



SPONSORS: Rep. Gilligan Sen. Adams
 VanSant McDowell
 De Luca
 Venables

HOUSE OF REPRESENTATIVES

142ND GENERAL ASSEMBLY

HOUSE BILL NO. 325

JANUARY 29, 2004

A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2005; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; APPROPRIATING FUNDS FROM THE TRANSPORTATION TRUST FUND; APPROPRIATING SPECIAL FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING GENERAL FUNDS AND SPECIAL FUNDS OF THE STATE; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS.

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 2005 Capital Improvements Project Schedule Addendum. The General
2 Assembly hereby authorizes the following projects in the following amounts for the purposes set forth in
3 this Section and as described in the Fiscal Year 2005 Governor's Recommended Capital Budget and
4 Project Information document. Any authorization balance (excluding Transportation Trust Fund
5 balances) remaining unexpended or unencumbered by June 30, 2007, shall be subject to reversion of
6 reauthorization.

SECTION 1 ADDENDUM
FISCAL YEAR 2005 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	21st CENTURY FUNDS	TOTAL
OFFICE OF THE BUDGET							
COTS Integrated Case and Financial Management System	10-02-01	\$ -	\$ -	\$ -	\$ 4,973,100	\$ -	\$ 4,973,100
Subtotal:		\$ -	\$ -	\$ -	\$ 4,973,100	\$ -	\$ 4,973,100
DELAWARE ECONOMIC DEVELOPMENT OFFICE							
Strategic Fund	10-03-03	\$ -	\$ -	\$ -	\$ 10,000,000	\$ -	\$ 10,000,000
Flood Mitigation/Water Supply Initiative	10-03-03	-	-	-	15,000,000	-	15,000,000
Port of Wilmington	10-03-03	13,454,300	-	-	1,545,700	-	15,000,000
Riverfront Development Corporation	10-03-03	-	-	-	9,000,000	-	9,000,000
New Economy Initiative	10-03-03	-	2,700,000	-	17,800,000	-	20,500,000
Subtotal:		\$ 13,454,300	\$ 2,700,000	\$ -	\$ 53,345,700	\$ -	\$ 69,500,000
STATE							
Museum Maintenance	20-06-04	\$ -	\$ -	\$ -	\$ 200,000	\$ -	\$ 200,000
Seaford Public Library	20-08-01	-	-	-	1,200,000	-	1,200,000
Kirkwood Highway Library	20-08-01	-	-	-	2,161,700	-	2,161,700
Statewide Master Plan for Libraries	20-08-01	-	-	-	150,000	-	150,000
New Castle Public Library	20-08-01	-	-	-	25,000	-	25,000
South Coastal Library	20-08-01	-	-	-	25,000	-	25,000
Greenwood Public Library	20-08-01	-	-	-	25,000	-	25,000
Subtotal:		\$ -	\$ -	\$ -	\$ 3,786,700	\$ -	\$ 3,786,700

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ADMINISTRATIVE SERVICES							
Minor Capital Improvement and Equipment	30-05-10	\$ -	\$ -	\$ -	\$ 1,900,000	\$ -	\$ 1,900,000
Environmental Compliance (UST/Asbestos)	30-05-10	-	-	-	1,400,000	-	1,400,000
Architectural Barrier Removal	30-05-10	-	-	-	150,000	-	150,000
Governor Bacon Campus Utilities	30-05-10	-	-	-	2,244,000	-	2,244,000
Belvedere	30-05-10	-	-	-	300,000	-	300,000
Veterans Home	30-05-10	-	-	-	2,570,000	-	2,570,000
Minor Capital Improvement and Equipment - Judicial	30-05-10	-	-	-	500,000	-	500,000
Sussex County Courthouse	30-05-10	-	-	-	500,000	-	500,000
New Castle Courthouse	30-05-10	-	-	-	700,000	-	700,000
Kent County Courthouse Facilities	30-05-10	10,398,600	-	-	-	-	10,398,600
Sussex Family Court Renovations, Land	30-05-10	-	-	-	600,000	-	600,000
State							
Minor Capital Improvement and Equipment	30-05-10	-	-	-	850,000	-	850,000
Original New Castle Courthouse Museum	30-05-10	-	-	-	950,000	-	950,000
Health and Social Services							
Minor Capital Improvement and Equipment -DHSS	30-05-10	-	-	-	4,688,500	-	4,688,500
OCME Forensic Building	30-05-10	-	-	-	1,100,000	-	1,100,000
New Psychiatric Hospital Programming	30-05-10	-	-	-	5,400,000	-	5,400,000
Stockley Medical Center - New Building	30-05-10	-	-	-	1,872,500	-	1,872,500
Services for Children, Youth and Their Families							
Minor Capital Improvement and Equipment	30-05-10	-	-	-	700,800	-	700,800
Facilities Space Study	30-05-10	-	-	-	300,000	-	300,000
Correction							
Minor Capital Improvement and Equipment - Correction	30-05-10	-	-	-	1,000,000	-	1,000,000
Repair of Exterior Masonry Walls at Gander Hill	30-05-10	-	-	-	2,125,000	-	2,125,000
Safety and Homeland Security							
Minor Capital Improvement and Equipment	30-05-10	-	-	-	600,000	-	600,000

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<hr/>							
National Guard							-
Minor Capital Improvement and Equipment - DNG	30-05-10	-	-	-	500,000	-	500,000
New STARC Headquarters	30-05-10	-	-	-	2,100,000	-	2,100,000
Subtotal:		\$ 10,398,600	\$ -	\$ -	\$ 33,050,800	\$ -	\$ 43,449,400
HEALTH AND SOCIAL SERVICES							
Maintenance and Restoration	35-01-20	\$ -	\$ -	\$ -	2,000,000	\$ -	2,000,000
Subtotal:		\$ -	\$ -	\$ -	2,000,000	\$ -	2,000,000
SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES							
Maintenance and Restoration	37-01-15	\$ -	\$ -	\$ -	43,300	\$ -	43,300
Subtotal:		\$ -	\$ -	\$ -	43,300	\$ -	43,300
CORRECTION							
Maintenance and Restoration	38-01-40	\$ -	\$ -	\$ -	3,143,400	\$ -	3,143,400
Women's Treatment Center	38-06-11	-	-	-	475,000	-	475,000
Subtotal:		\$ -	\$ -	\$ -	3,618,400	\$ -	3,618,400
NATURAL RESOURCES AND ENVIRONMENTAL CONTROL							
Conservation Cost Sharing Program	40-07-04	\$ -	\$ -	\$ -	2,345,000	\$ -	2,345,000
Doxsee Site Improvements	40-07-01	-	-	-	2,100,000	-	2,100,000
Tax/Public Ditches	40-07-02	-	-	-	800,000	-	800,000
Beach Preservation	40-07-03	-	-	-	1,000,000	-	1,000,000
Dams/Water Control Structures	40-05-02	-	-	-	1,000,000	-	1,000,000
Minor Capital Improvement and Equipment	40-01-01	-	-	-	1,000,000	-	1,000,000
Blue Ball Recreational Facility	40-06-02	-	-	-	227,000	-	227,000
Subtotal:		\$ -	\$ -	\$ -	8,472,000	\$ -	8,472,000

SECTION 1 ADDENDUM
FISCAL YEAR 2005 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	21st CENTURY FUNDS	TOTAL
SAFETY AND HOMELAND SECURITY							
State Police Helicopter Replacement	45-01-01	\$ -	\$ -	\$ -	\$ 650,000	\$ -	\$ 650,000
Subtotal:		\$ -	\$ -	\$ -	\$ 650,000	\$ -	\$ 650,000
TRANSPORTATION							
Road System	55-05-00	\$ -	\$ -	\$ 195,442,800	\$ -	\$ -	\$ 195,442,800
Grants and Allocations	55-05-00	-	-	26,100,000	-	-	26,100,000
Transit System	55-05-00	-	-	12,305,700	-	-	12,305,700
Support System	55-05-00	-	-	39,888,300	-	-	39,888,300
Subtotal:		\$ -	\$ -	\$ 273,736,800	\$ -	\$ -	\$ 273,736,800
AGRICULTURE							
Conservation Reserve Enhancement Program	65-01-01	\$ -	\$ -	\$ -	\$ 700,000	\$ -	\$ 700,000
Subtotal:		\$ -	\$ -	\$ -	\$ 700,000	\$ -	\$ 700,000
FIRE PREVENTION COMMISSION							
Hydraulic Rescue Tools	75-02-01	\$ -	\$ -	\$ -	\$ 7,500	\$ -	\$ 7,500
Subtotal:		\$ -	\$ -	\$ -	\$ 7,500	\$ -	\$ 7,500
UNIVERSITY OF DELAWARE							
Wolf Hall Renovation	90-01-01	\$ -	\$ -	\$ -	\$ 4,000,000	\$ -	\$ 4,000,000
Minor Capital Improvement and Equipment	90-01-01	-	-	-	1,000,000	-	1,000,000
Brown Lab	90-01-01	-	-	-	1,000,000	-	1,000,000
MCI Reallocation	90-01-01	-	-	-	1,000,000	-	1,000,000
Subtotal:		\$ -	\$ -	\$ -	\$ 7,000,000	\$ -	\$ 7,000,000

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION REAUTHORIZA- TION AND REPROGRAMMING	TRANS. TRUST FUNDS	GENERAL FUNDS	21st CENTURY FUNDS	TOTAL
DELAWARE STATE UNIVERSITY							
Minor Capital Improvement and Equipment	90-03-01	\$ -	\$ -	\$ -	4,000,000	\$ -	4,000,000
Information and Technology Building	90-03-01	-	-	-	1,000,000	-	1,000,000
Stadium Improvements - Alumni Field	90-03-01	-	-	-	1,000,000	-	1,000,000
Subtotal:		\$ -	\$ -	\$ -	6,000,000	\$ -	6,000,000
DELAWARE TECHNICAL AND COMMUNITY COLLEGE							
Education and Technology Building - Terry Campus	90-04-06	\$ -	\$ -	\$ -	1,800,000	\$ -	1,800,000
Excellence Through Technology Campaign	90-04-01	-	-	-	300,000	-	300,000
Collegewide Asset Preservation Program	90-04-01	-	-	-	1,400,000	-	1,400,000
Stanton Campus Expansion	90-04-04	-	-	-	2,200,000	-	2,200,000
Campus Improvements/Owens Campus	90-04-02	-	-	-	300,000	-	300,000
Subtotal:		\$ -	\$ -	\$ -	6,000,000	\$ -	6,000,000

