding any other provision of the Delaware Code or this Act to the contrary, for the current fiscal year, funds appropriated under the Fiscal Year 2022 Annual Appropriations Act (House Bill 250 of the 151st General Assembly) and the Fiscal Year 2022 Supplemental Appropriations Act (House Bill 251 of the 151st General Assembly) for mental health services units shall be allocated as a block grant. Any funds remaining at the end of the fiscal year shall remain with the block grant and shall not revert to the General Fund. Funds shall only be provided at a level necessary to satisfy the ratio requirements. Determination of necessary funding level shall consider existing state funds received through the Opportunity Fund and any other existing state funding applied toward employment of mental health support personnel or school psychology services to meet the ratios. No later than February 15, 2022, LEAs must provide the Department of Education with a detailed report of all full-time staff and contracted positions filled during the

2020/2021 school year, by title and funding source, for the following classifications: school counselor, school social worker, licensed clinical social worker, school psychologist, and licensed mental health therapist.

Additionally, no later than February 15, 2022, LEAs must report the number of all full-time staff and contracted positions filled during the 2021/2022 school year, by title and funding source, for the same classifications. Based on the information provided by each LEA, the Department of Education shall determine if any LEA reduced staffing ratios supported by state funding sources other than this block grant for those classifications. If any LEA is found to have reduced ratios supported by other state funding sources in the current school year, the LEA may be required to return all or a portion of these funds to the Department of Education. Funds allocated under this section may not supplant mental health funding from another source unless a district or charter meets or exceeds the ratios listed in 1716E(a) and has an approved application for supplanted funds by the Secretary of Education. Opportunity Funds are not eligible for supplantation. For Fiscal Year 2023, the Secretary of Education shall not approve any applications for supplantation authorized under this section.

Section 4. Amend Chapter 56, Volume 83 of the Laws of Delaware by adding a new Section 182 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 182. Meeting House Branch/Tarr Ditch Drainage. Section 1 Addendum of this Act appropriates funds to the Department of Natural Resources and Environmental Control for Meeting House Branch/Tarr Ditch Drainage Project. Of this amount, funds may be used for the Meeting House/Tarr Ditch and Persimmon Park Place drainage projects.

Section 5. Amend Chapter 56, Volume 83 of the Laws of Delaware by adding a new Section 183 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 183. University of Delaware Shellfish Aquaculture. Section 1 Addendum of this Act appropriates $7,500,000 to the Department of Natural Resources and Environmental Control for Park Facility Rehab and Public Recreational Infrastructure. Of this amount, $100,000 shall be allocated to the University of Delaware to support construction costs of a shellfish aquaculture project.

Section 6. Amend Chapter 56, Volume 83 of the Laws of Delaware by adding a new Section 184 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 184. Municipal Infrastructure Fund. Section 28 of 82 Del. Laws c. 86 appropriated funding to the Municipal Infrastructure Fund to assist municipal governments with capital infrastructure projects. Of these

projects, $170,000 shall be reallocated from the City of Milford-Police Station to the Delaware State Fair. Of this amount, $67,491 shall be used for a fan project in the Quillen Arena and the remainder shall be used for the construction of a new agricultural building.

Section 7. Amend Chapter 56, Volume 83 of the Laws of Delaware by adding a new Section 185 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 185. Facilities Management Responsibilities. Amend 29 Del. C. §6307A (d) by making insertion as shown by underline as follows:

(d) The Facilities Management Section shall be responsible for the design, construction, repairs, and/or renovation of all public buildings for state departments and agencies.

Section 8. Amend Chapter 56, Volume 83 of the Laws of Delaware by adding a new Section 186 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 186. Delaware National Guard – 12 Penns Way. Notwithstanding the requirements of 29 Del. C. c. 95 to the contrary, the Office of Management and Budget is hereby authorized to acquire the parcel, and surrounding parcels of land located at 12 Penns Way, New Castle, Delaware, for the Delaware National Guard New Castle Readiness Center.

