



SPONSOR: Sen. Blevins & Rep. Schwartzkopf
McBride Longhurst
Henry Viola
Venables Q. Johnson

DELAWARE STATE SENATE
147th GENERAL ASSEMBLY

SENATE BILL NO. 15

JANUARY 24, 2013

A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2014; 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 GENERAL FUNDS OF THE STATE; REPROGRAMMING CERTAIN FUNDS OF THE STATE; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN STATUTORY PROVISIONS.

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 ~~2013~~ 2014 Capital Improvements Project Schedule Addendum.** The
2 General Assembly hereby authorizes the following projects in the following amounts for the purposes set forth
3 in this Section and as described in the Fiscal Year ~~2013~~ 2014 Governor's Recommended Capital Budget and
4 Project Information document. Any authorization balance (excluding Transportation Trust Fund balances)
5 remaining unexpended or unencumbered by June 30, ~~2015~~ 2016, shall be subject to reversion or reauthorization.

SECTION 1 ADDENDUM
FISCAL YEAR 2014 CAPITAL IMPROVEMENT PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REAUTHORIZA- TION AND REPRO- GRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
OFFICE OF MANAGEMENT AND BUDGET						
Minor Capital Improvement and Equipment	10-02-50	\$ 2,140,947	\$ 1,409,053	\$ -	\$ -	\$ 3,550,000
Environmental Compliance (UST/Asbestos/Other)	10-02-50	-	-	-	340,300	340,300
Architectural Barrier Removal	10-02-50	-	-	-	150,000	150,000
New Troop 7 - Lewes	10-02-50	500,000	-	-	-	500,000
Local Law Enforcement	10-02-11	-	-	-	333,000	333,000
<i>Judicial Project</i>						
Minor Capital Improvement and Equipment	10-02-50	500,000	-	-	-	500,000
<i>State Projects</i>						
Minor Capital Improvement and Equipment	10-02-50	750,000	-	-	-	750,000
Minor Capital Improvement and Equipment - Veterans Home	10-02-50	-	-	-	50,000	50,000
<i>Health and Social Services Projects</i>						
Minor Capital Improvement and Equipment	10-02-50	5,470,500	-	-	-	5,470,500
Roof Replacement	10-02-50	4,876,053	-	-	-	4,876,053
DACSES Replacement and Equipment	10-02-05	2,528,300	-	-	-	2,528,300
Medicaid Management Information System	10-02-05	5,143,100	-	-	-	5,143,100
Delaware Client Information System (DCIS) Eligibility System Modification Project	10-02-05	7,930,000	-	-	-	7,930,000
<i>Services for Children, Youth and Their Families Projects</i>						
Family and Children Tracking System (FACTS) II	10-02-05	1,649,700	-	-	-	1,649,700
Roof Renovations	10-02-50	2,548,750	-	-	-	2,548,750
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	3,183,250	-	-	-	3,183,250
HRYCI New Kitchen - Construction	10-02-50	6,500,000	-	-	-	6,500,000
Prison Facilities Roof Replacement and Renovation	10-02-50	2,290,000	-	-	-	2,290,000
<i>Safety and Homeland Security Project</i>						
Minor Capital Improvement and Equipment	10-02-50	600,000	-	-	-	600,000

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REAUTHORIZA- TION AND REPRO- GRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
<i>Delaware National Guard Project</i>						
Minor Capital Improvement and Equipment	10-02-50	-	850,000	-	-	850,000
Subtotal:		\$ 47,877,400	\$ 2,259,053	\$ -	\$ 873,300	\$ 51,009,753
DELAWARE ECONOMIC DEVELOPMENT OFFICE						
Delaware Strategic Fund	10-03-03	\$ -	\$ -	\$ -	\$ 32,000,000	\$ 32,000,000
Riverfront Development Corporation	10-03-03	-	-	-	3,150,000	3,150,000
Subtotal:		\$ -	\$ -	\$ -	\$ 35,150,000	\$ 35,150,000
DELAWARE STATE HOUSING AUTHORITY						
Housing Development Fund - Affordable Rental Housing Program	10-08-01	\$ 6,000,000	\$ -	\$ -	\$ -	\$ 6,000,000
Subtotal:		\$ 6,000,000	\$ -	\$ -	\$ -	\$ 6,000,000
STATE						
Museum Maintenance	20-06-01	\$ 350,000	\$ -	\$ -	\$ -	\$ 350,000
Veterans Home Dining Room	20-09-01	860,000	-	-	-	860,000
Wilmington Institute Public Library	20-08-01	2,500,000	-	-	-	2,500,000
Claymont Public Library	20-08-01	1,400,000	-	-	-	1,400,000
Delmar Public Library	20-08-01	500,000	-	-	-	500,000
Lewes Public Library	20-08-01	1,500,000	-	-	-	1,500,000
Duck Creek Regional Library - Smyrna	20-08-01	100,000	-	-	-	100,000
Subtotal:		\$ 7,210,000	\$ -	\$ -	\$ -	\$ 7,210,000
HEALTH AND SOCIAL SERVICES						
Maintenance and Restoration	35-01-30	\$ 3,750,000	\$ -	\$ -	\$ -	\$ 3,750,000
Subtotal:		\$ 3,750,000	\$ -	\$ -	\$ -	\$ 3,750,000

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REAUTHORIZA- TION AND REPRO- GRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES						
Maintenance and Restoration	37-01-15	\$ 200,000	\$ -	\$ -	\$ -	\$ 200,000
Subtotal:		\$ 200,000	\$ -	\$ -	\$ -	\$ 200,000
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						
High Hazard Dam and Dike Repair/Replacement	40-03-04	\$ 2,500,000	\$ -	\$ -	\$ -	\$ 2,500,000
Park and Wildlife Area Rehabilitation/Critical Facilities	40-03-02	3,500,000	-	-	-	3,500,000
Shoreline and Waterway Management	40-03-04	-	-	-	3,865,500	3,865,500
Tax Ditches	40-03-04	-	-	-	1,148,700	1,148,700
Delaware Bayshore Initiative	40-01-01	-	-	-	500,000	500,000
Statewide Trails and Pathways	40-03-02	3,000,000	-	-	-	3,000,000
Conservation Cost Share	40-03-04	-	-	-	1,500,000	1,500,000
Clean Water State Revolving Fund	40-01-06	-	-	-	1,400,000	1,400,000
Critical Equipment for Operations	40-01-01	-	-	-	740,000	740,000
Redevelopment of Strategic Sites (NVF)	40-03-02	-	-	-	700,000	700,000
Subtotal:		\$ 9,000,000	\$ -	\$ -	\$ 9,854,200	\$ 18,854,200
SAFETY AND HOMELAND SECURITY						
Twin Engine Helicopter Lease/Payment	45-01-01	\$ -	\$ -	\$ -	\$ 2,230,000	\$ 2,230,000
Subtotal:		\$ -	\$ -	\$ -	\$ 2,230,000	\$ 2,230,000

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FISCAL YEAR 2014 CAPITAL IMPROVEMENT PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REAUTHORIZA- TION AND REPRO- GRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
TRANSPORTATION						
Road System	55-05-00	\$ -	\$ -	\$ 92,802,839	\$ -	\$ 92,802,839
Grants and Allocations	55-05-00	-	-	12,375,000	-	12,375,000
Transit System	55-05-00	-	-	27,993,113	-	27,993,113
Support System	55-05-00	-	-	51,060,350	-	51,060,350
Subtotal:		\$ -	\$ -	\$ 184,231,302	\$ -	\$ 184,231,302
FIRE PREVENTION COMMISSION						
Hydraulic Rescue Tools Replacement and Equipment	75-02-01	\$ -	\$ -	\$ -	\$ 52,500	\$ 52,500
Subtotal:		\$ -	\$ -	\$ -	\$ 52,500	\$ 52,500
NATIONAL GUARD						
Scannell Readiness Center Renovation	76-01-01	\$ -	\$ 528,000	\$ -	\$ -	\$ 528,000
198th Regiment Readiness Center Renovation	76-01-01	-	541,500	-	-	541,500
Duncan Readiness Center Renovation	76-01-01	-	140,000	-	-	140,000
Subtotal:		\$ -	\$ 1,209,500	\$ -	\$ -	\$ 1,209,500
UNIVERSITY OF DELAWARE						
Laboratories	90-01-01	\$ 3,200,000	\$ -	\$ -	\$ -	\$ 3,200,000
Subtotal:		\$ 3,200,000	\$ -	\$ -	\$ -	\$ 3,200,000
DELAWARE STATE UNIVERSITY						
Minor Capital Improvement and Equipment	90-03-01	\$ 3,200,000	\$ -	\$ -	\$ -	\$ 3,200,000
Subtotal:		\$ 3,200,000	\$ -	\$ -	\$ -	\$ 3,200,000

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DELAWARE TECHNICAL AND COMMUNITY COLLEGE						
Collegewide Asset Preservation/MCI	90-04-01	\$ 250,000	\$ -	\$ -	\$ -	250,000
Excellence Through Technology	90-04-01	250,000	-	-	-	250,000
Campus Improvements - Owens Campus	90-04-02	675,000	-	-	-	675,000
Campus Improvements - Terry Campus	90-04-06	675,000	-	-	-	675,000
Campus Improvements - Stanton and Wilmington Campuses	90-04-05	1,350,000	-	-	-	1,350,000
Subtotal:		\$ 3,200,000	\$ -	\$ -	\$ -	3,200,000
EDUCATION						
Minor Capital Improvement and Equipment	95-01-01	\$ 7,393,800	\$ -	\$ -	\$ -	7,393,800
Architectural Barrier Removal	95-01-01	160,000	-	-	-	160,000
Laurel, Construct 1,400 Student Combined HS/MS (76/24)	95-16-00	21,331,300	-	-	-	21,331,300
Laurel, Construct 1,200 Student Combined ES (76/24)	95-16-00	13,258,200	-	-	-	13,258,200
Laurel, Selected Demo/Renovate MS (76/24)	95-16-00	481,600	-	-	-	481,600
Woodbridge, Construct 700 Student HS (72/28)	95-35-00	15,131,500	-	-	-	15,131,500
Sussex Technical, Renovate District Office (60/40)	95-40-00	590,200	-	-	-	590,200
Sussex Technical, Renovate HS Industrial Shops (60/40)	95-40-00	2,049,500	-	-	-	2,049,500
Sussex Technical, HS HVAC Renovations (60/40)	95-40-00	810,000	-	-	-	810,000
Polytech, Renovation/Additions to HS (75/25)	95-39-00	4,409,400	-	-	-	4,409,400
Seaford, Seaford Senior HS Addition (75/25)	95-23-00	8,202,500	-	-	-	8,202,500
Red Clay, Renovate A.I. DuPont HS (60/40)	95-32-00	5,433,000	-	-	-	5,433,000
Red Clay, Renovate Cab Calloway School of the Arts (60/40)	95-32-00	5,313,900	-	-	-	5,313,900
Red Clay, Construct 600 Student ES (60/40)	95-32-00	5,821,500	-	-	-	5,821,500
Capital, Kent County Community School (KCCS) Renovate Main Building (100% State)	95-13-00	1,546,462	-	-	-	1,546,462
Capital, Renovate Central Middle School KCCS (100% State)	95-13-00	818,822	-	-	-	818,822
Capital, Renovate Booker T. Washington ES KCCS (100% State)	95-13-00	3,273,916	-	-	-	3,273,916
Indian River, Additions and Renovations to North Georgetown ES (60/40)	95-36-00	954,000	-	-	-	954,000

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REAUTHORIZA- TION AND REPRO- GRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	TOTAL
Indian River, Additions and Renovations to North Georgetown ES/MS Complex (60/40)	95-36-00	1,179,000	-	-	-	1,179,000
Indian River, Additions and Renovations to East Millsboro ES (60/40)	95-36-00	858,600	-	-	-	858,600
Subtotal:		\$ 99,017,200	\$ -	\$ -	\$ -	\$ 99,017,200
TWENTY-FIRST CENTURY FUND						
Drinking Water State Revolving Fund (DHSS)	25-01-01	\$ -	\$ -	\$ -	\$ 1,840,000	\$ 1,840,000
Subtotal:		\$ -	\$ -	\$ -	\$ 1,840,000	\$ 1,840,000
GRAND TOTAL:		\$ 185,790,000	\$ 3,468,553	\$ 184,231,302	\$ 50,000,000	\$ 423,489,855

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 ~~\$184,485,000~~ \$185,790,000 and in
4 the amount of ~~\$42,863,100~~ \$36,503,500 local share of school bonds. Bonds authorized to be used by this
5 Section shall mature not later than 20 years from their date of issuance. The proceeds of such bonds, except
6 for local share of school bonds, are hereby appropriated for a portion of the purposes set forth in the Section
7 1 Addendum of this Act and summarized as follows:

8 Department, Agency, or Instrumentality	Amount
9 Office of Management and Budget	\$32,539,600 <u>\$47,877,400</u>
10 Delaware State Housing Authority	4,000,000 <u>6,000,000</u>
11 State	<u>2,960,000</u> <u>7,210,000</u>
12 Health and Social Services	<u>2,750,000</u> <u>3,750,000</u>
13 Services for Children, Youth and Their Families	200,000
14 Correction	3,135,400
15 Natural Resources and Environmental Control	<u>7,500,000</u> <u>9,000,000</u>
16 National Guard	<u>2,500,000</u>
17 University of Delaware	<u>3,000,000</u> <u>3,200,000</u>
18 Delaware State University	<u>3,000,000</u> <u>3,200,000</u>
19 Delaware Technical and Community College	<u>3,100,000</u> <u>3,200,000</u>
20 Education	<u>119,800,000</u> <u>99,017,200</u>

21	22	Maximum	Total Cost
Purpose	State Share	Local Share	Total Cost
23 Minor Capital Improvement and Equipment	\$10,343,800		\$10,343,800
24 Architectural Barrier Removal	160,000		160,000
25 Appoquinimink, Construct 840 Student ES — Odessa			
26 Campus (75/25)	621,800	\$207,300	829,100
27 Brandywine, Playground for Hanby/Bush (60/40)	75,000	50,000	125,000