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AGENCY/PROJECT	INTERNAL PROGRAM UNIT	BOND AUTHOR- IZATIONS	REVERSION		TRANS. TRUST FUNDS	GENERAL FUNDS	21st CENTURY FUNDS	TOTAL
			REAUTHORIZA- TION AND REPROGRAMMING					
EDUCATION								
Minor Capital Improvement and Equipment	95-01-01	\$ -	\$ -	\$ -	\$ -	7,143,800	\$ -	7,143,800
Architectural Barrier Removal	95-01-01	-	-	-	-	160,000	-	160,000
Indian River, Renovate Indian River Education Complex	95-36-00	1,070,000	-	-	-	-	-	1,070,000
Indian River, Renovate/Add Lord Baltimore ES	95-36-00	1,929,100	-	-	-	-	-	1,929,100
Indian River, Renovate Sussex Central HS	95-36-00	1,626,700	-	-	-	-	-	1,626,700
Indian River, Renovate Sussex Central MS	95-36-00	1,355,600	-	-	-	-	-	1,355,600
New Castle County VT, Construct 1000 Pupil HS	95-38-00	8,625,000	-	-	-	-	-	8,625,000
New Castle County VT, Supplemental Funding 1000 Pupil HS	95-38-00	2,585,800	-	-	-	-	-	2,585,800
Brandywine, Renovate Talley MS	95-31-00	574,100	-	-	-	-	-	574,100
Christina, Renovate Jennie Smith ES	95-33-00	5,064,900	-	-	-	-	-	5,064,900
Christina, Renovate Gallaher ES	95-33-00	3,638,700	-	-	-	-	-	3,638,700
Christina, Renovate Joseph M. McVey ES	95-33-00	3,904,000	-	-	-	-	-	3,904,000
Christina, Renovate Newark HS	95-33-00	3,947,500	-	-	-	-	-	3,947,500
Christina, Renovate Bancroft IS	95-33-00	3,020,000	-	-	-	-	-	3,020,000
Christina, Renovate John R. Downes ES	95-33-00	441,700	-	-	-	-	-	441,700
Christina, Renovate Elisabeth Maciary ES	95-33-00	474,000	-	-	-	-	-	474,000
Christina, Renovate J. Wilson ES	95-33-00	442,500	-	-	-	-	-	442,500
Christina, Renovate Christiana HS	95-33-00	617,200	-	-	-	-	-	617,200
Christina, Renovate Drew-Pyle IS	95-33-00	240,900	-	-	-	-	-	240,900
Red Clay, Renovate Conrad MS	95-32-00	8,411,100	-	-	-	-	-	8,411,100
Red Clay, Renovate William Lewis MS	95-32-00	128,900	-	-	-	-	-	128,900
Red Clay, Renovate Richardson Park ES	95-32-00	277,000	-	-	-	-	-	277,000
Red Clay, Renovate Stanton MS	95-32-00	189,000	-	-	-	-	-	189,000
Red Clay, Renovate A.I. DuPont HS	95-32-00	6,101,900	-	-	-	-	-	6,101,900
Red Clay, Renovate John Dickinson HS	95-32-00	11,045,100	-	-	-	-	-	11,045,100
Red Clay, Renovate Thomas McKean HS	95-32-00	9,945,100	-	-	-	-	-	9,945,100
Cape Henlopen, Construct 6 Classrooms at New MS	95-17-00	1,180,100	-	-	-	-	-	1,180,100
Appoquinimink, Land Acquisition for 1600 Pupil HS	95-29-01	1,121,100	-	-	-	-	-	1,121,100

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Appoquinimink, Construct 1600 Pupil HS	95-29-00	25,427,300	-	-	-	-	25,427,300
Appoquinimink, Construct 1000 Pupil MS	95-29-02	1,700,000	-	-	-	-	1,700,000
Appoquinimink, Addition to Redding MS	95-29-03	3,500,000	-	-	-	-	3,500,000
Appoquinimink, Construct Early Childhood Center	95-29-04	2,500,000	-	-	-	-	2,500,000
Polytech, Construct 18 Classrooms	95-39-00	302,800	-	-	-	-	302,800
Caesar Rodney, Charlton School	95-10-00	600,000	-	-	-	-	600,000
Subtotal:		\$ 111,987,100	\$ -	\$ -	\$ 7,303,800	\$ -	\$ 119,290,900
TWENTY-FIRST CENTURY FUND PROJECTS							
Delaware Water Pollution Control Revolving Fund	25-01-01	\$ -	\$ -	\$ -	1,000,000	\$ -	1,000,000
Wastewater Management Account	25-01-01	-	-	-	10,000,000	-	10,000,000
Resource, Conservation and Development	25-01-01	-	-	-	1,000,000	500,000	1,500,000
Farmland Preservation	25-01-01	-	-	-	8,900,000	-	8,900,000
Green Infrastructure	25-01-01	-	-	-	22,100,000	-	22,100,000
Subtotal:		\$ -	\$ -	\$ -	\$ 43,000,000	\$ 500,000	\$ 43,500,000
GRAND TOTAL:		\$ 135,840,000	\$ 2,700,000	\$ 273,736,800	\$ 179,951,300	\$ 500,000	\$ 592,728,100

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 \$135,840,000 and in the amount of
 4 \$61,795,000 local share of school bonds. Bonds authorized to be used by this Section shall mature not
 5 later than 20 years from their date of issuance. The proceeds of such bonds, except for local share of
 6 school bonds, are hereby appropriated for a portion of the purposes set forth in the Section 1 Addendum
 7 of this Act and summarized as follows:

8	<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
9	Delaware Economic Development Office	\$13,454,300
10	Department of Administrative Services	10,398,600
11	Department of Education	111,987,100

12	<u>Purpose</u>	<u>State Share</u>	<u>Maximum Local Share</u>	<u>Total Cost</u>
14	Indian River, Renovate Indian River Educational Complex 15 (60/40)	\$1,070,000	\$713,400	\$1,783,400
16	Indian River, Renovate/Add Lord Baltimore Elementary 17 (60/40)	1,929,100	1,286,100	3,215,200
18	Indian River, Renovate Sussex Central High (60/40)	1,626,700	1,084,500	2,711,200
19	Indian River, Renovate Sussex Central Middle 20 (60/40)	1,355,600	903,800	2,259,400
21	New Castle County Vo-Tech, 1000 Pupil High 22 (60/40)	8,625,000	3,416,700	12,041,700
23	New Castle County Vo-Tech, Supplemental Funding (60/40)	2,585,800	2,123,900	4,709,700
24	Brandywine, Renovate Talley Middle (60/40)	574,100	382,700	956,800
25	Christina, Renovate Jennie Smith Elementary 26 (60/40)	5,064,900	3,376,600	8,441,500
27	Christina, Renovate Gallaher Elementary (60/40)	3,638,700	2,425,800	6,064,500
28	Christina, Renovate Joseph M. McVey Elementary 29 (60/40)	3,904,000	2,602,700	6,506,700

1	Christina, Renovate Newark High (60/40)	3,947,500	2,631,700	6,579,200
2	Christina, Renovate Bancroft Intermediate (60/40)	3,020,000	2,013,300	5,033,300
3	Christina, Renovate John R. Downes Elementary (60/40)	441,700	294,500	736,200
4	Christina, Renovate Elisabeth Maclary Elementary	474,000	316,000	790,000
5	(60/40)			
6	Christina, Renovate J. Wilson Elementary (60/40)	442,500	295,000	737,500
7	Christina, Renovate Christina High (60/40)	617,200	411,500	1,028,700
8	Christina, Renovate Drew-Pyle Intermediate (60/40)	240,900	160,600	401,500
9	Christina, Modular Classrooms (100% local)	-	1,181,700	1,181,700
10	Red Clay, Renovate Conrad Middle (60/40)	8,411,100	5,607,500	14,018,600
11	Red Clay, Renovate William Lewis Middle (60/40)	128,900	85,900	214,800
12	Red Clay, Renovate Richardson Park Elementary (60/40)	277,000	184,700	461,700
13	Red Clay, Renovate Stanton Middle (60/40)	189,000	126,000	315,000
14	Red Clay, Renovate A.I. DuPont High (60/40)	6,101,900	4,068,000	10,169,900
15	Red Clay, Renovate John Dickinson High (60/40)	11,045,100	7,363,300	18,408,400
16	Red Clay, Renovate Thomas McKean High (60/40)	9,945,100	6,630,100	16,575,200
17	Cape Henlopen, 6 Classroom Addition (100% State)	1,180,100	-	1,180,100
18	Appoquinimink, Land for 1600 Pupil High (74/26)	1,121,100	393,900	1,515,000
19	Appoquinimink, Construct 1600 Pupil High (74/26)	25,427,300	8,934,000	34,361,300
20	Appoquinimink, Construct 1000 Pupil Middle (74/26)	1,700,000	597,300	2,297,300
21	Appoquinimink, Add To Redding Middle (74/26)	3,500,000	1,229,700	4,729,700
22	Appoquinimink, Construct Early Childhood Center (74/26)	2,500,000	878,400	3,378,400
23	Polytech, Construct 18 Classrooms (80/20)	302,800	75,700	378,500
24	Caesar Rodney, Charlton School (100% State)	600,000	-	600,000

1 Subtotal \$111,987,100 \$61,795,000 \$173,782,100

2 TOTAL \$ 135,840,000

3 Section 3. Venture Capital Funds. Of the Venture Capital Funds held by the Delaware
4 Economic Development Office, \$2,700,000 shall be used in the following amount for the purpose set
5 forth in the Section 1 Addendum to this Act:

6 Department, Agency, or Instrumentality Amount

7 Delaware Economic Development Office (New Economy Initiative) \$2,700,000

8 TOTAL \$2,700,000

9 Section 4. Continuing Appropriations. For the fiscal year ending June 30, 2005, any sums in
10 the following accounts shall remain as continuing appropriations and shall not be subject to a reversion
11 until June 30, 2005.

<u>Fiscal Year</u>	<u>Account Codes</u>	<u>Remarks</u>
13 <u>Appropriation</u>		
14 2001	10-02-01-0801	Tech Prof
15 1999	10-02-01-0808	Kent Radios
16 2000	10-02-01-0813	Local Police
17 2001	10-02-01-0813	Local Law
18 2000	10-02-01-0814	Tech
19 2001	10-02-01-0814	Tech Fund
20 2001	10-03-03-0821	Hitechbus
21 1992	10-03-03-0182	Dover Civic
22 1999	10-03-03-0805	Dov Ctr
23 1990	10-03-03-9643	Civic Center
24 2003	11-02-04-0801	Technology
25 1995	20-08-01-0182	Wil Library
26 1998	20-08-01-0801	So. Coastal
27 1999	20-08-01-0802	Gtown Lib
28 2001	20-08-01-0802	Geo Lib
29 2000	20-08-01-0806	Wilm Inst
30 2001	20-08-01-0811	Sea Library
31 2001	20-08-01-0812	Mills Lib
32 2001	20-08-01-0815	Laurel Lib
33 2001	20-08-01-0816	Wilm Lib
34 1996	30-05-10-0192	Woodshavenk
35 2001	30-05-10-0801	Absalom Jones
36 2001	30-05-10-0808	MCI State
37 1998	30-05-10-0809	Dayett Mills
38 2001	30-05-10-0835	Asbestos
39 2000	30-05-10-0848	Bacon Site
40 2000	30-05-10-0851	Stockley
41 2000	30-05-10-0854	Capacity Pl
42 2001	30-05-10-7113	NCC Courthouse
43 2001	30-05-10-7125	KC Courthouse

