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DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL NO. 50

AN ACT TO AMEND THE LAWS OF DELAWARE RELATING TO THE BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF THEIR AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2025.

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

Section 1. Amend Chapter 297, Volume 84, Section 2 of the Laws of Delaware by making deletions as shown by strike throughs and insertions as shown by underlines as follows:

Section 2. Authorization of Twenty-Year Bonds. The State hereby authorizes the issuance of bonds, to which the State shall pledge its full faith and credit, such bonds to be issued in such principal amount as necessary to provide proceeds to the State in the amount of $317,480,000 and in the amount of ~~$90,357,205~~ $115,354,405 local share of school bonds, at the discretion of the school district. Bonds authorized to be used by this Section shall mature not later than 20 years from their date of issuance. The proceeds of such bonds, except for local share of school bonds, are hereby appropriated for a portion of the purposes set forth in Section 1 Addendum of this Act and summarized as follows:

Department, Agency or Instrumentality	Amount
Office of Management and Budget	$125,808,600
Department of State	7,946,417
Department of Health and Social Services	4,750,000
Department of Agriculture	200,000
Delaware National Guard	791,875
Education	$177,983,108

Purpose	State Share	Maximum Local Share	Total Cost
Minor Capital Improvement and Equipment	$18,176,150	$8,648,415	$26,824,565
Smyrna, Clayton Intermediate Addition (77/23)	11,769,900	5,324,700	17,094,600
Smyrna, New 600 Student E/S (77/23)	6,800,600	2,031,400	8,832,000
Smyrna, North Smyrna ES Addition/Renovation (77/23)	16,359,500	7,399,000	23,758,500
Appoquinimink, New MS and HS at Summit Campus (100% Local)		10,000,000	10,000,000
Red Clay, AI duPont MS Renovations (60/40)	349,322	232,882	582,204
Red Clay, Brandywine Springs School Renovations (60/40)	465,607	310,405	776,012
Red Clay, Dickinson HS Renovations (60/40)	668,677	445,785	1,114,462
Red Clay, Heritage ES Renovations (60/40)	3,418,310	2,278,873	5,697,183
Red Clay, Johnson ES Renovations (60/40)	309,447	206,298	515,745
Red Clay, Lewis ES Renovations (60/40)	440,718	293,812	734,530
Red Clay, McKean HS Renovations (60/40)	1,080,144	720,096	1,800,240
Red Clay, Mote ES Renovations (60/40)	622,760	415,173	1,037,933
Red Clay, Stanton MS Renovations (60/40)	805,449	536,965	1,342,414
Colonial, Eisenberg ES Renovations (60/40)	421,923	281,282	703,205
Colonial, Gunning Bedford MS Renovations (60/40)	653,191	435,461	1,088,652
~~Colonial, William Penn HS Renovations (60/40)~~	~~3,105,242~~	~~2,070,162~~	~~5,175,404~~
Colonial, William Penn HS Renovations (60/40)	3,105,242	27,067,362	30,172,604
NCCVT, Howard HS Stadium Planning and Design (60/40)		666,667	666,667
NCCVT, Paul M. Hodgson Replacement (62/38)	33,599,895	20,520,618	54,120,513
NCCVT, Paul M. Hodgson Vocational Technical High School Field House (100% Local)		3,599,138	3,599,138
Polytech, Polytech HS Roof Replacement (79/21)	2,499,224	664,351	3,163,575
Polytech, Polytech HS Walkway Enclosure (79/21)	453,873	120,650	574,523
Sussex Tech, New Sussex Tech HS (60/40)	34,236,300	22,824,216	57,060,516
Christina, Delaware School for the Deaf Renovations (100% State)	3,795,593		3,795,593

Colonial, New Leach School (100% State)	37,455,000		37,455,000
Red Clay, Meadowood School Extended Renovations (60/40)	337,453	224,969	562,422
Red Clay, Meadowood School Renovations (60/40)	158,830	105,887	264,717
~~Subtotal~~	~~177,983,108~~	~~90,357,205~~	~~268,340,313~~
Subtotal	177,983,108	115,354,405	293,337,513
	TOTAL		**$317,480,000**

Section 2. Amend Chapter 297, Volume 84, Section 63 of the Laws of Delaware by making deletions as shown by strike throughs and insertions as shown by underlines as follows:

Section 63. Cultural Access Fund. The Department of State is hereby authorized to use funds reserved in the Cultural Access Fund in order to help fund a matching grant program for capital projects and related programs that will enhance the quality of availability of Delaware's recreational and cultural offerings. Funds disbursed as part of this matching grant program must be matched 2:1 to state funds. In the event the grant recipient does not have funds to support match requirement, the Department may submit a request to the Director of the Office of Management and Budget and the Controller General for approval to waive said requirement. Notwithstanding any other provision or law to the contrary, in order to disburse these grant funds, the Director of the Office of Management and Budget, upon concurrence from the Controller General and the Co-Chairs of the Joint Committee on Capital Improvement, is authorized to transfer any necessary spending authority to the Department of State.