1	Capital, Construct New 1,800 Student HS (70/30)	24,312,600	10,419,700	34,732,300
2	Laurel, Construct 1,400 Student			
3	Combined HS/MS (76/24)	21,331,300	6,736,200	28,067,500
4	Laurel, Construct 1,200 Student			
5	Combined ES (76/24)	6,629,100	2,093,400	8,722,500
6	Woodbridge, Construct 700 Student HS (72/28)	15,131,400	5,884,400	21,015,800
7	New Castle County VoTech,			
8	Renovate Howard HS (61/39)	4,401,300	2,813,900	7,215,200
9	Sussex Technical, Renovate HS Industrial Shops (60/40)	2,049,500	1,366,300	3,415,800
10	Sussex Technical, HS HVAC Renovations (60/40)	2,430,000	1,620,000	4,050,000
11	Polytech, Renovation/Additions to HS (75/25)	8,818,900	2,939,600	11,758,500
12	Seaford, Seaford Senior HS Addition (75/25)	16,405,000	5,468,300	21,873,300
13	Polytech, Renovate HS Supplemental (75/25)	391,900	130,700	522,600
14	Red Clay, Renovate A.I. DuPont HS (60/40)	1,318,700	879,100	2,197,800
15	Red Clay, Renovate Cab Calloway			
16	School for the Arts (60/40)	2,211,100	1,474,000	3,685,100
17	Red Clay, Construct 600 Student ES (60/40)	1,170,300	780,200	1,950,500
18	Capital, Kent County Community School (100% State)	1,998,300		1,998,300
19	Subtotal	\$119,800,000	\$42,863,100	\$162,663,100
20			TOTAL	\$184,485,000

Purpose	State Share	Maximum Local Share	Total Cost
Minor Capital Improvement and Equipment	\$7,393,800		\$7,393,800
Architectural Barrier Removal	160,000		160,000
Laurel, Construct New 1,400 Student Combined HS/MS (76/24)	21,331,300	\$6,736,200	28,067,500
Laurel, Construct New 1,200 Student Combined ES (76/24)	13,258,200	4,186,800	17,445,000
Laurel, Selected Demo/Renovate MS (76/24)	481,600	152,100	633,700
Woodbridge, Construct New 700 Student HS (72/28)	15,131,500	5,884,500	21,016,000

1	<u>Sussex Technical, Renovate District Office (60/40)</u>	590,200	393,500	983,700
2	<u>Sussex Technical, Renovate HS Industrial Shops (60/40)</u>	2,049,500	1,366,300	3,415,800
3	<u>Sussex Technical, HS HVAC Renovations (60/40)</u>	810,000	540,000	1,350,000
4	<u>Polytech, Renovation/Additions to HS (75/25)</u>	4,409,400	1,469,900	5,879,300
5	<u>Seaford, Seaford Senior HS Addition (75/25)</u>	8,202,500	2,734,200	10,936,700
6	<u>Red Clay, Renovate A.I. DuPont HS (60/40)</u>	5,433,000	3,622,000	9,055,000
7	<u>Red Clay, Renovate Cab Calloway</u>			
8	<u>School of the Arts (60/40)</u>	5,313,900	3,542,600	8,856,500
9	<u>Red Clay, Construct 600 Student ES (60/40)</u>	5,821,500	3,881,000	9,702,500
10	<u>Capital, Kent County Community School (KCCS)</u>			
11	<u>Renovate Main Building (100% State)</u>	1,546,462		1,546,462
12	<u>Capital, Renovate Central Middle School</u>			
13	<u>KCCS (100% State)</u>	818,822		818,822
14	<u>Capital, Renovate Booker T. Washington ES</u>			
15	<u>KCCS (100% State)</u>	3,273,916		3,273,916
16	<u>Indian River, Renovations/Additions to North</u>			
17	<u>Georgetown ES (60/40)</u>	954,000	636,000	1,590,000
18	<u>Indian River, Renovations/Additions to North</u>			
19	<u>Georgetown ES/MS Complex (60/40)</u>	1,179,000	786,000	1,965,000
20	<u>Indian River, Renovations/Additions to East</u>			
21	<u>Millsboro ES (60/40)</u>	858,600	572,400	1,431,000
22	<u>Subtotal</u>	\$99,017,200	\$36,503,500	\$135,520,700
23			<u>TOTAL</u>	<u>\$185,790,000</u>

24 **Section 3. Appropriation of General Funds.** It is the intent of the General Assembly that
25 ~~\$51,572,504~~ \$48,160,000 be appropriated to the following departments of the State and in the following
26 amount for the purposes set forth in the Section 1 Addendum of this Act. Any funds remaining
27 unexpended or unencumbered by June 30, ~~2015~~ 2016, shall revert to the General Fund of the State of
28 Delaware.

1 Department, Agency, or Instrumentality	Amount
2 Office of Management and Budget	\$2,275,850 <u>\$873,300</u>
3 Delaware Economic Development Office	36,182,402 <u>35,150,000</u>
4 Natural Resources and Environmental Control	7,704,504 <u>9,854,200</u>
5 Safety and Homeland Security	4,637,348 <u>2,230,000</u>
6 Agriculture	100,000
7 Fire Prevention Commission	422,700 <u>52,500</u>
8 Delaware State University	250,000
9	TOTAL \$51,572,504 <u>\$48,160,000</u>

10 **Section 4. General Funds to Twenty-First Century Funds.** It is the intent of the General
11 Assembly that ~~\$1,853,600~~ \$1,840,000 be appropriated from General Funds to the Office of the
12 Secretary, Department of Finance (25-01-01) to be deposited into the Twenty-First Century Fund as
13 established by 29 Del. C. § 6102A. These funds shall be appropriated for the following purpose set
14 forth in the Section 1 Addendum to this Act:

15 Purpose	Amount
16 Drinking Water State Revolving Fund (DHSS)	\$1,853,600 <u>\$1,840,000</u>
17	TOTAL \$1,853,600 <u>\$1,840,000</u>

18 **Section 5. Twenty-Year Bonds Reauthorization.** (a) Notwithstanding the provisions of any
19 other State law, the General Assembly hereby directs the State Treasurer to deauthorize the remaining
20 balance of authorized but unissued bonds, not in excess of the balances listed below, from the following
21 projects and reauthorize the authority to the departments listed in subsection (b) of this Section, according
22 to the purposes in the Section 1 Addendum to this Act.

23 Department, Agency or Instrumentality	Appropriation Code	Amount
24 <u>Delaware National Guard</u>		
25 <u>New Dagsboro Readiness Center</u>	2011-76-01-01-50268	\$ 705,319.68
26 <u>New Dagsboro Readiness Center</u>	2012-76-01-01-50268	263,233.97
27 <u>New Dagsboro Readiness Center</u>	2013-76-01-01-50268	2,500,000.00
28	TOTAL	<u>\$3,468,553.65</u>

(b) Department, Agency or Instrumentality	Amount
<u>Office of Management and Budget</u>	
<u>Minor Capital Improvement and Equipment</u>	\$1,409,053.65
<u>Delaware National Guard</u>	
<u>Minor Capital Improvement and Equipment</u>	850,000.00
<u>Scannell Readiness Center Renovation</u>	528,000.00
<u>198th Regiment Readiness Center Renovation</u>	541,500.00
<u>Duncan Readiness Center Renovation</u>	140,000.00
<u>TOTAL</u>	<u>\$3,468,553.65</u>

10 **Section 6. Continuing Appropriations.** For the fiscal year ending June 30, ~~2012~~ 2013, any
11 sums in the following accounts shall remain as continuing appropriations and shall not be subject to a
12 reversion until June 30, ~~2013~~ 2014.

Fiscal Year	Appropriation	Remarks
2011	02-17-01-10004	Technology
2009	10-02-05-10004	Technology Fund
2008/09	10-02-05-50006	800 MHZ
2007	10-02-06-50014	Advanced Planning
2011	10-02-50-10020	MCI Judicial
2011	10-02-50-10027	MCI DSCYF
2011	10-02-50-10031	MCI Correction
2011	10-02-50-10039	MCI National Guard
2009	10-02-50-10048	Psych Hosp Def Maint
2009 <u>2011</u>	10-02-50-10051	Veterans Home
2011	10-02-50-10065	Family & Children Trac
2011	10-02-50-50045	DPC Roof Replacement
2006	10-02-50-50071	Howard R. Young Center
2009/10	10-02-50-50076	Kent County Courthouse
2007	10-02-50-50241	Stockley Medical Center
2011	10-02-50-50239	HRYCI Masonry Restoration
2011	10-02-50-50247	New Kitchen at HRYCI
2011	10-02-50-50249	MCI National Guard
2009	10-02-50-50306	MCI OMB
2009	10-02-50-50307	MCI DHSS
2009	10-02-50-50309	Starc Headquarters
2010 <u>2011</u>	10-02-50-50350	MCI & Equipment
1999	10-03-03-10067	Dover Civic Center
2005	10-03-03-10068	Delaware Civic Center
2012	10-03-03-10077	Diamond State Port Cor
2012	10-03-03-50252	Diamond State Port Cor
2010 <u>2011</u>	10-08-01-50070	Housing Dev Fund/Prese
2002	12-05-03-10090	GF Cap Reprogramming
1994	12-05-03-50015	Agency Reversions
1994	12-05-03-50229	School Reversions
2011	15-01-01-10004	Technology
2002	20-08-01-50065	Harrington Library
1996	20-08-01-50098	North Wilmington Library
2007/11	20-08-01-50100	NCC Bear
2007	20-08-01-50101	NCC South

1	<u>2011</u>	<u>20-08-01-50266</u>	<u>Claymont Branch Library</u>
2	<u>2007</u>	<u>35-10-01-10120</u>	<u>DACSES IV</u>
3	<u>2011</u>	<u>35-10-01-50048</u>	<u>DACSES Replacement</u>
4	<u>2011</u>	<u>37-01-50-10065</u>	<u>Family & Children Trac</u>
5	<u>2011</u>	<u>38-01-40-10118</u>	<u>Maintenance & Restoration</u>
6	<u>2006</u>	<u>40-01-01-10127</u>	<u>Energy Efficiency</u>
7	<u>2005/ 2008</u>	<u>40-01-06-10152</u>	<u>Combined Sewer Overflow</u>
8	<u>2006</u>	<u>40-03-02-50237</u>	<u>State Park Facilities</u>
9	<u>2004/05</u>	<u>40-03-03-10129</u>	<u>Dams/Water Control</u>
10	<u>2006</u>	<u>40-03-04-10140</u>	<u>Little Mill Creek</u>
11	<u>2008</u>	<u>40-03-04-10143</u>	<u>Dam Planning</u>
12	<u>2007</u>	<u>40-03-04-10147</u>	<u>Lewes Facil. Improveme</u>
13	<u>2007</u>	<u>40-03-04-10153</u>	<u>Red Clay Feasibility St</u>
14	<u>2003</u>	<u>40-03-04-50224</u>	<u>Resource Conserv & Dev</u>
15	<u>2008</u>	<u>40-03-04-50275</u>	<u>Beach Preservation</u>
16	<u>2010</u>	<u>55-05-00-95401</u>	<u>FHWA</u>
17	<u>2010</u>	<u>55-05-00-95402</u>	<u>FTA</u>
18	<u>2010</u>	<u>55-05-00-95403</u>	<u>Federal-Other</u>
19	<u>2010</u>	<u>55-05-00-95601</u>	<u>Grants & Allocations</u>
20	<u>2010</u>	<u>55-05-00-97301</u>	<u>Transit System</u>
21	<u>2010</u>	<u>55-05-00-97601</u>	<u>Support System</u>
22	<u>2010</u>	<u>55-05-00-97701</u>	<u>Road System</u>
23	<u>2010</u>	<u>55-05-00-97801</u>	<u>GARVEE Fund</u>
24	<u>2009/10</u>	<u>90-01-01-50290</u>	<u>Alison Hall Ren</u>
25	<u>2009</u>	<u>90-03-01-10017</u>	<u>MCI</u>
26	<u>2010/11</u>	<u>90-03-01-50350</u>	<u>MCI & Equipment</u>
27	<u>2008/ 2009</u>	<u>90-04-01-10211</u>	<u>Asset Preservation</u>
28	<u>2008</u>	<u>90-04-01-10212</u>	<u>Excellence Thru Technology</u>
29	<u>2011</u>	<u>90-04-01-50273</u>	<u>Excellence Thru Technology</u>
30	<u>2010</u>	<u>90-04-01-50354</u>	<u>College Asset PresPro</u>
31	<u>2011</u>	<u>90-04-02-50271</u>	<u>Owens Campus Improvements</u>
32	<u>2006</u>	<u>90-04-04-50235</u>	<u>Stanton Campus Expansion</u>
33	<u>2007/11</u>	<u>90-04-05-50235</u>	<u>Stanton Campus Expansion</u>
34	<u>2011</u>	<u>90-04-06-50272</u>	<u>Terry Campus Improvements</u>
35	<u>2002</u>	<u>95-01-01-10017</u>	<u>MCI</u>
36	<u>2010</u>	<u>95-10-00-50022</u>	<u>MCI</u>
37	<u>2010</u>	<u>95-10-00-50144</u>	<u>Ren Reily Brown ES</u>
38	<u>2011</u>	<u>95-10-00-50276</u>	<u>CR Renovate Alan Frear</u>
39	<u>2011</u>	<u>95-10-00-50335</u>	<u>Renovate W. B. Simpson ES</u>
40	<u>2009</u>	<u>95-13-00-10017</u>	<u>MCI</u>
41	<u>2009</u>	<u>95-13-00-10873</u>	<u>MCI/Voc Ed</u>
42	<u>2008</u>	<u>95-13-00-50080</u>	<u>Land HS</u>
43	<u>2010</u>	<u>95-13-00-50281</u>	<u>Central MS Gym</u>
44	<u>2011</u>	<u>95-13-00-50285</u>	<u>Capital Construct New</u>
45	<u>2011</u>	<u>95-13-00-50294</u>	<u>Capital Maintenance</u>
46	<u>2011</u>	<u>95-13-00-50295</u>	<u>Capital Professional C</u>
47	<u>2010</u>	<u>95-13-00-50297</u>	<u>Construct 600 Ppls</u>
48	<u>2010</u>	<u>95-15-00-50022</u>	<u>MCI</u>
49	<u>2010</u>	<u>95-15-00-50107</u>	<u>MCI/VocEd</u>
50	<u>2010</u>	<u>95-15-00-50119</u>	<u>Ren Chipman ES</u>
51	<u>2008/2010</u>	<u>95-15-00-50135</u>	<u>Ren Lake Forest HS</u>
52	<u>2009</u>	<u>95-16-00-50324</u>	<u>VocEquipment Repl</u>
53	<u>2011</u>	<u>95-17-00-10873</u>	<u>MCI/Voc Ed</u>
54	<u>2009</u>	<u>95-17-00-50036</u>	<u>1600 Pupil HS</u>