1	2002	30-05-10-7215	Plaza Deck
2	2002	30-05-10-7217	NCC Vet Cem
3	2000	35-01-20-0810	Flouride
4	2001	35-01-20-0810	Flouridation
5	1995	40-06-02-0184	Brandy-Aqua
6	2001	40-06-02-0802	Killens Pond
7	1999	40-06-02-0811	De Aquat Cntr
8	1994	40-06-02-6413	Brandywine Aquatic
9	1996	40-06-02-6613	Aquatic Cntr
10	1997	40-06-02-6713	Aquatic Center
11	1991	40-06-04-6212	Aquatic Center
12	2001	40-07-02-0804	Hazard Study
13	1992	40-07-02-6214	Little Mill
14	1993	40-07-02-6313	Resource, Conservation
15	2001	40-07-03-0802	Beach Pres
16	2001	40-08-01-0800	Wilmington Sewer
17	2001	40-08-01-0801	Wilmington Sewer
18	2002	90-03-01-7215	Sports/Well
19	2002	90-03-01-7217	Tech Bldg
20	2002	90-04-01-0804	Info Sys Pr
21	1999	95-01-01-0850	MCI Supp
22	2000	95-01-01-0850	MCI 100%
23	2001	95-10-00-0801	Charlton
24	2001	95-13-00-0802	Demolish Off
25	2001	95-13-00-0822	Kent Com
26	2001	95-13-00-0822	Central Mid
27	2001	95-13-00-0825	Wm Henry MS
28	2001	95-15-00-0818	LF HS
29	2001	95-15-00-7111	LFHS Renov
30	2001	95-17-00-0813	Elec 7 Sch
31	2001	95-17-00-7116	Ren Elec
32	2000	95-32-00-0824	Telegraph Road
33	2000	95-32-00-0826	Wilm HS
34	2000	95-32-00-0828	Richey ES
35	2000	95-33-00-0801	Tech Prep
36	2001	95-38-00-0811	Marsh Cafeteria
37	2001	95-38-00-7110	1,000 Pupil HS
38	2000	95-52-00-0850	MCI Fund

39 Section 5. Twenty-First Century Fund Appropriations. The General Assembly hereby
40 authorizes the amount of \$500,000 to be paid out of Twenty-First Century Fund interest. It is the intent
41 of the General Assembly that the appropriation account shall be administered through the Department of
42 Finance. No funds shall be used for agency overhead or personnel-related costs. Any unused
43 authorization remaining in the Project Accounts on June 30, 2007 shall revert to the Twenty-First
44 Century Account in the Department of Finance.

45	<u>Purpose</u>	<u>Amount</u>
46	Department of Finance, Twenty-First Century Fund	
47	(Resource, Conservation and Development)	\$500,000
48	TOTAL	<u>\$500,000</u>

1 Section 6. Appropriation of General Funds. It is the intent of the General Assembly that
2 \$136,951,300 be appropriated to the following departments of the State and in the following amount for
3 the purposes set forth in the Section 1 Addendum of this Act. Any funds remaining unexpended or
4 unencumbered by June 30, 2007, shall revert to the General Fund of the State of Delaware. The state
5 hereby authorizes the issuance of bonds, to which the state shall pledge its full faith and credit, such
6 bonds to be issued in such principal amount as necessary to provide proceeds to the state in the amount of
7 \$4,186,900 local share of school bonds. Bonds authorized to be used by this Section shall mature not
8 later than 20 years from their date of issuance.

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
Office of the Budget	\$ 4,973,100
Delaware Economic Development Office	53,345,700
Department of State	3,786,700
Department of Administrative Services	33,050,800
Department of Health and Social Services	2,000,000
Department of Services for Children, Youth and Their Families	43,300
Department of Correction	3,618,400
Department of Natural Resources and Environmental Control	8,472,000
Department of Safety and Homeland Security	650,000
Department of Agriculture	700,000
Fire Prevention Commission	7,500
University of Delaware	7,000,000
Delaware State University	6,000,000
Delaware Technical and Community College	6,000,000
Department of Education	7,303,800

<u>Purpose</u>	<u>State Share</u>	<u>Maximum Local Share</u>	<u>Total</u>
Minor Capital Improvements	\$7,143,800	\$4,080,200	\$11,224,000
Architectural Barrier Removal	160,000	106,700	266,700
Subtotal:	\$7,303,800	\$4,186,900	\$11,490,700
TOTAL			<u>\$ 136,951,300</u>

31 Section 7. General Funds to Twenty-First Century Fund. It is the intent of the General Assembly
32 that \$43,000,000 be appropriated from General Funds to the Office of the Secretary, Department of
33 Finance (25-01-00) to be deposited into the Twenty-First Century Funds as established by 29 Del. C.
34 §6102A. These funds shall be appropriated for the following purposes set forth in the Section 1
35 Addendum to this Act:

<u>Purpose</u>	<u>Amount</u>
Delaware Water Pollution Control Revolving Fund	\$1,000,000
Wastewater Management	10,000,000
Resource, Conservation and Development	1,000,000
Farmland Preservation	8,900,000
Green Infrastructure	<u>22,100,000</u>
TOTAL	<u>\$43,000,000</u>

8 Section 8. Public School Student E-mail Accounts. The Department of Technology and
9 Information is prohibited from establishing or maintaining State supported e-mail addresses for public
10 school students except as may be deemed necessary by the local school district. This Section shall not
11 preclude local school districts from providing student access to e-mail with local discretionary funds
12 either through their own e-mail server or through a contract with the Department of Technology and
13 Information.

14 Section 9. Resource, Conservation and Development Transfers - Project Funds Transfer from
15 Prior Fiscal Years to Fiscal Year 2005. Within the same county, any Twenty-First Century funds or
16 match remaining from completed projects as authorized as part of the Twenty-First Century Resource,
17 Conservation and Development (RCD) project list pursuant to prior appropriations may be utilized for
18 RCD projects in the Fiscal Year 2005 list of projects approved as part of the Fiscal Year 2005 Capital
19 Improvements Act.

20 Section 10. Resource, Conservation and Development. The Section 1 Addendum to this Act
21 appropriates \$1,500,000 to Resource, Conservation and Development. This appropriation shall be used to
22 complete the list of prioritized projects as approved by the Joint Legislative Committee on the Capital
23 Improvement Program in prior fiscal years. Additionally, the Joint Legislative Committee on the Capital
24 Improvement Program hereby approves the Fiscal Year 2005 prioritized list. Such list may be funded
25 from prior-year transfers per Section 9 of this Act or other funds available as designated by respective
26 Legislators from the Community Transportation Fund or other funds available to supplement Resource,
27 Conservation and Development appropriations. Of the \$1,500,000 appropriation in the Section 1
28 Addendum to this Act, \$500,000 shall be allocated for debris pit remediation in New Castle County to be
29 administered by the New Castle County Conservation District.

30 Section 11. First State Preservation Revolving Fund, Inc. For Fiscal Year 2005, First State
31 Preservation Revolving Fund, Inc. may continue to expend for administrative expenses the interest

1 generated by the Community Redevelopment Fund appropriations of \$250,000 in each of Fiscal Years
2 1999 and 2000.

3 Section 12. Laurel Redevelopment Corporation. Any proceeds from the sale of property funded
4 in whole or in part from Community Redevelopment Fund grants to Laurel Redevelopment Corporation
5 shall be reinvested in the Medical Center project.

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

14 Section 14. Notification. The Budget Director and Controller General shall notify affected state
15 agencies and other instrumentalities of the State as to certain relevant provisions of this Act.
16 Additionally, the Budget Director and Controller General shall notify the President Pro Tempore of the
17 Senate and the Speaker of the House as to any legislative appointments required by this Act.

1 **OFFICE OF THE BUDGET**

2 Section 15. COTS. The Section 1 Addendum to this Act appropriates \$4,973,100 to the Office
3 of the Budget for the purpose of planning the implementation of COTS, an automated case management
4 system for the state's judicial system. Prior to accessing the funds listed in the Section1 Addendum to
5 this Act or those appropriated in Volume 74 Laws of Delaware, Chapter 69, Section 23, the Delaware
6 judiciary must complete the Proof of Concept with Department of Technology and Information (11-00-
7 00) oversight. Following the Proof of Concept, the Budget Director and the Controller General must
8 receive a written letter of support by the State's Chief Information Officer and the Technology Investment
9 Council before funds are released to the Judiciary. The final contract between the Judiciary and/or the
10 Department of Technology and Information with a third party vendor shall be reviewed and approved by
11 the Budget Director and Controller General.

1 **DELAWARE ECONOMIC DEVELOPMENT OFFICE**

2 Section 16. Delaware Strategic Fund. Of the funds appropriated to the Delaware Strategic Fund in
3 the Section 1 Addendum of this Act, up to \$1,000,000 may be utilized in order to provide financial
4 assistance in the form of matching grants in an amount not greater than either \$100,000 or 50 percent of
5 the total project costs for environmental assessments and remediations of sites associated with the
6 “brownfield” initiative. For purposes of this Section a “brownfield” is defined as a vacant, unoccupied, or
7 underutilized site, with respect to any portion thereof, which the owner of the site has reasonable cause to
8 believe may, as a result of any prior commercial or industrial activity by any person, have been
9 environmentally contaminated in a manner that would interfere with the intended use of such site. The
10 Delaware Economic Development Authority shall draft and publish policy guidelines pertaining to
11 eligibility and establish criteria to administer the assistance. The matching grant must meet the existing
12 parameters for Strategic Fund grants as delineated in Title 29, §5028 (a) and (b).

13 Section 17. Composites Research. The Delaware Economic Development Office is authorized
14 to provide a match of up to \$100,000 to the University of Delaware Center for Composite Materials for
15 federal research grants received that support the development and application of composite
16 manufacturing technology for the benefit of Delaware companies. Such match shall be disbursed from
17 the Strategic Fund upon documentation of the receipt of federal funds allocated to the Center during the
18 fiscal year for these purposes and upon documentation of the relevance of these research projects to
19 Delaware industries’ needs and their participation within said projects.

20 Section 18. Delaware Industrial Park. The Delaware Economic Development Office is hereby
21 prohibited from locating any operation that involves the use of hazardous materials at the former Helix
22 Synthesis Technologies site within the Delaware Industrial Park. Hazardous materials are defined as any
23 material of a gaseous, liquid or solid form that has the potential to cause temporary or permanent harm to
24 humans or the environment.

25 Section 19. Port of Wilmington. If the Governor and the Delaware Economic Development
26 Office, at the direction of the Board of Directors of the Diamond State Port Corporation, request the
27 Delaware River and Bay Authority fund the acquisition of real property and improvements for the

1 expansion of Port of Wilmington pursuant to the Compact (17 Del. C. § 1701) and applicable statutory
2 requirements, and if any such project is undertaken and funded by the Delaware River and Bay
3 Authority, then such project is hereby authorized and approved by this Act.

4 Section 20. Port of Wilmington Infrastructure. The Section I Addendum to this Act contains an
5 appropriation of \$15,000,000 for the Port of Wilmington. These funds shall be used as follows:

- 6 a. Up to \$5,300,000 shall be used to improve the area of the Port used by automotive
7 manufacturers.
- 8 b. Up to \$6,500,000 shall be used for constructing a new warehouse for the handling and storage
9 of fresh produce products.
- 10 c. The balance of the funds shall be used to improve the infrastructure of the Port and to
11 complete any associated environmental studies or projects.

12 Section 21. Riverfront Development Corporation. If the Governor and the Delaware Economic
13 Development Office, at the direction of the Board of Directors of the Riverfront Development
14 Corporation of Delaware, request the Delaware River and Bay Authority to fund the acquisition of real
15 property and improvements for economic development along or in proximity to the Brandywine and
16 Christina Rivers as recommended in the report of the Governor’s Task Force on the Future of the
17 Brandywine and Christina Rivers, A Vision for the Rivers (1994) pursuant to the Compact (17 Del. C.
18 § 1701) and applicable statutory requirements, and if any such project is undertaken and funded by the
19 Delaware River and Bay Authority after written approval by the Governor, then such project is hereby
20 authorized and approved by this Act.