Section 3. Amend Chapter 297, Volume 84, Section 70 of the Laws of Delaware by making deletions as shown by strike throughs and insertions as shown by underlines as follows:

Section 70. City of Dover and Downtown Dover Partnership. The Section 1 Addendum of this Act appropriates funds to the City of Dover and Downtown Dover Partnership. Of this amount, ~~$2,500,000~~ $1,800,000 shall be used for a water-sewer line project; ~~$7,500,000~~ $8,200,000 is allocated to the Downtown Dover Partnership to support community initiatives, including utility upgrades, redevelopment efforts, and/or building improvements; and $420,000 shall be used to support the City of Dover Police Department in capital needs of the police training facility.

Section 4. Amend Chapter 297, Volume 84, Section 136 of the Laws of Delaware by making deletions as shown by strike throughs and insertions as shown by underlines as follows:

Section 136. University of Delaware. The Section 1 Addendum of this Act makes an appropriation to the University of Delaware for Deferred Maintenance – ~~Laboratories~~ Campus Improvements. Of this amount, $4,000,000 shall be used toward the design and upgrade of the softball field.

Section 5. Amend Chapter 297, Volume 84, Section 154 of the Laws of Delaware by making deletions as shown by strike throughs and insertions as shown by underlines as follows:

Section 154. School Construction Market Pressure Contingency Fund.

(a) School Construction Market Pressure Contingency Funds shall be allocated as follows:

District	Project	Maximum State Share	Maximum Local Share
Appoquinimink (76/24)	New Summit ES		$698,950
Appoquinimink (76/24)	Redding MS		$5,993,041
Cape Henlopen (60/40)	600 Student MS		$4,789,226
Indian River (60/40)	New Sussex Central	$9,000,000	$6,000,000
Milford (74/26)	Milford Middle School	$11,100,000	$3,900,000
Smyrna (77/23)	New Elementary School	$13,934,354	$4,162,286
Smyrna (77/23)	Roof Replacement	$129,267	$38,613
New Castle Co. Vo-Tech (62/38)	Hodgson Replacement	$5,036,128	$27,298,116
Sussex Vo-Tech (60/40)	New Sussex Vo-Tech	$42,938,675	$28,625,783
Colonial (100% State)	New Leach School	$3,742,241	
Total		~~**$85,751,398**~~ $85,880,665	~~**$81,467,402**~~ $81,506,015

(b) It is the intent that the School Construction Market Pressure Contingency Fund support the escalated construction costs within the scope of each respective project's Certificate of Necessity, as originally approved by the Department of Education. Notwithstanding the provisions of Delaware Code to the contrary, the costs associated with any expansion of scope beyond the approved Certificate of Necessity shall be considered a local obligation, unless otherwise approved by the Secretary of Education, Director of the Office of Management and Budget, and Controller General.

(c) Notwithstanding provisions to the contrary, appropriations for Fiscal 2023 and Fiscal 2024 School Construction Market Pressure may be transferrable between fiscal years appropriations based on resource availability, as determined by the Office of Management and Budget, to achieve the allocations set forth in this subsection.

Section 6. Amend Chapter 297, Volume 84, Section 155 of the Laws of Delaware by making deletions as shown by strike throughs and insertions as shown by underlines as follows:

Section 155. School Safety and Security. Section 1 Addendum of this Act makes an appropriation to the Department of Education for the Delaware School Safety and Security Fund. Of this amount, the Department shall provide a minimum amount of $138,000 to the Department of Safety and Homeland Security, Delaware Emergency Management Agency, for school mapping, reporting application, and threat assessment tools. Of this amount, the Department shall further provide up to $160,000 to the Department of Safety and Homeland Security, Delaware State Police, ~~Special Investigation~~ State Bureau of Identification, for the Real-Time Crime Center application to enhance safety in and around schools.

Section 7. Amend Chapter 297, Volume 84, Section 162 of the Laws of Delaware by making deletions as shown by strike throughs and insertions as shown by underlines as follows:

Section 162. Enhanced Minor Capital Improvements.

~~(c) In order to qualify for these funds, each reorganized school district and charter school shall obligate appropriations from MCI funds for Fiscal Year 2025 and previous fiscal years before they may utilize the Enhanced MCI funds described in this Section.~~

~~(d)~~ (c) Each school district and charter school shall submit a report of capital improvements projects planned for expenditure of these funds to the Department of Education, the Office of Management and Budget, and the Controller General's Office by January 1, 2025.