Section 9. Amend Chapter 56, Volume 83 of the Laws of Delaware by adding a new Section 187 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 187. New Castle Library Land Acquisition. Notwithstanding 29 Del. C. §6307A, the Department of State, Division of Libraries is authorized to identify an appropriate parcel of land to acquire within New Castle County for the North Wilmington Library.

Section 10. Amend Chapter 56, Volume 83 of the Laws of Delaware by adding a new Section 188 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 188. Transfer of Land to St. Anthony's Community Center Inc. Notwithstanding 29 Del. C. c. 94 or any other law to the contrary, the Office of Management and Budget is hereby authorized to transfer New Castle County Tax Parcel 26-020.30-078 to St. Anthony's Community Center Inc.

Section 11. Amend Chapter 56, Volume 83 of the Laws of Delaware by adding a new Section 189 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 189. Salary Schedule for Substitute Teachers. Amend 14 Del. C. §1326 by making deletions as shown by strikethroughs and insertions as shown by underlines as follows:

Effective January 1, 2022, each ~~Each~~ substitute teacher shall be paid in accordance with the following classification schedule:

Class A. – A substitute teacher who holds or is eligible to hold a valid Delaware educator license or valid educator license from another state; or such a license that has expired shall be paid ~~$116~~ $124 per day.

Class B. — A substitute teacher who holds a bachelor's degree or is a student currently enrolled in an accredited institution of higher education, who has earned at least 60 credits, and is enrolled in a program that will culminate in the student becoming eligible for a teaching license in the State of Delaware shall be paid ~~$93~~ $99 per day.

Class C. – A substitute teacher who does not meet the requirements for Class A or Class B classification shall be paid ~~$74~~ $79 per day.

Any funding provided to district and charter schools by the Department of Education for substitute payments shall be at the rate set forth in this section in addition to current year other employment costs.

Effective January 1, 2023, each substitute teacher shall be paid in accordance with the following classification schedule:

Class A. – A substitute teacher who holds or is eligible to hold a valid Delaware educator license or valid educator license from another state; or such a license that has expired shall be paid $140 per day.

Class B. — A substitute teacher who holds a bachelor's degree or is a student currently enrolled in an accredited institution of higher education, who has earned at least 60 credits, and is enrolled in a program that will culminate in the student becoming eligible for a teaching license in the State of Delaware shall be paid $112 per day.

Class C. – A substitute teacher who does not meet the requirements for Class A or Class B classification shall be paid $89 per day.

Any funding provided to district and charter schools by the Department of Education for substitute payments shall be at the rate set forth in this section in addition to current year other employment costs.

Effective January 1, 2024, each substitute teacher shall be paid in accordance with the following classification schedule:

Class A. – A substitute teacher who holds or is eligible to hold a valid Delaware educator license or valid educator license from another state; or such a license that has expired shall be paid $158 per day.

Class B. — A substitute teacher who holds a bachelor's degree or is a student currently enrolled in an accredited institution of higher education, who has earned at least 60 credits, and is enrolled in a program that will culminate in the student becoming eligible for a teaching license in the State of Delaware shall be paid $126 per day.

Class C. – A substitute teacher who does not meet the requirements for Class A or Class B classification shall be paid $100 per day.

Any funding provided to district and charter schools by the Department of Education for substitute payments shall be at the rate set forth in this section in addition to current year other employment costs.

Effective January 1, 2025, each substitute teacher shall be paid in accordance with the following classification schedule:

Class A. – A substitute teacher who holds or is eligible to hold a valid Delaware educator license or valid educator license from another state; or such a license that has expired shall be paid $179 per day.

Class B. — A substitute teacher who holds a bachelor's degree or is a student currently enrolled in an accredited institution of higher education, who has earned at least 60 credits, and is enrolled in a program that will culminate in the student becoming eligible for a teaching license in the State of Delaware shall be paid $143 per day.

Class C. – A substitute teacher who does not meet the requirements for Class A or Class B classification shall be paid $113 per day.

Any funding provided to district and charter schools by the Department of Education for substitute payments shall be at the rate set forth in this section in addition to current year other employment costs.