21 Section 22. Delaware River and Bay Authority Acquisition and Development. If the Governor
22 and the Delaware Department of Natural Resources and Environmental Control (“DNREC”) request that
23 the Delaware River and Bay Authority acquire and develop real property and improvements for the
24 purpose of shoreline preservation and development (including, without limitation, wetlands and open-land
25 acquisition, active recreational and park development or facilities of commerce) along or in proximity to
26 the shoreline of the Delaware Bay and inland waters, or tributaries flowing into the Delaware Bay in the
27 vicinity of Cape Henlopen State Park (excluding lands owned by the State of Delaware, east of the Lewes
28 and Rehoboth Canal) pursuant to the Compact (17 Del. C. § 1701 et. seq.) and the applicable statutory

1 requirements, and if any such project is undertaken and funded by the Delaware River and Bay Authority
2 after written approval by the Governor, then such project is hereby authorized and approved by this
3 legislation. Any conveyance of real property and improvements owned by the State of Delaware pursuant
4 to the foregoing authority shall be exempt from the provisions of 29 Del. C. § 94 and 7 Del. C. § 45, and
5 the Governor or the Secretary of DNREC is hereby authorized to execute and deliver to the Delaware
6 River and Bay Authority a deed to such real property and improvements.

7 Section 23. Kalmar Nyckel. Until such time as all loans receivable by the Riverfront
8 Development Corporation of Delaware from the Kalmar Nyckel Foundation are paid in full to the
9 satisfaction of the Riverfront Development Corporation, the scheduling of the Kalmar Nyckel by non-
10 State entities shall require the approval of the Riverfront Development Corporation. Further, the
11 Riverfront Development Corporation is encouraged to enter into negotiations with interested parties to
12 review the disposition of loans to the Kalmar Nyckel.

13 Section 24. DRBA - Delaware State University. For the purpose of complying with the
14 provisions of 17 Del. C. §1726, requiring the Delaware River and Bay Authority to secure the approval of
15 the General Assembly by an act passed with the concurrence of three-fourths of all the members elected
16 to each House before undertaking any major project (as defined in Article II of the Delaware-New Jersey
17 Compact as set forth in 17 Del. C. §1701), the Delaware River and Bay Authority is hereby authorized,
18 pursuant to the procedures set forth in the Compact and applicable statutory requirements, if requested by
19 the Governor and Delaware Economic Development Office and if the project is undertaken and funded by
20 the Authority in accordance with its processes and procedures relating to such a project, to lease, acquire
21 and control for economic development purposes, real property, improvements and related facilities of the
22 property situate at 2095 Seven Hickories Road, Dover, DE consisting of approximately 75 +/- acres and
23 such project is hereby authorized and approved by this Act. The Authority shall be prohibited from
24 developing said land for residential purposes.

25 Section 25. Green Infrastructure Program. The Section 1 Addendum to this Act appropriates
26 \$22,100,000 for the Green Infrastructure Program. These funds shall be used to protect lands by fee
27 simple acquisition, the placement of the appropriate easements or the purchase of development rights or
28 some combination thereof on lands that contain either unpreserved commercially viable forests, areas of

1 unique natural habitat or headwaters and stream corridors. Nothing in this section shall prohibit the use of
2 these funds from being combined with funds from non-state sources for the protection of these lands
3 using the methods previously stated. Expenditure of these funds for this purpose shall be with the review
4 and approval of the Budget Director and the Controller General.

5 Section 26. New Economy Initiative. The Section 1 Addendum to this Act appropriates
6 \$20,500,000 to the Delaware Economic Development Office for the New Economy Initiative. Those
7 funds shall be allocated by the Director of the Delaware Economic Development Office as follows:

- 8 1. \$12,500,000 for the Delaware Competitiveness Fund to be used to assist existing employers
9 retain jobs by providing incentives to stimulate capital investments in existing manufacturing
10 facilities.
- 11 2. \$200,000 for the Clean Energy Research program that will seek to form partnerships with the
12 private sector and institutions of higher education to establish a fuel cell research center.
- 13 3. \$800,000 for the Clean Energy Manufacturing program that will award performance grants to
14 those Delaware companies that manufacture solar panels, fuel cells and other components
15 used in the manufacturing of clean energy systems.
- 16 4. \$1,500,000 for the Experimental Program to Stimulate Competitive Research (EPSCoR)
17 These funds will be used to match federal funds designed to stimulate research and
18 development among institutions of higher education in states that have historically received
19 little federal research and development funding.
- 20 5. \$2,500,000 for Entrepreneurial Seed Funds program. This program will be designed to assist
21 small, technology-based start up companies.
- 22 6. \$3,000,000 for Venture Capital Funds. This program will be designed to assist companies
23 that are already established and require financial assistance for growth.

1 **DEPARTMENT OF STATE**

2 Section 27. North Wilmington Library. Funds authorized in the Section 1 Addendum of 70 Del.
3 Laws, c. 473 and in the Section 1 Addendum of 69 Del. Laws, c. 386 shall be used to plan and construct
4 a library within the first Senate District.

5 Section 28. Delaware River Main Channel Dredging. It is the intent of the General Assembly
6 that any future appropriation of State funds for the main channel dredging of the Delaware River shall be
7 contingent upon the following:

- 8 1) The Army Corps of Engineers provides funding to reconstruct the seawall at Pea Patch
9 Island according to plans and specifications that have been developed by the Department
10 of Natural Resources and Environmental Control.
- 11 2) A written agreement between the Army Corps of Engineers and the Department of
12 Natural Resources and Environmental Control dealing with the potential use of dredge
13 spoils for Delaware beach preservation and habitat protection.
- 14 3) The Corps of Engineers shall meet all necessary DNREC permitting requirements.

15 Section 29. Riverfront Development Corporation Promotions. The Riverfront Development
16 Corporation is prohibited from including political profiles and statements of a political or partisan nature
17 in any advertisements or literature used to promote a cultural or recreational event being sponsored by the
18 Corporation.

19 Section 30. Veterans Cemetery-NCC. The federal government will reimburse the State 100
20 percent of the funds expended for the planning and design of the expansion of the Veterans Cemetery –
21 New Castle County. The funds received as reimbursement from the federal government shall be
22 deposited into the General Fund.

23 Section 31. Museum Maintenance. The Section 1 Addendum to this Act appropriates \$200,000
24 to the Department of State for museum maintenance. It is the intent of the General Assembly that these
25 funds be retained by the Department of State, Division of Historical and Cultural Affairs for use with the
26 operations of state museums or for immediate, unscheduled repairs to those facilities under the control of
27 the Division of Historical and Cultural Affairs.

1 Section 32. New Castle County Veterans Cemetery. The General Assembly hereby directs the
2 Delaware Commission on Veterans Affairs to return/replace all memorials and plaques
3 purchased/donated by veteran's family members to their original location within the cemetery or to a site
4 agreeable to the veteran's family members. The General Assembly further directs that, after July 1, 2003,
5 no plaque or memorial will be removed or relocated for any purpose without the approval of the Co-
6 Chairs of the Joint Legislative Committee on the Capital Improvement Program. Existing memorial
7 works are historical, cultural and aesthetic resources.

8 Section 33. Delaware State Monument at Gettysburg. The State Division of Historical and
9 Cultural Affairs will ensure that any movement of the Delaware State Monument at Gettysburg be
10 conducted in a manner consistent with the original purposes surrounding the monument's installation and
11 that any such relocation be conducted so that the monument is reestablished in a position of prominence
12 and that landscaping and site work is performed as close to the original design as possible.

13 Section 34. Hockessin Public Library. 74 Del. Laws C. 69 §100 appropriated \$1,316,100 to the
14 Department of State for the Hockessin Public Library. Of that amount, \$35,000 shall be used to construct
15 a small, secure book/document storage facility and reading room within the library. The room shall house
16 public and private books, photography, documents and other small, valuable items of historical
17 significance to the Hockessin community. All items housed in this room shall be available to the public
18 but shall not be allowed to leave the room.

1 **DEPARTMENT OF FINANCE**

2 Section 35. Bond Proceeds Reimbursement. Unless not permitted by the Internal Revenue
3 Code of 1986, as amended, 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
5 to finance the costs of specific capital projects, it is the intent of the General Assembly that the interest
6 on such bonds shall not be included in gross income for federal income tax purposes under Section 103
7 of the Internal Revenue Code of 1986, as amended, and the United States Treasury Regulations (the
8 “Regulations”) thereunder as they may be promulgated from time to time. Pursuant to the state's budget
9 and financial policies, other than unexpected situations where surplus revenues render bond financing
10 unnecessary or undesirable, no funds other than the proceeds of such bonds, are or are reasonably
11 expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the state to pay the
12 costs of such specific capital projects. Pursuant to the Authority’s budget and financial policies, it is
13 expected that approximately 50 percent of the costs of its capital projects shall be funded on a long-term
14 basis from the proceeds of such bonds. However, after the authorization of such bonds but prior to their
15 issuance, non-bond funds from the state’s General Fund or the Authority’s Transportation Trust fund or
16 other funds may be advanced on a temporary basis to pay a portion of the costs of such specific capital
17 projects. In that event, it is expected that these non-bond funds will be reimbursed from the proceeds of
18 such bonds when they are issued. This reimbursement may cause a portion of such bonds to become
19 “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
21 income tax purposes, it may be necessary to make a declaration of official intent. The Secretary of
22 Finance is hereby designated as the appropriate representative of the State and the Secretary of
23 Transportation is hereby designated as the appropriate representative of the Authority, and each is
24 authorized to declare official intent on behalf of the state or the Authority, as the case may be, within the
25 meaning of Section 1.150-2 of the Regulations, whenever and to the extent that such declaration is
26 required to preserve such tax treatment.

27 Section 36. Qualified Zone Academy Bonds. A portion of the general obligation bonds
28 authorized under this Act for a school construction project may be issued in the form of “Qualified Zone

1 Academy Bonds” within the meaning of the federal Taxpayer Relief Act of 1997 (the QZAB’s). Such
2 portion shall be equal to the maximum amount of QZAB’s which may be issued under such act.
3 Preference for use of the authorization shall be given to eligible special schools that are funded with 100
4 percent state funds and subsequently, schools authorized under this Act with the highest percentage of
5 free and reduced lunch counts for the 2001-2002 school year that elect to participate in the QZAB
6 program as determined by the Department of Education. The Secretary of Finance is hereby authorized to
7 determine the terms and conditions of the QZAB’s and the manner by which they shall be awarded to the
8 purchasers thereof, including private negotiated sale, notwithstanding anything to the contrary contained
9 in Chapter 74, Title 29 of the Delaware Code; provided that the requirements of Chapter 7422 of Title 29
10 of the Delaware Code must be observed.

1 **DEPARTMENT OF ADMINISTRATIVE SERVICES**

2 Section 37. Construction Management. Notwithstanding any other state law, the Department of
3 Administrative Services (“Department”) shall be responsible for the design and construction of all the
4 projects listed under “Department of Administrative Services” in the Section 1 Addendum of this Act.
5 For those projects that are solely for the purchase of equipment, including projects that are funded in any
6 “MCI and Equipment” line, or any “MCI” line the department shall transfer the appropriate funding
7 necessary to purchase the equipment to the agency for which the equipment is being purchased. The
8 appropriate amount of funding shall be determined and agreed to by the Department and the agency for
9 which the equipment is being purchased by September 1, 2004. For those projects for which the
10 appropriation is passed to an entity and for which the state is not a party to the construction contract, the
11 department shall provide technical assistance.