~~(e)~~ (d) Notwithstanding any provision or law to the contrary, effective July 1, 2024, reorganized school districts shall be authorized to assess a local match to provide up to a 60/40 state/local share for the Enhanced Minor Capital Improvements state amounts appropriated in subsection (a) of this section. This match is optional and must be used for the same purposes as state funds appropriated for Enhanced Minor Capital Improvements. A partial local match is authorized, provided the local share does not exceed 40 percent. A district may assess a match not to exceed a 60/40 state/local share all in one fiscal year or over multiple fiscal years. The match may only be provided through the original end date of the Enhanced Minor Capital Improvements appropriation and any continuations thereof.

Section 8. Amend Chapter 297, Volume 84, of the Laws of Delaware by adding a new Section 171 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 171. Legislative Hall Improvements. The Office of Management and Budget, Division of

Facilities Management, is authorized to utilize any remaining funds from Legislative Hall major and minor capital improvement appropriations for the Legislative Hall Garage/Expansion project.

Section 9. Amend Chapter 297, Volume 84, of the Laws of Delaware by adding a new Section 172 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 172. Family Justice Center. The Section 1 Addendum of Chapter 340, Volume 83 of the Laws of Delaware, appropriated $225,000 for the Domestic Violence Coordinating Feasibility Study. Notwithstanding any provision to the contrary, the Office of Management and Budget is authorized to transfer any remaining funds from the Domestic Violence Coordinating Feasibility Study to the Criminal Justice Council for Family Justice Centers startup costs.

Section 10. Amend Chapter 297, Volume 84, of the Laws of Delaware by adding a new Section 173 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 173. Bethany Beach Training Site Barracks. The Section 1 Addendum of this Act appropriates $2,500,000 to the Delaware National Guard for the Scannell Readiness Center Expansion/Renovation. Notwithstanding any provision to the contrary, the Delaware National Guard is authorized to reallocate these funds and up to $500,000 of available Minor Capital Improvements funding to cover the Bethany Beach Training Site Barracks project.

Section 11. Amend Chapter 297, Volume 84, of the Laws of Delaware by adding a new Section 174 by making deletions as shown by strike-through and insertions as shown by underline as follows:

Section 174. William Henry Middle School Projects. Notwithstanding any provision of Delaware Code or regulations to the contrary, and with the concurrence of the school board, the Capital School District is authorized to use funds appropriated for Certificate of Necessity (CN) # 2113A for the design, renovations, and additions to the former William Henry Middle School to support new facilities for the Kent County Community School and Kent County Secondary ILC. The Capital School District shall submit a request for a new CN to the Department of Education for the Renovations and Additions to William Henry Middle School. The new CN shall accurately reflect the new scope and cost of the project. The Department of Education may approve this CN if adequate funds are available.

Section 12. Amend Chapter 297, Volume 84, of the Laws of Delaware by adding a new Section 175 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 175. Community Transportation Funds. Notwithstanding any provision of 29 Del. C. to the contrary, the Department of Transportation is hereby authorized to use Community Transportation Funds for a one-time reimbursement to each of the following:

(1) Bethel AME Church in an amount of up to $23,780 for a double-sided illuminated sign.

(2) Blades Economic Development Corp. (BEDCO) in an amount of up to $29,000 to obtain a topographic and bathymetric survey of the Blades Marina basin & area immediately surrounding the marina.

(3) CHILD Inc. in an amount of up to $7,500 for a drainage repair.

(4) City of Dover in an amount of up to $295,000 for road and sidewalk improvements on Route 8.

(5) Ellendale Volunteer Fire Company in an amount of up to $63,100 for a command vehicle.

(6) Legacy at Odessa National in an amount of up to $50,000 for a paving project.

(7) McCaulley Court Maintenance Corporation in an amount of up to $25,000 to complete common area landscaping.

(8) Rehoboth Beach Fire Company in an amount of up to $25,000 for an all-terrain vehicle.

(9) Smyrna-Clayton Little League in an amount of up to $165,000 for a parking lot project.

(10) Smyrna Clayton Moose Lodge in an amount of up to $30,350 for an LED sign.

(11) Town of Georgetown in an amount of up to $5,750 for the Cinderberry mailbox cluster relocation.

(12) Triangle Neighborhood Association in an amount of up to $1,700 for the placement and installation of signage.

(13) Wilmington Skating Club in an amount of up to $20,000 for a drainage project.

Section 13. Amend Chapter 297, Volume 84, of the Laws of Delaware by adding a new Section 176 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 176. Community Reinvestment Fund. The Section 1 Addendum of 83 Del. Laws c. 56 appropriated funding to the Community Redevelopment/Reinvestment Fund to assist community organizations with capital infrastructure projects. Of these projects, $250,000 shall be reallocated from Downtown Milford, Inc. to the Delaware State Fair to complete the Grove Restroom and Shower Facility project, $69,645 shall be reallocated to the Milford District Free Public Library Commission for updating and refurbishment of the Milford Public Library, $100,000 shall be reallocated to Kent Sussex Industries for capital improvements to the Skill Development Center,

and $125,000 shall be reallocated to the Milford Historical Society for Parson Thorne Mansion Capital Improvement Projects.