1	2008	95-17-00-50136	Ren Lewes 9 th Grade AC
2	2010	95-18-00-50107	MCI/Voc Ed
3	2008	95-18-00-50122	Morris ECC
4	2008 <u>2011</u>	95-18-00-50139	Renovate Milford HS
5	2009/10	95-18-00-50282	Construct 720 Pupil HS
6	2009	95-18-00-50287	1000 Pupil MS
7	2010	95-18-00-50296	Construct Middle Aeade
8	2009/10	95-24-00-50113	Renovate Smyrna HS
9	2007	95-24-00-50263	600 Pupil ES
10	2010/11	95-24-00-50297	Construct 600 Pupil IS
11	2007	95-29-00-50035	Construct 1000 Pupil M
12	2009	95-29-00-50041	Construct 840 Pupil ES
13	2010	95-29-00-50329	Ren & Add Middletown H
14	2010	95-29-00-50336	Renovate Cedar Lane ES
15	2009/11	95-31-00-10017	MCI
16	2007	95-31-00-10187	Market Pressure Matching Fund
17	2009	95-31-00-10873	MCI/Voc Ed
18	2010	95-31-00-50022	MCI
19	2008	95-31-00-50039	Construct 600 Pupil ES
20	2006	95-31-00-50090	MP Ii 66.0 ES
21	2010	95-31-00-50107	MCI/Vod Ed
22	2008	95-31-00-50127	Renovate Hanby MS
23	2008	95-31-00-50141	Ren P.S. Dupont ES
24	2008	95-31-00-50147	Renovate Springer MS
25	2007	95-31-00-50176	Renovate District Offices
26	2011	95-31-00-50274	Brandywine Construct O
27	2009/10	95-31-00-50284	Construct 66000 Sq F
28	2011	95-31-00-50298	Brandywine Replace Bra
29	2009	95-31-00-50327	New Transportation Fac
30	2010	95-31-00-50357	Demolish Bush School
31	2010	95-31-00-50358	Trans Fac (Local Only)
32	2010	95-32-00-50022	MCI
33	2006	95-33-00-50040	800 Pupil MS
34	2006	95-33-00-50104	New MS
35	2008	95-33-00-50322	Porter Road
36	2009/10	95-33-00-50330	Restart Porter Road ES
37	2009	95-34-00-50063	Gunning Bedford
38	2010	95-34-00-50115	Ren & Rec New Castle M
39	2008	95-34-00-50124	George Reed MS
40	2009	95-34-00-50152	Ren William Penn HS
41	2008	95-34-00-50160	McCullough ES
42	2010	95-34-00-50349	Renovate Eisenberg Ele
43	2010	95-38-00-50338	Renovate Howard HS
44	2007/08/10	95-51-00-50240	Replace Sterck
45	2009	95-51-00-50328	Sterck School
46	2009/11	95-53-00-10017	MCI
47	2010	95-53-00-50022	MCI
48	2010	95-53-00-50348	Renovate John G. Leach
49	2010	95-54-00-50022	MCI
50	2010	95-67-00-50022	MCI
51	2010	95-70-00-50022	MCI
52	2010	95-76-00-50022	MCI
53	2010	95-79-00-50022	MCI
54	2010	95-82-00-50022	MCI

1 **Section 7. Prefatory Language.** This Act has been prepared in conformance with 78 Del. Laws,
2 c. 90. For all sections with the exception of Section 1 Addendum, all comparisons to the previous year's
3 Budget Act are shown noting insertions by underlining and deletions by strike through.

4 **Section 8. Abandoned Property.** Notwithstanding the provisions of 29 Del. C. § 6102(s), for the
5 fiscal year ending June 30, 2014, the State shall transfer \$33,000,000 to the Transportation Trust Fund as
6 established by 2 Del. C. § 1404.

7 **Section 9. Open Space Funding.** Notwithstanding the provisions of 30 Del. C. § 5423(b)(2) and
8 § 5423(c)(1), on or before December 15, 2013, the State shall transfer \$2,000,000 of realty transfer taxes to
9 the Project Account in the Delaware Land and Water Conservation Trust Fund.

10 **Section 10. Farmland Preservation Funding.** Notwithstanding the provisions of 30 Del. C. §
11 5426 for the fiscal year ending June 30, 2014, the State shall transfer \$2,000,000 of realty transfer taxes to
12 the Farmland Preservation Fund maintained under 3 Del. C. § 905(a).

13 **Section 11. Energy Efficiency Investment Fund.** Notwithstanding the provisions of 30 Del. C. §
14 5502(f), for the fiscal year ending June 30, 2014, the State shall transfer \$3,400,000 to the Energy
15 Efficiency Investment Fund as established by 29 Del. C. § 8030.

16 **Section 12. Conservation Districts - Federal Acquisition Regulations.** Conservation Districts
17 shall not be required to follow the provisions of the Federal Acquisition Regulations unless specifically
18 required under a contract(s) with a federal agency or federal grant. If the Conservation Districts are
19 required to follow subpart 31.2 of the Federal Acquisition Regulations, then the Conservation Districts are
20 hereby authorized to charge an additional ten percent to their overhead cost rate to enable the Conservation
21 Districts to continue to fulfill their statutory duties and responsibilities.

22 **Section 13. First State Preservation Revolving Fund, Inc.** For Fiscal Year ~~2013~~ 2014, First
23 State Preservation Revolving Fund, Inc. may continue to expend for administrative expenses the interest
24 generated by the Community Redevelopment Fund appropriations of \$250,000 in each of Fiscal Years 1999
25 and 2000.

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

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

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

11 **Section 17. Bond Bill Reporting Requirements.** All state agencies and public school districts
12 receiving funds from the Bond and Capital Improvements Act shall submit a quarterly expenditure status
13 report to the Director of the Office of Management and Budget and Controller General on all incomplete
14 projects that are wholly or partially funded with state and/or local funds, including bond funds. The format
15 and information required in these quarterly reports shall include, but not be limited to, expenditures of both
16 bond and cash funds. The report format will be developed by the Office of Management and Budget and
17 include information as needed by the Department of Finance, Treasurer’s Office and Office of Management
18 and Budget to anticipate cash and bond requirements for the upcoming fiscal year.

19 **Section 18. Notification.** The Director of the Office of Management and Budget and Controller
20 General shall notify affected state agencies and other instrumentalities of the State as to certain relevant
21 provisions of this Act. Additionally, the Director of the Office of Management and Budget and Controller
22 General shall notify the President Pro Tempore of the Senate and the Speaker of the House as to any
23 legislative appointments required by this Act.

24 **Section 19. Bear Babe Ruth.** Notwithstanding any provision or requirement of the public trust
25 doctrine or 10 Del. C. c. ~~82~~ 62, and without the necessity of compliance therewith, New Castle County is
26 hereby authorized to transfer to Bear Babe Ruth all rights, title and interest in that certain tract, piece, parcel

1 or parcels of land known as Lot 3, Wrangle Hill Elementary School, containing 68.008 acres, more or less,
2 and having Tax Parcel No. 12-013.00-081, as were conveyed to New Castle County by deed of Premcor
3 Refining Group Inc. (Premcor) dated March 12, 2007, or by any subsequent deed or consent executed by a
4 successor or assign of Premcor, subject to the condition that such property be used by Bear Babe Ruth for
5 the sole purpose of establishing, operating and maintaining thereon a public park for open space, park or
6 outdoor recreational uses.

7 **Section 20. Escheat.** Notwithstanding the provisions of 29 Del. C. § 6102(a), for fiscal year
8 ending June 30, ~~2013~~ 2014, with respect to revenues collected under 12 Del. C. c. 11, the Secretary of
9 Finance shall transfer all receipts received in excess of ~~\$566,500,000~~ \$521,000,000 to the following
10 accounts in equal amounts:

- 11 (a) The K-12 Construction Fund;
- 12 (b) The Debt Reduction Fund; and
- 13 (c) The Other Post-Employment Benefits Fund as established by 29 Del. C. § 5281.

1 **OFFICE OF MANAGEMENT AND BUDGET**

2 **Section 21. 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 22. Construction Manager.** It is the intent of the General Assembly that all public works
6 projects, including all public school projects, that utilize a construction manager on the project, utilize the
7 delivery methodology which requires the construction manager to secure a performance and payment bond
8 for their portion of the work. All subcontractors shall be listed at the start of the project and shall provide a
9 performance and payment bond which names the Construction Manager and the State of Delaware as
10 additional insureds. All provisions of 29 Del. C. c. 69 are in effect for projects which utilize Construction
11 Manager.

12 **Section 23. Judicial Construction Oversight.** It is the intent of the General Assembly that a
13 nine-member Executive Committee be created to oversee construction of new or major renovation of
14 judicial facilities. The Executive Committee shall include two members of the Legislature appointed by the
15 Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program; the respective Chairs
16 of the House and Senate Judiciary Committees; two members of the Judiciary as appointed by the Chief
17 Justice; and three members of the Executive Department to include the Director of Facilities Management,
18 the Director of the Office of Management and Budget and their designee. The Executive Committee shall
19 work in conformation with existing construction oversight guidelines as written in Section 21 of this Act.
20 The Executive Committee is hereby empowered to:

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

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

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

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

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

7 **Section 24. Minor Capital Improvement and Equipment Supplement - Office of Management**
8 **and Budget.** Notwithstanding the provisions of any other State law to the contrary, not more than five
9 percent of the total amount allocated to the Office of Management and Budget's MCI annual budget may be
10 expended to enter into contractual agreements for project representatives and associated administrative
11 support to ensure adequate oversight of State construction projects. The Director of the Office of
12 Management and Budget is directed to provide an itemized budget for this amount to the Controller General
13 by August 1 of each fiscal year, and expenditure reports to the Controller General by December 1 and June
14 1 of each fiscal year.

15 **Section 25. New Castle County Courthouse.** Notwithstanding any law or local government
16 ordinance, resolution, or any deed restrictions to the contrary, the Director of the Office of Management and
17 Budget shall designate the name of any state-owned or state-operated courthouse or other judicial building
18 or facility in New Castle County purchased, constructed, or improved by funds appropriated pursuant to an
19 Act of the General Assembly and shall have the sole authority to approve or disapprove the placement of
20 any statues or memorials in or on the grounds of such courthouse or judicial building or facility.

21 **Section 26. Sale of Surplus Property.** Notwithstanding the provisions of any law to the contrary,
22 the Director of the Office of Management and Budget is authorized to solicit buyers, lessors or developers
23 and negotiate the sale, long or short-term lease, development or adaptation of the state-owned building and
24 parking lot, commonly known as the Bank of America Building and State Employee Workforce Education
25 and Training Center, located on the block bounded by French, 9th, 10th and Walnut Streets in Wilmington.
26 Net proceeds resulting from a sale, lease, development or reuse of the building and/or parking lot shall be

1 deposited to the General Fund. The Director of the Office of Management and Budget must receive
2 approval from the Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program prior
3 to executing an agreement of sale, lease, development or use of the building or parking lot for other than
4 state agencies. The Director of the Office of Management and Budget is authorized to solicit buyers,
5 lessors, developers and others who may enable the sale, development, lease, or reuse of the property
6 directly, use public advertisement, auction, reverse auction, sealed bids, or issue requests for information
7 and requests for proposals. During Fiscal Year ~~2013~~ 2014, the Director of the Office of Management and
8 Budget may identify additional state-owned real property that, with the concurrence of the Co-Chairs of the
9 Joint Legislative Committee on the Capital Improvement Program and the Controller General, may be sold,
10 leased or developed pursuant to the provisions of this section.

11 **Section 27. Card Access Security Systems.** Notwithstanding the provisions of any law to the
12 contrary, the Office of Management and Budget, Department of Safety and Homeland Security, and the
13 Department of Technology and Information shall jointly develop and maintain specifications and standards
14 for card access security systems for all state facilities. Security system communications using state
15 infrastructure will observe enterprise standards and policies as defined by Department of Technology and
16 Information pursuant to 29 Del. C. c. 90. The specifications and standards shall enable a single-card
17 security solution for all state-owned facilities, require the ability for concurrent central and local
18 administration of card access functions, and shall include a registry of approved card readers and associated
19 hardware required to implement card access security systems. It is the intent of this section to authorize
20 Office of Management and Budget, Department of Safety and Homeland Security and Department of
21 Technology and Information to jointly select a single supplier, manufacturer or technology of access cards
22 and security management software for use by all state agencies. The Office of Management and Budget,
23 Department of Safety and Homeland Security and Department of Technology and Information shall
24 develop procedures and standards required for the evaluation and approval of agency requests for new or
25 modified security systems of any type. Before a state agency may install a new security system or modify

1 an existing system, the agency shall obtain the approval of the Office of Management and Budget,
2 Department of Safety and Homeland Security and Department of Technology and Information.

3 **Section 28. Employing Delawareans Reporting Requirement.** The Section 1 Addendum to 78
4 Del. Laws, c. 76 makes the following appropriations from “One-Time Special Funds;” \$10,000,000 to the
5 University of Delaware; \$10,000,000 to Delaware State University; \$10,000,000 to Delaware Technical and
6 Community College; \$10,000,000 to the Delaware State Housing Authority; \$55,000,000 to New Jobs
7 Infrastructure; and \$35,000,000 in Asset Preservation. Expenditure of said funds shall be subject to the
8 following provisions:

9 (a) Any public works or professional services contract (1) to which any agency, the University of
10 Delaware, Delaware State University, or Delaware Technical and Community College is a party; (2) for
11 which payment shall be funded in whole or in part by monies hereunder; and (3) for which the probable cost
12 is greater than the amount set by the Contracting and Purchasing Advisory Council pursuant to 29 Del. C.
13 § 6913.

14 (b) No bid for any contract hereunder shall be responsive unless the prospective bidder discloses its
15 reasonable, good-faith determination of (1) the number of employees reasonably anticipated to be employed
16 on the project; (2) the number and percentage of such employees who are bona fide legal residents of the
17 State; (3) the total number of employees of the bidder; and (4) the total percentage of employees of such
18 bidder who are bona fide residents of the State. To the extent subcontractors are to be employed in
19 connection herewith, the bidder shall further disclose its reasonable, good-faith determination of the number
20 and percentage of employees of such subcontractor who are bona fide legal residents of the State.

21 (c) All contractors awarded contracts hereunder shall submit a report to the Director of the Office
22 of Management and Budget setting forth the actual number and percentage of employees of such contractor
23 who are bona fide legal residents of the State. To the extent subcontractors are employed in connection
24 with any such contractor, the contractor shall further disclose the actual number and percentage of
25 employees of such subcontractor who are bona fide legal residents of the State. Such report shall be due on
26 the earlier of 30 days from the completion of the project or December 31 of each calendar year.

1 (d) For purposes of this section, “bona fide legal resident of this State” shall mean any resident
2 who has established residence of at least 90 days in the State.