12 (a) Notwithstanding any other state law, there is hereby created an Appeals Board, to be
13 composed of the Lieutenant Governor, the Budget Director, and the Controller General. The Appeals
14 Board shall approve the use of all unencumbered monies after that project is deemed “substantially
15 complete.” A project shall be deemed “substantially complete” when the project is occupied by 75
16 percent of the planned tenants or when deemed complete by the Appeals Board. One year after a project
17 is deemed “substantially complete,” any unencumbered authorization balance shall revert. In no case
18 shall this Section empower the Appeals Board to allow for the expenditure of funds for uses other than for
19 the funds authorized purpose(s). The Controller General shall notify the Co-Chairs of the Joint
20 Legislative Committee on the Capital Improvement Program of any decisions of the Appeals Board.

21 (b) The use of Minor Capital Improvement and Equipment funds in order to ensure completion
22 of a Major Capital Improvement project involving construction of a new facility is prohibited unless the
23 use of such funds are necessary due to a legal settlement or emergency or unforeseen conditions as
24 determined by the Secretary of the Department of Administrative Services, the Budget Director, the
25 Controller General and the Co-Chairs of the Joint Legislative Committee on the Capital Improvement
26 Program.

27 (c) The Department shall submit a quarterly status report to the Budget Director and Controller
28 General on all incomplete projects.

1 (d) No project's budget should be increased beyond what is appropriated in any Bond and
2 Capital Improvement Act, either with special funds or private funds, unless the use of those funds is
3 approved by the appropriate cabinet secretary, the Budget Director, the Controller General and Co-Chairs
4 of the Joint Legislative Committee on the Capital Improvement Program.

5 Section 38. Judicial Construction Oversight. It is the intent of the General Assembly that a nine-
6 member Executive Committee be created to oversee construction of new judicial facilities. The Executive
7 Committee shall include two members of the Legislature appointed by the Co-Chairs of the Joint
8 Legislative Committee on the Capital Improvement Program; the respective Chairs of the House and
9 Senate Judiciary Committees; two members of the Judiciary as appointed by the Chief Justice; and three
10 members of the Executive Department to include the Secretary of the Department of Administrative
11 Services or her designee who shall serve as Chair, the Director of the Division of Facilities Management,
12 and the State Budget Director or her designee. The Executive Committee shall work in conformance with
13 existing construction oversight guidelines as written in Section 37 of this Act.

14 The Executive Committee is hereby empowered to:

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

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

20 (c) Ensure that the facility addition and renovations are completed on schedule; and

21 (d) Ensure that the cost of the facility addition and renovations does not exceed the authorized
22 budget.

23 This section shall apply to the following projects:

- 24 a. Kent County Courthouse/O'Brien Building
- 25 b. Sussex County Family Court
- 26 c. Kent County Family Court

1 d. Any Judicial construction or renovation project requested by either the Judicial Branch or
2 recommended by the Department of Administrative Services for the Judicial Branch
3 where the total project cost estimate exceeds \$10 million dollars.

4 Section 39. Minor Capital Improvement and Equipment Supplement - Department of
5 Administrative Services. Notwithstanding the provisions of any other State law to the contrary, not
6 more than \$200,000 may be expended to enter into contractual agreements for project representatives
7 and associated administrative support to ensure adequate oversight of State construction projects. The
8 Secretary of Administrative Services is directed to provide an itemized budget for this amount to the
9 Controller General by August 1, 2004, and expenditure reports to the Controller General by December 1,
10 2004 and June 1, 2005.

11 Section 40. New Castle County Courthouse. Notwithstanding any law or local governmental
12 ordinance, resolution, or any deed restrictions to the contrary, the Secretary of Administrative Services
13 shall designate the name of any state-owned or state-operated courthouse or other judicial building or
14 facility in New Castle County purchased, constructed, or improved by funds appropriated pursuant to an
15 Act of the General Assembly and shall have the sole authority to approve or disapprove the placement of
16 any statues or memorials in or on the grounds of such courthouse or judicial building of facility.

17 Section 41. Troop 2 Property. It is the intent of the General Assembly that no portion of the
18 lands located at 168 South DuPont Highway and formerly the site of Troop 2 of the State Police shall be
19 declared as surplus property without the prior approval of the Co-Chairs of the Joint Legislative
20 Committee on the Capital Improvement Program, the Controller General and the Budget Director.

21 Section 42. Belvedere State Service Center Project. Notwithstanding any state laws to the
22 contrary, funds received from tenants in the Belvedere State Service Center shall be used by the
23 Department of Administrative Services for the maintenance and operation of the center.

1 **DEPARTMENT OF CORRECTION**

2 Section 43. Prison Construction. (a) The Secretary of the Department of Administrative
3 Services, as provided through construction management services, shall consult with the Commissioner
4 of Correction to ensure expedient programming, planning and construction of authorized correctional
5 facilities. None of the funds authorized herein or in prior fiscal years are intended to supplant federal
6 funds.

7 (b) Use of any federal grant funds awarded and approved by the Delaware State Clearinghouse
8 Committee for the purpose of constructing correctional facilities shall have the technical oversight of the
9 Secretary of Administrative Services as defined in the appropriate Section of this Act pertaining to
10 management of the construction to ensure proper use and timely completion of all such construction
11 projects authorized herein.

12 Section 44. Community Restoration. The Department of Correction may, to the extent resources
13 and appropriately classified offenders are available, direct these offenders to assist with community
14 restoration projects. These projects may include beautification, clean up and restoration efforts requested
15 by civic, governmental and fraternal organizations approved by the Commissioner.

16 Section 45. Maintenance and Restoration. The Section 1 Addendum to this Act appropriates
17 \$3,143,400 to the Department of Correction for maintenance and restoration projects. The department must
18 submit a bi-annual report to the Budget Director and the Controller General, detailing the expenditure of such
19 funds and the respective projects. The department shall submit a preliminary plan for maintenance projects for
20 the following fiscal year by October 31, to the Budget Director and the Controller General.

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

2 Section 46. Beach Preservation. The General Assembly hereby appropriates \$1,000,000 to the
3 Department of Natural Resources and Environmental Control in the Section 1 Addendum of this Act to
4 renourish and preserve the state's beaches. The department may not encumber the funds appropriated
5 herein for privately-owned ocean beaches. The department may not encumber the funds appropriated
6 herein for publicly accessible municipal ocean beaches until at least an equal amount of non-state funds
7 are available for such projects. The funds provided for beach preservation as defined in 30 Del. C. c. 61
8 can be used for local match and if so designated, shall be reimbursed by the department on an equal
9 basis to each such county or town for which a beach preservation project has been accomplished. The
10 availability of the aforementioned non-state matching funds must be approved by the Budget Director
11 and the Secretary of the Department of Natural Resources and Environmental Control.

12 Section 47. Conservation Cost-Sharing Program. The Section 1 Addendum to this Act
13 appropriates \$2,345,000 to the Department of Natural Resources and Environmental Control for the
14 Conservation Cost-Sharing Program. This appropriation shall be allocated as follows:

- 15 1. \$900,000 for the Soil and Water Conservation Program. The department shall spend one-third
16 of such funds for use in each county.
- 17 2. \$1,445,000 shall be spent on nutrient management efforts statewide. The Division of Soil
18 and Water may target all or a portion of the funds appropriated for conservation cost share to
19 critical areas, such as the Inland Bays Watershed, the Nanticoke Watershed and others as
20 designated by the Secretary of the Department of Natural Resources and Environmental
21 Control. Of the \$1,445,000 allocated for nutrient management efforts statewide, up to
22 \$150,000 may be spent to repair or replace failed manure sheds or other manure handling
23 systems. Funds appropriated to replace failed manure sheds or manure handling systems are
24 not subject to the cost share match.

25 Section 48. DNREC Land Acquisition. Except for land acquired by approval of the Open
26 Space Council or approved through a Bond and Capital Improvements Act, land shall not be purchased
27 by the Department of Natural Resources and Environmental Control without prior approval of the Co-
28 Chairs of the Joint Legislative Committee on the Capital Improvement Program provided, however, that

1 the department is not prohibited from conducting studies, surveys or other contractual arrangements that
2 would normally precede land acquisition procedures.

3 Section 49. Land and Water Conservation Trust Fund Interest. Of the interest monies generated
4 on the principal deposited in the Land and Water Conservation Trust Fund before 1995, no more than
5 \$40,000 may be spent for the combined administrative costs of the Open Space Council and the Council
6 on Greenways and Trails.

7 Section 50. Open Space Match Requirements. Notwithstanding the provisions of 29 Del. C. §
8 6102A(c)(2), upon written request by the Open Space Council and notification of the Secretary of
9 Finance, the Co-Chairs of the Joint Legislative Committee on Capital Improvements are hereby
10 empowered to waive on a case-by-case basis the match requirements for a specific Open Space land
11 purchase if it can be demonstrated that meeting said match requirements would prevent the timely
12 purchase of said parcel.

13 Section 51. Army Corps of Engineers Project Cooperation Agreements. By using funds
14 approved by Bond and Capital Improvements Acts, the Secretary of the Department of Natural Resources
15 and Environmental Control is authorized to sign Project Cooperation Agreements with the Department of
16 the Army and other appropriate sponsors for planning, construction, operation and maintenance for
17 projects entered into by said Agreements.

18 Section 52. Indian River Marina. (a) In accordance with the provisions of 73 Del. Laws, c. 350,
19 § 70, the Department of Natural Resources and Environmental Control (DNREC) under the direction of
20 the Budget Director may utilize up to \$8,800,000 in funds from Twenty-First Century Fund for the Parks
21 Endowment Account as established in § 6102A(e), Title 29, Delaware Code for the purpose of
22 revitalizing and enhancing public amenities within the Delaware Seashore State Park in and around the
23 Indian River Marina Complex and related support facilities as presented to the Joint Legislative
24 Committee on Capital Improvements on May 15, 2002. DNREC will repay both the principal borrowed
25 and interest on the principal borrowed equal to that interest lost as a result of borrowing from the
26 Account. Repayment shall not exceed twenty years.

27 (b) DNREC, through the use of workshops, meetings or newsletters shall actively solicit the
28 opinions of users of the marina complex and the general public in development of construction documents

1 related to the Indian River Marina Complex. DNREC shall complete and submit to the Joint Legislative
2 Committee on the Capital Improvement Program a quarterly report on the progress made on the project,
3 expected events in the upcoming quarter, funds encumbered and spent and the number of activities
4 conducted to keep the public informed.

