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HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 295

AN ACT TO AMEND THE LAWS OF DELAWARE RELATING TO THE BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2018.

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

1 Section 1. Amend Chapter 59, Volume 81 of the Laws of Delaware by adding a new Section 164 by  
2 making deletions as shown by strike through and insertions as shown by underline as follows:

3 **Section 164. Community Transportation Funds.** Notwithstanding any provision of Title 29 to the  
4 contrary, the Delaware Department of Transportation is hereby authorized to use Community Transportation  
5 Funds for a one-time reimbursement to each of the following:

- 6 (1) The American Legion Post #14 – Smyrna, in the amount of \$45,000 for parking lot improvements.  
7 (2) The Del Vets Post #2 – Dover, in the amount of \$35,000 for parking lot improvements.  
8 (3) The Modern Maturity Center, in the amount of \$73,000 for parking lot improvements.  
9 (4) The New Castle Conservation District, in the amount of \$9,937 for the Port Penn, Fishers Wharf  
10 Road Project.  
11 (5) The City of Wilmington, in the amount of \$300,000 for the demolition and improvement of pool  
12 areas within Canby Park.  
13 (6) The Laurel Fire Department, in the amount of \$25,000 for sign improvements.

14 Section 2. Amend Chapter 59, Volume 81 of the Laws of Delaware by adding a new Section 165 by  
15 making deletions as shown by strike through and insertions as shown by underline as follows:

16           **Section 165. Reprogramming.** Notwithstanding the provisions of any other state law, the Director of  
17 the Office of Management and Budget and the Controller General shall be authorized to transfer funds from the  
18 Department of Finance (2018-25-01-01-20063) to support the Delaware Strategic Fund, not in excess of the  
19 amount from the New Jobs Infrastructure Fund reprogrammed in the Fiscal Year 2018 Bond and Capital  
20 Improvements Act for such purposes. Upon transfer, the balance in the New Jobs Infrastructure Fund used to  
21 support the Delaware Strategic Fund in Fiscal Year 2018 shall be deauthorized for such purposes and be  
22 available for reauthorization for the Fiscal Year 2019 Bond and Capital Improvements Act.

23           Section 3. Amend Chapter 59, Volume 81 of the Laws of Delaware by adding a new Section 166 by  
24 making deletions as shown by strike through and insertions as shown by underline as follows:

25           **Section 166. DTCC Critical Capital Needs.** The Director of the Office of Management and Budget  
26 and Controller General shall establish an appropriation in Delaware Technical Community College, Office of  
27 the President (90-04-01) for Critical Capital Needs/Deferred Maintenance. The unencumbered balances for the  
28 following projects shall be transferred to the Critical Capital Needs/Deferred Maintenance appropriation to  
29 begin the process of realigning Delaware Technical Community College's critical capital needs with available  
30 capital funding, particularly to address needs identified in the College's April 2015 Capital Needs Report as  
31 follows:

- 32           (1) Collegewide Asset Preservation/MCI (2018-90-04-01-50354).
- 33           (2) Owens Learning Commons (2015-90-04-02-50203, 2016-90-04-01-50203, and  
34           2017-90-04-02-50203).
- 35           (3) Owens Campus Improvements (2016-90-04-02-50271 and 2017-90-04-02-50271).
- 36           (4) Wilmington East Building Renovation and Expansion (2016-90-04-02-50205).
- 37           (5) Stanton/George Campus Improvements (2017-90-04-04-50325 and 2017-90-04-05-50325).
- 38           (6) Student Services Building (2015-90-04-06-50204 and 2016-90-04-06-50204).
- 39           (7) Terry Campus Improvements (2017-90-04-06-50272).

40           Section 4. Amend Chapter 59, Volume 81 of the Laws of Delaware by adding a new Section 167 by  
41 making deletions as shown by strike through and insertions as shown by underline as follows:

42           **Section 167. Wilmington Transit Center Public-Private Partnership.** The Department of  
43 Transportation may subordinate the State’s fee interest in tax parcel numbers 26-043.40-050, 26-043.40-051,  
44 26-043.40-054, and 26-043.40-055 (the “Project Site”), to a leasehold mortgage or mortgages securing a project  
45 loan and/or loans to be granted to Transit Center, LLC for purposes of constructing the facility known as the  
46 “Wilmington Transit Center” and associated parking structure for a term of 50 years. Notwithstanding any  
47 provisions of Chapter 91 of Title 7 to the contrary, Transit Center, LLC is not considered a potentially liable  
48 party with respect to the existing environmental condition at the Project Site as of the date it acquires a leasehold  
49 interest in the property.

50           Section 5. Amend Chapter 59, Volume 81 of the Laws of Delaware by adding a new Section 168 by  
51 making deletions as shown by strike through and insertions as shown by underline as follows:

52           **Section 168. Sheep Pen Road.** The Department of Transportation may not vacate Sheep Pen Road in  
53 Millsboro and must keep the roadway in the state highway system.

54           Section 6. Amend Chapter 59, Volume 81 of the Laws of Delaware by adding a new Section 169 by  
55 making deletions as shown by strike through and insertions as shown by underline as follows:

56           **Section 169. Garashes “L” Project.** The Department of Transportation may transfer funds, not to  
57 exceed \$2,000,000, to the Riverfront Development Corporation for the purposes of constructing the  
58 improvements needed for the Garashes “L” project, in order to support economic development initiatives in the  
59 south Wilmington area along US 13. The Garashes “L” project consists of the realignment of the roadway,  
60 sidewalk connections, drainage, and environmental remediation. The Garashes “L” project must be constructed  
61 per the Department’s approved plans, completed no later than May 2019, and comply with all applicable  
62 procurement laws.

#### SYNOPSIS

This Act amends the Fiscal Year 2018 Bond and Capital Improvements Act to (1) authorize the Department of Transportation to use Community Transportation Funds for one-time reimbursements for various projects; (2) allow reprogramming of funds to support the Delaware Strategic Fund; (3) allow Delaware Technical Community College to realign their critical capital needs with available funding; (4) authorize the Department of Transportation to subordinate the State’s fee interest in the Project Site; (5) direct the Department of Transportation not to vacate Sheep Pen Road and keep the roadway in the state highways system; and (6) allow Department of Transportation to transfer funds to the Riverfront Development Corporation.