Section 12. Amend Chapter 56, Volume 83 of the Laws of Delaware by adding a new Section 190 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 190. School Construction Market Pressure Contingency Fund. Notwithstanding the provisions of any other state law to the contrary, the Office of Management and Budget is authorized to transfer appropriation balances not in excess of the balances below from the projects in subsection (a) and reauthorizes the funds to create a School Construction Market Pressure Contingency Fund in the Department of Education to be administered by the Secretary of Education, with the approval of the Director of the Office of Management and Budget and the Controller General, for the projects listed in subsection (b) of this section.

(a) Department, Agency, Instrumentality	Appropriation Code	Amount
Department of Health and Social Services		
Drinking Water State Revolving Fund	2022-35-05-20-10074	$14,690,000
Department of Natural Resources and Environmental Control		
Clean Water State Revolving Fund	2022-40-01-06-10079	14,690,000
Total		**$29,380,000**

(b) Department, Agency, Instrumentality

Department of Education	State Share	Maximum Local Share	Total Cost
Cape Henlopen, Construct 600 Student MS (60/40)	$6,900,000	$4,600,000	$11,500,000
Indian River, New Sussex Central HS (60/40)	8,100,000	5,400,000	13,500,000
Appoquinimink, New Summit ES (76/24)	9,880,000	3,120,000	13,000,000
Christina, Bayard School (100% State)	4,500,000		4,500,000
Total	**$29,380,000**	**$13,120,000**	**$42,500,000**

(c) The Department of Education is authorized to further transfer funds to the districts identified in subsection (b) of this section based on validated market increases and in accordance with the project certificate of necessity. These funds shall be used to enable these districts to maintain a high level of construction quality in the environment of increased market pressure and escalating costs for the new construction of public education classrooms. Notwithstanding any provisions of the Delaware Code to contrary, the school districts are required to pay for their respective local share of each project. The school districts may use the following funds to meet the local match: Minor Capital Improvement Funds, Division III Equalization, Impact Fees, and/or local funds raised in excess of those required on the certificate of necessity issued by the Department of Education for the projects listed above.

Section 13. Amend Chapter 56, Volume 83 of the Laws of Delaware by adding a new Section 191 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 191. Riverfront Development Corporation. Section 1 Addendum of this Act appropriates funds to the Department of Health and Social Services for the Drinking Water State Revolving Fund, and the Department of Natural Resources and Environmental Control for the Clean Water State Revolving Fund. Notwithstanding any other state law to the contrary, of these amounts, $500,000 shall be reallocated to the Department of State for the Riverfront Development Corporation (RDC) in order to permit the RDC to update the 2015 comprehensive facility assessment of Frawley Stadium consistent with the long-term planning needs identified in the 2021 report published

by the Delaware Stadium Corporation and the RDC and allowing the RDC to procure the engineering and design work for the capital improvements which will be necessary to ensure Frawley Stadium will meet the requirements of the Major League Baseball Facility Standards Compliance Threshold.

Section 14. Amend Chapter 56, Volume 83 of the Laws of Delaware by adding a new Section 192 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 192. Urban Redevelopment. Section 1 Addendum of this Act appropriates funds to the Department of Health and Social Services for the Drinking Water State Revolving Fund, and the Department of Natural Resources and Environmental Control for the Clean Water State Revolving Fund. Notwithstanding any other state law to the contrary, of these amounts, $3,100,000 shall be reallocated to the Delaware State Housing Authority for the Urban Redevelopment program, including $100,000 for the Ministry of Caring's House of Joseph.

Section 15. Amend Chapter 56, Volume 83 of the Laws of Delaware by adding a new Section 193 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 193. Community Transportation Fund. The requirements set forth in 29 Del. C. §6960 (m) regarding prevailing wage rates shall not apply to the Delmar School District Parking Lot Improvements project since it is being funded by the Community Transportation Fund.