5 Section 53. Aquatic Center. Notwithstanding any state law to the contrary, it is the intent of the
6 General Assembly that the Secretary of Finance, the Budget Director and the Secretary of the Department
7 of Natural Resources and Environmental Control shall have full authority to negotiate with any interested
8 parties the construction of a swimming pool with the funds remaining as of June 30, 2002 in
9 appropriations Fiscal Year 1991 (40-06-04-6212), Fiscal Year 1992 (40-06-04-6212). Fiscal Year 1994
10 (40-06-02-6413), Fiscal Year 1995 (40-06-02-0184), Fiscal Year 1996 (40-06-02-6613), Fiscal Year 1997
11 (40-06-02-6713) and Fiscal Year 1999 (40-06-02-0811). Of the funds available in these appropriations,
12 up to \$50,000 may be used to develop plans and recommendations regarding the size, location, and design
13 of the pool and any related infrastructure and amenities that may be a part of the final recommendations.
14 The construction of the Aquatic Center shall be under the exclusive control and supervision of the
15 Department of Natural Resources and Environmental Control. The Co-Chairs of the Joint Legislative
16 Committee on Capital Improvements shall have the final approval authority to accept the
17 recommendations and to direct the implementation of the recommendations.

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

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Section 54. Helicopter Sale. During the Fiscal year ending June 30, 2005, any funds remaining from the sale of a Bell helicopter by the State Police Aviation unit (45-06-06) shall be retained by the Department and used to support the avionics and equipment needs for the State Police Aviation unit.

1 **DEPARTMENT OF TRANSPORTATION**

2 Section 55. General Provisions. Notwithstanding the provisions of any state law to the contrary,
3 the Department of Transportation ("Department") is hereby authorized and directed to carry out the
4 following legislative mandates:

5 (a) Transportation Trust Fund Authorizations. Sums not to exceed \$443,807,400 (State
6 \$273,736,800; Federal \$168,920,600; Other \$1,150,000) are authorized to be withdrawn from the
7 Transportation Trust Fund to carry out the projects and programs as set forth in the Section 1 Addendum
8 of this Act.

9 Section 56. AstraZeneca Project. The Department of Transportation is authorized to reimburse
10 Delaware Economic Development Office (DEDO) for the cost of such lands needed solely for such
11 transportation improvements, subject to compliance with all necessary federal regulations that limit the
12 timing of such expenditures by the Department. The per acre cost to DEDO for all the lands DEDO
13 acquires for the AstraZeneca Project shall be used as the per acre charge to the Department for such
14 reimbursement. Other acreage acquired by DEDO for the AstraZeneca Project needed for area-wide
15 stormwater management improvements, wetlands mitigation, and/or historic preservation regulatory
16 compliance, shall be made available to the Department without cost for its use in constructing such
17 improvements, facilities, and or complying with historic preservation regulations.

- 18 1. The roadway concept plan developed by the joint public process and approved by the
19 Governor and the County Executive will be designed and constructed, as proposed. All
20 roadway alignments and connections shown in the concept plan will be maintained in the
21 final project design. Only modifications to ensure safety or to minimize or avoid impacts to
22 environmentally sensitive areas will be permitted in the final design. However, no change
23 will be made to the concept that will result in a degradation of the Level of Service as
24 committed by New Castle County and as defined in the Department of Transportation's
25 response to the AstraZeneca Traffic Impact Study; and
- 26 2. To accommodate the growth projected by AstraZeneca, the Department of Transportation
27 will complete Phase 1 ITMS improvements and Phase 1 transit improvements by the end of
28 Fiscal Year 2002. All roadway construction improvements will be complete by the end of

1 Fiscal Year 2007. Improvements to the I-95/US202 interchange will involve additional
 2 construction in Fiscal Year 2008. The Department will prepare construction contracts and
 3 advance them to construction in the most efficient manner possible. Contracts should be
 4 prepared and staged to minimize disruption to the existing traffic flow; and

5 3. The construction schedule will be as follows:

6 Enhanced ITMS and transit improvements

7	Phase 1	Advertised	2001
8		Completed	2002
9	Phase 2	Advertised	2002
10		Completed	2003

11 Roadways on Westside of US202 (Except SR 141 Spur Road)

12	Advertised	2002
13	Completed	2003

14 US202, Augustine Cutoff to Independence Mall

15	Advertised	2003
16	Completed	2005

17 I-95 Northbound Ramp to SR202 Southbound

18	Advertised	2003
19	Completed	2004

20 US202/I-95 to Augustine Cutoff

21	Advertised	2004
22	Completed	2006

23 US202, Independence Mall to AstraZeneca and SR141 Spur

24	Advertised	2005
25	Completed	2007

1	Eastside Improvements		
2		Advertised	2005
3		Completed	2007
4	I-95/US202 Interchange		
5		Advertised	2007
6		Completed	2008

7 4. This schedule assumes the following project components are completed in a timely manner in
8 order to maintain the proposed advertisement and construction schedule:

- 9 a. Completion of real estate acquisition by others to meet project schedules; and
- 10 b. Issuance of all applicable federal, state and county permits to meet project schedules; and
- 11 c. Completion of utility relocations with appropriate private and public companies in a series
12 of roadway projects.

13 5. Periodic workshops will be held to present status reports on project design.

14 6. It is the intent of the General Assembly that the State will authorize the funding for the entire
15 project beginning in the Fiscal Year 2001 Bond and Capital Improvements Act. These funds
16 will remain committed to this project. Federal Funds may be substituted for the State Funds, if
17 the project becomes eligible for Federal Funds without jeopardizing the construction schedule
18 outlined in #3 above.

19 Section 57. Maintenance and Operations Facilities. The following building structures and
20 facilities constructed or to be constructed within the Department of Transportation’s operating rights-of-
21 way for the Interstate Highway System and State Route 1, that are used to assist in the operational and
22 maintenance activities for such roads, shall not be subject to zoning, subdivision, or building code
23 ordinances or regulations by any political subdivision of the State: a) North District, Chapman Road
24 Facility (equipment shed, roof replacement, and HVAC); b) Canal District, Tybouts Corner Maintenance
25 Area (equipment sheds, salt storage facility, and one-story area office building); c) North District, Talley
26 Road Maintenance Area or its replacement (equipment sheds, storage facility, salt storage facility and
27 security/privacy barrier); d) Canal District, SR 1 North of North Smyrna Interchange (equipment shed,
28 salt storage facility, and one-story area office building); and e) Canal District, SR 1 at SR299 Interchange

1 (equipment shed and one-story area office building). The Department shall not construct any such facility
2 or make improvements in any such existing facility without first conducting a public workshop to
3 describe such plans and gather public input into the effect of such plans.

4 Section 58. Transit Bus Shelter Advertising. The General Assembly acknowledges the work of
5 the Delaware Transit Corporation (“DTC”) in developing and implementing a transit shelter improvement
6 program. Part of the program involves the use of contractual advertising on the downstream panel of such
7 shelters, to offset the capital and maintenance costs of such shelters, as contemplated in 17 Del. C. c. 11.
8 The General Assembly finds that such advertising is appropriate when located in most areas, but is
9 inappropriate in certain areas. Notwithstanding any other state or local law to the contrary, contractual
10 advertising under the DTC program shall be permitted, except in the following locations: (a) within a
11 residential subdivision, except at its entrance; (b) within 50 feet of a residence; (c) within 100 feet of any
12 property designated as an historic resource under federal, state, or local law; or (d) within 150 feet of
13 areas experiencing continually high incident rates of drug offenses or crimes against persons, measured
14 on a calendar-year basis, as designated by the State Bureau of Identification or the applicable local police
15 agency.

16 Section 59. SR 7 and Valley Road Project. Pursuant to previous legislation directing the
17 Department to design and construct certain permanent drainage improvements, as well as certain other
18 transportation, recreational, cultural, educational and open space improvements in the area of the newly
19 completed intersection of SR 7 and Valley Road in New Castle County, the Department has developed a
20 master plan for the implementation of such improvements, hereafter referred to as the (“Project”).
21 Notwithstanding the provisions of any state laws or regulations to the contrary, the Department is now
22 authorized and directed to:

23 (a) Enter into such contracts for the purchase of any lands necessary to complete the Project;

24 (b) Negotiate with private entities pursuant to the provisions of Subsection (a) of this Section, so as
25 to complete the Project on a timely basis, provided that the drainage portions of the Project shall
26 meet the following conditions:

- 27 1. Flows of water onto Lantana Square from areas north of Valley Road (including the
28 impact of highway and intersection improvements to SR 7 and Valley Road and future

1 improvements to SR 7 within the relevant drainage area tributary (the “Improvements”))
2 shall not exceed the maximum stream flow (250 cfs +/-) of the culvert near the
3 intersection of SR 7 and Valley Road as it existed prior to the Improvements.

4 2. Plugging of culverts installed in connection with the Improvements shall remain and
5 continue, and a weir gate system or other appropriate technology shall be used to limit
6 the stream flow to 250 cfs +/- during construction of the Project and until satisfactory
7 completion of the Project; and

8 (c) Make such other improvements to the adjacent land so as to maximize the recreational, cultural,
9 educational and open space potential of the Project, consistent with improving the safety of
10 pedestrians, bicyclists, and motorists traveling through the area of the Project. The Department
11 may, at its discretion, and on such terms as it deems advisable, dispose of any undeveloped land
12 in the vicinity of the Project to public and/or private entities for the permanent protection of open
13 space, and to enter into such agreements with public and/or private entities as may be necessary
14 to insure that the portions of the Project developed for recreational, educational, or cultural
15 enjoyment are most effectively managed for the benefit of the citizens of the State.

16 Section 60. Road System. Section 1 Addendum of this Act appropriates the sum of
17 \$327,528,100 (State \$195,442,800; Federal \$130,935,300; Other \$1,150,000) for projects within the
18 Road System classification. Notwithstanding the provisions of any state law to the contrary, the General
19 Assembly further defines its intent with respect to those appropriations as follows:

20 (a) Surface Treatment Pavement Conversion Program. The Department is authorized to continue
21 operating its Surface Treatment Pavement Conversion Program, under the following provisions:

22 (1) Of the amounts appropriated for Road System (77/00) as set forth in the Section 1
23 Addendum to this Act, the Department is authorized to expend up to \$2,000,000 (State) for this
24 program.

25 (2) The program shall be limited to the conversion of surface treated roads in the State’s road
26 inventory as of July 1, 1999 to new surfaces using hot mix pavement.

27 (3) The Department shall develop a priority list for hot mix paving under this program. The
28 Department shall consider the following factors: average annual daily traffic; school bus routes;

1 safety considerations; ease of construction, taking into consideration sub-base quality, minimal utility
2 or right-of-way impacts, and minimal drainage problems; and using the current geographic
3 distribution ratios of such roads for planning and scheduling projects under this program, if
4 economically feasible. The Department shall use this priority list in determining the sequence of
5 projects undertaken within this program.

6 (b) Wilmington Riverfront. The State acknowledges that the lands on and near the Christina
7 Riverfront (the "Riverfront") constitute an area of critical importance to the vitality of the State, New
8 Castle County and the City of Wilmington. The State also acknowledges that this is a shared vision and
9 responsibility of the State, its subdivisions and instrumentalities, and that it is clearly in the public interest
10 to maximize both the private and public employment, as well as the public recreational, cultural, and
11 economic development opportunities available at the Riverfront. The State, with and through the
12 Department and other departments of government, must work creatively and cooperatively with other
13 public entities and private interests, including employers located at or near the Riverfront, to increase and
14 expedite employment, economic development, transportation, cultural and recreational opportunities.