3 (e) Notwithstanding anything to the contrary herein, this section shall not apply to any contract for
4 which any exception would apply pursuant to 29 Del. C. § 6904. Without limitation of the foregoing, if any
5 provision of this section conflicts or is inconsistent with any statute, rule or regulation of the federal
6 government applicable to a project or activity, the cost of which is to be paid or reimbursed in whole or in
7 part by the federal government, and due to such conflict or inconsistency the availability of federal funds
8 may be jeopardized, such provision shall not apply to such project or activity. Further, if any provisions of
9 this section conflict or are inconsistent with 31 Del. C. c. 40, the provisions of 31 Del. C. c. 40 shall prevail
10 and govern.

1 **DELAWARE ECONOMIC DEVELOPMENT OFFICE**

2 **Section 29. 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 30. Kalmar Nyckel.** The scheduling of the Kalmar Nyckel by non-state entities shall
10 require the approval of the Riverfront Development Corporation. Further, the Riverfront Development
11 Corporation is encouraged to enter into negotiations with interested parties to review the disposition of
12 loans to the Kalmar Nyckel.

13 **Section 31. Transportation Property Disposition.** The proceeds from the future sale of parcels
14 of land the Department of Transportation acquired on Beech Street in the City of Wilmington and Delmarva
15 Properties located in the Wilmington Riverfront area shall be deposited to the Transportation Trust Fund.

16 **Section 32. Council on Development Finance.** If DEDO makes an award not in agreement with
17 the recommendations of the Council on Development Finance, the Director of DEDO shall notify the Co-
18 Chairs of the Joint Legislative Committee on Capital Improvements within 10 business days. The
19 notification shall include details of the actual award, the Council recommendations on the proposal, and a
20 justification for why DEDO did not follow the recommendations of the Council.

21 **Section 33. New Markets Tax Credit Program.** In the event that the Director of DEDO and the
22 Secretary of Finance determine that it is advisable to apply for participation in the New Markets Tax Credit
23 Program under the U.S. Treasury Department, the Director is authorized to form a business entity or
24 organization to apply for and manage this program on behalf of the State, as required by applicable federal
25 legislation and regulations. Any such application for said program shall be subject to the approval of the
26 Co-Chairs of the Joint Legislative Committee on the Capital Improvement Program and the Delaware State

1 Clearinghouse Committee. Should such application receive final approval by the U.S. Treasury Department
2 or other federal governmental entity charged with such authority, at least one public hearing shall be held
3 for the purpose of presenting the program, the availability of financial assistance and the selection process.

4 **Section 34. ~~Fraunhofer Vaccine Development~~ Delaware Strategic Fund.** The Section 1
5 Addendum to this Act appropriates funds for the Delaware Strategic Fund, included is \$1,000,000 for
6 Fraunhofer Vaccine Development. It is the intent of the General Assembly and the Administration that
7 said funds represent the ~~second~~ third year of a six-year commitment by the State of Delaware to leverage a
8 2:1 matching grant of \$12,000,000 from Fraunhofer USA.

9 **Section 35. Emerging Technology Center.** Notwithstanding any other law to the contrary,
10 funds appropriated to DEDO for the Emerging Technology Center, pursuant to 74 Del. Laws, c. 308 §
11 36(c), shall be expended by DEDO for the purpose of operating the Delaware Emerging Technology
12 Center (ETC). Operating expenses may include, but are not limited to ETC software licensing
13 agreements; Delaware sponsored ETC investor forums, businesses plan competitions and conferences,
14 marketing campaigns; and Intellectual Property Business Creation program implementation initiatives.

15 **Section 36. Riverfront Development Corporation.** (a) Funds appropriated for the Riverfront
16 Development Corporation of Delaware (RDC) shall be disbursed to a special fund to be known as the
17 Riverfront Development Corporation Fund hereinafter referred to as the Fund.

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

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

1 **Section 37. Limited Investment for Financial Traction (LIFT) and Delaware Rural Irrigation**

2 **Program (DRIP) Initiatives.** Notwithstanding any other law to the contrary, DEDO is hereby authorized
3 to pay administrative fees associated with the LIFT and DRIP Initiatives from the Strategic Fund not to
4 exceed two percent of the program total.

5 **Section 38. Diamond State Port Corporation.** The Section 1 Addendum to 78 Del. Laws, c. 76
6 appropriates \$10,000,000 to the Diamond State Port Corporation (DSPC). No funds may be expended from
7 this appropriation without the approval of the Board of Directors of the Port Corporation. Any funds
8 remaining unspent or unencumbered as of June 30, ~~2012~~ 2013 shall not be subject to reversion or
9 reauthorization until June 30, ~~2013~~ 2014. In addition, DSPC may borrow, on an interest-free basis,
10 \$2,000,000 of this authorization to meet its short term operating expenses during Fiscal Year ~~2013~~ 2014.

1 **DELAWARE STATE HOUSING AUTHORITY**

2 **Section 39. Housing Development Fund - Affordable Rental Housing Program.** The Section 1

3 Addendum to this Act appropriates ~~\$4,000,000~~ \$6,000,000 for Housing Development Fund - Affordable

4 Rental Housing Program (10-08-01). It is the intent of the General Assembly and the Administration that

5 said funds are to be used to leverage other funding sources, such as Low Income Housing Tax Credits and

6 tax-exempt bonds to help create and/or improve affordable rental housing stocks in Delaware. This

7 investment in affordable rental housing will increase economic activity in the State of Delaware. The

8 Director of the Delaware State Housing Authority shall report to the Controller General and the Director of

9 the Office of Management and Budget no later than April 30, ~~2013~~ 2014 on the expenditure of the Housing

10 Development Fund appropriated in Section 1 Addendum to this Act. Said report shall also include the

11 amount and expenditure of any non-state funds received by the State for said affordable rental housing

12 projects.

1 **DEPARTMENT OF TECHNOLOGY AND INFORMATION**

2 **Section 40. 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.

7 **Section 41. IT Project Funding.** (a) Section 1 Addendum of this Act appropriates \$12,084,000
8 \$17,251,100 to the Office of Management and Budget (10-02-05) for technology projects. For Fiscal Year
9 ~~2013~~ 2014, the following projects may receive an allocation for planning, development, procuring services,
10 conducting a feasibility/investment analysis or project implementation provided they meet all of the
11 requirements contained within this Section:

12 DEPARTMENT/AGENCY SERVICE NEED

13 Department of Health and Social Services

14 DACSES Replacement and Equipment

15 Medicaid Management Information System

16 Delaware Client Information System (Eligibility)

17 Department of Services for Children, Youth and Their Families

18 Family and Children Tracking System (FACTS II)

19 Allocation of the funds appropriated for this purpose shall be made by the Director of the Office of
20 Management and Budget in consultation with the affected department/agency head. Project allocations shall
21 not be transferred to another department/agency unless approved by the Director of the Office of
22 Management and Budget. In the event federal funds are available for match in support of a project or
23 projects, the Director of the Office of Management and Budget and the Controller General may transfer
24 such funds as are necessary to meet the match requirements to the department/agency involved.

25 (b) In no instance shall any information technology (IT) project identified in Subsection (a) of this
26 Section be initiated by the department/agency during this fiscal year until its formalized plan has been

1 approved by the department/agency head, Director of the Office of Management and Budget and state Chief
2 Information Officer. The project plan and the request for funding to be transferred shall consist of a
3 business case for the project, which includes:

- 4 (i) needs analysis;
- 5 (ii) business process to be impacted/reengineered;
- 6 (iii) risk assessment;
- 7 (iv) stakeholder impact assessment;
- 8 (v) cost-benefit analysis; and,
- 9 (vi) an analysis of the total cost of ownership, which includes costs incurred during all phases
10 of the development and operational life cycles.

11 In no instance shall any project be approved by the Director of the Office of Management and
12 Budget if any portion of the above project plan requirements are absent from the department's/agency's
13 request for a transfer of funds.

14 (c) No IT project that receives funds through Subsection (a) that has a scope beyond the scope of
15 work approved by the department/agency head and the Director of the Office of Management and Budget,
16 and the state's Chief Information Officer is to be undertaken. Changes in scope or cost that fundamentally
17 alter the original intent of an approved project shall be communicated to the Director of the Office of
18 Management and Budget, Controller General and the state Chief Information Officer. Departments/agencies
19 failing to communicate this information in a prompt manner may cause the project to be postponed or
20 terminated. This requirement applies to all IT or technology-related systems development performed by the
21 Department of Technology and Information, the department/agency itself, or an outside consultant or
22 contractor. Further, this requirement applies to IT applications or systems purchased, subscribe to, or
23 otherwise acquired and placed in use.

24 (d) Funding shall be transferred on a phase-by-phase basis. Except for the initial transfer where the
25 project plan needs to be approved, subsequent funding transfer requests shall be contingent upon the receipt
26 and review of quarterly project status reports by the Director of the Office of Management and Budget,

1 Controller General and Chief Information Officer. In instances where the project requires a transfer prior to
2 the deadline for the quarterly report, a report of the project's status at the time of the request will be
3 necessary.

4 (e) In all projects executed between the Department of Technology and Information, the Controller
5 General's Office, the Office of Management and Budget, and the concerned department/agency, the
6 Department of Technology and Information shall maintain staff support to the benefit of the
7 department/agency at the agreed upon level of effort (subject to recruitment delays) until the project work
8 has been accomplished.

9 (f) In no case shall funds appropriated in Section 1 Addendum of this Act be used to employ data or
10 word processing professionals in support of current or proposed IT projects without the express written
11 approval of the Director of the Office of Management and Budget.

1 **DEPARTMENT OF STATE**

2 **Section 42. North Wilmington Library.** Funds authorized in the Section 1 Addendum of 70
3 Del. Laws, c. 210 shall be used to plan and construct a library within the First Senate District.

4 **Section 43. Museum Maintenance.** The Section 1 Addendum to this Act appropriates \$350,000
5 to the Department of State for museum maintenance. It is the intent of the General Assembly that these
6 funds be retained by the Department of State, Division of Historical and Cultural Affairs for use with the
7 operations of State museums or for repairs to those facilities under the control of the Division of Historical
8 and Cultural Affairs.

9 **Section 44. Library Construction.** Proposals submitted by the Department of State to the Office
10 of Management and Budget under 29 Del. C. § 6604A shall include a statement as to whether or not each of
11 the libraries have the required 50 percent non-state share match as defined in 29 Del. C. § 6602A(2).

12 **Section 45. Stabilization Endowment for the Arts.** It is the intent of the General Assembly that
13 previously appropriated funds from the Department of State to the Stabilization Endowment for the Arts
14 may be used to fund operating expenses pursuant to appropriate controls and procedures adopted by the
15 Board of the Arts Consortium of Delaware and upon concurrence of the Division of Arts.

1 **DEPARTMENT OF FINANCE**

2 **Section 46. Bond Proceeds Reimbursement.** Unless not permitted by the Internal Revenue Code
3 of 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 promulgated
8 from time to time, or shall be qualified as Build America Bonds pursuant to the Code and the Regulations.
9 Pursuant to the State's budget and financial policies, other than unexpected situations where surplus
10 revenues render bond financing unnecessary or undesirable, no funds other than the proceeds of such bonds,
11 are or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the
12 State to pay the costs of such specific capital projects. Pursuant to the Authority’s budget and financial
13 policies, it is expected that approximately 50 percent of the costs of its capital projects shall be funded on a
14 long-term basis from the proceeds of such bonds. However, after the authorization of such bonds but prior
15 to their issuance, non-bond funds from the State’s General Fund or the Authority’s Transportation Trust
16 fund or other funds may be advanced on a temporary basis to pay a portion of the costs of such specific
17 capital projects. In that event, it is expected that these non-bond funds will be reimbursed from the
18 proceeds of such bonds when they are issued. This reimbursement may cause a portion of such bonds to
19 become reimbursement bonds within the meaning of Section 1.150-2 of the Regulations. Under those
20 Regulations, to preserve the exclusion of the interest on such bonds from gross income for federal income
21 tax purposes, it may be necessary to make a declaration of official intent. The Secretary of Finance is
22 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 47. 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 48. Amortization Requirements.** Issuance of Any any bonds authorized in this Act or
10 any previous authorization act may be ~~issued during Fiscal Year 2013 or Fiscal Year 2014, and may be~~
11 subject to any amortization requirements as shall be determined by the bond issuing officers
12 notwithstanding anything to the contrary contained in 29 Del. C. § 7406(b).

13 **Section 49. Research and Development Tax Credit.** Amend § 2073(a), Title 30 of the Delaware
14 Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

15 (a) The Director shall not approve a research and development tax credit under this chapter for
16 taxable years ending after December 31, ~~2013~~ 2014.

1 **DEPARTMENT OF CORRECTION**

2 **Section 50. 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 51. 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 52. Maintenance and Restoration.** The Section 1 Addendum to this Act appropriates
16 \$3,135,400 to the Department of Correction for Maintenance and Restoration projects. The Department
17 must submit a bi-annual report to the Director of the Office of Management and Budget and the Controller
18 General, detailing the expenditure of such funds and the respective projects. The Department shall submit a
19 preliminary plan to the Director of the Office of Management and Budget and Controller General for
20 maintenance projects for the following fiscal year by October 31.

21 **Section 53. Department of Correction Prison Industry Program.** The Department of
22 Correction's Prison Industry Program shall be prohibited from selling on the open market precast concrete
23 products work including but not limited to catch basins and square boxes, unless such work meets National
24 Precast Concrete Association Standards. The Department of Correction Prison Industry Program can
25 continue to build, pour and construct precast concrete products that are exempt from this standard for use on
26 State of Delaware prison projects.

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

2 **Section 54. 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 (DNREC) for
4 the Conservation Cost-Sharing Program. Of this amount, 70 percent will be divided equally among the
5 three conservation districts to expand their water quality and water management programs. Preference
6 should be given to projects or conservation practices that improve water quality on lands covered by
7 nutrient management plans, as practicable and in consultation with the Secretary. The remaining balance
8 will be directed towards nutrient management and water quality efforts statewide as determined by the
9 Secretary, in consultation with the three conservation districts.

10 **Section 55. 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 56. 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 57. Army Corps of Engineers Project Cooperation Agreements.** By using funds
23 approved 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 58. Indian River Marina.** In accordance with the provisions of 73 Del. Laws, c. 350, §
2 70, 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 59. 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 and Tax Parcel #08-059.20-001, the City must repay to the State those
13 monies appropriated in the Fiscal Year 2000 and 2001 Bond and Capital Improvements Acts for said
14 project.

15 **Section 60. Seventh Street Marina.** It is the intent of the General Assembly to classify the
16 Seventh Street Marina, located on East Seventh Street, being Tax Parcel # 26.044.00.0013 containing 7.86
17 acres of land (of which 5.27 acres, more or less, is above the high water line) as existing marina for
18 purposes of the State of Delaware Marina Regulations, adopted on March 29, 1990 and amended on
19 February 22, 1993. Such classification does not exempt any person seeking to make physical
20 improvements to the marina from permit application fees pursuant to 7 Del. C. c. 66 and c. 72.