Section 14. Amend Chapter 297, Volume 84, of the Laws of Delaware by adding a new Section 177 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 177. Troop 7 Adaptive Reuse Study. The Director of the Office of Management and Budget is authorized to perform an adaptive reuse study for the Delaware State Police Troop 7 located at 18006 Coastal Highway, Lewes, DE (the "facility"). The objectives of the study are:

(a) To provide options for the potential adaptive reuse of the facility to include, but not limited to, locating existing state operations to this facility (e.g., JP Court) or locating new social services to the eastern Sussex County region; and

(b) To consider the potential capital costs and operating costs of each option.

The Office of Management and Budget shall provide for an open process whereby the views and ideas of the public are considered. The Director of the Office of Management and Budget shall provide a copy of the study to the Controller General and Co-Chairs of the Joint Committee on Capital Improvement no later than May 1, 2025.

Section 15. Amend Chapter 297, Volume 84 of the Laws of Delaware by adding a new Section 178 by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 178. Sussex County. Amend § 6961, Title 9 of the Delaware Code by making insertions as shown by underline as follows:

§ 6961. Information from state and local agencies and school districts.

(d) This section shall only apply to residential development and only upon an action by Sussex County Council adopting this ~~section by December 31, 2024.~~ section. Prior to recording a major record subdivision plan, as defined by Sussex County, Sussex County may require that the applicant provide certification from the Secretary of the Department of Education after consultation with the superintendent of the appropriate individual school district that the school district has adequate capacity for the proposed development.

(1) If so requested, the Secretary shall respond to any request for certification or voluntary school assessments within 60-days' receipt of a completed request for such certification. That certification shall include the following information:

a. Existing classrooms and service levels based upon the Delaware Department of Education Delaware School Construction Manual, September 19, 1996, as may be amended or supplemented from time to time, or based upon other standards accepted as current by the Secretary of the Department of Education.

b. Capacity calculations, which shall include the current student population, increased demand resulting from prior certifications from the Department of Education, and the increased demand that will result from the proposed development. The County shall within 20 days provide the Department of Education with all necessary information regarding the number and type of dwelling units proposed and other information which the Secretary may request.

SYNOPSIS

This Act amends the Fiscal Year 2025 Bond and Capital Improvements Act to (1) authorize local bond shares to adjust for William Penn High School in the Colonial School District. Further, this Act amends Fiscal Year 2025 Bond and Capital Improvements Act to (2) authorize the Director of the Office of Management and Budget, with concurrence of the Controller General and the Co-Chairs of the Joint Committee on Capital, to transfer any necessary spending authority from the Cultural Access Fund; (3) revise allocations to the City of Dover and Downtown Dover Partnership; (4) revise the allocation for the University of Delaware for Deferred Maintenance from Laboratories to Campus Improvements; (5) revise the State and Local share allocations for the Smyrna Roof Replacement project and authorizes School Construction Market Pressure to be transferrable between Fiscal Years 2023 and 2024 to achieve allocations; (6) adjust School Safety and Security funding from the Department of Safety and Homeland Security, Delaware State Police, Special Investigation to reflect State Bureau of Identification; (7) removes the requirement of school districts and charter schools to obligate prior fiscal year MCI funds prior to utilizing Enhanced MCI; (8) authorize the transfer of any remaining funds from Legislative Hall major and minor capital improvement appropriations to be used for the Legislative Hall Garage/Expansion project; (9) authorize the transfer of any remaining funds from the Domestic Violence Coordinating Feasibility Study to the Criminal Justice Council for Family Justice Center startup costs; (10) authorizes the transfer of funds allocated for the Scannell Readiness Center and up to $500,000 of available Minor Capital Improvements to cover the project for the Bethany Beach Training Barracks; (11) authorizes funds from Capital School District's Certificate of Necessity (CN 2113A) to be used to support new facilities for the Kent County Community School and Kent County Secondary ILC; (12) authorize the Department of Transportation to use Community Transportation Funds for one-time reimbursements for various projects; (13) reprograms funding from the Community Redevelopment/Reinvestment Fund from Downtown Milford, Inc. to the Delaware State Fair, the Milford District Fee Public Library Commission, and Kent Sussex Industries; (14) authorize the Director of the Office of Management and Budget to perform an adaptive reuse study for the Delaware State Police Troop 7; and (15) remove the deadline date requiring Sussex County Council to adopt § 6961, Title 9 of the Delaware Code.

AUTHOR: Joint Committee on Capital Improvement