15 In furtherance of these recognized public interests and public purposes, and notwithstanding the
16 provisions of any State or local law, ordinance or regulation to the contrary, the Department is hereby
17 authorized and directed to take such actions and enter into such contracts, with public and private
18 (whether for profit or not-for-profit) entities as it deems necessary and appropriate for the planning,
19 design, acquisition, renovation, construction, or disposal of such assets as may be required to enhance the
20 transportation; employment; economic development; educational, recreational, and cultural use; and the
21 development of properties on or near the Riverfront. In pursuing these objectives, the Department shall
22 pay special heed to the needs of all forms of transportation, by means including but not limited to
23 automobiles, and shall insure that adequate facilities are designed and located at such points so as to
24 maximize the use of transit, pedestrian, bicycle and such other modes as may be appropriate for the area.
25 The Department shall report to the Governor and the General Assembly by May 1, 2005 on its progress
26 toward reducing overall traffic congestion and improving access to and use of the Wilmington Amtrak
27 Station; increasing availability of public parking for visitors, commuters, and employers in and around the
28 Riverfront (including, without limitation, the expedited construction, repair, and overall continued

1 operation, management and maintenance of any such facilities); and locating, relocating, constructing,
2 renting or disposing of Department facilities in and around the Riverfront in connection with any of the
3 foregoing. In this regard, the State specifically recognizes all such actions, expenditures, agreements,
4 projects, uses, and activities to be public purposes and public uses, in furtherance of the public interest.

5 (c) Bicycle, Pedestrian and Other Improvements. The Department may work in conjunction with
6 any political subdivision of the state and with any private organization to plan and construct such bicycle
7 and pedestrian traffic as may be appropriate. In carrying out this program, the Department may take into
8 consideration in scheduling its projects, those in which the affected local community is willing to
9 contribute a matching share (whether in cash, rights of way, or other in-kind services) in order to
10 accomplish the project.

11 (d) Transportation Enhancements. It is the intent of the General Assembly that the Department
12 provide notice to all state agencies, political sub-divisions within the state, and other parties of the
13 availability of, and rules governing, the Transportation Enhancements program. Such notice shall include,
14 but not be limited to, the definitions of eligible projects, the requirements for matching funds, and such
15 other requirements as may be necessary to insure that any interested entity may work to become a
16 participating recipient under the program.

17 Section 61. Grants and Allocations. The Section 1 Addendum of this Act appropriates the sum
18 of \$26,100,000 (State) for projects within the Grants and Allocations classification. Notwithstanding the
19 provisions of any state law to the contrary, the General Assembly further defines its intent with respect to
20 those appropriations as follows:

21 (a) The sum of \$20,100,000 (State) shall be used for the Community Transportation Fund, in
22 accordance with the rules and regulations as adopted by the Joint Legislative Committee on the Capital
23 Improvements Program, as amended from time to time.

24 (b) The sum of \$6,000,000 (State) shall be used for the Municipal Street Aid program, pursuant to
25 the provisions of 30 Del. C. § 51.

26 Section 62. Transit System. The Section 1 Addendum of this Act appropriates the sum of
27 \$22,173,700 (State \$12,305,700 and Federal \$9,868,000) for projects within the Transit System

1 classification. Notwithstanding provision of any state law to the contrary, the General Assembly further
2 defines its intent with respect to those appropriations as follows:

3 (a) 5310 Program. The Delaware Transit Corporation is authorized to expend up to \$1,266,300
4 (State \$999,700; Federal \$266,600) from the Transit System classification (73/00) appropriated in this
5 Act for the 5310 Program, administered by the Federal Transit Authority.

6 Section 63. Support System. The Section 1 Addendum of this Act appropriates the sum of \$
7 68,005,600 (State \$ 39,888,300, Federal \$ 28,117,300) for projects within the Support System
8 classification. Notwithstanding the provisions of any state law to the contrary, the General Assembly
9 further defines its intent with respect to those appropriations as follows:

10 (a) Transportation Facilities. The Section 1 Addendum of this Act appropriates \$9,900,000
11 (State) for the improvement and adaptation of Departmental facilities.

12 (1) In administering this appropriation, the Secretary shall insure that the Department's
13 Maintenance Yards, especially those in the Central District are properly upgraded to provide
14 necessary facilities for the welfare and comfort of the Department's personnel, and the
15 safekeeping of all equipment.

16 (2) In order to expedite improvements to the Rock Manor golf course on US202 (such
17 improvements being required by highway and storm water retention pond construction for the
18 Blue Ball project), the Department shall immediately begin to design and construct replacement
19 facilities for the Talley Road Maintenance Yard in the North District, on land currently owned by
20 the Department proximate to the existing Talley Yard, and to transfer the property as soon as
21 possible. The Secretary shall report to the Governor and the General Assembly by May 30, 2005
22 on the Department's progress toward this goal.

23 (b) E-ZPass. The General Assembly finds that it is in the State's best interest to improve the
24 overall level of availability of E-ZPass technology to the traveling public in Delaware, and to improve the
25 level of customer service provided to E-ZPass users. In this regard, the General Assembly hereby
26 establishes an E-ZPass Reserve Account, which shall be maintained within the Transportation Trust Fund
27 as a separate account. These funds may only be used by the Department in furtherance of its efforts to
28 improve the availability and quality of the E-ZPass assets and services.

1 Section 64. Eden Hill Farm. The State acknowledges that the lands in the City of Dover known
2 as the Eden Hill Farm, and adjacent undeveloped lands in the City of Dover and Kent County, (all
3 collectively referred to herein as the “Farm”) constitute an area of critical importance to the vitality of the
4 State, Kent County, and the City of Dover. The State also acknowledges that this is a shared vision and
5 responsibility of the State, its subdivisions and instrumentalities, and that it is clearly in the public interest
6 to maximize both the private and public employment, as well as the public educational, recreational,
7 cultural, and economic development opportunities available at the Farm. The State, with and through the
8 Department and other departments of government, must work creatively and cooperatively with other
9 public entities and private interests, including employers located at or near the Farm, to increase and
10 expedite employment, economic development, transportation, cultural, and recreational opportunities.

11 In furtherance of these recognized public interests and public purposes, and notwithstanding the
12 provisions of any State or local law, ordinance or regulation to the contrary, the Department is hereby
13 authorized and directed to take such actions and enter into such contracts, with public and private
14 (whether for profit or not-for-profit) entities as it deems necessary and appropriate for the planning,
15 design, acquisition, renovation, construction, or disposal of such assets as may be required to enhance the
16 transportation, employment, economic development, educational, historic and open space preservation,
17 recreational, and cultural use and development of properties on or near the Farm. In pursuing these
18 objectives, the Department shall pay special heed to the needs of all forms of transportation, by means
19 including but not limited to automobiles, and shall insure that adequate facilities are designed and located
20 at such points so as to maximize the use of transit, pedestrian, bicycle, and such other modes as may be
21 appropriate for the area. The Department shall report to the Governor and the General Assembly by May
22 1, 2005 on its progress toward reducing overall traffic congestion and improving access to and use of
23 North Street, Saulsbury Road, and the West Dover Development District; increasing availability of all
24 transportation assets for visitors, commuters, and employers in and around the Farm (including, without
25 limitation, the expedited construction, repair, and overall continued operation, management, and
26 maintenance of any such assets); and the preservation of important historic and open space assets. In this
27 regard, the State specifically recognizes all such actions, expenditures, agreements, projects, uses, and
28 activities to be public purposes and public uses, in furtherance of the public interest.

1 Section 65. McMullen Farm and City of Wilmington Property, Governor Printz Boulevard.

2 The General Assembly finds that it is in the State’s best interest for the Department to enter into
3 certain agreements in order to promote the prompt and efficient development of the McMullen Farm
4 (“Farm”), located adjacent to State Routes 1 and 7 and US 40, and the former Delaware Oldsmobile
5 property (“Oldsmobile”), now owned by the City of Wilmington, on Governor Printz Boulevard, for use
6 by the Bank One Corporation and other potential employers, and to promote the planning and securing of
7 community open space and parkland. Accordingly, the Department is authorized and directed to:

- 8 • Acquire from Bank One sufficient right-of-way at the southern end of the Farm in order
9 to construct new access to the development owned by the Delle Donne Corporation and
10 located south of the Farm and north of US 40;
- 11 • Immediately commence:
 - 12 ○ the widening of SR 7, from US 40 to Newtown Road, pursuant to previously
13 approved plans;
 - 14 ○ the improvement of the intersection of SR 7 and US 40, pursuant to previously
15 approved plans;
 - 16 ○ the planning and design for the widening of SR 7, from Newtown Road north to
17 SR273, all from such funds as may already have been appropriated for the
18 proposed improvements to the highway infrastructure serving the Farm;
- 19 • Cease all further work on the design or construction of proposed new ramps from SR 1
20 to the Farm;
- 21 • Enter into joint development agreements with DEDO, Department of Natural Resources
22 and Environmental Control (DNREC), New Castle County, and such other public or
23 private entities as may be appropriate for the planning and securing of community open
24 space and parkland on the 50 +/- acres to be acquired by the state from Bank One at the
25 Farm site, and to be deeded to DNREC;
- 26 • Enter into joint development agreements with Bank One, and such other private or public
27 entities as may be appropriate for the construction, shared use, and maintenance of storm
28 water retention and dispersion structures on or adjacent to the Farm site;

- Enter into such agreements with the City of Wilmington, Bank One, and other public or private entities to expedite the documentation, removal, storage, and restoration of the historic tiles currently on the exterior of the former Oldsmobile building on Governor Printz Boulevard;

DelDOT shall pursue these agreements on the conditions that:

- At its February 12, 2003 meeting (or such subsequent meeting as may be mutually agreeable to Bank One and New Castle County), the New Castle County Historic Review Board recommends to the New Castle County Land Use Department (“Land Use”) that Land Use issue a demolition permit for the former Oldsmobile building;
- Bank One donates at no cost to the state of Delaware sufficient right-of-way along the west side of the Farm, adjoining SR 7, to construct the widened highway, storm water structures, and such other improvements as may be necessary to complete in a timely manner the transportation infrastructure necessary to support further development of the Farm;
- Bank One shares any Excess Net Proceeds from the sale of its property at the Farm with the State of Delaware. For purposes of this provision, the term “Excess Net Proceeds” shall be deemed to be those proceeds, net of all closing costs, received by Bank One, minus its adjusted cost basis in the Farm, after adjusting from the basis, the use by Bank One of a portion of the Farm for one of its data centers. Any such Excess Net Proceeds shall be divided equally by Bank One and DECO and shall be deposited in the Delaware Strategic Fund.

The agreements authorized by this section shall be submitted to the Co-Chairs of the Joint Committee on Capital Improvements Program for their approval. The Secretary of the Department of Transportation and the Director of the Delaware Economic Development Office shall report to the Governor and the General Assembly no later than January 31 of each year until all transportation and other improvements undertaken have been successfully completed.

Section 66. DelDOT Work Impacts on Private Property and its Owners. (a) When the Department and/or any of its contractors determines that it would be in the best interests of the State to

1 undertake construction/reconstruction work past 9:00 pm or before 7:00 am, and such work is to be
2 conducted immediately adjacent to a residential neighborhood, the Department shall first ensure that
3 residents of the neighborhood are notified in a timely fashion of the Department's desire to undertake
4 such work. It must explain the benefits and costs to the State and the neighborhood of working under
5 regular hours and the proposed extended hour schedule. Such notification shall include a description of
6 the proposed work to be conducted, the proposed use of any equipment that may cause noise, vibration or
7 odor disruptions to the neighborhood, and an estimate of the time required to complete the project. The
8 Department may proceed with its extended hours work if it secures approval from a majority of the
9 residents of the affected neighborhood, and, pursuant to the provisions of the Delaware Code, it shall
10 offer temporary relocation to any residents who request such relocation.