Section 16. Amend Chapter 56, Volume 83 of the Laws of Delaware by amending Section 2 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 2. Authorization of Twenty-Year Bonds. The State hereby authorizes the issuance of bonds, to which the State shall pledge its full faith and credit, such bonds to be issued in such principal amount as necessary to provide proceeds to the State in the amount of $255,918,109 and in the amount of ~~$67,324,480~~ $76,025,278 local share of school bonds. Bonds authorized to be used by this Section shall mature not later than 20 years from their date of issuance. The proceeds of such bonds, except for local share of school bonds, are hereby appropriated for a portion of the purposes set forth in Section 1 Addendum of this Act and summarized as follows:

Department, Agency or Instrumentality	Amount
Office of Management and Budget	$26,893,109
Delaware State Housing Authority	14,950,000
State	3,300,000
Health and Social Services	3,000,000

Natural Resources and Environmental Control		3,000,000
Delaware National Guard		1,757,000
University of Delaware		10,000,000
Delaware State University		10,000,000
Delaware Technical Community College		10,000,000
Education		173,018,000

Purpose	State Share	Maximum Local Share	Total Cost
Architectural Barrier Removal	$160,000		$160,000
Minor Capital Improvement and Equipment	15,000,000	7,231,680	22,231,680
Capital, Construct 800 Student MS – Building 1 (64/36)	12,697,100	7,142,100	19,839,200
Capital, Construct 800 Student MS – Building 2 (64/36)	10,561,800	7,485,408	18,047,208
Capital, Construct 800 Student MS – Building 2 (Local Only)		2,745,592	2,745,592
Capital, Convert William Henry MS to Kent County Secondary ILC Renovation (100% State)	6,630,000		6,630,000
Capital, Convert William Henry MS to Kent County Community School Renovation (100% State)	4,289,200		4,289,200
Cape Henlopen, Construct New 600 Student MS (60/40)	14,236,200	9,490,800	23,727,000
Appoquinimink, New 840 Student ES at Summit Campus (76/24)	15,095,400	4,767,000	19,862,400
Appoquinimink, Replace Everett Meredith MS (100% State)	16,324,300		16,324,300
Indian River, Construct New Sussex Central HS (60/40)	34,559,200	23,039,500	57,598,700
Smyrna, Land Purchase (77/23)	693,000	207,000	900,000
Caesar Rodney, St. Thomas More Purchase (79/21)	10,586,000	2,814,000	13,400,000
Milford, Revitalize Milford Middle School (74/26)	4,963,300	1,743,900	6,707,200
Brandywine, Bush School (100% State)	25,000,000		25,000,000
Appoquinimink, Market Pressure (75/25)	1,972,500	657,500	2,630,000
School Elementary Wellness Center Capital Funds	250,000		250,000
Appoquinimink, Middletown HS Roof & HVAC Replacements (Local Only)		8,700,798	8,700,798

252	Subtotal	173,018,000	~~67,324,480~~	~~240,342,480~~
253			76,025,278	249,043,278
254			**TOTAL**	**$255,918,109**

SYNOPSIS

This Act amends the Fiscal Year 2022 Bond and Capital Improvements Act to (1) authorize the Department of Transportation to use Community Transportation Funds for one-time reimbursements for various projects; (2) redistribute Community Reinvestment Funds to the Department of Transportation; (3) clarify existing funds for Mental Health Services Units are to be distributed as a block grant; (4) authorize drainage project funds to be used for both the Meeting House Branch and Persimmon Park Place drainage projects; (5) reallocate funds for a shellfish aquaculture project; (6) reallocate funds from the Municipal Infrastructure Fund to the Delaware State Fair; (7) include repairs to the responsibilities of the Facilities Management Section; (8) authorize the Office of Management and Budget to acquire property for the Delaware National Guard; (9) authorize the Department of State to identify land for acquisition for the North Wilmington Library; (10) authorize the Office of Management and Budget to transfer a property to St. Anthony's Community Center Inc.; (11) increase substitute pay to adjust for minimum wage increases; (12) reallocate funds from the Clean Water and Drinking Water State Revolving Funds to create a School Construction Market Pressure Contingency Fund; (13) reallocate funds from the Clean Water and Drinking Water State Revolving Funds for the Riverfront Development Corporation; (14) reallocate funds from the Clean Water and Drinking Water State Revolving Funds to the Urban Redevelopment program; (15) exempt the Delmar School District Parking Lot Project from prevailing wage requirements due to funding source; and (16) authorize local bond shares for the Appoquinimink School District.