21 **Section 61. Waterway Management.** DNREC is directed to provide dedicated, comprehensive
22 waterway management for state waters. DNREC will: maintain design depths and mark navigational
23 channels of the State that are not maintained and marked by any entity of the federal government; remove
24 nuisance macroalgae; remove abandoned vessels; remove derelict structures, trees and other debris that
25 threatens safe navigation; and perform any other waterway management services that may be identified to
26 preserve, maintain and enhance recreational use of the State's tidal waters, as well as improve

1 environmental conditions as warranted or directed by the Governor or Secretary of DNREC. DNREC is
2 further directed to undertake a study of the sediment sources and patterns of sediment movement that results
3 in deposition within State waterways to determine if there are methods to reduce the dependency on
4 dredging to remove deposited sediments.

5 **Section 62. Clean Water Funding Leverage.** The Department of Natural Resources and
6 Environmental Control, under advisement from the Clean Water Advisory Council, is encouraged to
7 evaluate the potential leveraging of the Water Pollution Control Revolving Fund and/or the Twenty-First
8 Century Fund Water/Wastewater Management Account based on the recommendation of the Dialogue on
9 Financing Wastewater and Stormwater Infrastructure report sponsored by the Delaware Public Policy
10 Institute, Office of the Governor, Office of the Lieutenant Governor, DNREC and the Clean Water
11 Advisory Council. The Department is further encouraged to include in its evaluation the use of any other
12 resources or assets within the Department that can be used to create an environmental infrastructure trust to
13 further the environmental goals of the State.

14 **Section 63. Auburn Valley Project.** The implementation of the transportation, stormwater
15 management, demolition, remediation, redevelopment, and parks and recreation element of the Auburn
16 Valley Master Plan shall not be subject to the zoning, subdivision, land use, or building code ordinances or
17 regulations of New Castle County.

18 **Section 64. Conservation District Contracting.** Notwithstanding any statutory provision or
19 regulation to the contrary, it is the intent of the General Assembly that the Department of Natural Resources
20 and Environmental Control may enlist Delaware's conservation districts as provided in 7 Del. C. c. 39 to
21 advance the purposes of this chapter. All contracts shall be subject to the provisions of 29 Del. C. § 6960.

22 **Section 65. Recycling Cash Flow.** The Department is hereby authorized, consistent with 7 Del.
23 C. c. 60 and 30 Del. C. c. 29, to issue grants and loans to assist persons engaged in the business of
24 collecting, transporting, processing, or marketing recyclable materials, including yard waste. To that end,
25 the Secretary shall be authorized to borrow up to \$6,000,000 in combination from the Delaware Land and
26 Water Conservation Trust Fund Endowment Account, the Parks Endowment Account, the Beach

1 Preservation Appropriation Account and the Resource, Conservation and Development Appropriation in
2 order to fund activities pursuant to 7 Del. C. § 6054 and § 6055. Any funds borrowed from such accounts
3 shall be paid back in full by no later than June 30, 2015, from fees generated pursuant to 30 Del. C. c. 29.
4 To the extent that borrowing results in reduced revenues to the Department for programs that rely on
5 interest from these accounts, principal from the account may be used to offset up to the amount of lost
6 interest revenue and shall be repaid by fees generated pursuant to 30 Del. C. c. 29. A report must be
7 submitted regarding funds borrowed and update on the recycling program to the Director of Office and
8 Management and Budget and the Controller General's Office by October 15, ~~2012~~ 2013 and April 15,
9 ~~2013~~ 2014.

10 **Section 66. Bay View.** In accordance with the provisions of 77 Del. Laws, c. 329 § 90, the
11 Department is hereby authorized to spend up to \$200,000 in prior year funds from the Beach Management
12 Account for the purpose of stabilization and/or restoration of the beach at the community of Bay View. No
13 new appropriations shall be made for this purpose. These funds shall be used for the acquisition of
14 additional scientific data, and/or preparation of local, state, and federal permit applications for this project
15 and may be added to subsequent year appropriations for construction of this protective beach and terminal
16 structure to assist in stabilizing the beach. Project oversight and implementation will be provided through
17 the New Castle Conservation District. Prior to any construction, all applicable local, state and federal
18 permitting requirements shall be met. The Department's interim policy for Coastal Lands Restoration
19 Projects shall apply and prior to commencement of any construction, a written agreement between the
20 Department and the community shall be signed by appropriate parties and will address applicable policy
21 considerations. Any funds borrowed from the Beach Management Account shall be restored through Bond
22 Bill appropriations no later than August 1, 2015.

23 **Section 67. Redevelopment of Strategic Sites.** The Section 1 Addendum to this Act appropriates
24 ~~\$2,175,000~~ \$700,000 to the Department of Natural Resources and Environmental Control for the
25 ~~redevelopment of strategic sites. (a) \$2,000,000 shall be used for the~~ remediation and redevelopment of the
26 former NVF Facility in Yorklyn, along the Red Clay Creek.

1 ~~(b) \$50,000 shall be used to develop demolition plans, specifications, and related permitting for~~
2 ~~those portions of the Fort DuPont site that are not historic and are slated to be demolished under the~~
3 ~~development plan for the site.~~

4 **Section 68. Resource, Conservation and Development Projects.** It is the intent of the General
5 Assembly that the Office of Natural Resources, Division of Watershed Stewardship and the Conservation
6 District(s) as established by 7 Del. C. c. 39 shall have the following authorities:

7 (a) Within the same county, funds appropriated in any Fiscal Year shall be used for the completion
8 of any Twenty-First Century Fund Project approved by the Joint Committee for Capital
9 Improvement. Funds remaining from completed projects may be utilized for any project
10 approved as part of any Fiscal Year Capital Improvements Act. The funds appropriated are to
11 be utilized for planning, surveying, engineering and construction of approved projects.

12 (b) For water management and drainage projects undertaken by the Department of Natural
13 Resources and Environmental Control's, Office of Natural Resources, Division of Watershed
14 Stewardship and the Conservation Districts using Twenty-First Century Fund Resource,
15 Conservation and Development funds, the required non-Twenty-First Century Fund match shall
16 be a minimum of 10 percent of the total project cost for any project.

17 (c) Approved projects remain on the approved project list until completed or discontinued by the
18 Division of Watershed Stewardship or Conservation District(s) because of engineering,
19 landowner consent or other issues that render a cost effective solution to drainage or flooding
20 problem unlikely. The projects recommended to be discontinued will be identified on the
21 annual report submitted to the Joint Committee for Capital Improvement.

22 (d) In December and May of each year the Division of Watershed Stewardship shall submit a
23 financial report of fund activity including expenditures by fiscal year appropriated for each
24 county to the Office of Management and Budget and the Office of the Controller General.
25 Accounting and financial management for the 21st Century Fund will be based on the current
26 pro-rated allocation of funds for each county and not based on specific project allocations.

- 1 (e) The Division of Watershed Stewardship will submit an annual report to the Joint Committee for
2 Capital Improvement at the Resource, Conservation and Development hearing detailing project
3 status including those projects recommended for discontinuation. The annual report will also
4 include a request for funding that will identify the total unexpended balance of the fund and the
5 total projected needs of the project estimates to date. A list of new projects will also be
6 identified and submitted for approval by the Joint Committee for Capital Improvement.
- 7 (f) When a proposed tax ditch project or other water management project traverses county lines, if
8 approved by the Joint Committee for Capital Improvement the project shall be added to the
9 project list in both counties.

1 **DEPARTMENT OF TRANSPORTATION**

2 **Section 69. 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 Transportation Trust Fund Authorizations. Sums not to exceed ~~\$852,684,310~~ \$391,859,052 (State:
6 ~~\$173,496,556~~ \$184,231,302; Federal: ~~\$205,383,602~~ \$205,018,569; Other: ~~\$473,804,152~~ \$2,609,181) are
7 authorized to be withdrawn from the Transportation Trust Fund to carry out the projects and programs as
8 set forth in the Section 1 Addendum of this Act.

9 **Section 70. US 301 Revenue Bonds.** The Delaware Transportation Authority is hereby authorized
10 to issue revenue bonds in a principal amount sufficient to finance the construction of the US 301 mainline,
11 including capitalized interest, cost of issuance and reserve requirements. The Secretary of the Department
12 of Transportation in concurrence with the Director of the Office of Management of Budget, the Secretary of
13 Finance, and the Controller General, shall determine the time and the exact amount of the sale. Such
14 revenue bonds may be secured by a pledge of the toll revenue generated by US 301 and the Transportation
15 Trust Fund revenue.

16 **Section 71. Maintenance and Operations Facilities.** Building structures and facilities
17 constructed, or to be constructed, within the Department of Transportation's operating right of way that
18 facilitate maintaining the highway system and are used to assist in the operational and maintenance
19 activities for all roads, shall not be subject to zoning, subdivision or building code ordinances or regulations
20 by any political subdivision of the State. Types of structures may include equipment sheds, crew quarters,
21 equipment maintenance , equipment washing , material storage sheds (i.e. salt, sand and other bulk
22 materials), fuel centers and other maintenance structures required to maintain the highway system such as
23 security (cameras and fences) including necessary maintenance and replacement items such as upgrades to
24 existing facilities. The Department shall not construct any such facility without first conducting a public
25 workshop to describe such plans and gather public input into the effect of such plans.

1 **Section 72. Transportation Enhancements.** (a) It is the intent of the General Assembly that the
2 ~~Department~~ department provide notice to all State agencies, political sub-divisions within the State and
3 other parties of the availability of, and rules governing, the Transportation Enhancements program. Such
4 notice shall include, but not be limited to, the definitions of eligible projects, the requirements for matching
5 funds, and such other requirements as may be necessary to insure that any interested entity may work to
6 become a participating recipient under the program. For new projects, the Department of Transportation is
7 directed to submit a detailed list of all projects funded within the Transportation Enhancement Program or
8 its successor to the Office of Management and Budget and Office of the Controller General on an annual
9 basis. ~~The State funding for this program shall be limited to the required 20 percent match of the related~~
10 ~~Federal Authorization. The projects funded by this program shall be limited to the allowable categories as~~
11 ~~outlined by the Federal Highway Administration. Any deviation from this process must be approved by the~~
12 ~~Office of Management and Budget, Office of the Controller General and Co-Chairs of the Joint Committee~~
13 ~~on Capital Improvements.~~

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

17 (c) The Department of Transportation will determine the impact of the new Transportation
18 Alternatives program, including eligibility guidelines, funding allocations for various program areas and
19 funding levels based on the MAP-21 authorized funding for Delaware.

20 (d) The Department of Transportation will report this information to the Office of Management and
21 Budget and the General Assembly as part of its capital budget request and thereafter, once approved, meet
22 the terms outlined in this section.

23 **Section 73. Grants and Allocations.** The Section 1 Addendum of this Act appropriates the sum
24 of ~~\$21,750,000~~ \$12,375,000 (State) for projects within the Grants and Allocations classification. The
25 General Assembly further defines its intent with respect to those appropriations as follows:

1 (a) The sum of ~~\$16,750,000~~ \$8,375,000 (State) shall be used for the Community Transportation
2 Fund, in accordance with the rules and regulations as adopted by the Joint Legislative Committee on the
3 Capital Improvements Program, as amended from time to time.

4 (b) The sum of ~~\$5,000,000~~ \$4,000,000 (State) shall be used for the Municipal Street Aid program
5 pursuant to the provisions of 30 Del. C. c. 51. ~~Of this amount, \$1,000,000 shall be dedicated to~~
6 ~~improvements involving respective municipalities' roads and bridges and sidewalks and crosswalks~~
7 ~~associated with said projects.~~

8 **Section 74. Municipal Street Aid Eligible Uses.** It is the intent of the General Assembly that
9 beginning with Fiscal Year 2014, expenses of law enforcement for the policing of municipal streets,
10 including, but not limited to salaries, equipment, vehicles and supplies shall no longer be an eligible use of
11 Municipal Street Aid Funds.

12 **Section 75. 5310 Program.** The Delaware Transit Corporation is authorized to expend up to
13 \$1,338,064 (\$867,613 State; \$470,451 Federal) from the Transit System classification (97301) appropriated
14 in this Act for the 5310 Program, administered by the Federal Transit Authority.

15 **Section 76. DelDOT Work Impacts on Private Property and its Owners.** When the
16 Department and/or any of its contractors determines that it would be in the best interests of the State to
17 undertake construction/reconstruction work past 9:00 p.m. or before 7:00 a.m., and such work is to be
18 conducted immediately adjacent to a residential neighborhood:

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

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

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

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

15 **Section 77. Indian River Inlet Bridge.** State funds authorized in this and previous Acts of the
16 General Assembly for the design and construction of a new bridge at the Indian River Inlet and the
17 construction of new park amenities, access and circulation roads, and other transportation and recreation
18 improvements shall be used, to the maximum extent possible, to match federal funds previously available,
19 or to become available in the future. In keeping with the strong sense of community involvement and sense
20 of ownership, the Department shall continue to provide periodic progress updates through such media as it
21 determines to best address the community's needs. And finally, because in order to accomplish this project
22 in an efficient and cost-effective manner, the Department and its contractors will have to occupy portions of
23 the State's adjacent campground and marina facilities, the General Assembly authorizes and directs the
24 Secretary of the Department to enter into reimbursement agreements with the Secretary of DNREC. Such
25 agreements will insure that during the period of construction of the bridge and other necessary

1 improvements, DNREC shall be equitably indemnified from the loss of critical tourist revenues, which are
2 necessary to fund the operations of all of the State’s outdoor recreational facilities.

3 **Section 78. City of Wilmington Beautification.** In order to maintain the urban tree canopy
4 available in the City of Wilmington, the General Assembly authorizes and directs the Department to
5 establish, and maintain a program of tree maintenance and replacement in cooperation with the Delaware
6 Center for Horticulture (Center) and/or Urban Forestry in the Department of Agriculture. It is the intent of
7 the General Assembly that such program shall be funded exclusively by allocations made from time to time
8 by members of the General Assembly from their Community Transportation Funds (CTF). The Department
9 shall make payments to the Center and/or Urban Forestry in the Department of Agriculture for work
10 accomplished, and appropriately vouchered, from the CTF funds herein identified.

11 **Section 79. Supplies of Road Materials.** 74 Del. Laws, c. 308 § 109 is suspended until such time
12 as the Department of Transportation shall suggest its re-institution and such suspension has been overridden
13 by an Act of the General Assembly.