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

14 (c) If the Department determines that the proposed work may cause any vibration or other damage
15 to neighboring property, it shall complete a pre-work survey of the potentially affected properties to
16 determine the base-line condition of those properties. It shall monitor the properties during construction to
17 insure that any vibration or other damage is minimized. If any damage does occur, the Department must
18 reimburse the private property owners pursuant to the provisions of the Delaware Code.

19 The Secretary of the Department may waive the provisions of this section if he/she determines
20 that any such work is necessary in order to respond effectively to an emergency caused by a natural
21 disaster, an accident, or a failure of a transportation investment.

1 **DEPARTMENT OF AGRICULTURE**

2 Section 67. Farmland Preservation Operating Expenses. The Section 1 Addendum to this Act
3 appropriates \$8,900,000 for the Farmland Preservation Program. Of this amount, it is the intent of the
4 General Assembly that:

- 5 1. Up to \$150,000 may be used for the operating expenses of the Aglands Preservation
6 Foundation subject to the approval of the Budget Director and Controller General.
- 7 2. Up to \$350,000 may be used to pay the costs of mapping, legal services and other related
8 costs required to create agricultural district agreements and the costs of appraisals of all
9 eligible properties, and shall be exempt from matching requirements subject to the approval
10 of the Budget Director and Controller General.
- 11 3. The Foundation shall designate \$1,000,000 in each county to be applied as a 1:1 match of
12 county funds designated for the purchase of preservation easements. Any portion of those
13 funds not matched by a county could be matched by another entity. In order to qualify such
14 county funds must be transferred to the Delaware Agricultural Lands Preservation Trust
15 Fund. The combination of such funds shall be used to purchase easements from those
16 properties which have applied to the Foundation within said county, or in an area of the
17 county designated in writing by the county, according to the procedures of the Foundation.
18 Where joint funds are used, the county and the Foundation must mutually agree as to the
19 easements purchased. Any county funds not fully utilized in such purchases shall be returned
20 to the county and such funds of the State as are not fully utilized in such purchases shall
21 revert to the Foundation's pool of funds available for preservation easements statewide.

22 Section 68. Equine Economic Impact Study. 74 Del. Laws C. 69 §100 appropriated funds to the
23 Department of Agriculture to perform an Equine Economic Impact Study. Said study shall provide
24 information including, but not limited to a survey of equine numbers, acres in equine operations and the
25 value of equine assets. The Department shall provide a final report to the Joint Legislative Committee on
26 Capital Improvement Program on or before May 1, 2005.

FIRE PREVENTION COMMISSION

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Section 69. 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 Felton volunteer fire

4

company. Upon submitting the receipt of sale, this company will be reimbursed up to \$7,500 by the Fire

5

Prevention Commission - State Fire School (75-02-01).

1 **HIGHER EDUCATION**

2 **UNIVERSITY OF DELAWARE**

3 Section 70. University of Delaware. It is the intent of the General Assembly that funds in the
4 amount of \$2,000,000 previously appropriated to the Delaware Economic Development Office for the
5 Delaware Biotechnology Institute and currently held in accounts DBI-DEDO 0001 Life Sciences Fund
6 and DBI-DEDO 0102 Life Sciences Fund at the University of Delaware be used for the renovation project
7 at Wolfe Hall. The University of Delaware has agreed to and will repay these funds to the Delaware
8 Biotechnology Institute from University funds with \$1,000,000 to be received on or before June 30, 2006
9 and the second repayment of \$1,000,000 on or before June 30, 2007.

1 **DELAWARE TECHNICAL AND COMMUNITY COLLEGE**

2 Section 71. College-wide Asset Preservation Program. Section 1 of this Act provides funds for
3 Delaware Technical and Community College (90-04-00) for the College-wide Asset Preservation
4 Program. This appropriation may be used for the acquisition of computer hardware and software.

5 Section 72. Instructional Space Expansion. The funds remaining in the Delaware Technical and
6 Community College, Fiscal Year 2003 appropriation (90-04-04-0809), Fiscal Year 2002 appropriation
7 (90-04-04-9600) and Fiscal Year 2001 appropriation (90-04-04-0809) may be used to equip as well as to
8 lease, purchase or rent additional classroom space in order to increase the space available to expand the
9 Nursing Program of the College.

1 **DEPARTMENT OF EDUCATION**

2 Section 73. School Building and Custodial Verification. By September 30 of each calendar year,
3 each school district shall notify the Department of Education of its intended use for each school building
4 and administrative office building. School districts shall notify the department about changes in the use
5 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 74. Neighborhood Schools. During the Fiscal Year ending June 30, 2002, \$2,500,000
11 was appropriated to the Department of Education for Neighborhood Schools Plans. This appropriation is
12 intended to offset local documented costs incurred by the school districts for the development, approval
13 and implementation of their neighborhood schools plans pursuant to 14 Del. C. § 223 and 72 Del. Laws,
14 c. 287. The reimbursement criteria for documented, allowable costs shall be determined by the Budget
15 Director and Controller General, in consultation with the Department of Education. In no such instance
16 shall reimbursements be made for costs incurred by a local school district prior to April 20, 2000.

17 Allocation of the funds appropriated shall be made by the Budget Director and Controller
18 General, in consultation with the Department of Education for costs associated with the following: (a)
19 submission of a neighborhood schools plan to the State Board of Education, (b) approval of such plan by
20 the State Board of Education and (c) completed analysis and design of alternative attendance feeder
21 patterns and/or alternative grade configurations. Such reimbursements may be used by the school
22 districts for any general education purpose. Any funds remaining subsequent to these allocations may be
23 applied to the state share of funding for capital construction related to an approved neighborhood schools
24 plan.

25 Notwithstanding the provisions of 72 Del. Laws, c. 287 to the contrary, the funds herein
26 appropriated and allocated to the local school districts constitute the transition costs contemplated by 72
27 Del. Laws, c. 287 and all plans must be implemented within 18 months of receiving said transition costs
28 pursuant to 14 Del. C. § 223(d) and (f). If a school district is unable to document local costs pursuant to

1 this section, the district must implement its Neighborhood School Plan within 18 months of State Board
2 of Education approval of such Plan.

3 Nothing in this section or 72 Del. Laws, c. 287 shall be construed to exempt local school districts
4 from going through the normal Certificate of Need process.

5 Section 75. Land Donation for School Construction. Any land donated to a school district with
6 an approved major capital improvement program shall be required to return to the state one-half of the
7 state share amount originally budgeted for land purchase costs. In such case, the district shall be entitled
8 to keep the remaining one-half state share amount, as well as the full local share amount in accordance
9 with the certificate of necessity.

10 Section 76. School Construction Market Pressure. It is the intent of the General Assembly that
11 the sum of \$2,585,800 appropriated to the Department of Education in Section 1 of this Act be utilized by
12 the New Castle County Vo-Tech School District to enable them to maintain a high level of construction
13 quality in the environment of increased market pressure and escalating costs. This funding will be
14 provided to the following districts:

15	DISTRICT	SCHOOL	STATE	LOCAL MATCH
16	New Castle Co. Vo-Tech	1,000-Pupil HS	\$2,585,800	\$2,123,900

17 Notwithstanding any provisions of the Delaware Code to the contrary, the local school district is required
18 to pay for the local share of each project under this section. The following funds may be used to meet the
19 required local match: Minor Capital Improvement Funds and/or Division III Equalization. Districts may
20 also elect to finance the local match in accordance with the provisions of Chapter 21, Title 14 of the
21 Delaware Code upon passage of a successful referendum for such purpose. In order to access the state
22 funds, district must notify the Department of Education, the Budget Director and the Office of the
23 Controller General which option the district has chosen.

24 Section 77. Minor Capital Improvements. It is the intent of the General Assembly that the sum
25 of \$7,143,800 allocated in Section 1 of this Act be used for minor capital improvements to school
26 buildings in the following amounts. Districts must use the funds in the amounts below on projects listed
27 on the facility assessment website hosted by the Department of Education.

		<u>Maximum State Share</u>	<u>Maximum Local Share</u>	<u>Total Cost</u>
1				
2	<u>School District</u>			
3	Appoquinimink	\$364,799	\$243,199	\$607,998
4	Brandywine	599,650	399,767	999,417
5	Special	8,557	-	8,557
6	Christina	1,083,156	722,104	1,805,260
7	Special	40,121	-	40,121
8	Colonial	584,248	389,499	973,747
9	Special	9,507	-	9,507
10	New Castle Vo Tech	322,871	-	322,871
11	Red Clay	878,882	585,921	1,464,803
12	Special	13,976	-	13,976
13	Caesar Rodney	324,183	216,122	540,305
14	Special	17,969	-	17,969
15	Capital	333,538	222,359	555,897
16	Special	5,895	-	5,895
17	Lake Forest	193,780	129,187	322,967
18	Milford	216,597	144,398	360,995
19	Polytech	108,955	-	108,955
20	Smyrna	188,817	125,878	314,695
21	Cape Henlopen	238,388	158,925	397,313
22	Special	7,891	-	7,891
23	Delmar	60,811	40,541	101,352
24	Indian River	433,252	288,835	722,087
25	Special	15,307	-	15,307
26	Laurel	114,488	76,325	190,813
27	Seaford	196,461	130,974	327,435
28	Sussex Vo-Tech	115,135	-	115,135
29	Woodbridge	109,297	72,865	182,162

1	Campus Community	32,515	-	32,515
2	Academy of Dover	23,445	-	23,445
3	De Military Academy	17,456	-	17,456
4	East Side Charter	8,214	-	8,214
5	Kuumba Academy	13,748	-	13,748
6	Marion T. Academy	34,626	-	34,626
7	M.O.T. Charter	33,884	-	33,884
8	Newark Charter	35,425	-	35,425
9	Positive Outcomes	6,389	-	6,389
10	Providence Creek	37,421	-	37,421
11	Sussex Academy	17,513	-	17,513
12	Thomas A. Edison	44,266	-	44,266
13	Wilmington	<u>52,367</u>	-	<u>52,367</u>
14	Total to Schools	\$6,943,800	\$3,946,899	\$10,890,699
15	Vocational Equipment	85,000	56,667	141,667
16	State Board of Education	115,000	76,667	191,667
17	TOTAL	\$7,143,800	\$4,080,233	\$11,224,033

18 Section 78. Red Clay Consolidated School District Transfer. Notwithstanding any other
19 provision to the contrary, the Department of Education, with the approval of the Budget Director, the
20 Controller General, and the Co-Chairs of the Joint Legislative Committee on the Capital Improvement
21 Program, is authorized to approve a transfer of more than 10 percent of major capital construction funds
22 between major capital construction projects authorized in the Red Clay Consolidated School District
23 Certificate of Necessity #0332C-Z.

24 Section 79. Bond Verification. All bonds issued, or herein before or herein authorized to be
25 issued, by the State are hereby determined to be within all debt and authorization limits of the State.

26 Section 80. Inconsistency. Insofar as the provisions of this Act are inconsistent with the
27 provisions of any general, special, or local laws, or parts thereof, the provisions of this Act shall be
28 controlling.

