



SPONSOR: Rep. Heffernan & Sen. Poore
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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:

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

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

- 6 (1) Bancroft Homeowners Association in an amount of up to \$8,000 for parking lot repairs.
7 (2) Blades Volunteer Fire Company in an amount of up to \$5,000 for a mobile traffic control device.
8 (3) Brandywine School District in an amount of up to \$100,000 for playground replacement and
9 improvements at Lombardy Elementary.
10 (4) Changing Fates Equine Rescue of Delaware, Inc. in an amount of up to \$7,000 for an entrance project.
11 (5) City of Harrington in an amount of up to \$25,000 for the purchase of surveillance cameras.
12 (6) Delaware Department of Transportation in an amount of up to \$11,198 for Weeds to Seeds landscaping
13 installation project.
14 (7) Marydel Volunteer Fire Company in an amount of up to \$172,532 for parking lot resurfacing and
15 repair.
16 (8) Newtown Village Service Corporation in an amount of up to \$100,000 for playground replacement.
17 (9) Office of Management and Budget in an amount of up to \$10,000 for a sign honoring Ethel Mae
18 Cooper at the exterior of the Absalom Jones Community Center.

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

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

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

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

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

29 (1) \$300,000 from Brookside Community, Inc. for the Brookside fencing project.

30 (2) \$250,000 from New Castle County for a cross/access easement – Twinco Romax. The Delaware
31 Department of Transportation is authorized to use these funds to initiate a project to reduce truck traffic in
32 the communities of Pleasant Hill Estates and Silview by building a connector driveway between parcel
33 number 0704640129 and Sears Boulevard.

34 (3) \$280,000 from the Pine Valley Farm Civic Association to repave Sugar Pine Drive.

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

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

47 2020/2021 school year, by title and funding source, for the following classifications: school counselor, school social
48 worker, licensed clinical social worker, school psychologist, and licensed mental health therapist.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

97 **Section 188. Transfer of Land to St. Anthony's Community Center Inc.** Notwithstanding 29 Del. C. c.
98 94 or any other law to the contrary, the Office of Management and Budget is hereby authorized to transfer New
99 Castle County Tax Parcel 26-020.30-078 to St. Anthony's Community Center Inc.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

157	<u>(a) Department, Agency, Instrumentality</u>	<u>Appropriation Code</u>	<u>Amount</u>
158	<u>Department of Health and Social Services</u>		
159	<u>Drinking Water State Revolving Fund</u>	<u>2022-35-05-20-10074</u>	<u>\$14,690,000</u>
160			
161	<u>Department of Natural Resources and</u>		
162	<u>Environmental Control</u>		
163	<u>Clean Water State Revolving Fund</u>	<u>2022-40-01-06-10079</u>	<u>14,690,000</u>
164			
165	<u>Total</u>		<u>\$29,380,000</u>
166	<u>(b) Department, Agency, Instrumentality</u>		
167		<u>Maximum</u>	
168	<u>Department of Education</u>	<u>State Share</u>	<u>Local Share</u>
169			<u>Total Cost</u>
170	<u>Cape Henlopen, Construct 600 Student MS (60/40)</u>	<u>\$6,900,000</u>	<u>\$4,600,000</u>
171	<u>Indian River, New Sussex Central HS (60/40)</u>	<u>8,100,000</u>	<u>5,400,000</u>
172	<u>Appoquinimink, New Summit ES (76/24)</u>	<u>9,880,000</u>	<u>3,120,000</u>
173	<u>Christina, Bayard School (100% State)</u>	<u>4,500,000</u>	<u>4,500,000</u>
174			
175	<u>Total</u>	<u>\$29,380,000</u>	<u>\$13,120,000</u>
176			<u>\$42,500,000</u>

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

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

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

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

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

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

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

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

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

211 **Section 2. Authorization of Twenty-Year Bonds.** The State hereby authorizes the issuance of bonds, to which
212 the State shall pledge its full faith and credit, such bonds to be issued in such principal amount as necessary to provide
213 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
214 bonds. Bonds authorized to be used by this Section shall mature not later than 20 years from their date of issuance. The
215 proceeds of such bonds, except for local share of school bonds, are hereby appropriated for a portion of the purposes set forth
216 in Section 1 Addendum of this Act and summarized as follows:

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

222	Natural Resources and Environmental Control		3,000,000	
223	Delaware National Guard		1,757,000	
224	University of Delaware		10,000,000	
225	Delaware State University		10,000,000	
226	Delaware Technical Community College		10,000,000	
227	Education		173,018,000	
228				
229	Purpose	State Share	Maximum Local Share	Total Cost
230	Architectural Barrier Removal	\$160,000		\$160,000
231	Minor Capital Improvement and Equipment	15,000,000	7,231,680	22,231,680
232	Capital, Construct 800 Student MS – Building 1 (64/36)	12,697,100	7,142,100	19,839,200
233	Capital, Construct 800 Student MS – Building 2 (64/36)	10,561,800	7,485,408	18,047,208
234	Capital, Construct 800 Student MS – Building 2 (Local Only)		2,745,592	2,745,592
235	Capital, Convert William Henry MS to Kent County			
236	Secondary ILC Renovation (100% State)	6,630,000		6,630,000
237	Capital, Convert William Henry MS to Kent County			
238	Community School Renovation (100% State)	4,289,200		4,289,200
239	Cape Henlopen, Construct New 600 Student MS (60/40)	14,236,200	9,490,800	23,727,000
240	Appoquinimink, New 840 Student ES at Summit			
241	Campus (76/24)	15,095,400	4,767,000	19,862,400
242	Appoquinimink, Replace Everett Meredith MS (100% State)	16,324,300		16,324,300
243	Indian River, Construct New Sussex Central HS (60/40)	34,559,200	23,039,500	57,598,700
244	Smyrna, Land Purchase (77/23)	693,000	207,000	900,000
245	Caesar Rodney, St. Thomas More Purchase (79/21)	10,586,000	2,814,000	13,400,000
246	Milford, Revitalize Milford Middle School (74/26)	4,963,300	1,743,900	6,707,200
247	Brandywine, Bush School (100% State)	25,000,000		25,000,000
248	Appoquinimink, Market Pressure (75/25)	1,972,500	657,500	2,630,000
249	School Elementary Wellness Center Capital Funds	250,000		250,000
250	Appoquinimink, Middletown HS Roof & HVAC		8,700,798	8,700,798
251	Replacements (Local Only)			

252	Subtotal	173,018,000	67,324,480	240,342,480
253			<u>76,025,278</u>	<u>249,043,278</u>
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.