14 **Section 80. System Capacity Preservation.** ~~The General Assembly hereby determines that it is in~~
15 ~~the public interest to limit future residential, commercial, or industrial growth along certain portions of the~~
16 ~~State’s highway network. Such potential growth would produce unsafe driving conditions as increased~~
17 ~~traffic seeks access to, and movements along, a number of local roads and collectors in critical locations~~
18 ~~through the State. The General Assembly further determines that it would be infeasible or imprudent for~~
19 ~~the Department to attempt to design and construct modifications to the State’s highway network adjacent to~~
20 ~~these locations because such improvements would irrevocably destroy the important scenic and historic~~
21 ~~nature of the view sheds and other environmental attributes associated with these locations. Accordingly,~~
22 ~~the Secretary of the Department of Transportation (Secretary) is authorized and directed to use State funds~~
23 ~~appropriated to the Transportation Enhancements program authorized and funded in the Section 1~~
24 ~~Addendum of 74 Del. Laws, c. 308, together with such other funds from any public or private source as~~
25 ~~may be available and appropriate, to purchase land, or such rights in land, as the Secretary deems necessary~~
26 ~~to protect the following properties, pursuant to the stipulations stated herein. Expenditures of these funds~~

1 ~~for these purposes shall be with the review and approval of the Director of the Office of Management and~~
2 ~~Budget and Controller General. The provisions of 17 Del. C. c. 1 and 29 Del. C. c. 93 and c. 95 shall govern~~
3 ~~such purchases, and any other purchase by the Department authorized by this Act.~~

4 (a) ~~Millcreek Farm (Yearsley) Property - Four parcels totaling approximately 35 +/- acres adjacent~~
5 ~~to Mill Creek (SR 282) and Stoney Batter (SR 283) Roads in New Castle County. The Department shall~~
6 ~~work with members of the surrounding community, plus State and local officials, to develop a master plan~~
7 ~~for the permanent protection of the site as community recreation and open space, and upon satisfactory~~
8 ~~completion of such plans, may transfer the parcel to New Castle County for a fee to be determined.~~

9 **Section 81. Denny Road/Route 896 Alignment Completion.** Upon completion and final
10 inspection of the Denny Road/Route 896 Realignment Project, the frontage property consisting of two
11 parcels (0.93 and 0.929 acres) along Route 896, currently landscaped and maintained by the community of
12 Meadow Glen, shall revert back to the community which had owned said parcels prior to 1994.
13 Notwithstanding the provisions of 17 Del. C. § 137, the Department shall deed these parcels to the
14 community and remain in their possession in perpetuity.

15 **Section 82. Port of Wilmington.** Subject to the review and approval of the Board of Directors of
16 the Diamond State Port Corporation (DSPC):

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

25 (b) DSPC is authorized to arrange for the lease of equipment from the State's master lease, secured
26 by the State's full faith and credit, in an amount not to exceed \$5,000,000 in the aggregate. The

1 expenditure of these funds and the terms of the lease shall be subject to the review and approval of the
2 Board of Directors of DSPC. A report of equipment leased including terms and amounts due shall be made
3 available to the Secretary of Finance, Director of the Office of Management and Budget and Controller
4 General annually.

5 **Section 83. Community Transportation Funding Levels.** The Department is directed to account
6 for the Community Transportation Program funds as cash which shall be equal to the amounts authorized in
7 Appendix A of this Act as well as previous Bond and Capital Improvements Acts. The funds authorized
8 within the Community Transportation program shall not be subject to reallocation by the Department under
9 any circumstances.

10 **Section 84. Design-Build Contracts.** The Department of Transportation is hereby authorized to
11 continue utilization of the design-build contract mechanism for a total of twelve transportation construction
12 projects (ten of which have been authorized). Design-build is a project delivery method under which a
13 project owner, having defined its initial expectations to a certain extent, executes a single contract for both
14 architectural/engineering services and construction. The selection processes and other terms of such
15 contracts may vary considerably from project to project. The design-build entity may be a single firm, a
16 consortium, joint venture, or other organization. However, the fundamental element of design-build
17 delivery remains that one entity assumes primary responsibility for design and construction of the project.
18 The Department of Transportation is authorized to continue the use of these experimental approaches to
19 completing its projects, subject to the following conditions:

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

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

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

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

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

10 **Section 85. New Development Road Widening.** When planning and/or permitting additional
11 road widening directly related to new residential development, the Department of Transportation, Division
12 of Planning, shall make every attempt to require the necessary right-of-way land be acquired from the
13 developer owned land.

14 **Section 86. W. L. Gore Site.** In evaluating and recommending improvements to the transportation
15 system related to the development of what is known as the W.L. Gore site, located in New Castle County
16 and situated on the north side of Sunset Lake – east of SR 896 and southeast of Old Cooch’s Bridge Road,
17 the department will make every effort to ensure that the improvements made facilitate and encourage traffic
18 to travel toward and use SR 896 and to discourage additional use of Old Cooch’s Bridge Road east of the
19 entrance to the W.L. Gore property. This is in recognition of the historic characteristics of Old Cooch’s
20 Bridge Road in the vicinity of the intersection with Old Baltimore Pike.

21 **Section 87. Route 301 Spur Road Segment.** The General Assembly directs the Department to
22 implement the US 301 Corridor project in Phases, beginning with the US 301 mainline section.

23 **Section 88. Astra Zeneca Project.** The Department shall carry out property boundary
24 adjustments and easements for transit, bicycle and pedestrian, storm water management, wetlands and
25 stream restoration, beautification, historic preservation, conservation and other improvements in concert
26 with DNREC, DEDO, City of Wilmington, New Castle County, New Castle County Conservation District,

1 and such other public and private entities as may be necessary to accomplish timely completion of the Blue
2 Ball Master Plan.

3 **Section 89. Buck Road.** The Department of Transportation is requested to refrain from issuing
4 any entrance permit, authorization, or approval for use of any entrance way from New Castle County Parcel
5 Number 0702600094 onto Buck Road, until such time as it also certifies by letter to the New Castle County
6 Department of Land Use that the developer's proposed entrance design conforms with the Department's
7 subdivision requirements, pursuant to its authority under 17 Del. C. § 146 and its related regulations,
8 intended to protect public safety and maintain smooth traffic flow. The government of New Castle County
9 is also requested to solicit comments from and work with the residents of surrounding communities,
10 community organizations, and State and local officials to address traffic safety and other legitimate land use
11 concerns about the proposed development, after the receipt of the Department's letter. The design of the
12 entrance on Buck Road for Greenville Center will include a sidewalk from the entrance to the surrounding
13 Greenville Manor Community on Ardleigh Drive.

14 **Section 90. Routes 141 and 48.** The Department of Transportation is requested to refrain from
15 issuing any permit, authorization, or approval for use of any new, additional, revised, or modified entrances
16 for New Castle County Parcel Numbers 07-032.20-003, 07-032.20-048 through and including 07-032.20-
17 055, 07-032.20-057 and 07-032.30-072 onto or from Route 141 or Route 48, until such time as the
18 Department obtains, reviews, and comments upon a traffic operations analysis for the area, which among
19 other elements addresses (1) the predicted levels of service on intersections, roadways, or the Tyler
20 McConnell Bridge affected by the proposed development of these parcels, and (2) the roadway
21 improvements necessary to accommodate the development of these parcels, based upon the exploratory
22 development plans submitted to the New Castle County Department of Land Use by the developer, as
23 required by the County's Unified Development Code (UDC). To the extent that any submission of
24 proposed development plans is substantially different than the original exploratory development plans
25 submitted to the County, the Department is further requested to assess the impact of the new submission's

1 traffic generation upon the local transportation network. The scope of the assessment shall be at the
2 reasonable discretion of the Department.

3 **Section 91. DMV New Castle Facility.** (a) Section 1 of ~~this Act~~ 78 Del. Laws, C. 292 makes an
4 appropriation to the Department of Transportation, Support Systems; under Transportation Facilities
5 appropriation for the design and construction of a new Division of Motor Vehicle (DMV) facility in New
6 Castle County. The new facility will be located at the existing Mid County transit hub, which is currently
7 owned by DeIDOT. This new facility will replace the current DMV site currently located on Airport Road.
8 While funding for the project is included in the Transportation Trust Fund, and is proposed to be matched
9 with federal congestion mitigation funds, the Office of Management and Budget (OMB) – Division of
10 Facilities Management will manage the construction process with oversight from DeIDOT’s Support
11 Services personnel.

12 (b) It is the intent of the General Assembly that the Department of Transportation provide for an
13 inclusive and open process whereby the views and ideas of the residents in the neighborhoods surrounding
14 the Airport Road Facility be gathered and provided to the Office of Management and Budget and
15 considered prior to any future plans or commitments being made regarding the facility.

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

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

1 **Section 93. Craft Training.** The Department of Transportation is authorized to engage in up to
2 two project procurements (one in New Castle County and one in Kent County) utilizing the craft training
3 and apprentice program called for in 29 Del. C. § 6962(c), on an experimental basis. Any contractor that
4 performs work in multiple trades on a road construction project under the craft training experiment will
5 have an apprenticeship in at least one, not all of the trades on the project to comply with this experiment.
6 Upon the completion of these experiments, the Department shall report to the Joint Legislative Committee
7 on the Capital Improvement Program with its assessment of the program including, but not limited to, cost
8 savings, project quality and worker safety.

9 **Section 94. Chestnut Hill Road Parcel.** The provisions of 17 Del. C. § 137 notwithstanding, the
10 Department of Transportation is authorized to enter into agreements with other governmental agencies,
11 either directly or in concert with a private entity, regarding a Department-owned parcel known as NC227,
12 tax parcel no. 11-003.30-027, on terms the Department Secretary deems appropriate, for purposes of
13 evaluating the costs and benefits of fuel cell technology from environmental and economic development
14 perspectives, which the General Assembly hereby finds is an appropriate public purpose.

15 **Section 95. Rehabilitation of Public Streets, Industrial Parks.** In order to maintain a safe,
16 attractive, and efficient network of public streets serving the state’s growing inventory of industrial parks,
17 the General Assembly hereby authorizes the Department to spend sums not exceeding \$250,000 on a pilot
18 program to address this issue. The Department shall prepare an inventory of all public streets within the
19 state’s industrial parks. It shall further rank all of these streets in the same manner that it prepares the
20 annual program of roads eligible for the Paving and Rehabilitation Program authorized elsewhere in this
21 Act. The Secretary shall then distribute this list to all members of the General Assembly, together with an
22 estimate of the amounts necessary to address those public streets in this inventory most in need of repair. If
23 a member of the General Assembly elects to allocate funds from his/her Community Transportation Fund
24 (CTF) to repair any of these public streets, the Secretary may draw on this appropriation to match those
25 individual CTF dollars on the basis of \$1 dollar from this special account for every \$1 dollar allocated by
26 the member. The Secretary shall notify all members of his intent to make such matching allocations, and

1 shall require any member interested in participating to notify the Department of his/her interest in
2 participating by a date certain, not less than one month from the date of such announcement. In the event
3 that the sum of all individual Member requests exceeds the amounts authorized by this section, the
4 Department shall prioritize the industrial park streets to be improved on the basis of the ranking required by
5 this section, and shall share its decisions with all members of the General Assembly. For purposes of
6 preparing this inventory and ranking, the Department is authorized and directed to expend such sums as
7 may be necessary from the accounts established for statewide paving and rehabilitation activities.

8 **Section 96. Community Transportation Fund.** ~~The Department of Transportation is directed to~~
9 ~~meet with one Senator and one Representative from each county to evaluate the rules governing the Joint~~
10 ~~Legislative Committee on the Capital Improvements Program Rules for projects funded through~~
11 ~~Community Transportation Funds. The Department shall prepare a report and present the report to the co-~~
12 ~~chairs of the Joint Legislative Committee on the Capital Improvement Program by December 30, 2012.~~

13 The Department of Transportation will provide an annual financial report regarding projects funded
14 through Community Transportation Fund and will report to the co-chairs of the Joint Legislative Committee
15 on the Capital Improvement Program by June 30 of each fiscal year.

16 **Section 97. Weldin House.** WHEREAS, the State of Delaware, acting through the Department of
17 Transportation (hereinafter referred to as the "Grantee" or "DelDOT") entered into an Permanent
18 Conservation Easement Agreement with Sycamore Development Group, LLC (hereinafter referred to as
19 "Grantor") on December 22nd, 2005. This Permanent Conservation Easement Agreement (hereinafter
20 referred to as the "Agreement") between the Grantee and the Grantor was for the fee simple conveyance of
21 a parcel of land in New Castle County of the State of Delaware, identified as Tax Parcel Number 06-
22 139.00-158, This parcel includes a building known as the Jacob Weldin House which is a historic landmark
23 in a condition of disrepair and in need of significant restoration. Due to the historic value of the parcel and
24 the need for the building on the lot to be restored, title was conveyed to Grantor which included a multitude
25 of limitations and conditions that would be imposed upon the Grantor, including a Permanent Conservation
26 Easement Agreement that required Grantor to perform many delineated actions. It is noteworthy that the

1 Agreement required the Grantor to preserve and protect the conservation values of the property and to
2 complete the restoration and rehabilitation and renovation of the Jacob Weldin House in a timely manner.
3 This Agreement expressly allowed DeIDOT, as the Grantee of this parcel, to be able to take actions against
4 the Grantee to enforce the Agreement if a factual situation arose that would require such actions. DeIDOT is
5 the only entity that is authorized pursuant to the terms of this Agreement, after certain notice provisions are
6 accomplished to bring an action at law or in equity in a court to enforce the terms of the Agreement and to
7 obtain temporary or permanent injunctions to require the restoration of the Jacob Weldin House to its prior
8 condition.

9 It is clear to anyone who looks upon the Jacob Weldin House, that almost no rehabilitation work
10 has been performed on the Jacob Weldin House, and that the Grantor has failed to meet its obligations as
11 required by the Agreement. As DeIDOT is the only entity that has standing to enforce the Agreement
12 against Grantor, the General Assembly hereby requests DeIDOT to immediately and timely take actions to
13 enforce the Agreement against the Grantor. DeIDOT is further requested to continue its ongoing efforts to
14 timely address the Grantor's requirement to abide by the terms of the Agreement until Grantor has either
15 fully fulfilled its obligation or until a court of law or equity has ordered that the title to the Jacob Weldin
16 House be returned to Grantee, due to the actions of the Grantor.

1 **DEPARTMENT OF AGRICULTURE**

2 **Section 98. Farmland Preservation.** For the fiscal year ending June 30, ~~2013~~ 2014, ~~\$3,000,000~~
3 \$600,000 of the ~~\$10,000,000~~ \$2,000,000 allocated for Farmland Preservation Funding may be utilized by
4 the Aglands Preservation Foundation in accordance with the rules and policies for the Delaware Young
5 Farmer Program in accordance with 3 Del. C. c. 9. All remaining state-appropriated funds shall be utilized
6 by the Aglands Preservation Foundation to preserve eligible farms statewide through the traditional
7 farmland preservation program at its discretion in accordance with Aglands Foundation rules and policies.
8 Local jurisdiction funds committed to farmland preservation for Fiscal Year ~~2013~~ 2014 shall be spent to
9 preserve farmland only in the respective jurisdictions where the funds originate. Farms to be preserved
10 shall be selected by the local jurisdictions according to the jurisdictions selection criteria from eligible
11 farms as listed by the Aglands Preservation Foundation. Similarly, any funds provided by nongovernment
12 organizations shall be spent according to their selection criteria from eligible farms as listed by the Aglands
13 Preservation Foundation.

1 **FIRE PREVENTION COMMISSION**

2 **Section 99. Hydraulic Rescue Tools Replacement.** It is the intent of the General Assembly that
3 the funds authorized in the Section 1 Addendum of this Act be used to reimburse the Fire School,
4 ~~Claymont, Wilmington Manor, Carlisle and Citizen's Hose~~ Christiana, Clayton, Dover, South Bowers,
5 Milton and Lewes/Rehoboth Beach fire companies. Upon submitting the receipt of sale, each company will
6 be reimbursed up to \$7,500 by the Fire Prevention Commission - State Fire School (75-02-01).

1 **UNIVERSITY OF DELAWARE**

2 **Section 100. Laboratories.** The Section 1 Addendum to this Act appropriates \$3,200,000 to the
3 University of Delaware for laboratories. The University shall assess and make renovations to Lasher Lab a
4 priority use for a portion or all of these funds.

1 **DELAWARE STATE UNIVERSITY**

2 **Section 101. Convocation Study.** The Section 1 Addendum to ~~this Act~~ 78 Del Laws, C. 292

3 appropriates \$250,000 to Delaware State University for a Convocation Center Feasibility Study. It is the

4 intent of the General Assembly that such funding will not commit the state to future construction

5 expenditures.

1 **DELAWARE TECHNICAL AND COMMUNITY COLLEGE**

2 **Section 102. 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.

1 **DEPARTMENT OF EDUCATION**

2 **Section 103. School Building and Custodial Verification.** By September 30 of each calendar
3 year, each school district shall notify the Department of Education of its intended use for each school
4 building and administrative office building. School districts shall notify the Department about changes in
5 the use of such buildings to include the sale of property, closing of a building, lease of property to another
6 agency, and additions and renovations. The Department of Education shall establish a standard reporting
7 mechanism 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 104. 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 105. Minor Capital Improvements.** It is the intent of the General Assembly that the sum
16 of ~~\$10,343,800~~ \$7,393,800 allocated in the Section 1 Addendum to this Act be used for minor capital
17 improvements to school buildings in the following amounts. Districts must use the funds in the amounts
18 below on projects listed on the facility assessment website hosted by the Department of Education.

School District	Maximum State Share	Maximum Local Share	Total Cost
Appoquinimink	\$703,536	\$469,024	\$1,172,560
Brandywine	794,155	529,437	1,323,592
Special	19,019		19,019
Caesar Rodney	512,979	341,986	854,965
Special	29,460		29,460
Cape Henlopen	342,409	228,273	570,682
Special	31,573		31,573

1	Capital	457,266	304,844	762,110
2	Special	17,651		17,651
3	Christina	1,219,946	813,297	2,033,243
4	Special	61,033		61,033
5	Colonial	728,000	485,333	1,213,333
6	Special	11,685		11,685
7	Delmar	97,629	65,086	162,715
8	Indian River	652,672	435,115	1,087,787
9	Special	14,917		14,917
10	Lake Forest	291,469	194,313	485,782
11	Laurel	161,919	107,946	269,865
12	Milford	309,891	206,594	516,485
13	Red Clay	1,191,083	794,055	1,985,138
14	Special	16,532		16,532
15	Seaford	258,056	172,037	430,093
16	Smyrna	381,564	254,376	635,940
17	Woodbridge	168,557	112,371	280,928
18	New Castle VoTech	591,564		591,564
19		Maximum	Maximum	
20	School District	State Share	Local Share	Total Cost
21	Polytech	146,679		146,679
22	Sussex Tech	162,714		162,714
23	Campus Community	43,407		43,407
24	Academy of Dover	19,093		19,093
25	Aspira Academy	22,673		22,673
26	DAPSS	8,726		8,726
27	Delaware College Prep Academy	20,585		20,585
28	DE Military Academy	41,692		41,692
29	East Side Charter	29,908		29,908

1	Family Foundations	56,012		56,012
2	Gateway Charter	13,649		13,649
3	Kuumba Academy	19,391		19,391
4	Maurice Moyer Academy	14,320		14,320
5	M.O.T. Charter	50,492		50,492
6	Newark Charter	100,239		100,239
7	Odyssey Charter	37,291		37,291
8	Peneader Charter	37,813		37,813
9	Positive Outcomes	9,323		9,323
10	Prestige Academy	22,375		22,375
11	Providence Creek	51,313		51,313
12	Reach Academy	19,839		19,839
13	Sussex Academy of Arts	24,985		24,985
14	Thomas Edison	54,371		54,371
15	Wilmington Charter	72,345		72,345
16	Total to Schools	\$10,143,800	\$5,514,087	\$15,657,887
17	Vocational Equipment	85,000	56,667	141,667
18	State Board Contingency	115,000	76,667	191,667
19	TOTAL	\$10,343,800	\$5,647,421	\$15,991,221
20		<u>Maximum</u>	<u>Maximum</u>	
21	School District	State Share	Local Share	Total Cost
22	Appoquinimink	\$497,732	\$331,821	\$829,553
23	Brandywine	561,841	374,561	936,402
24	Special	13,455		13,455
25	Christina	863,077	575,385	1,438,462
26	Special	43,179		43,179
27	Colonial	515,039	343,359	858,398
28	Special	8,267		8,267

	<u>Maximum</u>	<u>Maximum</u>	
<u>School District</u>	<u>State Share</u>	<u>Local Share</u>	<u>Total Cost</u>
Red Clay	842,657	561,771	1,404,428
Special	11,696		11,696
Caesar Rodney	379,749	253,166	632,915
Special	21,370		21,370
Capital	323,502	215,668	539,170
Special	12,488		12,488
Lake Forest	206,205	137,470	343,675
Milford	219,238	146,159	365,397
Smyrna	269,946	179,964	449,910
Cape Henlopen	242,244	161,496	403,740
Special	22,337		22,337
Delmar	69,069	46,046	115,115
Indian River	461,746	307,831	769,577
Special	10,553		10,553
Laurel	114,553	76,369	190,922
Seaford	182,567	121,711	304,278
Woodbridge	119,249	79,499	198,748
Polytech	103,771		103,771
Sussex Technical	115,116		115,116
New Castle VoTech	418,514		418,514
Campus Community	30,709		30,709
Academy of Dover	13,508		13,508
ASPIRA Academy	16,041		16,041
DAPSS	6,174		6,174
Delaware Military Academy	29,496		29,496
East Side Charter	21,159		21,159
Family Foundations	39,626		39,626

	<u>Maximum</u>	<u>Maximum</u>	
School District	State Share	Local Share	Total Cost
Gateway Charter	9,656		9,656
Kuumba Academy	13,719		13,719
<u>Delaware College</u> Prep Academy	14,563		14,563
Maurice Moyer Academy	10,131		10,131
M.O.T. Charter	35,722		35,722
Newark Charter	70,916		70,916
Odyssey Charter School	26,382		26,382
Pencader Charter	26,752		26,752
Positive Outcomes	6,596		6,596
Providence Creek	36,302		36,302
Sussex Academy of Arts	17,676		17,676
Thomas Edison	38,466		38,466
Prestige Academy	15,829		15,829
Reach Academy	14,035		14,035
Wilmington Charter	51,182		51,182
Total to Schools	\$7,193,800	\$3,912,276	\$11,106,076
Vocational Equipment	85,000	56,667	141,667
State Board Contingency	115,000	76,667	191,667
TOTAL	\$7,393,800	\$4,045,610	\$11,439,410

Section 106. Dickinson High School. Funding provided to the Red Clay School District for Equalization as provided for in the Fiscal Year ~~2012~~ 2014 Annual Appropriations Act shall be contingent upon the following:

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

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

5 **Section 107. School Construction Fund Transfers.** Notwithstanding any law or other provision
6 to the contrary, the Department of Education, with the approval of the Director of the Office of
7 Management and Budget and Controller General, may transfer funding between major capital construction
8 projects within the respective school districts. These transfers shall not authorize any changes in conditions
9 or incur any obligations in excess of the approved Certificate(s) of Necessity.

10 **Section 108. School District Financial Reviews.** It is the intent of the General Assembly that, for
11 school districts receiving funds appropriated in the Section 1 Addendum to this Act, should a school district
12 financial position report as required under 14 Del. C. § 1507 demonstrate less than one month of carryover,
13 or if at any time during the course of the fiscal year a school district is projected to not be able to satisfy its
14 local payroll obligations, the Director of the Office of Management and Budget, in coordination with the
15 Secretary of Education and Controller General, is authorized to conduct a comprehensive review of the
16 school district's capital construction program.

17 **Section 109. School Construction Contractual Documents.** Effective January 1, 2007, all
18 school districts that receive State funds for major capital construction projects shall use standard bid and
19 contract documents developed by the Office of Management and Budget, Facilities Management. School
20 districts may enhance the standard bid and contract documents with additional contractual or project-
21 specific requirements as long as the enhancements do not diminish and are not in conflict with the
22 provisions of the standard documents. The Department of Education, in consultation with the Office of
23 Management and Budget, Facilities Management, shall approve any modifications or changes to the
24 provisions of the standard bid and contract documents before a school district may use or enhance the
25 modified documents.

1 **Section 110. Brandywine School District Space Consolidation and Grade Reconfiguration.**

2 The Section 1 Addendum to 76 Del. Laws, c. 79 appropriates \$1,600,000 to the Department of Education in
3 planning money for the renovation of Hanby Middle School in the Brandywine School District and further
4 authorized a local match share of \$1,066,700. In light of declining enrollment and to avoid increasing
5 operating costs, the District has decided to close the Hanby Middle School and has realigned the feeder
6 pattern for its remaining schools. The closure of the Hanby Middle School will allow the District to forego
7 the \$13,134,014 in state share and \$8,756,009 in local match share that would have been required to
8 renovate the school. In lieu of renovating the Hanby Middle School, the Brandywine School District is
9 hereby authorized to use the planning funds previously authorized to demolish the Hanby Middle School
10 and for other costs associated with the District’s Space Consolidation and Grade Reconfiguration Plan
11 approved by the Brandywine School District Board of Education on February 25, 2008. Approval is also
12 hereby given to construct the Brandywood Elementary School, approved on C.N. # 0631B, on the site of
13 Hanby Middle School and to complete the renovations of P.S du Pont, on C.N. # 0631C, as a Middle
14 School.

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

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

22 **Section 111. Milford School District - Access Road.** To insure that property owned by the
23 Milford School District is used in accordance with the priorities established by the Milford School District
24 Board of Education, no state agency or municipality shall use said district property for any type of
25 additional access road without the approval of the Milford School District Board of Education. If the
26 Milford School District Board of Education does not publicly endorse, by affirmative vote, the placement of

1 an additional access road on district property, no state agency or municipality shall be authorized to
2 condemn such district property for said use.

3 **Section 112. Brandywine School District Conveyances.** (a) The General Assembly hereby
4 determines that it is in the public interest to reclaim a portion of the 13.97 acre parcel of land at 500 Duncan
5 Road, Wilmington, DE 19809 (New Castle County tax parcel ID number 06-132.00-188) (the Duncan
6 Road Parcel) held in a governmental capacity by the Brandywine School District in order for the State of
7 Delaware to convey to the Edgemoor Community Center, Inc. (ECC), a not for profit corporation of the
8 State of Delaware, an approximately 3.2 acre portion of said parcel (the ECC Parcel). ECC has provided
9 vital services to the citizens of Delaware since 1978, and has occupied the ECC Parcel exclusively since
10 1989. The General Assembly recognizes that as a titled owner of the ECC Parcel, ECC will be better able
11 to serve the citizens of Delaware and be better positioned to receive grants, including facilities improvement
12 grants. In addition, as a titled holder, ECC may immediately be able to lower its operational costs as it will
13 be able to renegotiate as a secured property holder outstanding debt currently being financed at unsecured
14 debtor rates.

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

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

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

- 20 (1) With the aforesaid side of Brandywine Boulevard this and the next three courses and
21 distances, South 42 degrees, 58 minutes, 38 seconds West, 364.88 feet to a point of
22 curvature, thence;
- 23 (2) By an arc curving to the right having a radius of 666.30 feet, an arc distance of 155.22 feet
24 (CHD=South 49 degrees, 39 minutes, 04 seconds West, 154.87 feet) to a point of tangency,
25 thence;
- 26 (3) South 56 degrees, 19 minutes, 30 seconds West, 24.56 feet to a point in line of Tax Parcel
27 No. 06-132.00-188, thence, through the aforesaid tax parcel the following twenty-seven
28 courses and distances, and also parallel to the proposed curb the next four courses and
29 distances;
- 30 (4) By an arc curving to the right having a radius of 18.00 feet, an arc distance of 9.97 feet

- 1 (CHD=North 49 degrees, 32 minutes, 37 seconds West, 9.84 feet) to a point, thence;
- 2 (5) North 33 degrees, 40 minutes, 30 seconds West, 59.06 feet to a point of curvature, thence;
- 3 (6) By an arc curving to the left having a radius of 126.00 feet, an arc distance of 89.83 feet
4 (CHD=North 54 degrees, 05 minutes, 57 seconds West, 87.94 feet) to a point of tangency,
5 thence;
- 6 (7) North 74 degrees, 31 minutes, 23 seconds West, 24.34 feet to a point, thence through the
7 existing baseball field;
- 8 (8) North 36 degrees, 43 minutes, 40 seconds East, 199.57 to a point behind the proposed curb,
9 thence, parallel with same the next two courses an distances;
- 10 (9) South 53 degrees, 56 minutes, 32 seconds East, 69.07 feet to an point, thence crossing the
11 proposed lane;
- 12 (10) North 35 degrees, 57 minutes, 46 seconds East, 27.99 feet to a point behind the existing
13 curb, thence parallel to the aforesaid existing curb;
- 14 (11) North 53 degrees, 35 minutes, 55 seconds West, 80.57 feet to a point of curvature, thence;
- 15 (12) By an arc curving to the right having a radius of 70.00 feet, an arc distance of 20.54 feet
16 (CHD=North 45 degrees, 11 minutes, 30 seconds West, 20.47 feet) to a point of tangency,
17 thence;
- 18 (13) North 36 degrees, 47 minutes, 06 seconds West, 14.08 feet to a point of curvature, thence;
- 19 (14) By an arc curving to the left having a radius of 12.50 feet, an arc distance of 3.46 feet
20 (CHD=North 44 degrees, 42 minutes, 59 seconds West, 3.45 feet) to a point of tangency,
21 thence;
- 22 (15) North 52 degrees, 38 minutes, 53 seconds West, 9.04 feet to a point, thence;
- 23 (16) North 46 degrees, 44 minutes, 48 seconds West, 4.76 feet to a point, thence;
- 24 (17) North 54 degrees, 03 minutes, 32 seconds West, 20.41 feet to a point, thence;
- 25 (18) North 25 degrees, 50 minutes, 17 seconds East, 14.16 feet to a corner of an existing loading
26 dock, thence;
- 27 (19) North 28 degrees, 53 minutes, 25 seconds East, 16.46 feet to a point, thence;
- 28 (20) North 34 degrees, 57 minutes, 29 seconds East, 9.27 feet to a point on the exterior building
29 wall, thence through the existing wall;
- 30 (21) South 59 degrees, 52 minutes, 12 seconds East, 4.22 feet to a point in the center of a new
31 division wall, thence, with same;
- 32 (22) North 35 degrees, 34 minutes, 51 seconds East, 17.34 feet to a point on the face of an
33 existing hallway wall, thence;
- 34 (23) South 63 degrees, 46 minutes, 07 seconds East, 1.45 feet to a point on the roof overhang
35 and the edge of an interior courtyard, thence, with same the next two courses and distances;
- 36 (24) North 35 degrees, 50 minutes, 53 seconds East, 95.51 feet to a point, thence;
- 37 (25) South 54 degrees, 48 minutes, 34 seconds East, 6.12 feet to a point in line of a new
38 doorway threshold, thence, with same;
- 39 (26) North 36 degrees, 03 minutes, 21 seconds East, 23.61 feet to a point in line of a retaining
40 wall, thence , with same the next four courses and distances;

- 1 (27) North 53 degrees, 42 minutes, 38 seconds West, 2.07 feet to a point, thence;
- 2 (28) North 35 degrees, 19 minutes, 14 seconds East, 31.69 feet to a point, thence;
- 3 (29) North 54 degrees, 45 minutes, 19 seconds West, 2.47 feet to a point, thence;
- 4 (30) North 35 degrees, 48 minutes, 20 seconds East, 40.90 feet to a point along the existing back
- 5 of curb, thence, parallel with same the next two courses and distances;
- 6 (31) By an arc curving to the left having a radius of 52.00 feet, an arc distance of 25.11 feet
- 7 (CHD=North 50 degrees, 07 minutes, 28 seconds East, 24.87 feet) to a point of tangency,
- 8 thence;
- 9 (32) North 35 degrees, 55 minutes, 26 seconds East, 12.54 feet to a point on the aforesaid side
- 10 of Brandywine Boulevard, thence, with same;
- 11 (33) South 54 degrees, 04 minutes, 34 seconds East, 337.87 feet to the Point of Beginning.

12 Containing within said metes and bounds 3.2197 acres of land, be they the same, more or less.

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

15 This conveyance shall be "as is" in that ECC shall accept any buildings erected on the parcel in
16 their present condition as of the time of conveyance, and shall be subject to all other covenants, conditions,
17 restrictions and easements of record, this reference to which shall not be construed to reimpose the same.
18 The Brandywine School District and ECC shall also negotiate in good faith to agree on mutually acceptable
19 easements and agreements to address issues including cross access, maintenance, and shared use of
20 property. Such easements or agreements shall guarantee to ECC continued water and sewer access at costs
21 pro rated to ECC's usage of such water and sewer services, and shall guarantee ECC use of and access to
22 any telephone, security alarm or other such ECC systems that remain on the Duncan Road Parcel but that
23 are not conveyed with the ECC Parcel.

24 All agencies reviewing the Minor Land Development Plan for the expansion of administrative
25 offices at the Duncan Road Parcel (New Castle County Application No. 2010-0235) shall review the plans
26 as the property existed prior to the subdivision of the property as directed herein. In addition, the Delaware
27 Department of Transportation shall grant a time extension of a maximum of twelve (12) months from the
28 time of the issuance of a Certificate of Occupancy for the expansion of the administrative offices by New

1 Castle County to complete the pedestrian improvements required by the Delaware Department of
2 Transportation within the public right-of-way for Duncan Road and Brandywine Boulevard.

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

8 (b) The General Assembly hereby determines that it is in the public interest to reclaim a portion of
9 the 26.25 acre parcel of land at 3301 Green Street, Claymont, DE 19703 (New Castle County tax parcel ID
10 number 06-071.00-106) held by the Brandywine School District in order for the State of Delaware to
11 convey to the Brandywine Community Resource Council, Inc. (BCRC), a not for profit corporation of the
12 State of Delaware that operates the Claymont Community Center, a portion of said parcel (the CCC Parcel).
13 The General Assembly also hereby determines that it is in the public interest to reclaim the 0.38 acre parcel,
14 also at 3301 Green Street, Claymont, DE 19703 (New Castle County tax parcel ID number 06-084.00-009)
15 (the Second CCC Parcel), in order for the State of Delaware to convey such parcel to BCRC. BCRC
16 provides vital services to the citizens of Delaware and occupies the CCC Parcel and the Second CCC Parcel
17 exclusively. The General Assembly recognizes that as a titled owner of the CCC Parcel and the Second
18 CCC Parcel, BCRC will be better able to serve the citizens of Delaware and be better positioned to receive
19 grants, including facilities improvement grants.

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

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

7 **Section 113. Claymont Community Center.** In connection with the transfer of property directed
8 pursuant to 77 Del. Laws, c. 329, § 135(b) the Brandywine Community Resource Council Inc. (BCRC)
9 shall be liable for the payment of survey(s) and/or related transaction costs necessary to determine whether
10 any portion of the land that was conveyed pursuant to the above authority are portions of land originally
11 acquired by the Delaware Department of Transportation (DOT) for right-of-way purposes for the
12 construction of Interstate 95. To the extent any survey confirms that any portion of such lands are, in fact,
13 owned by the DOT, and notwithstanding any provisions of 17 Del. C. § 137 to the contrary, the DOT, after
14 receiving any and all necessary approvals from the federal government or any agent thereof for transfer of
15 such land, is further authorized to execute any and all necessary deeds to convey said portions of land to the
16 BCRC and/or the Brandywine School District on the same terms and conditions as the Brandywine School
17 District's related conveyance to the BCRC pursuant to the above authority.

18 **Section 114. Milford Transfer of Major Capital Construction Funds.** The Milford School
19 District, with the approval of the Secretary of Education, the Director of the Office of Management and
20 Budget and the Controller General, is authorized to transfer non-obligated major capital improvement funds
21 from the Central Academy Project (Certificate of Necessity #0818C-D) for the construction of an animal
22 science facility and land sciences laboratory on the Kent County Campus to be used by Central Academy
23 and Milford High School students.

24 **Section 115. Christina School District Transfer.** The Christina School District, with the
25 approval of the Secretary of Education, Director of the Office of Management and Budget, and the
26 Controller General, is authorized to transfer non-obligated major capital improvement funds from the

1 William A. Oberle Elementary School Project (Certificate of Necessity #s CN 0333S FY 2003 & CN
2 09333A FY 2009) for District-wide capital improvements considered necessary for the safety and welfare
3 of students. The funds would be used for, but not be limited to, the replacement or repair of existing
4 bleachers and grandstands in the District's athletic facilities as well as addressing associated accessibility
5 issues. Residual funds, if any, would be utilized for upgrades to in the District's three High Schools and
6 other urgent capital improvements.

7 **Section 116. Bond Verification.** All bonds issued, or herein before or herein authorized to be
8 issued, by the State are hereby determined to be within all debt and authorization limits of the State.

9 **Section 117. Inconsistency.** Insofar as the provisions of this Act are inconsistent with the
10 provisions of any general, special, or local laws, or parts thereof, the provisions of this Act shall be
11 controlling.

12 **Section 118. Severability.** If any section, part, phrase, or provision of this Act or the application
13 thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its
14 operation to the section, part, phrase, provision, or application directly involved in the controversy in
15 which such judgment shall have been rendered and shall not affect or impair the validity of the remainder
16 of this Act or the application thereof.

17 **Section 119. Effective Date.** This Act shall take effect in accordance with the provisions of State
18 law.

SYNOPSIS

This Bill is the Fiscal Year 2014 Bond and Capital Improvements Act.

Author: Office of Management and Budget

Delaware Department of Transportation
FY2014 Capital Transportation Program
Capital Budget Request Appendix A
(in \$000's)

	APPR	Other Funding	Federal Authorization	State Authorization	FY 2014 Authorization
ROAD SYSTEM 97700					
A. Expressways					
I-95 and SR141 Interchange, Ramps G & F Improvements	97701		\$10,625.0		\$10,625.0
SR 141 and Commons Boulevard Intersection Improvements	97701		\$440.0	\$110.0	\$550.0
Interstate Ramp, Paving & Repair	97701		\$2,000.0		\$2,000.0
Interstate Maintenance Drainage Repairs	97701		\$875.0		\$875.0
US 301 Maryland State Line to SR 1	97701		\$10,986.5		\$10,986.5
Subtotal Expressways		\$0.0	\$24,926.5	\$110.0	\$25,036.5
B. Arterials					
SR 72, McCoy Road to SR 71	97701		\$800.0		\$800.0
US 40, Pulaski Highway / SR 72, Wrangle Hill Road	97701		\$3,000.0	\$1,400.0	\$4,400.0
US 40 and SR7 Intersection Improvements	97701		\$69.0	\$11.0	\$80.0
US 40 Program Management	97701			\$50.0	\$50.0
Loockerman Street / Forrest Avenue	97701			\$300.0	\$300.0
SR 1, South Frederica Grade Separated Intersection	97701		\$10,000.0		\$10,000.0
SR 1, NE Front Street Grade Separated Intersection	97701		\$6,000.0		\$6,000.0
US 113 at SR 16 (Ellendale) Grade Separated Intersection	97701		\$2,800.0		\$2,800.0
US 113, North / South Improvements	97701		\$1,000.0	\$200.0	\$1,200.0
BR 3-156, Indian River Inlet Park Enhancements	97701		\$5,825.0		\$5,825.0
SR 1, Rehoboth Canal to North of Five Points, Pedestrian Improvements	97701		\$8,350.0		\$8,350.0
SR 26, Atlantic Avenue from Clarksville to Assawoman Canal	97701		\$11,000.0		\$11,000.0
HSIP / HEP Projects	97701		\$26,883.0	\$9,241.7	\$36,124.7
Subtotal Arterials		\$0.0	\$75,727.0	\$11,202.7	\$86,929.7
C. Collectors					
West Dover Connector	97701		\$17,000.2	\$7,200.0	\$24,200.2
SR 24, Love Creek to Mulberry Knoll	97701			\$1,500.0	\$1,500.0
SR 24, Mulberry Knoll to SR 1	97701			\$6,686.0	\$6,686.0
Subtotal Collectors		\$0.0	\$17,000.2	\$15,386.0	\$32,386.2
D. Locals					
Christina River Bridge and Approaches	97701		\$12,000.0	\$7,380.0	\$19,380.0
Clarence Street Extended	97701		\$300.0		\$300.0
Subtotal Locals		\$0.0	\$12,300.0	\$7,380.0	\$19,680.0
E. Bridges					
Bridge Management Program	97701		\$2,400.0	\$900.0	\$3,300.0
Bridge Preservation Program	97701		\$5,343.2	\$4,022.1	\$9,365.3
Subtotal Bridges		\$0.0	\$7,743.2	\$4,922.1	\$12,665.3

**Delaware Department of Transportation
FY2014 Capital Transportation Program
Capital Budget Request Appendix A
(in \$000's)**

	APPR	Other Funding	Federal Authorization	State Authorization	FY 2014 Authorization
F. Other					
Transportation Enhancements	97701		\$4,262.4	\$278.1	\$4,540.5
Pavement and Rehabilitation	97701		\$22,800.0	\$7,520.0	\$30,320.0
Materials & Minor Contracts	97701			\$6,800.0	\$6,800.0
Signage and Pavement Markings	97701		\$800.0	\$2,400.0	\$3,200.0
Rail Crossing Safety	97701		\$1,242.1	\$769.6	\$2,011.7
Safety Improvement Program	97701		\$2,477.8	\$244.4	\$2,722.2
Traffic Calming	97701			\$400.0	\$400.0
Intersection Improvements	97701	\$600.0	\$800.0	\$4,400.0	\$5,800.0
Engineering & Contingency	97701		\$18.0	\$30,989.9	\$31,007.9
Subtotal Other		\$600.0	\$32,400.3	\$53,802.0	\$86,802.3
TOTAL ROAD SYSTEM		\$600.0	\$170,097.2	\$92,802.8	\$263,500.0
SUPPORT SYSTEM 97600					
Planning	97601	\$8.9	\$4,583.4	\$3,065.9	\$7,658.2
Information Technology	97601		\$280.0	\$24,111.2	\$24,391.2
Heavy Equipment	97601			\$12,800.0	\$12,800.0
Transportation Management Improvements	97601	\$90.0	\$6,669.0	\$1,807.3	\$8,566.3
Transportation Facilities	97601			\$7,700.0	\$7,700.0
Aeronautics	97601		\$160.0	\$576.0	\$736.0
Advanced Acquisitions	97601			\$1,000.0	\$1,000.0
TOTAL SUPPORT SYSTEM		\$98.9	\$11,692.4	\$51,060.4	\$62,851.7
TRANSIT SYSTEM 97300					
Transit Facilities	97301		\$40.0	\$110.0	\$150.0
Transit Vehicles	97301	\$1,910.3	\$13,189.0	\$4,021.1	\$19,120.4
Rail Preservation	97301		\$10,000.0	\$23,862.0	\$33,862.0
TOTAL TRANSIT SYSTEM		\$1,910.3	\$23,229.0	\$27,993.1	\$53,132.4
GRANTS AND ALLOCATIONS 95600					
Municipal Street Aid	95601			\$4,000.0	\$4,000.0
Community Transportation Fund	95601			\$8,375.0	\$8,375.0
TOTAL GRANTS AND ALLOCATIONS		\$0.0	\$0.0	\$12,375.0	\$12,375.0
SUB TOTAL		\$2,609.2	\$205,018.6	\$184,231.3	\$391,859.1
GRAND TOTAL		\$2,609.2	\$205,018.6	\$184,231.3	\$391,859.1